

Regular Meeting of the Dallas Civil Service Board

Present:

Chair Anita Childress, Vice-Chair Flora Hernandez, Jeff Bryan, Johnny Clark, Albert Turner, Sharon Van Sell

Attendees:

Kevin Belcher, Human Resources Assistant
Jason Cavanaugh, Rehire Eligibility Applicant
Glenda Eller, Retired Firefighter
Milton Henderson, Assistant City Attorney
Jennifer Huggard, Assistant City Attorney
Christopher Mathis, IT Manager, Public Information Office
Ayeh Powers, Senior Assistant City Attorney II
Tommy Reyna, Coordinator II, Public Information Office

Civil Service Department Staff:

Michelle Hanchard, Assistant Director
Patricia Marsolais, Civil Service Board Secretary
Pamela McDonald, Manager of Examining and Recruitment Division
Ana Monzon, Executive Assistant
Dawne Payne, Coordinator IV
Poornima "Savina" Rikhilal, Budget Analyst
Andrew Yurkon, Test Validation Specialist

The meeting was called to order at 9:08 a.m.

Briefing and Overview on the televising/videotaping of board meetings

Christopher Mathis and Tommy Reyna from the Public Information Office (PIO) briefed the Board and answered questions about the new process of televising and video recording board meetings. Mr. Mathis is the production manager on the broadcast side of public information. Mr. Reyna is the engineer for the broadcast team. Mr. Mathis explained that this initiative arose out of the City Council's desire for increased transparency of City business. The video recording began on August 1. The televised schedule is not set yet. Video recordings of meetings will also be archived online.

This Civil Service meeting is being recorded using a camera on a tripod today since the three wall-mounted cameras in the room are not yet functional.

The meetings will be monitored by a technician in a control room adjacent to the City Council chambers. Recesses and executives sessions will not be filmed. The technicians will stop the recording and post an appropriate message on the screen to notify the public of a pause in the meeting.

Board members requested a telephone number to the control room that could be called in the event a problem or concern occurs during the meeting about the recording process. The PIO representatives indicated that would not be a problem.

There was also discussion about moving the audio recording of the meeting currently being controlled from the Executive Assistant's desk to the board room. The person responsible for integrating the entire project in City Hall is looking into the possibility of doing that.

The PIO representatives offered the Board an opportunity to visit the control room and see how the process is run.

AGENDA ITEM 2 – Hear the rehire eligibility appeal of Jason Cavanaugh, a former employee with the Environmental and Health Services Department

The board heard the rehire eligibility appeal of former Environmental and Health Services Department employee Jason Cavanaugh. After much discussion with Mr. Cavanaugh about his previous employment with the City and his current employment, the Chair noted, and the other Board members agreed, that the information he provided does not address whether he performed effectively and successfully in a stable workplace environment. The Chair gave Mr. Cavanaugh the option to have the Board vote on his appeal at this meeting or postpone a decision until he is able to furnish such information from at least one of the companies for which he has recently worked. Mr. Cavanaugh opted to defer his appeal to a future meeting.

AGENDA ITEM 3 – Consider and take action on Jacqueline Elaine Jones' April 20, 2015 "request for reinstatement" of her grievance

The Board considered Jacqueline Jones' written request, dated April 20, 2015, for the reinstatement of her grievance. The City was represented by Senior Assistant City Attorney Jennifer Huggard. Ms. Jones was not present. The Chair summarized the events related to this agenda item. There was follow-up discussion on what Ms. Jones was actually requesting. After hearing from the City, the Board determined that pursuant to Section 34-39(e) of the City of Dallas Personnel Rules, Ms. Jones did not establish any permissible ground upon which her request could be granted. The Board voted unanimously to deny Ms. Jones' request for reinstatement of her grievance.

AGENDA ITEM 4 – Consider and take action on retired firefighter Glenda Eller's April 23, 2015 letter requesting reinstatement from disability retirement to the position of firefighter, pursuant to Civil Service Rule XXV Section I

The Board went into closed session from 10:30 to 11:48 a.m. to obtain legal advice from the City Attorney under Section 551.071 of the Texas Open Meetings Act on Ms. Eller's April 23, 2015 letter requesting reinstatement from disability retirement to the position of firefighter under Section XXV of the Code of Rules and Regulations of the Civil Service Board.

After coming out of closed session the Chair invited Ms. Eller to comment on her reinstatement request. During the conversation with Ms. Eller, the Chair explained the difficulty the Board is having with trying to assess her situation. The Board does not feel it has adequate information from the Police and Fire Pension Board or Ms. Eller to make a decision.

It is the Board's request that the Pension Board provide complete medical documentation and records of Ms. Eller's condition at a future meeting. Ms. Eller must be present at that meeting with records of independent medical evaluations she has obtained.

The Secretary will send a letter to the Pension Board explaining the Civil Service Board's request.

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AGENDA ITEM 1 – Approve the minutes of the Tuesday, June 2, 2015 regular meeting

The Board approved the revised minutes of the June 2, 2015 regular meeting. The vote was five in favor and one against.

_____ Voting Aye: Anita Childress, Flora Hernandez, Johnny Clark, Albert Turner, Sharon Van Sell

_____ Voting Nay: Jeff Bryan (did not have the opportunity to read them due to delayed receipt of packet)

AGENDA ITEM 5 – Consider and take action on changes to the Criminal Convictions Matrix

The Board considered information prepared by staff on possible changes to the existing Criminal Convictions Matrix that is used by the Human Resources Department (HR) to screen candidates for Civil Service positions before hire. The original matrix was approved by the Civil Service Board in 1997 and revised in 2004. One change that must be made is to modify the ten-year waiting period for felonies to seven years because the records the City can obtain to check on convictions only go back seven years.

Other changes that are optional are to mirror the revised matrix the Human Resources Department has implemented for unskilled laborers. As explained by Coordinator Dawne Payne this would modify the seven-year wait period and two-year work record to a five year waiting period and a one-year documented work history and a three-year waiting period and a one-year work history or just a one-year work history. The applicable wait period would depend on the type of conviction involved. In addition to new wait periods and work history requirements, the new HR matrix for unskilled labor hires has divided the list of felony convictions into those that are violent and nonviolent (i.e., categories A and B). A discussion took place about the categorization of felony convictions. The Chair added that she is supportive of two categories but, with respect to Civil Services positions, is not necessarily supportive of the waiting periods and work history periods used by HR. The Chair explained that the matrix HR is using has a different driving force, namely the difficulty in recruiting unskilled laborers, than that for civil service positions.

The Board discussed the waiting period and length of documented employment history required to apply for a job with the City. Some Board members felt a seven year waiting period was optimal while others thought five was a better choice. Members also discussed whether education and temporary work could be part of the waiting period.

After a thorough discussion, Board members were satisfied with two-years of stable work history within the five-year period preceding the employment application. Conversation focused on whether to separate felonies into lists A and B, as HR has done in its new matrix. Board members were split on separating felonies into the two different categories noted herein and a decision on this was deferred, pending additional information and discussion.

The Board asked Mr. Belcher to provide information on City of Dallas employment applications so they could determine whether and how applicants for Civil Service positions were negatively impacted by application of the matrix in its current form. Mr. Belcher will provide this at the next Board meeting.

The Vice-Chair requested Mr. Belcher provide definitions for the various types of fraud.

The Board discussed list C felonies and misdemeanors. Mr. Belcher pointed out that a lot of felonies are reduced to misdemeanors after they go to court. The subjects of parole, probation, and deferred adjudication were raised. The Board agreed to retain the two-year work history after an individual gets out of prison. Many of the specifics for this broad area were reserved for an executive session with the City Attorney.

After a recess from 1:04 to 1:49 p.m. the Board revisited the waiting time and employment history for list B felonies. The members were evenly split on whether to establish the requirement as a seven-year waiting period with the two-year employment guideline. The data that has been requested for the next meeting may be helpful in sorting this out.

The subject of whether a welfare fraud conviction was a felony or misdemeanor came up. Mr. Belcher added that welfare fraud is likely a felony. Welfare fraud seems to fall into conviction category D based on a Board amendment in 1997. Staff will research this amendment for clarification. The placement of "welfare fraud" on the matrix will be settled at the next meeting.

The Chair expressed that on conviction categories A, B, and C there are pending charge and deferred adjudication considerations. This further complicates understanding of these categories since pending charges are currently an absolute bar. The proposed new matrix says pending charges will be reviewed on a case-by-case basis. Board members were comfortable with that change.

Mr. Belcher explained what deferred adjudication means. It is basically a deferment. An individual is given an opportunity to prove himself or herself and, if successful may not be convicted of a crime ultimately. Essentially it is a plea of guilt.

The Board went into executive session from 2:18 to 2:58 p.m. for purposes of obtaining legal advice from the City Attorney under Section 551.071 of the Open Meetings Act.

After coming out of closed session the Chair directed the Secretary to put the Criminal Convictions Matrix on the agenda for the next Board meeting. The chair also requested an explanation of "review on a case-by-case basis" as the Board is not clear on what that means and how it will be applied. A copy of a 2007 briefing giving input to the Board on the matrix is also needed.

AGENDA ITEM 6 – Test Development and Validation Division report

Assistant Director Michelle Hanchard gave a report on the Test Development and Validation Division activities. She reviewed the overall testing schedule. Ms. Hanchard discussed the Candidate Physical Abilities Test (CPAT) results. She also discussed the CPAT pass/fail statistics by race and gender. The Vice Chair noted that the race and gender count did not add up to the total number of candidates tested and asked that a category such as "unidentified" or "unknown" be added."

Ms. Hanchard reported on testing plans for Fire Rescue Officer Trainee. The Fire-Rescue Department would like to do some off-site testing for the written examination. This will be in lieu of testing twice a year which was Dallas Fire-Rescue Department's original idea. Ms. Hanchard stated that Ms. McDonald will provide more detailed information on this initiative in her report.

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An Alternate Police Senior Corporal examination was scheduled for a candidate returning from active military duty.

The Office of Financial Services approved \$31,000 to purchase video recording equipment and accessories for recording assessment centers. The funds were approved for the current fiscal year. However, the study

to assess the use of video recording in the City of Dallas assessment centers has not started. The funds will be encumbered for use in FY2015-2016 after the study is done.

The Request for Proposals to obtain a consultant to study the use of video recording for the City of Dallas assessment centers has been completed. Ms. Hanchard planned to send the Request for Proposals to Centrus Personnel Solutions, Industrial/Organizational Solutions, Inc., CPS HR Consulting, and Ergometrics & Applied Personnel Research, Inc. and four videographers. There was discussion about the use of videographers.

Ms. Hanchard reported that the Validation Team tested the Gravic software. It will be useful in reducing the manual input of data from tests. The requirements have been submitted to Senior IT Manager Tanishia Dorsey for review.

The validation team is in the process of entering civilian examinations into CritiCall. Ms. Hernandez was pleased to see that the \$15,000 approved for the Business Technology Request to computerize written examinations using CritiCall will be used for the grievance tracking system since the CritiCall program did not need additional funds for implementation.

Ms. Hanchard gave a report on the status of the various civilian job analyses projects. The Chair requested that any changes in the due dates of tasks be reflected by striking through the old date and adding the revised date. Ms. Hanchard said that there is still an issue with getting approval for Ergometrics to ride with Fire personnel as part of the Fire-Rescue Department job analysis project. The City Attorney's Office is working on the appropriate permission form.

AGENDA ITEM 7 – Examination and Recruitment Division report

Examining and Recruitment Manager Pamela McDonald gave the Board an overview of her division's activities for the past two months. They have been involved in testing Police Officer Trainee candidates, and they are working with the Fire Department to conduct offsite testing.

Ms. McDonald reported that the 911 job will be advertised again. Coordinator Dawne Payne discussed the results of the various 911 postings (e.g., the number of applications, the pass/fail numbers for minimum qualifications and the test, number of candidates hired, etc.) as well as the tracking statistics. Tracking statistics data is the average number of days from the date on which the requisition was received to the date on which the list was referred to the Police Department. Some progress has been made in reducing the time from the date the requisition was received to the date of the first referral. The Chair is concerned about the large amount of effort it takes to review applications and test applicants to yield the small number of applicants hired. There was some discussion regarding the minimum qualifications for the 911 Call Taker Trainee position and sources to obtain candidates.

The department received 20 additional computers for the examination room to conduct 911 and other computer-based testing.

AGENDA ITEM 8 – Update to the Civil Service Department's response to CPS HR Consulting Hiring Practices Report findings

Examining and Recruitment Manager Pamela McDonald reviewed the progress made in the past two months on the CPS hiring process recommendations. The total number of hard-to-fill/continuously advertised positions is now at 63. This includes approximately ten additional positions since the last report.

Ms. McDonald reported that a total of 269 positions that have been set up with new minimum qualifications. She explained that since the minimum qualifications are more department-specific, there are minimum qualifications the staff is revising.

Ms. McDonald explained that staff has conducted several sessions of NEOGOV training for managers and supervisors as well as application training for employees.

Over the last two months, staff converted 73 additional positions to autoscoreing. The total number of positions set up for autoscoreing is 315.

Ms. Marsolais provided an update on the status of changing the length of the eligibility list. The change has been ratified by the City Council. The Civil Service Department will be sending an announcement to employees about the change. The six-month eligibility for all applicants will become effective on October 1, 2015.

AGENDA ITEM 9 – Update on Fiscal Year 2014-15 budget expenditures and Fiscal Year 2015-16 budget development

Budget Analyst Savina Rikhilal updated the Board on the current year expenditures and department financial status. Although the department is under budget on salaries due to unfilled vacancies the Test Development and Validation Division has recently filled both its validation specialist positions. The two new staff members begin work tomorrow and on September 2nd. Overall fiscal year 2014-15 expenditures will be over budget. Salaries will come in under budget by approximately \$4,000.

Ms. Rikhilal also reported on the proposed fiscal year 2015-16 budget. At this juncture all current funding will be maintained. Enhance funding requests for three additional people to work in Examining and Recruitment and Administration were not approved. The Office of Financial Services did allocate some funds to buy 20 computers for the test room this fiscal year.

AGENDA ITEM 10 – Update on 2014-15 Goals and Objectives

Ms. Marsolais briefed the Board on the status of the 2014-15 goals and objectives for the Administration Division. She reported that the IAPRO tracking system did not satisfy the needs of the department. After mapping out the business process requirements inherent in a tracking system, IT Business Analyst Richard Etheridge suggested the use of an add-in to Outlook. The add-in should allow the department to do everything needed to track grievances. This option is currently being tested.

Ms. Marsolais stated that she will soon be constructing the 2015-2016 Board calendar.

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Ms. Marsolais reviewed the goal of keeping the Civil Service Adjunct Panel staffed. She mentioned that Vice-Chair Hernandez planned to address the City Council tomorrow regarding appointments to the adjunct panel and board. Ms. Marsolais spoke to the Judicial Nominating Committee on July 28, 2015 about the recruitment process for Administrative Law Judges. The goal to begin recruiting Administrative Law Judges is September 1, 2015.

Coordinator Mille Laird has completed training for a Six Sigma Green Belt. She has identified a project to which she can apply this training. It was approved by the City's Master Black Belt and the department director. The project involves improvement of the former City employee review process during application analysis.

Ms. Marsolais talked about the ISO process. She explained that part of ISO is to identify gaps in documents and processes and to fill them with pertinent rules, regulations, and guidelines. Ms. Marsolais will be talking to the City's ISO Coordinator, Georgi Newton, about ISO certification in the future for the Examination and Recruitment Division as well as the Administration Division.

Ms. Marsolais explained that the department is now in control of its web page. The Chair requested that the Board's pictures be retaken in a more professional manner. The Chair asked that a website demonstration be given at the next Board meeting.

Ms. McDonald gave an update on the autoscore application review process. She will provide more information at the next Board meeting on where the discrepancies are between autoscore and manual application review.

AGENDA ITEM 11 – Designate panel members for Trial Board hearings

The Board designated Jeff Bryan as Chair of the Jesus Martinez' Trial Board currently scheduled for September 23-24, 2015. Calvin Robinson and John Ting will serve as Adjunct Panel members.

AGENDA ITEM 12 – Department news

Ms. Marsolais congratulated Darrell Cooper who was hired as an Office Assistant and Brandy Thomas who was promoted to a Senior Human Resource Analyst. Ms. Marsolais noted that Brandy has been with the department since she was an Office Assistant B. The Chair requested a current organizational chart of the department.

AGENDA ITEM 13 – A closed executive session will be held pursuant to Section 551.071 of the Texas Open Meetings Act to deliberate the evaluation and duties of the Secretary to the Civil Service Board

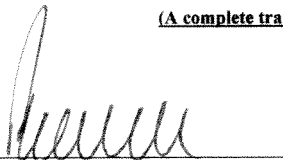
The Civil Service Board entered into executive session from 4:12 p.m. to 5:18 p.m. to deliberate the evaluation and duties of the Secretary to the Civil Service Board.

AGENDA ITEM 14 – Discuss conduct of the Secretary to the Civil Service Board, consider and take appropriate action concerning same

The Chair addressed Ms. Marsolais' conduct before the Board during an executive session at the June 2, 2015 board meeting. Ms. Marsolais had an opportunity to speak regarding the incident. She explained her role in the incident. She stated that she did not intend to be disrespectful and deeply regretted the incident. She said this type of conduct will not happen again. In response to the incident, the Board issued a counseling memorandum, which described the incident, and the Board's assessment that Ms. Marsolais' behavior was unacceptable. The memorandum set forth specific corrective action steps to be taken by Ms. Marsolais to conform her conduct to acceptable standards. The Board voted unanimously to issue the counseling memorandum to Ms. Marsolais.

There being no further business, the Civil Service Board meeting adjourned at 5:25 p.m.

(A complete transcription of this meeting is available)



ATTESTED



APPROVED