

Memorandum



DATE February 5, 2009
TO Honorable Mayor Tom Leppert and
Members of the City Council
SUBJECT FY 07/08 Annual Report

HAND DELIVERED

Enclosed please find the Civil Service Board's Annual Report for fiscal year 2007-2008. This is a summary of the many activities, initiatives, and accomplishments and we know that there are some we have missed. We hope that you will contact us if you have any questions at all. Thank you for your ongoing support.



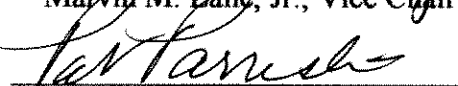
Ron Chapman, Jr., Chair



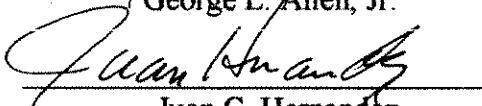
Marvin M. Lane, Jr., Vice Chair



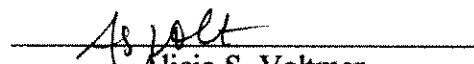
George L. Allen, Jr.



Pat Parrish



Juan C. Hernandez



Alicia S. Voltmer



F. Ray Hill



Patricia Marsolais, PHR, IPMA-CP, CBM, CSSBB, CLSSS, CAPM
Secretary
Civil Service Board

- c: Members of the Civil Service Board
- Mary K. Suhm, City Manager
- Ryan S. Evans, First Assistant City Manager
- A. C. Gonzalez, Assistant City Manager
- Jill A. Jordan, P.E., Assistant City Manager
- Ramon F. Miguez, P.E., Assistant City Manager
- Forest Turner, Interim Assistant City Manager
- Dave Cook, Chief Financial Officer
- Craig D. Kinton, CPA, City Auditor
- Thomas P. Perkins Jr., City Attorney
- Deborah A. Watkins, City Secretary
- Judge C. Victor Lander, Judiciary
- Members of the Civil Service Adjunct Panel
- Administrative Law Judges
- Janice Moss, Senior Assistant City Attorney
- Helena Stevens-Thompson, Assistant to the City Manager

**ANNUAL REPORT TO THE CITY COUNCIL
BY THE
CIVIL SERVICE BOARD**

**FOR THE TERM
October 1, 2007 – September 30, 2008**

Members of the Civil Service Board

Ron Chapman, Jr., Chair – Appointed 6/25/2008
Marvin M. Lane, Jr., Vice-Chair – Elected 8/7/08
George L. Allen, Jr.
Juan C. Hernandez – Moved to full Board 9/10/2008
F. Ray Hill
Pat Parrish
Alicia S. Voltmer

Steve Sanderfer, Vice-Chair – Served until 7/10/2008
Joseph L. Phifer – Resigned 8/4/2008

Patricia Marsolais
PHR, IPMA-CP, CBM, CSSBB, CLSSS, CAPM
Secretary to the Civil Service Board

CIVIL SERVICE BOARD

MISSION STATEMENT

As authorized by Chapter XVI of the City Charter, the Civil Service Board is empowered to adopt, amend and enforce a code of rules and regulations subject to Council ratification to ensure employment and promotion based on merit and fitness for approximately 90% of the positions in the City work force. The Board regulates the design of personnel selection methods to ensure fairness and effectiveness in selection of applicants for City employment. The Board provides an objective forum through which employees and applicants can appeal charges of discrimination and misinterpretation or misapplication of Civil Service rules. The Board, serving with the members of the Civil Service Adjunct Panel, administers the Trial Board hearing system to provide due process for those employees who are terminated or demoted. Staff provides assistance to Administrative Law Judges in hearings under their jurisdiction.

OBJECTIVES

- The citizens of Dallas deserve employees of the City who are competent to perform the duties of their positions without regard to political influence.
- Employees of the City and applicants for City employment deserve to be considered for employment and promotion based only on their individual merit and fitness without regard to race/national origin, age, religion, gender, marital status, sexual orientation, disability, political opinions or affiliations. Physical impairments should be considered in employment only as they may affect the performance of the essential duties of the position sought.
- Employees must be treated with dignity and fairness in discipline, termination, reduction in force, promotion, transfer and assignment.

SUMMARY OF ACTIVITIES

A. APPEAL HEARINGS

The Civil Service Board considered 16 rehire eligibility appeals for former City employees.

B. STAFF ACTIVITIES

- Pursuant to the Federal Uniform Guidelines on Employee Selection Procedures, staff developed written examinations for one uniformed promotional rank in the Fire-Rescue Department and three ranks in the Police Department. Two alternate written promotional examinations were held for eligible Police Department employees returning from active military duty. Staff also developed examinations for four civilian classifications.
- Pursuant to the Federal Uniform Guidelines on Employee Selection Procedures, staff developed and administered assessment centers/oral assessments for two uniform promotional ranks in the Police Department.
- Pursuant to the Federal Uniform Guidelines on Employee Selection Procedures, staff validated/conducted job analyses for three Fire Prevention ranks and five civilian classifications.
- Staff evaluated 60,165 applications for employment.
- Staff administered 5,052 written examinations – 2,334 uniform; 2,718 civilian.
- A total of 2,093 positions were filled as a result of recruiting activities.
- Staff responded to 1,441 requisitions to fill promotional and open positions.
- Staff conducted 860 criminal background checks and 21 motor vehicle record checks.*
- Staff prepared specifications to solicit price quotes for consultants to provide oversight for the Fire-Rescue Battalion Chief, Captain and Lieutenant Assessment Centers, (to take place in FY08-09). Quotes were reviewed and a consultant was selected for each process. The cost was less than \$25,000 for each assessment process.
- Staff administered the Fire Rescue Officer Trainee written examination to 492 candidates.

****Background and motor vehicle record checks were transferred to the Human Resources Department.***

STAFF ACTIVITIES, continued

- Staff conducted 59 separate administrations of the Police Officer Trainee examination.
- Staff administered 241 Physical Abilities Tests using the Candidate Physical Abilities Test (CPAT) to Fire-Rescue Officer Trainee candidates.
- Staff administered an internal customer satisfaction survey. Customers responded by paper survey or on-line.

The following comparisons and results were noted:

--There is no statistical difference overall in how the department was rated this year compared to last year.

--This year's survey included questions on NEOGOV, the City's new workforce management system that was implemented after the initial internal customer service survey.

--Assessment of the service provided to an applicant for a position with the City as excellent or good is stable at approximately two-thirds of respondents.

--Over 50 percent of respondents indicated that they had used the new NEOGOV on-line application process. Three-quarters of employees who used NEOGOV rated their experience as excellent or good.

--Over 85 percent of employees who took a Civil service examination rated their experience as excellent or good.

--Eighty-three percent of Police and Fire candidates who attended an examination orientation process administered by Civil Service had an excellent or good experience. The components being rated were knowledge of staff, clarity of presentation and response to questions.

Based on survey results, staff identified strategies for improvement such as:

--Conduct workshops on navigating NEOGOV to further build comfort and trust in the new workforce management system.

--Study and identify factors to expedite application turn-around time contingent upon maintaining current staffing levels.

--Clarify the Civil Service Department's duties and responsibilities.

STAFF ACTIVITIES, continued

- Staff participated in the following activities:
 - Customer Service Training
 - Safety Training
 - Christmas Family Adoption Initiative
 - Several staff members received W.O.W. Cards (Witnessed Outstanding Work)
 - Citizens' Fire Academy
- Staff responded to multiple open records requests as well as several interrogatories and production requests.
- Staff developed department record retention schedules in accordance with the State Records Retention Schedule and the City Records Management Officer's guidance.

C. TRIAL BOARD/ADMINISTRATIVE LAW JUDGE APPEALS

1. Members of the Civil Service Board and Adjunct Panel served on six Trial Boards resulting in four terminations being sustained, one reinstatement, and one withdrawal.
2. Seven Administrative Law Judge hearings were conducted resulting in three terminations being sustained, two reinstatements, one settlement and one withdrawal.

D. BOARD ACTIVITIES

1. The Board was briefed by Dallas Police Department Deputy Chief on proposed Civil Service Rule changes to Rule XXIII REQUIREMENTS FOR TRAINEE POLICE OFFICER Section 1 (A) 1 and 2. The proposed change would modify the military exemption so that more candidates could be recruited. The proposed changes were:

Civil Service RULE XXIII. *Section 1A (1)* Have at least forty-five (45) semester hours of college credit with a C average or better from an accredited college or university. **OR** A minimum of 36 months active service in the Armed Forces of the United States with an Honorable Discharge (Allowance for no more than 10 calendar days less than 36 months; more than 10 days requires approval from the Assistant Chief of Police over the Personnel and Development Division). **OR** Thirty-six (36) months of fulltime certified law enforcement experience (from date of receipt of license) with a city, county or state law enforcement agency and be currently employed or separated from the agency for no more than 4 months prior to the date of application.

The rule changes were unanimously adopted by the Board and sent to City Council for consideration.

D. BOARD ACTIVITIES, continued

2. The Board conducted the annual evaluation of the Secretary and unanimously rated her "distinguished."
3. The Board conducted a several month long investigation into possible violations of the City Charter and the privacy of City employees and general applicants regarding application data and related information by City Manager Mary Suhm, Assistant City Manager Jill Jordan, and Human Resources Director David Etheridge. The investigation focused on the functionality of checks and balances in place in City government. Particular concerns centered on the security of the new workforce management system, NEOGOV, handling of employment applicants' data and business interruptions to Civil Service through unauthorized changes. Via the City Attorney's Office areas at issue were conveyed to the noted parties.

Lengthy discussions were held at Board meetings to seek answers to the Board's questions. In response to a set of questions developed during the investigation the Board received a reply from the City Manager on January 18, 2008. A follow-up set of questions was sent to Ms. Suhm on February 7, 2008. On April 1, 2008 the City Manager met with the Board to discuss the questions and issues of concern with the intent to resolve the entire matter. As a result of the meeting Ms. Suhm agreed to work with the Secretary on the functionality of the NEOGOV "read-only" feature, a two portal system and change control system. After the meeting with the City Manager the Board sent a letter to the Mayor and City Council members to conclude the investigation. The Board determined that City Charter violations had occurred but they were not intentional.

4. The Board considered arguments from the Fire-Rescue Department and representatives of Fire employee associations regarding the extension of the Battalion Chief's eligibility list for six additional months. The Board voted not to extend the list after hearing the presentations.
5. The Board received comments on a proposed rule change to Civil Service Rule XVI PROMOTIONS, Fire-Rescue Department, Section 4 (B) (1) (f) and 4 (B) (1) (h). These revisions will require Fire and Rescue Officers and Fire Prevention Officers to serve at least two years in their positions after completion of training and probation prior to becoming eligible for promotion. The changes were unanimously adopted.

D. BOARD ACTIVITIES, continued

6. The Board conducted the grievance appeal hearing of Dallas Fire Prevention Lieutenant Cynthia Bustillos alleging the misapplication of Civil Service Rule VIII Conduct of Examinations, Sections 2 and 3D in the administration of the 2007 Fire-Rescue Prevention Captain's promotional examination. The Board ascertained that it did not have the authority to grant the remedy the grievant was requesting even if it found in her favor. The grievance was dismissed.
7. The Board heard the grievance appeal of Water Utilities employee Roderick Tolor alleging discrimination in promotion based on race and color. After hearing testimony and receiving evidence, the Board found in favor of the City that Mr. Tolor had not met the burden to show that he had been discriminated against.
8. The Board heard the grievance appeal of Water Utilities employee Yi Yin alleging discrimination based on gender and national origin. After hearing testimony and receiving documents from both sides, the Board found that Ms. Yin had been discriminated against. The Board's order was as follows:

The Civil Service Board that heard the grievance appeal of Yi Yin on Thursday, May 1, 2008 unanimously voted that Ms. Yin was discriminated against based on her national origin and gender when she was excluded from the SCADA project team meetings during the week of February 12, 2007-February 16, 2007 and when she was excluded from the Ozone System training during the week of February 20, 2007.

As a result, the Board has ordered sensitivity training for everyone in the Water Utilities Department including management. In addition, any training, documentation or training materials the grievant has not received on the Ozone System and SCADA must be provided to her.

The Board would like a written response from Ken DelRegno, Manager of Purification West, to the troubling issue that reports are being generated falsely as evidenced by handwritten documents produced at the hearing by the grievant. It is a fact that can't be ignored by the Civil Service Board.

9. Fire Chief Eddie Burns and Assistant Chief John Cook briefed the Board on the promotional examination review process they have initiated as a result of an efficiency study of the Fire-Rescue Department done a year ago.

**Civil Service Board's Annual Report
Summary of Activities**

PERFORMANCE MEASURES

	2007 – 2008	2008 - 2009
	Actual	Estimated
<u>Application Processing</u>		
# of Applicants Processed	64,000	62,000
# of Applicants Tested	3,000	3, 000
# Positions Filled (permanent)	2,000	2,000
Background Checks	860	-----
#TX Motor Vehicle Record Checks	21	-----

	2007 – 2008	2008 - 2009
	Actual	Estimated
<u>Uniform and Civilian Services</u>		
# of Assessment Centers	2	3^
# of Civilian Written Examinations*	4	3*
# of Uniformed Written Examinations	6	7^
# of Job Analyses** Completed	8	3
Total Test Development Projects	20	16
# of Fire Physical Ability Tests***	241	250

^The number of uniform written examinations and assessment centers may increase as officers' return from temporary military service and take a comparable examination based on the Uniformed Services Employment and Reemployment Rights Act (USERRA).

*Staff efforts will generally focus mainly on uniform projects. Civilian projects are addressed as needed and when time permits.

**A job analysis is a process used to identify the essential skills, knowledge, abilities and personal characteristics of jobs. This information is then used as a basis for developing job related selection instruments as required by federal and other statutes.

***The physical ability test includes tasks that evaluate several different aspects of a candidate's physical ability such as agility, strength, coordination, balance and stamina. These tests are administered at an off-site facility arranged by the Fire Department.

**Civil Service Board
Fiscal Year Activity Report
October 1, 2007 – September 30, 2008**

**Trial Board Appeals
(These include demotion or discharge appeals)**

Civil Service Board Members

	<u>Completed</u>
Ron Chapman, Jr., Chair – Appointed 6/25/2008	1
Marvin M. Lane, Jr., Vice-Chair – Elected 8/7/08	0
George L. Allen, Jr.	1
Juan C. Hernandez – Moved to full Board 9/10/08	0
F. Ray Hill	1
Pat Parrish	1
Alicia S. Voltmer	0
Steve Sanderfer, Vice-Chair – Off Board 7/10/2008	0
Joseph L. Phifer – Resigned 8/4/2008	0

**Civil Service Adjunct Panel
Trial Board Activity
October 1, 2007 – September 30, 2008
Trial Board Appeals
(These include demotion or discharge appeals)**

<u>Adjunct Panel</u>	<u>Appointed By</u>	<u>Completed</u>
Johnny Clark	Hill	0 hearings
Patricia Lee Gurson	Garcia	2 hearings
Juan C. Hernandez**	Salazar	0 hearings
Edwin Wayne Hickson	Neumann	0 hearings
Elizabeth "Liz" Wally	Medrano	1 hearing
Charlie Boaz Shapard	Kadane	1 hearing
Gene Seale	Koop	2 hearings
Ross Coulter	Rasansky	1 hearing
James Kanaman, Sr.*	Fantroy	0 hearings
William "Bill" Williams	Hunt	1 hearing

*Appointed to Permit & License Appeal Board on 12/17/2007

**Appointed to Civil Service Board 9/10/2008

In some cases members are assigned and have agreed to serve but the case settled before the hearing date.

There have been appointments to the Adjunct Panel after September 30, 2008. They will be included in next year's annual report.

**Administrative Law Judge
Appeal Activity
October 1, 2007 – September 30, 2008
(These include demotion or discharge appeals)**

<u>Administrative Law Judge</u>	<u>Contract Term</u>	<u>Completed Hearings</u>
Willie Crowder	January 2008-December 2009	1 hearing completed
Kimberly Lonergan	January 2008-December 2009	2 hearings completed
Andy Messer	January 2008-December 2009	2 hearings completed