

Regular Meeting

February 23, 2015  
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, February 23, 2015, at 1:02 p.m. with Grady Pettigrew, Jr., Jeff Porter, and Delena Edwards in attendance.

PLEASE NOTE: These Minutes are summarized and are not actual statements made by each presenter in the meeting.

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*RE: Review and approval of the Minutes from the January 26, 2015 Regular Meeting.*

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

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*RE: Pre-Hearing Conference Reviews.*

*a. Tress Kibler vs. Columbus City Schools; Food Service Helper; Discharge. Trial Board Hearing scheduled for March 18, 2015; Appeal Number 15-BA-0001.*

PRESENT: Brenda Sobieck, Personnel Administrative Officer

Brenda Sobieck presented the pre-hearing conference review of Tress Kibler, a Food Service Helper, who was discharged from Columbus City Schools. Columbus City Schools will have four witnesses and the Appellant will have five witnesses. Both Columbus City Schools and the Appellant's counsel believe the hearing needs to begin at 9:00 a.m. since there are so many witnesses.

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*RE: Rule Revisions*

No Rule revisions were submitted this month.

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*Re: Election of Commission President.*

A motion to re-appoint Grady L. Pettigrew, Jr. as Commission President was made, seconded and approved unanimously.

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*Re: Review and approval of the Order of the Commission regarding the appeal of James Hassey vs. the City of Columbus, Department of Public Safety, Division of Police, from the action of the Department of Public Safety discharging him from the position of Police Officer - Appeal Number 14-CA-0012.*

#### FINDINGS OF FACT AND DECISION

Charge I, Rule of Conduct 1.36, "Unbecoming Conduct," was substantiated. James Hassey admitted that he smoked marijuana multiple times a month over a three (3) to five (5) year period in violation of Ohio Revised Code 2925.11. He admitted that he obtained the marijuana in various amounts from his sister as well as supplied it to his then girlfriend, Elde Shepard.

Mr. Hassey's testimony did not dispute his initial admission, but instead claimed that because he was honest he should have been treated differently. The Commission finds Mr. Hassey's argument to be flawed because his honesty was motivated by his

expectation of being caught. Once Mr. Hassey was notified that he was to meet with the IAB investigator, he called his supervisor and told him of his marijuana use. Moreover, Mr. Hassey's demonstrated repeat behavior reflected poorly on the department and the code of conduct he has sworn to uphold.

Charge II, Rule of Conduct 1.42(C), "Alcohol/Drugs," was substantiated. Mr. Hassey testified that he smoked marijuana multiple times a month over a three (3) to five (5) year period in violation of Ohio Revised Code 2925.11.

The Commission finds that the evidence substantiated the Charges and Specifications. Based upon the foregoing, the Civil Service Commission affirms the appointing authority's action terminating and discharging James Hassey from the position of Police Officer.

THIS BY DIRECTION OF THE COMMISSION.

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

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*Re: Request of Appellant, Jonathan Garfield, to withdraw the appeal he filed October 30, 2014, regarding his termination from the position of Food Service Helper with the Columbus City Schools - Appeal Number 14-BA-0016.*

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

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*Re: Review of the Findings and Recommendation of the Trial Board hearing held on October 8, 2014, Gina Diggs vs. Columbus City Schools, Appeal Number 14-BA-0012.*

A motion to adopt the trial board's recommendation affirming the action of the Columbus City Schools abolishing Ms. Diggs position of Accountant I was made, seconded, and passed unanimously.

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*Re: Review of the Findings and Recommendation of the Trial Board hearing held on January 7, 2015, Marcus Johnson vs. Columbus City Schools, Appeal Number 14-BA-0014.*

A motion to adopt the trial board's recommendation affirming the action of the Columbus City Schools discharging Mr. Johnson from the position of Bus Driver 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 Mechanical Inspector I (Job Code 1815).*

*RE: Request of the Civil Service Commission staff to revise the specification for the classification Mechanical Inspector II (Job Code 1816).*

Matt Wonderly presented these requests to revise the specifications for the classifications Mechanical Inspector I and Mechanical Inspector II as the result of a class action request from the Building and Zoning Services Department. They were last reviewed in August 2011.

Per an electronic memorandum received from the Building and Zoning Services Department, the responsibilities associated with the inspection of fire protection systems are being moved to the Building Inspection series. The current Minimum Qualifications for this series already include certifications meeting State of Ohio requirements to perform fire protection system inspections. With the fire protection system inspections no longer being performed by the Mechanical Inspector I class or the Mechanical Inspector II class, the references to the Fire Inspector certification in the Minimum Qualifications section were removed. Additionally, each section was rounded out to show all possible certification combinations which would satisfy the Minimum Qualifications by stating that the Building Inspectors and Residential Building Inspector certifications will perform mechanical inspections.

There were no revisions to the definition sections, the examples of work sections, the knowledge, skills, and abilities sections, the examination types, or the probationary periods.

A motion to approve these requests 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 Plumbing Inspector I (Job Code 1775).*

*RE: Request of the Civil Service Commission staff to revise the specification for the classification Plumbing Inspector II (Job Code 1776).*

Matt Wonderly presented these requests to revise the specifications for the classifications Plumbing Inspector I and Plumbing Inspector II as the result of changes to the Ohio Administrative Code section 4101:7-3-01(A). As of January 1, 2015, the Ohio Board of Building Standards has eliminated the Residential Plumbing Inspector Certification, and codified the changes within the Ohio Administrative Code. With the Residential Plumbing Inspector certification eliminated, the reference to the certification within the Minimum Qualifications' sections was removed.

There were no revisions to the definition sections, the examples of work sections, the knowledge, skills, and abilities sections, the examination types, or the probationary periods.

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

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*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.*

	Name of Applicant	Position Applied For	BAR #
1.	Sean Kahl	Firefighter	15-BR-001
2.	Reed Collier	Police Officer	15-BR-002

After reviewing the file of Sean Kahl, the Commissioners decided his name would be reinstated to the Firefighter eligible list.

After reviewing the file of Reed Collier, the Commissioners decided his name would not be reinstated to the Police Officer eligible list.

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*RE: Other Administrative/Jurisdictional Reviews.*

*Review of the appeal of Cynthia Strader, regarding her denied application for a Bus Driver position, Columbus City Schools, Appeal Number 15-CA-0002.*

The Commissioners reviewed the appeal filed by Cynthia Strader on February 3, 2015, regarding the her denied application for a Bus Driver position with Columbus City Schools.

In her appeal, Ms. Strader indicated that a new physical test was being used that was not approved by the Civil Service Commission. The Commission does not have any authority over the civil service testing for Columbus City Schools. The school district is responsible for developing or purchasing tests for competitive jobs based on the job analysis for each position. The Commission reviewed Ms. Strader’s appeal and her application for the position of Bus Driver and determined that testing is the responsibility of the Columbus City Schools. Therefore, the Commission also determined that it has no jurisdiction over the subject matter of her appeal.

Based on the foregoing, the Civil Service Commission decided to dismiss Ms. Strader’s appeal without a hearing because of lack of jurisdiction over the appeal.

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The Commissioners adjourned their regular meeting at 1:11 p.m.

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Grady L. Pettigrew, Jr., President

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Date