


# Memorandum

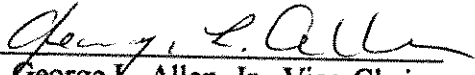



DATE February 2, 2010  
TO Honorable Mayor Tom Leppert and  
Members of the City Council  
SUBJECT FY 08/09 Annual Report

**HAND DELIVERED**

Enclosed please find the Civil Service Board's Annual Report for fiscal year 2008-2009. 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

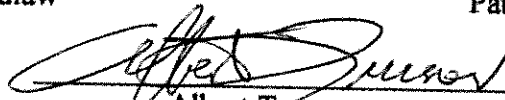
  
George L. Allen, Jr., Vice-Chair

  
Johnny Clark

  
Michelle Collins

  
Walter Laidlaw

  
Unavailable to Sign  
Pat Parrish

  
Albert Turner



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  
Forest Turner, 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

# **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 21 rehire eligibility appeals for former City employees.

### **B. STAFF ACTIVITIES**

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- Pursuant to the Federal Uniform Guidelines on Employee Selection Procedures, staff developed written examinations for four uniformed promotional ranks in the Fire-Rescue Department and one rank in the Police Department. Alternate written promotional examinations were held for two eligible Fire Department employees returning from active military duty. An alternate written promotional examination was held for two eligible Police Department employees due to medical situations.
- Pursuant to the Federal Uniform Guidelines on Employee Selection Procedures, staff developed and administered assessment centers/oral assessments for three uniform promotional ranks in the Fire Department.
- Staff conducted 82 administrations of the Police Officer Trainee examination.
- Staff administered 491 Physical Abilities Tests using the Candidate Physical Abilities Test (CPAT) to Fire-Rescue Officer Trainee candidates.
- Staff evaluated 71,364 applications for employment.
- Staff administered 5,789 written examinations – 3,722 uniform; 2,067 civilian.
- A total of 1,475 positions were filled as a result of recruiting activities.
- Staff responded to 1,192 requisitions to fill promotional and open positions.
- Staff administered the Fire Rescue Officer Trainee written examination to 1,001 candidates.
- Staff provided assistance to over 600 at risk employees and staff processed over 5,900 RIF (Reduction In Force) employee applications during August-September 2009.
- Staff responded to 148 open records requests as well as several interrogatories and production requests.
- Staff worked closely with Human Resources in coordinating job fairs and training for employees affected by a reduction-in-force.

## **B. STAFF ACTIVITIES, continued**

- Participated in the Dallas Fire-Rescue Department's newly established Battalion Chief Academy by providing an overview of the Civil Service Department's responsibilities.
- Implemented new software (ParTest and ParScore) to create and score examinations.
- Staff participated in the following activities:
  - Safety Training
  - Honored on the "Wall of Honor"
  - Christmas Family Adoption Initiative
  - Various Job Fairs
  - Neogov "Navigate Through the Application Process Training"
  - Neogov Department User Training

## **C. TRIAL BOARD/ADMINISTRATIVE LAW JUDGE APPEALS**

1. Members of the Civil Service Board and Adjunct Panel served on two Trial Boards resulting in one termination being sustained and one settlement.
2. Administrative Law Judges heard nine hearings resulting in six terminations being sustained, one reinstatement, one settlement and one modification.

## **D. BOARD ACTIVITIES**

1. The Board approved the department's records retention schedule. The process was a collaborative one with the City Secretary's Office.
2. The City Attorney's Office gave the Board an update on the process the City went through with the Attorney General's Office about the release of tests and other documents.
3. The Board was briefed by staff on the results of a study conducted of cities comparable to Dallas regarding videotaping assessment centers. Based on the results of the study and the high cost of videotaping staff did not recommend adding this to the assessment process at this time.
4. The annual evaluation of the Secretary to the Board was conducted by the Chairman. He rated her as fully successful.

**D. BOARD ACTIVITIES, continued**

5. The Board was briefed by Fire-Rescue Captain George Florence on proposed rule changes to Rule XXIV REQUIREMENTS FOR TRAINEE FIRE AND RESCUE OFFICER AND TRAINEE PREVENTION OFFICER, Sections 1 (A) (1), 1 (A) (8). The Fire-Rescue Department would like the Civil Service rule to be changed to accommodate applicants with an "uncharacterized" discharge. Before any action should be taken Senior Assistant City Attorney Janice Moss recommended that the wording of the rule change be more specific as to what "uncharacterized" military discharges will be accepted. There are numerous assignments by the military of this term.
6. The Board gave staff the go ahead to begin using a feedback questionnaire for participants of assessment centers.
7. The Board was briefed regularly by staff on the progress of the Fiscal Year 09-10 budget process. Recommendations from the E<sup>3</sup> (Efficient, Effective and Economical) Government Results Team were not to fund the Analysis Development and Validation Division. This will mean elimination of these employees through a reduction-in-force.
8. The Board extended the eligible promotional lists for the ranks of Senior Corporal, Sergeant, and Lieutenant through September 30, 2010 at the request of Police Chief David Kunkle.
9. The Board heard the grievance appeal of Dallas Fire-Rescue Captain Mike Cekinovich in which he claimed that the Civil Service Department failed to administer the oral assessment portion of the Fire-Rescue Battalion Chief promotional examination in a manner that fairly tested knowledge of the actual duties, responsibilities, and requirements of the position to be filled and a candidate's fitness and qualifications to discharge such duties and meet such requirements. The grievance was based on the assertion that the Civil Service Department violated Civil Service Rule XIV – PROMOTIONS, Section 6.

Captain Cekinovich represented himself. He was assisted by Dallas Fire-Rescue Lieutenant Steven Corder. The Civil Service Department was represented by Assistant City Attorney Ayeh Powers. Patricia Marsolais, Civil Service Director, was the Civil Service Department's representative for the hearing. Captain Cekinovich's grievance specifically focused on the scores he received from assessors on the oral presentation exercise. He felt he did considerably better than he was rated. After hearing testimony and receiving documents from both sides, the Board voted five to one to deny Captain Cekinovich's grievance. The Chair thanked Captain Cekinovich for his service to the City and called him an asset to the department. He encouraged him to keep going with his career. Voting Nay: Chapman, Lane, Hernandez, Hill, Parrish/Voting Aye: Allen

**D. BOARD ACTIVITIES, continued**

10. The Board heard the grievance appeal of Fire-Rescue Lt. Robin Gerdes in which she alleged that the Civil Service Department violated the Code of Rules and Regulations of the Civil Service Board, Rule VIII Conduct of Examinations, Sec. 2. This rule states in part that "All examinations shall be impartial, fair, and practical and designed to test the relative qualifications and fitness of applicants to discharge the duties of the particular position which they seek to fill." Lt. Gerdes claims this rule was violated by not allowing her to continue testing after she was disqualified for failing to stop writing after time was called.

The City was represented by Assistant City Attorney Amy Messer. Director Patricia Marsolais was the department representative for the hearing. Lt. Gerdes was represented by Lt. Steven Corder. After hearing testimony and receiving evidence from both sides the Board voted 3 to 1 to sustain her grievance.

Voting Aye: Chapman, Lane, Hill Voting Nay: Allen

The Board asked the parties to confer as to a remedy that makes sense given the circumstances involved.

11. The Board heard the grievance appeals of Fire-Rescue Lieutenants Corder, Banks, and Keaveney. The grievances were heard together after agreement was reached by the Board and grievants to proceed accordingly. All three grievants claimed that various Civil Service rules and regulations were violated when candidates were not randomly assigned to "waves" in the Oral Assessment portion of the Fire-Rescue Captain's promotional examination.

**Alleged Rule Violations:**

**Lt. Corder - RULE VIII - CONDUCT OF EXAMINATIONS, Sec. 2**

**Lt. Banks - RULE III - DUTIES OF SECRETARY, Sec. 1  
RULE IV - UNCLASSIFIED AND CLASSIFIED SERVICE, Sec. 3  
RULE VII - ADVERTISEMENT OF EXAMINATIONS, Sec. 1  
RULE VIII - CONDUCT OF EXAMINATIONS, Sec. 1 and 2  
RULE XXI - CHANGE OF RULES Sec. 1**

**Lt. Keaveney - RULE III - DUTIES OF SECRETARY, Sec. 1  
RULE VIII - CONDUCT OF EXAMINATIONS, Sec. 2 and 3 A, B, C, D, E  
RULE XXI - CHANGE OF RULES, Sec. 1**

The City was represented by Assistant City Attorney Ayeh Powers. Director Patricia Marsolais was the department representative. The grievants represented themselves. After hearing testimony and receiving evidence including a telephone call with Industrial Organizational Psychologist Dr. George Thornton, Professor Emeritus, Colorado State University, the Board voted unanimously to deny all alleged rule violations. The grievants had not proven their cases.

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

**PERFORMANCE MEASURES\***

	2008 – 2009	2009 - 2010
	<b>Actual</b>	<b>Estimated*</b>
<b><u>Application Processing</u></b>		
# of Applicants Processed	71,364	40,000
# of Applicants Tested	5,789	2,000
# Positions Filled (permanent)	1,475	1,000

*\*Lower estimates due to current year hiring freeze.*

	2008 – 2009	2009 - 2010
	<b>Actual</b>	<b>Estimated<sup>^</sup></b>
<b><u>Uniform and Civilian Services</u></b>		
# of Assessment Centers	5	0 <sup>^^</sup>
# of Civilian Written Examinations*	0	5
# of Uniformed Written Examinations	7	1 <sup>^^</sup>
Total Test Development Projects	12	6
Miscellaneous Projects**		2
# of Fire Physical Ability Tests***	491	0

<sup>^</sup>Based on the FY09-10 budget reductions, there will be no uniform promotional examinations (written/assessment centers) developed and administered. The staff of the Test Development/Validation Division was reduced by 83% this fiscal year.

<sup>^^</sup>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).

\*Existing examinations will be entered into the new test development software ParTest.

\*\*Staff efforts will focus on departmental records retention and establishing standard operating procedures.

\*\*\*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 to candidates who have passed the written examination. The Fire Department has decided not to have the Fire Fighter Trainee examination administered this fiscal year but to extend the existing list to hire its academy class. Thus, there will be no physical ability testing this fiscal year.

**Civil Service Board  
Fiscal Year Activity Report  
October 1, 2008 – September 30, 2009\***

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

<b><u>Civil Service Board Members</u></b>	<b><u>Completed</u></b>
<b>Ron Chapman, Jr., Chair</b>	<b>0</b>
<b>Marvin M. Lane, Jr., Vice-Chair</b>	<b>1</b>
<b>George L. Allen, Jr.</b>	<b>0</b>
<b>Juan C. Hernandez – Resigned 8/26/09</b>	<b>0</b>
<b>F. Ray Hill</b>	<b>0</b>
<b>Pat Parrish</b>	<b>0</b>
<b>Alicia S. Voltmer – Resigned 3/18/09</b>	<b>0</b>

**\*During this fiscal year the majority of hearings were done by Administrative Law Judges as requested by the appellants.**



**Civil Service Adjunct Panel  
Trial Board Activity  
October 1, 2008 – September 30, 2009\*  
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
Ross Coulter– Resigned 10/10/08	Rasansky	0 hearings
Alan Dabdoub	Leppert	0 hearings
Michael Greenberg (Term ended 9/30/09)	Rasansky	0 hearings
Patricia Lee Gurson	Jasso	0 hearings
Justin Harrison (Moved to JNC 11/13/09)	Medrano	0 hearings
Edwin Wayne Hickson	Neumann	1 hearing
Johnny Jefferson	Davis	0 hearings
Virgil Lang	Allen	0 hearings
Michael Leach	Natinsky	0 hearings
Sid Miller	Koop	0 hearings
Gene Seale (Term ended 9/30/09)	Koop	0 hearings
Charlie Boaz Shapard– Resigned 8/31/09	Kadane	0 hearings
Elizabeth “Liz” Wally-- Resigned 11/11/08	Medrano	0 hearings
William “Bill” Williams (Term ended 9/30/09)	Hunt	1 hearing

\*During this fiscal year the majority of hearings were done by Administrative Law Judges as requested by the appellants.

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

**Administrative Law Judge  
Appeal Activity  
October 1, 2008 – September 30, 2009  
(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	3 hearings completed
Kimberly Lonergan	January 2008-December 2009	4 hearings completed
Andy Messer	January 2008-December 2009	2 hearings completed