

Regular Meeting

February 24, 2014  
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, February 24, 2014, at 12:54 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 27, 2014 Regular Meeting.*

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

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*RE: Pre-Hearing Conference Reviews.*

*a. Monique Myles vs. Columbus City Schools; Bus Driver; Discharge. Trial Board Hearing scheduled for April 9, 2014; Appeal Number 13-BA-0023.*

PRESENT: Brenda Sobieck, Personnel Administrative Officer

Brenda Sobieck presented the pre-hearing conference review of Monique Myles, a bus driver who was discharged from Columbus City Schools. Columbus City Schools will have two witnesses and the Appellant will have one witness. However, the two sides are attempting to settle the case.

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*RE: Request of the Civil Service Commission staff to amend Rule VII (B)(7), to set the re-test interval at six (6) months for all applicants.*

PRESENT: Don White, Personnel Analyst Supervisor

Don White presented this request to amend Rule VII (B)(7), to set the re-test interval at six months for all applicants. With the exception of several special cases, Rule VII requires a candidate to wait one year to re-take a test if the candidate is not a City employee, but allows City employees to re-take a test after six months. It was proposed to remove the City/Non-City employee distinction, thus requiring only the six month re-test interval for both City and Non-City employees. In addition, it was proposed to require a one week interval and to allow only one re-test for those candidates who have failed a data entry or typing test.

The rationale for the change to six months is two-fold: First, it is fairer to all candidates to have one standard rather than the current dual standard for re-testing. Second, the recently implemented NeoGov software requires that re-test intervals be set on each test and does not allow for it to be set differently for different applicants. Thus, there is no way to reasonably monitor applicant testing frequency to ensure compliance with two different standards. The data entry/typing test change merely clarifies the standard that has been followed for years.

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

*RE: Request of the Civil Service Commission staff to amend Rule VI (C)(2) to allow examination applications to be received outside the prescribed filing period if submitted via a special recruiting event associated with an examination.*

PRESENT: Don White, Personnel Analyst Supervisor

Don White presented this request to amend Rule VI (C)(2) to allow examination applications to be received outside the prescribed filing period if submitted via a special recruiting event associated with an examination. This change will allow the submission/receipt of applications at special, Commission-recognized, recruiting events for examinations not yet open to the public. In an effort to maximize exposure to targeted applicant pools, there are instances where special recruiting-related events are held. Current Rule language does not allow for the acceptance of applications outside the prescribed filing period for eligible lists not yet established. Having the option to accept applications at a recruiting event should increase the likelihood of participation of individuals in the targeted applicant pool.

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

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*Re: Request of Columbus City Schools to dismiss the appeal filed by Charles Lindsay on November 27, 2013, regarding his termination from the position of Bus Driver with the Columbus City Schools - Appeal Number 13-BA-0025.*

Charles Lindsay's appeal was filed on November 27, 2013, regarding his discharge from the position of Bus Driver with Columbus City Schools. Initially, due to the information the Civil Service Commission received with this appeal, a pre-hearing conference and trial board were scheduled. Since that time, the Commission received clarification from Columbus City Schools that Mr. Lindsay was a probationary employee at the time of his termination.

Civil Service 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." A decision to terminate an employee during the probationary period is made by the appointing authority and there are no appeal rights to the Commission under Rule XI.

Based on the foregoing, the Commission determined that it has no jurisdiction over Mr. Lindsay's appeal and therefore, it was dismissed.

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*Re: Request of the Civil Service Commission staff to revise the Background Removal Standards for Firefighters.*

PRESENT: Brenda Sobieck, Personnel Administrative Officer

Brenda Sobieck presented this request to revise the Background Removal Standards for Firefighters based on a recent review of the hiring process for Police Officer with a selection committee. Commission staff worked with the Department of Public Safety during this process. The Firefighter standards were reviewed by Commission staff in order to mirror the Police Officer standards and recommendations for revisions were made.

Changes were made to Family History, Employment, Traffic, Criminal Activity, and Illegal Substances. The family history section was revised to include "as an adult" to avoid removing applicants for fights with siblings and focus on spouses and significant others. In addition, the word "intimate" was added to relationship to clarify. A more consistent definition of abuse in these removals will include the term "repeated behavior" so that one-time minor domestic incidents, such as one involving pushing, would not lead to immediate removal.

The employment section included one change to only remove candidates for post-probationary terminations. The OMVI language was changed to OVI to reflect Ohio Revised Code language. The license suspension standard was deleted in order to not focus on removing applicants for non-driving suspensions, such as insurance or child support. The change will focus on removals on driving behavior, including excessive traffic tickets, and OVIs, not on financial issues that may be beyond the applicant's control due to loss of a job or other reasons.

The Criminal Activity section theft standard was raised to reflect the current felony level under the ORC, which is \$1,000. The Illegal Substances section was discussed in depth regarding in particular, prescription drug use. While information was provided that use of someone else's prescription, such as pain medication, is a felony, the prosecutor's office stated that they would not pursue charges based on one incident of illegal use of medication. Therefore, a one-time use of medication for its intended use was added to this section. One incident could involve more than one pill, but should all stem from the same injury. Drugs used for the effect, such as Adderall used to keep awake, or Vicodin used for a high, would not be included in this exception. Other changes made to this section was to use the term drugs of abuse to ensure the standards capture synthetic or chemical forms of drugs. Also prohibited is the manufacture and cultivation of drugs within the specified time limits.

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

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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 of the Findings and Recommendation of the Trial Board hearing held on November 4, 2013, Judy Miller vs. Columbus City Schools, Appeal Number 13-BA-0004.*

A motion to adopt the trial board's recommendation affirming the action of the Columbus City Schools discharging Ms. Miller from the position of Bus Driver was made, seconded, and passed unanimously.

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*Re: Review of the Findings and Recommendation of the Trial Board hearing held on September 18, 2013, Brian Porter vs. Columbus City Schools, Appeal Number 12-BA-0026.*

A motion to adopt the trial board's recommendation disaffirming the action of the Columbus City Schools discharging Mr. Porter from the position of Child Care Attendant 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 approve the specification review for the classification Traffic Sign Shop Supervisor with no revisions (Job Code 4010).*

*Request of the Civil Service Commission staff to approve the specification review for the classification Recreation Playground Leader (Seasonal) with no revisions (Job Code 3169).*

*Request of the Civil Service Commission staff to approve the specification review for the classification Recreation and Parks Aide (Seasonal) with no revisions (Job Code 3684).*

PRESENT: Matt Wonderly, Personnel Analyst I

Matt Wonderly presented these requests to approve the specification reviews for the classifications Traffic Sign Shop Supervisor, Recreation Playground Leader (Seasonal), and Recreation and Parks Aide (Seasonal) with no revisions as part of the Commission's efforts to ensure that all classifications are reviewed at least every five years.

Based on feedback from department representatives, there were no revisions to these classification specifications at this time.

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

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*RE: Request of the Civil Service Commission staff to create the specification for the classification Airworthiness Specialist, designate the examination type as noncompetitive, assign a probationary period of 365 days, and amend Rule XI accordingly.*

This item was deferred.

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*RE: Request of the Civil Service Commission staff to create the specification for the classification Parks Irrigation Specialist, designate the examination type as competitive, assign a probationary period of 365 days, and amend Rule XI accordingly.*

This item was deferred.

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*RE: Request of the Civil Service Commission staff to create the specification for the specification for the classification Damage Prevention Supervisor, designate the examination type as competitive, assign a probationary period of 365 days, and amend Rule XI accordingly.*

This item was deferred.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Damage Prevention Program Manager (Job Code 4056).*

This item was deferred.

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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 – Post-Exam.*

	Name of Applicant	Position Applied For	BAR #
1.	Ryan Sutphin	Police Officer	14-BR-001
2.	Brandon Herren	Police Officer	14-BR-002
3.	Jennifer Keith	Police Officer	14-BR-003
4.	James Honey IV	Police Officer	14-BR-004

After reviewing the files of Ryan Sutphin and James Honey IV, the Commissioners decided their names would be reinstated to the Police Officer eligible list.

After reviewing the files of Brandon Herren and Jennifer Keith, the Commissioners decided their names would not be reinstated to the Police Officer eligible list.

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*RE: Other Administrative/Jurisdictional Reviews.*

*Review of the appeal of Elton Bond, regarding his 3<sup>rd</sup> Step Grievance, Columbus City Schools, Appeal Number 14-BA-0002.*

The Commissioners reviewed the appeal filed by Elton Bond on January 31, 2014 regarding a Step III Grievance. This grievance was regarding Mr. Bond’s discharge from the position of Instructional Assistant with Columbus City Schools.

Section 3319.088 of the Ohio Revised Code describes the duties and rights of educational assistants within the State of Ohio. The Commission determined that the term “educational assistant” is the same as instructional assistant. ORC Section 3319.088 (D) states, “Educational assistants employed by a board of education shall have all rights, benefits, and legal protection available to other nonteaching employees in the school district, except that provisions of Chapter 124 of the Revised Code shall not apply to any person employed as an educational assistant.” Since Chapter 124 of the ORC outlines appeal rights for classified employees, the ORC does not allow instructional assistants to appeal discipline or a discharge to the Civil Service Commission. Therefore, the Commission determined that Mr. Bond does not have appeal rights regarding his discharge.

Based upon the foregoing, the Civil Service Commission decided to dismiss Mr. Bond’s appeal pursuant to Rule XIII (G)(1) because it does not have jurisdiction over his appeal.

*Review of the appeal of Thom Ibinson, regarding his denied application for the License Manager examination, City of Columbus, Appeal Number 14-CA-0002.*

The Commissioners reviewed the appeal filed by Thom Ibinson on January 15, 2014 regarding the Commission’s determination that he did not meet the minimum qualifications for the position of License Manager. In his appeal, Mr. Ibinson stated that he enforced all health code and accounting regulations for three years as part of operating his business.

The minimum qualifications for License Manager include possession of a bachelor’s degree and three years of experience enforcing regulations or ensuring regulatory compliance to operable codes, or comparable experience elsewhere. As discussed in the response letter to Mr. Ibinson’s original request for review, the

Commission gave credit for his 16 months of experience ensuring compliance with the Columbus Purchasing Code as a Management Analyst II. All of the other work experience listed on his application involves complying with codes and regulations, not enforcing regulations.

The Commission staff reviewed all of the information Mr. Ibinson submitted with his appeal and the work experience listed on his application. As a result, it was determined that he does not have sufficient experience to meet the minimum qualifications for this position. Therefore, Mr. Ibinson's application remains rejected.

Based upon the foregoing, the Civil Service Commission upheld the rejection of Mr. Ibinson's application for License Manager and decided to dismiss his appeal without a hearing pursuant to Rule XIII (G)(1).

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The Commissioners adjourned their regular meeting at 1:05 p.m.

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Grady L. Pettigrew, Jr., President

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Date