

Regular Meeting

December 17, 2007
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, December 17, 2007, at 12:35 p.m. with Grady Pettigrew, Eileen Paley, and Jeffrey Porter in attendance.

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RE: Review and approval of the minutes from the November 26, 2007, regular meeting.

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

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RE: Review of the results of a pre-hearing conference review on the following appeal:
a. Freda Mullins v. Columbus City Schools, Bus Driver, 11-Day Suspension. Trial Board hearing scheduled for February 20, 2008. Appeal Number 07-BA-0025.

PRESENT: Theresa Carter, Deputy Executive Director

Freda Mullins – Ms. Mullins, Bus Driver, filed an appeal of an eleven-day suspension relative to an accident with a school bus. Columbus City Schools plans to call four witnesses and the appellant will call one witness in addition to her own testimony. Both parties agree the trial board hearing should be completed in one afternoon.

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RE: Request of the Civil Service Commission staff to amend Rule VIII(C)(1) to facilitate the reinstatement of former and current City employees.

PRESENT: Barbara Gates McGrath, Executive Director

The Civil Service Commission staff requested Commission approval to amend Rule VIII(C)(1) to expand the ability of former City employees to become reemployed with the City and to afford current employees more employment mobility.

During the past year, the Commission staff and the Human Resources Department has taken an extensive look at employee recruitment and retention. One of the steps that clearly needed to be taken in response to this review was to look at the Commission Rules and to simplify and facilitate the ability of former employees to return to work. Similarly, we need to enhance the mobility of current employees so they choose to continue working with the City rather than leave employment. Recent revisions to the Rule pertaining to reinstatement to eligibility lists were approved which allows former employees a three-year window to be reinstated.

This amendment proposed that the opportunity for reemployment be extended to lists in which the employee may have never served but which were lower classes in the same class series. For example, if an employee were hired as an Office Assistant III but never worked as an Office Assistant I or II at the City, this amendment would permit that individual to be hired in either of the lower classes if a position were available. The same result could happen under the current system but it would require the initial hiring to be as an OAI and then the employee would have to take a voluntary demotion to the level of the actual vacancy. This amendment allows a more straight forward resolution.

Based upon the foregoing, the staff requested Rule VIII(C)(1) be modified to read as follows:

RULE VIII

ELIGIBLE LISTS

A. Creation by Competitive Examination

1. Open Examinations. After the completion of each open competitive examination, a preferred eligible list shall be prepared including the names of
 - a. all provisional employees serving in the tested class who attained a final passing grade;

and

 - b. those employees eligible for reallocation pursuant to Rule X(G)(1) who attained a final passing grade.

An open eligible list shall be prepared for all other applicants who attained a final passing grade. The names of eligibles on preferred or open eligible lists shall be arranged in the order of the final ranking based on test grades earned. No preferred eligible list shall be created for any of the uniformed ranks.

2. Promotional Examinations.

- a. Except as otherwise provided by the Commission, seniority points shall be added to the passing scores as provided in Rule VII.
- b. On promotional exams in the nonuniformed ranks, an applicant may earn up to ten seniority points for continuous service which accrued as of the last date of the test filing period in any eligible class. One-half point shall be awarded for each six months of such full-time service. One half-point shall be awarded for each twelve months of such part-time service.
- c. In the uniformed ranks, seniority points shall be given for all half years of accredited service which have been accrued as of the test date. Accredited service shall mean all time elapsed from the date of appointment to a position in the lowest ranking uniformed classification in the appropriate division as reflected in the division's Official Seniority Roster in effect at the close of the filing period.
- d. On promotional examinations for Police Sergeant and Fire Lieutenant, an applicant may earn up to ten seniority points. Points shall be computed as follows:
 - (1) One point shall be awarded for each of the first four years of accredited service in the division.
 - (2) Six-tenths of a point shall be awarded for each of the next ten years of accredited service in the division.
- e. On promotional examinations for ranks above Police Sergeant and Fire Lieutenant, (d) above shall apply, and in addition, an applicant shall be awarded one point for each of the first five years of accredited service in the class or classes which makes the applicant eligible for the examination.

B. Creation by Noncompetitive Examination

After the completion of each noncompetitive examination for which there is no qualifying test, a certification list shall be prepared including the names of all applicants, placed in alphabetical order, who met the minimum requirements for the examination. After the completion of each noncompetitive examination which has a qualifying test, an eligible list shall be prepared including the names of all applicants, placed in alphabetical order, who met the minimum requirements for the examination and passed all tests.

C. Addition by Reinstatement

1 Upon written request, the name of an individual may be placed at the top of an eligible list for any classification in which the employee served or for any lower class in the same class series, if all of the following apply:

- a. the individual previously received an original, promotional, or noncompetitive appointment to a position in the class or held permanent status in a higher class in the same series,
- b. for individuals who have left City employment, the request is made within three years from the date of separation; and
- c. any separation of the individual from service and/or the position was without fault and in good standing.

If a question arises as to whether the individual separated from the service in good standing or was reduced in rank without fault, the Executive Secretary shall investigate the cause and circumstances surrounding the separation or reduction and determine eligibility for reinstatement. An individual who resigned in lieu of disciplinary action shall be deemed not to have resigned in good standing. At the request of the Public Safety Director, the limitation identified in subsection (C)(1)(a) above may be waived for a former police officer who resigned in good standing if the officer was continuously employed full time as a sworn officer in a governmental law enforcement agency during the interim.

2. Following a layoff. The name of an employee who is reduced in rank or separated from employment as a result of a layoff shall automatically be reinstated in accordance with Rule XII(C)(4) to the eligible list for the classification from which the layoff occurred:

- a. if the employee has permanent status in the class; or
- b. if the employee had received an original appointment to the class and was serving a probationary period at the time of the layoff.

3. Following a probationary termination. Upon written request, the name of an employee removed by an appointing authority during or at the end of a probationary period may be restored to the eligible list from which the name was certified, provided that:

- a. the Commission determines that the employee would be suitable for appointment to another position in the class; and
- b. the request for reinstatement is submitted to the Civil Service Commission within one year from the effective date of the probationary termination.

4. Following a disability retirement in the uniformed ranks. When a former member of the Police Division or Fire Division meets the requirements as set forth in Columbus City Codes Sections 1905.08, 1905.09, 1927.07 and 1927.08, as applicable, upon written request, the name of the individual shall be reinstated to the appropriate eligible list.

5. A name reinstated to an eligible list, unless removed in accordance with these Rules, shall remain on the list for a period of two years, provided that the name of a former employee so reinstated may remain on the list up to three years; but in no event shall the name continue to remain on the list past the three year anniversary date of the employee's separation from City.

6. Names shall be reinstated to the top of an eligible list pursuant to Sections 1, 2 and 4 of this Rule only with the approval of the Executive Secretary. If more than one such name appears on an eligible list, the reinstated names shall be ordered based on seniority in the class, with the name having the greatest amount of seniority being placed highest on the list. Except as otherwise provided in Rule XII as pertains to layoffs, in filling vacancies the appointing authority may consider the names so reinstated for appointment; however, such a name reinstated to the competitive eligible list shall not be counted in calculating the number of names to be certified according to Rule IX.

7. Individuals who are not reinstated pursuant to their request shall be notified in writing. [See Rule XIII(G) Applicant Appeals]

D. Processing of Eligible Lists

1. In the event a test is given on both a promotional and open basis, the promotional eligible list shall be established first and shall be used until exhausted. In the event a preferred eligible list is created pursuant to Rule VIII(A)(1), it shall be established and certifications made therefrom prior to the open list.

2. In the event that an eligible list already exists at the time new test results are released, the Executive Secretary will determine whether a new list will be created to replace the old list in its entirety or whether the new results will be merged into the existing list according to test score.

3. All eligible lists shall automatically terminate when exhausted or when replaced by a new list.

4. Except as otherwise provided by Commission action, no name shall remain on any eligible list for more than two years, unless pursuant to the retesting provisions of Rule VII(B)(7)(a) or pursuant to subsection C(5).

E. Applicant Withdrawal from an Eligible List

1. An applicant whose name appears on an eligible list may request, in writing, one (1) temporary withdrawal from the selection process.

2. No temporary withdrawal shall remain in effect beyond the expiration or replacement of the eligible list from which the temporary withdrawal was requested or, in cases where a conditional offer of employment had been made prior to the requested temporary withdrawal, beyond the expiration of the conditional offer of employment.

3. An applicant may request, in writing, that his/her name be reinstated to the selection process at any time prior to the expiration or replacement of the eligible list or the expiration of a conditional offer of employment.

4. Applicants reinstated to an eligible list pursuant to this rule shall re-enter the selection process in accordance with Commission policy.

5. Applicants no longer interested in participating in the selection process may request, in writing, that their name be permanently withdrawn from further consideration. Names permanently withdrawn from an eligible list shall not be restored to that list.

A motion to approve the revisions to Rule VIII was made, seconded, and passed unanimously.

RE: Review of the findings and Recommendation of the Trial Board hearing held on November 8, 2007, Joe McLemore v. Columbus City Schools. Appeal Number 06-BA-0028.

A motion to adopt the trial board recommendation affirming the decision of Columbus City Schools to suspend Mr. McLemore for twenty (20) days was made, seconded, and passed unanimously.

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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 revise the specification for the classification Criminalist I, retitle it to read Forensic Scientist I, and amend Rule XI accordingly (Class Code 1911).

Request of the Civil Service Commission staff to revise the specification for the classification Criminalist II, retitle it to read Forensic Scientist II, and amend Rule XI accordingly (Class Code 1912).

Request of the Civil Service Commission staff to revise the specification for the classification Criminalist III, retitle it to read Forensic Scientist III, and amend Rule XI accordingly (Class Code 1913).

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented these three requests to retitle the Criminalist series to better illustrate the scientific and professional nature of the work performed by incumbents of these classifications. This request was initiated by the Department of Public Safety and after a review by Civil Service Commission staff, it was recommended that the Commission approve the request as presented.

A motion to approve the 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 Relations Specialist I (Class Code 3104).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to broaden the minimum qualifications for Public Relations Specialist I. It was recently brought to the attention of the Civil Service Commission that the current minimum qualifications for this classification may be worded so narrowly that potentially good applicants may be rejected. The current minimum qualifications require a bachelor's degree with significant coursework in journalism, communications, marketing, public relations, or other closely related field.

While reviewing the classification series in 2005, it was noted that in order to be a successful public relations specialist, one has to have a strong foundational knowledge of media/public relations along with good communication skills. It is also necessary that one be very knowledgeable and credible of the subject that they are speaking, writing, and/or producing. The specialized coursework required in the specification was intended as the means by which the principles and theories of media and public relations was learned. However this specialized knowledge could also be acquired via professional job experience in public relations, marketing, or journalism. Therefore, it was proposed that the minimum qualifications be revised by adding that the possession

of a bachelor's degree and one year of professional experience in journalism, marketing, or public relations can also qualify one to be a Public Relations Specialist I. It was also requested that English coursework be added to the minimum qualifications.

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

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RE: Request of the Civil Service Commission staff to revise the specification for the classification Public Relations Specialist II (Class Code 3105).

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to also broaden the minimum qualifications for the Public Relations Specialist II. The current minimum qualifications require a bachelor's degree with significant coursework in journalism, communications, marketing, public relations, or other closely related field, and three years of professional experience in journalism, marketing, or public relations.

During the 2005 review of the classification series, it was determined that the specialized knowledge currently required could also be acquired via professional experience in the field of public relations, marketing, or journalism.

It was therefore recommended that the minimum qualifications be revised by removing the specialized coursework requirement because the three years of professional experience and the specialized coursework are duplicative. This revision would also allow employees in the entry-level class to promote to the next level with the requisite years of experience served.

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

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RE: Motion to adjourn regular meeting to go into Executive Session to consider the remaining agenda items.

The Commissioners recessed their regular meeting to consider the remaining agenda items, came back on the record, and entered their decisions into the record as indicated below.

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.

Applicants Removed Post-Exam		
Name of Applicant	Position Applied For	BAR #
John Mackin	Police Officer	07-BR-113
Dawn Warthman	Police Officer	07-BR-114
Tyson Brown	Firefighter	07-BR-116
Benjamin Casey	Police Officer	07-BR-117
Robert C. Steele, Jr.	Police Officer	07-BR-118
Demetrius Ross	Police Officer	07-BR-119
Alberta Austin	Police Records Technician	07-BR-121
Shane Howard	Police Officer	07-BR-122
Robert McCarroll, III	Police Officer	07-BR-124
Wesley Barrett	Police Officer	07-BR-126

After reviewing the files of John Mackin, Dawn Warthman, Benjamin Casey, Shane Howard and Wesley Barrett, the Commissioners decided their names would be reinstated to the Police Officer eligible list.

After reviewing the files of Robert C. Steele, Jr., Demetrius Ross, and Robert McCarroll, III, the Commissioners decided their names would not be reinstated to the Police Officer eligible list.

After reviewing Tyson Brown's file, the Commissioners decided his name would not be reinstated to the Firefighter eligible list.

After reviewing Alberta Austin's file, the Commissioners decided her name would not be reinstated to the Police Records Technician's eligible list.

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*RE: Other Administrative/Jurisdictional Reviews.**Review of the appeal of Michael L. Rutland, regarding the denial of his Request for Review for Operator-in-Training – Appeal 07-CA-0022.*

The Commissioners reviewed the appeal Mr. Rutland filed on November 14 regarding the denial of his request for review to reschedule the Operator in Training examination due to a medical condition preventing him from sitting for the exam.

Mr. Rutland provided medical information with his appeal which excused him from work from October 22 through October 23, 2007; however the doctor's excuse did not show he was incapacitated on the date of the examination later that same week. Commission policies do not allow rescheduling under these circumstances.

The Commissioners therefore denied Mr. Rutland's appeal and dismissed it without a hearing pursuant to Commission Rule XIII(G)(1).

Review of the appeal of James Doughty, regarding the denial of his Request for Review for Sewer Maintenance Worker – Appeal 07-CA-0023.

The Commissioners reviewed the appeal Mr. Doughty filed on November 26 stating that he was unable to hear the audio recording portion of the Sewer Maintenance Worker examination and therefore his score was affected.

The test monitors working at Civil Service Commission exams are there to administer tests but also to assist candidates with questions; the instructions that the tape would not be stopped or restarted did not mean that Mr. Doughty was prohibited from raising his hand to ask a question.

An additional issue was that Mr. Doughty stated his original request for review was sent via facsimile within the allotted time period and that it must have been overlooked. The Commission has no record of receiving a facsimile copy of the document nor did Mr. Doughty submit any type of receipt confirming he sent it to the correct number. Even with a timely submission of the request for review, Mr. Doughty's situation could not have been resolved since scores had been sent out and the eligible list had been established.

Based on the above, the Commissioners decided to deny Mr. Doughty's appeal and dismiss it without a hearing pursuant to Commission Rule XIII(G)(1).

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RE: Hearing on the merits of the appeal of Gina Willis vs. Columbus City Schools, from the action of the Columbus City Schools discharging her from the position of Secretary I. Appeal Number 06-BA-0022.

This trial board hearing was continued.

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The Commission adjourned its regular meeting at 12:46 p.m.

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Grady L. Pettigrew, Jr., President

Date