

# Memorandum



CITY OF DALLAS


DATE March 1, 2011

TO Mayor Dwaine R. Caraway and  
Members of the City Council

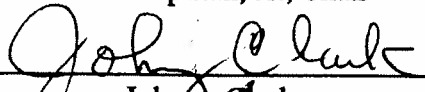
SUBJECT FY 09/10 Annual Report

**HAND DELIVERED**

Enclosed please find the Civil Service Board's Annual Report for fiscal year 2009-2010. 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.

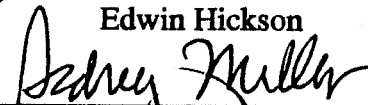
  
Ron Chapman, Jr., Chair

Unavailable to sign  
George L. Allen, Jr., Vice-Chair


  
Johnny Clark

  
Edwin Hickson

  
Walter Laidlaw

  
Sidney Miller

  
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  
Jeanne Chipperfield, 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 S. Moss, Executive 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, 2009 – September 30, 2010**

**Members of the Civil Service Board**

**Ron Chapman, Jr., Chair  
George L. Allen, Jr., Vice-Chair  
Johnny Clark  
Michelle Collins (Resigned 12/29/10)  
Pat Parrish – (Holdover -Replaced 11/17/10)  
Walter Laidlaw  
Albert Turner**

**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 11 rehire eligibility appeals for former City employees.

### B. NOTABLE STAFF ACTIVITIES

- Staff conducted 55 separate administrations of the Police Officer Trainee examination.
- Dr. George C. Thornton, III conducted a utility study of the assessment center for promotion to Police Sergeant using information based on the 2006 City of Dallas Civil Service Department assessment center process. The resulting article entitled "Utility of Assessment Center for Promotion of Police Sergeants" appeared in the Spring 2010 volume of *Public Personnel Management*. The analysis will be very helpful to jurisdictions and test entities globally. It is the first of its kind that involved the public sector.

*Public Personnel Management*, published quarterly by the International Personnel Management Association for Human Resources (IPMA-HR), is written specifically for human resource executives and managers in the public sector. The journal contains in-depth articles on issues, trends, case studies, and the latest research by top human resource researchers and industry experts.

- The Civil Service Department assumed the testing of applicants for Fire Dispatch, Police Dispatch and 911 positions using the CritiCall test. CritiCall is targeted testing for call taking positions. Testing will take place in the Civil Service Department computer room.
- Staff developed a training manual for Dallas Candidate Physical Ability Test (CPAT) proctors using information from the CPAT manual produced by International Association of Fire Fighters (IAFF).
- Staff developed procedures/guidelines/checklists for numerous test and recruitment processes used by the department.
- Staff administered the Fire Rescue Officer Trainee written examination to six applicants transferring from the Fire Prevention Division to the Fire Operations Division of the Dallas Fire-Rescue Department.
- An alternate written promotional examination was held for one Fire Department employee returning from active military duty.
- Staff evaluated 34,572 applications for employment.
- Staff administered 2,605 written examinations – 1,095 uniform; 1,510 civilian.
- Staff responded to 1,137 requisitions to fill promotional and open positions.
- A total of 1,211 positions were filled as a result of recruiting activities.

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

- Staff provided assistance to over 442 at risk employees and processed over 2,035 RIF (Reduction-in-Force) employee applications during August-September 2010.
- Staff administered six physical abilities tests using the Candidate Physical Abilities Test (CPAT) to Fire-Rescue Officer Trainee candidates transferring from the Fire Prevention Division to Fire Operations.
- Staff responded to numerous open records requests as well as a few interrogatories and production requests.
- Staff participated in the following activities:
  - Neogov Navigate Through the Application Process Training
  - Neogov Department User Training
  - Safety Training
  - Christmas Family Adoption Initiative
  - Job Fairs

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

1. Members of the Civil Service Board and Adjunct Panel served on five Trial Boards resulting in two terminations being sustained, one modification and two settlements.
2. Administrative Law Judges heard eight hearings resulting in seven terminations being sustained and one modification.

## **D. BOARD ACTIVITIES**

1. The Board was briefed by Dallas Police Department representatives on the department's new physical readiness test for officer trainers. The Board unanimously approved the use of the new test which ensures compliance and job-relatedness with ever-evolving police work.
2. 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

## **D. BOARD ACTIVITIES, continued**

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.

3. The Board heard the grievance appeal of Fire-Rescue Officer L.W. Henshaw. Officer Henshaw claimed that the Civil Service Department violated Rule VI – APPLICATION FOR EXAMINATION, Section 6(A) and Rule VIII – CONDUCT OF EXAMINATIONS, Section 5, of the Code of Rules and Regulations of the Civil Service Board when he was denied entrance to the May 2009 Driver-Engineer promotional examination. Officer Henshaw claimed that he had signed up for the examination. The Civil Service Department did not have his name on the eligibility list to take the test. The City’s application processing vendor, NEOGOV, researched Officer Henshaw’s assertion and found that he did not submit an application. The City was represented by Assistant City Attorney Amy Messer. Director Patricia Marsolais was the department representative. Officer Henshaw was accompanied by Fire-Rescue Lieutenant James White. After hearing testimony and receiving evidence, the Board voted unanimously to deny Officer Henshaw’s grievance. Officer Henshaw did not prove his case.
4. The Board granted the Dallas Fire Department’s request to extend the eligibility list for Fire-Rescue Officer Trainee from April 15, 2010 to October 31, 2010.
5. The Board approved moving the administration of the testing for Fire Dispatchers to the Civil Service Department. Fire-Rescue Assistant Chief Eugene Campbell made this request in order to ensure that the correct testing environment is assured.
6. The Board was briefed regularly by staff on the progress of the Fiscal Year 10-11 budget process.
7. The Board was briefed on the Meet and Confer process by Human Resources Director David Etheridge.
8. The Board heard the grievance appeal of Fire-Rescue Driver Engineer Mike McCloskey in which he claimed 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 “[a]ll 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.” Driver Engineer McCloskey alleged this rule was violated when candidate David Andelman was allowed to participate in an alternate assessment after initially being turned away for being “late” to complete the sign-in process on the first day of the Oral Assessment for the Lieutenant promotional examination process.

**D. BOARD ACTIVITIES, continued**

The City was represented by Assistant City Attorney Jennifer Huggard. Director Patricia Marsolais was the department representative. Driver Engineer McCloskey represented himself. After hearing testimony and receiving evidence, the Board did not vote on the alleged rule violation. The Board unanimously agreed to table the decision while it waits to see what happens with the list. The matter of where the list stands will be on the agenda of every subsequent Board meeting until it is clear whether Driver Engineer McCloskey has been affected by the change in his placement on the revised eligibility list.

The Board was briefed on the progress Administrative Law Judge (ALJ) appointment process. Administrative Law Judges are approved by the City Council for two year contracts.

The Board was given an overview of the reduction-in-force (RIF) transition process and schedule by the Secretary to the Board, Patricia Marsolais, and Interim Assistant Director of Human Resources, Deritte Fernandez.

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

### PERFORMANCE MEASURES

	2009 – 2010 <b>Actual</b>	2010 - 2011 <b>Estimated</b>
<b><u>Application Processing</u></b>		
# of Applicants Processed	34,572	40,000
# of Applicants Tested	2,605	2,500
# Positions Filled (permanent)	1,211	1,000

	2009 – 2010 <b>Actual</b>	2010 - 2011 <b>Estimated<sup>^</sup></b>
<b><u>Uniform and Civilian Services</u></b>		
# of Assessment Centers	0	1 <sup>^^</sup>
# of Civilian Written Examinations*	0	0
# of Uniformed Written Examinations	1 <sup>^^</sup>	2 <sup>^^</sup>
# of Job Analyses** Completed	1	1
Total Test Development Projects	2	4
Miscellaneous Projects***	1	1
# of Fire Physical Ability Tests****	6	500

<sup>^</sup>Based on the FY10-11 budget reductions, there will be one uniform promotional examination (written) developed and administered. The Test Development /Validation Division was only marginally funded for FY10-11.

<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). One written examination was administered in FY09-10 for an employee who had returned from military duty. One written exam and an assessment center are planned for FY10-11 for a person returning from military duty. The Police Senior corporal written examination is planned for FY10-11.

\*Existing examinations will be entered/finalized in the new test development software ParTest.

\*\*A job analysis is a process used to identify the essential skills, knowledges, abilities and personal characteristics of a job. This information is then used as a basis for developing job related selection instruments as required by federal and other statutes. A job analysis was done using the Biddle Consulting Group's Job Analysis Wizard to validate the CritiCall test for use in Dallas (9-1-1 candidates). Due to a shortage of police dispatchers, the job analysis for this classification will be completed in FY10-11.

\*\*\*Staffing efforts will focus on departmental records retention and organization and establishing standard operating procedures. Staff will also prepare to address testing issues for all of the uniform promotional ranks for FY11-12.

\*\*\*\*The Fire Candidate Physical Ability Test (CPAT) 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 opted not to have the Fire Fighter Trainee examination administered in FY09-10 but to extend the existing list to hire its academy classes. However, six candidates were tested who wanted to transfer from the Fire Prevention Division to Fire Operations. The Fire Fighter Trainee examination will be administered on March 29, 2011.



**Civil Service Board  
Fiscal Year Activity Report  
October 1, 2009 – September 30, 2010\***

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

<u>Civil Service Board Members</u>	<u>Completed</u>
<b>Ron Chapman, Jr., Chair</b>	<b>0</b>
<b>George L. Allen, Jr., Vice-Chair</b>	<b>2</b>
<b>Johnny Clark</b>	<b>0</b>
<b>Michelle Collins</b>	<b>2</b>
<b>Walter Laidlaw</b>	<b>1</b>
<b>Albert Turner</b>	<b>0</b>
<b>Marvin M. Lane, Jr. - Holdover (Replaced 12/03/09)</b>	<b>0</b>
<b>F. Ray Hill – Holdover (Replaced 12/03/09)</b>	<b>0</b>
<b>Pat Parrish - Holdover (Replaced 11/17/10)</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, 2009 – September 30, 2010\***  
Trial Board Appeals  
(These include demotion or discharge appeals)

<u>Adjunct Panel</u>	<u>Appointed By</u>	<u>Completed</u>
Alan Dabdoub	Leppert	0 hearings
Patricia Lee Gurson	Jasso	1 hearing
Flora Hernandez	Margolin	0 hearings
Edwin Hickson	Neumann	1 hearing
Johnny Jefferson	Davis	1 hearing
Virgil Lang	Allen	1 hearing
Michael Leach	Natinsky	2 hearings
Sid Miller	Koop	3 hearings
Calvin Robinson	Atkins	1 hearing

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

**Administrative Law Judge  
Appeal Activity  
October 1, 2009 – September 30, 2010**  
(These include demotion or discharge appeals)

<u>Administrative Law Judge</u>	<u>Contract Term</u>	<u>Completed Hearings</u>
Willie Crowder*#	January, 2008 - December, 2011	4 hearings completed
Valerie Carrillo##	July, 2010 - December, 2011	0 hearings completed
Kimberly Lonergan*	January, 2008 - June 30, 2010*	3 hearings completed
Andy Messer*	January, 2008 - June 30, 2010**	1 hearing completed

\*Contracts extended by the City Council from December 31, 2009 through June 30, 2010

#Re-appointed effective July 1, 2010

##New appointee