

Special Called Meeting of the Dallas Civil Service Board

**Present:**

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

**Absent:**

Johnny Clark

**Attendees:**

Bright Siaw-Afriyie, Grievant  
Samuel Siaw-Afriyie, Grievant's son  
Mrs. Siaw-Afriyie, Grievant's wife  
Milton Henderson, Assistant City Attorney  
Jennifer Huggard, Senior Assistant City Attorney II  
Sarah Mendola, Assistant City Attorney  
Aych Powers, Executive Assistant City Attorney  
Orrin Rugen, Senior IT Manager

**Civil Service Department Staff:**

Michelle Hanchard, Assistant Director  
Patricia Marsolais, Secretary to the Board  
Pamela McDonald, Manager - Examining and Recruitment Division  
Poemima "Savina" Rikhilal, Budget Analyst  
Martha Santos, Executive Assistant

The meeting was called to order at 9:40 a.m.

**AGENDA ITEM 1 – Approve the minutes of the Friday, January 2, 2015, special called meeting**

The Board unanimously approved the minutes of the Friday, January 2, 2015, special called meeting.

**AGENDA ITEM 2 – Approve the minutes of the Tuesday, January 6, 2015, regular meeting**

The Board unanimously approved the minutes of the Tuesday, January 6, 2015, regular meeting.

**AGENDA ITEM 3- Hear and rule on the Motion filed by Kojo Nkansah to replace Board members hearing complainant's grievance appeal begun on January 6, 2015 with Civil Service adjunct members**

The City was represented by Attorneys Jennifer Huggard and Sarah Mendola. Mr. Nkansah was not present. Mr. Nkansah had made a complaint/motion to replace Board members hearing the complainant's grievance appeal begun on January 6, 2015 with the Civil Service adjunct members. Mr. Nkansah's motion was placed on the agenda to be heard at this meeting. Upon receiving notice of the hearing, Mr. Nkansah requested that the Board continue it because he did not have sufficient notice of the hearing. Ms. Mendola asserted that the Board should proceed with the hearing motion since Mr. Nkansah received notice of the agenda item.

The Chair reviewed the timeline of the events. Mr. Nkansah submitted this motion on January 26<sup>th</sup>. On January 29<sup>th</sup>, the Chair asked the City to submit a response to the motion, which the City did on January 29<sup>th</sup>. Mr. Nkansah responded on February 2<sup>nd</sup>. The Chair directed the staff on January 29<sup>th</sup> to place this matter on the agenda since this motion contains some issues that might affect the resumption of the grievance hearing in March. The staff did not notify Mr. Nkansah of the hearing until Monday, February 2, 2015. Mr. Nkansah notified the Civil Service Department on Tuesday, February 3<sup>rd</sup> that he could not attend the meeting due to prior commitments. Mr. Nkansah requested that the hearing on this complaint be postponed and be placed on another agenda which would be the March agenda. This would push back the continuation of his grievance appeal since the issue of who will decide the grievance must be settled before the actual grievance can be heard. Although the City prefers to go forward with the Motion since March 3<sup>rd</sup> was the last available date for the hearing, it would defer to the Board's judgment.

The Chair moved to grant Mr. Nkansah's request that the hearing on his motion be deferred, that it be scheduled for the March Board meeting and that he will be notified and expected to be present, barring some very unusual circumstance. Flora Hernandez seconded the motion. The Board voted unanimously to grant Mr. Nkansah's motion for continuance.

**AGENDA ITEM 4 – Approval of the Fiscal year 2013-14 Annual Report**

The Secretary provided the Board with a draft copy of the Fiscal year 2013-14 Annual Report to the City Council. She thanked Vice-Chair Hernandez for her guidance in assembling the document. With the Vice Chair's help, the report better reflects what the Board and staff have accomplished over the year.

Dr. Van Sell suggested adding bullets that list the significant achievements for the year. This could serve as a mock table of contents. People like to know outcomes and significant achievements. By listing these up front the readers will be cognizant of them right away and seek out more detail later on in the report if they are interested.

The Chair indicated that if goals and objectives had been set for the fiscal year, then these could have formed the basis for the "significant outcomes" section in the report.

Dr. Van Sell said the report is reflective of people having put in a lot of work. She added that there is a lot of good substance in the report.

The Chair emphasized that in the future the Board will need a draft version the report for review at least 30 days in advance of the deadline date for submission, which is February 1<sup>st</sup> of each year. Mr. Bryan wants to see a red-lined version incorporating changes that have been suggested by Board members. Dr. Van Sell suggested that a redlined version of the final draft would be helpful.

Approval of the annual report will be deferred to the next meeting because of the short review time afforded to the Board and due to additional changes that need to be made.

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**AGENDA ITEM 5 – Update on the Fiscal year 2014-15 budget expenditures**

Budget Analyst Savina Rikhilal briefed the Board on the department's expenditures for the fiscal year thus far. For the benefit of the new Board Member Dr. Van Sell, Savina spent a few minutes explaining how the numbers are arrived at through a financial target analysis (FTA). As of the end of December 2014, salaries and benefits were at 19.6 percent of what should have been spent. This number is under the budgeted percentage because there are a few vacant positions in the department. The overall estimate is that the department will be under budget at the end of the fiscal year by \$4,000.

**AGENDA ITEM 6 – Update on response to CPS findings**

Manager of Examining and Recruitment, Pamela McDonald, updated the Board on the progress being made to address the CPS Hiring Practices Report recommendations pertaining to the Civil Service part of the process. The Chair requested a summary of what was done to accomplish each of the recommendations including the participation of other departments. The Chair shared that she does not want to lose the steps that were taken to get to reach the objective.

**Recommendation 1**

*CPS recommended that the number of approvals needed on a requisition be decreased.*

That has happened. All departments have adjusted their particular approval process to where the City Manager no longer needs to sign off. This has shortened the length of time to route requisitions.

**Recommendation 2**

*To post more positions as open continuously.*

Meetings were held with departments that have hard-to-fill positions to discuss posting and advertising strategies. Some vacancies will be posted for two to five weeks. They will only be closed if the department feels it has a good candidate pool. A robust discussion was held on hard-to-fill positions and what steps are being taken to expand recruitment. The Chair reiterated that she would like to see the approaches to these recommendations more thoroughly documented.

**Recommendation 3**

*Job postings should accurately present the position.*

Since autoscore of applications began recently the job subsets have been made more specific in order to help departments recruit better qualified candidates for their positions. The Human Resources (HR) Department is working on decompressing the classifications. It is a two to three year process to expand the position classification system to where it needs to be to properly delineate duties and requirements for positions that have numerous specialty areas.

**Recommendation 4**

*Ensure that hiring authorities are properly trained on the requisition hiring process.*

The department is working with the HR staff to achieve comprehensive training of managers and supervisors on the hiring process. Monthly training has been established. Through Neogov we have online tutorials for the requisition process, and the hiring process. We are currently working on a voice-over-powerpoint presentation for hiring managers and supervisors.

In addition there is going to be a tutorial online for managers and supervisors to watch if they are having difficulty processing a requisition or just need a little more information on the process. Ms. McDonald added that the goal is to train 450 managers and supervisors this fiscal year.

**Recommendation 5**

*Implement the use of NEOGOV's autoscore and advance screening.*

The department is phasing in the autoscore of applications. As positions are slated for advertisement, the staff takes them through the autoscore process. It is the department's goal to ultimately autoscore the applications for every opening. The gradual implementation of the autoscore initiative is a work in progress. Ms. McDonald will have more information on how it is going at the next meeting. A discussion ensued about sending those autoscored applicants who pass that process directly to the examination in order to reduce staff time in verifying the accuracy of the autoscore results. Vice Chair Hernandez is not in favor of doing this until we have a bank of data to support a high degree of confidence in the autoscore process. Ms. McDonald will bring data to the Board about the fall out rate using this process.

The Chair would like to see some sort of implementation process that depicts the transition to autoscore, how it is going to be done for each position, and what the data shows as the process continues. The goal is to eventually cease doing manual verification of autoscore results, due to staff constraints. The re-checks are very labor intensive.

**Recommendation 6**

*Consider involving a hiring authority at the department level to assist in the review of minimum qualifications.*

This recommendation was not discussed.

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**Recommendation 7**

*Allow departments to use eligible lists created for other departments.*

Ms. McDonald does not support implementing this recommendation because it will cause a serious tracking issue. People could be hired and offered a position and not be truly qualified for the job.

**Recommendation 8**

*Partial eligibility lists no longer be sent to departments*

This recommendation is still being studied. Some lists are so large that it would difficult to get the complete list to the hiring department in five to 15 business days. The Chair asked if we could stratify our commitment dates based on the number of applications received for the position. She does not want the process to be shortcut and thereby reduce its reliability.

**Recommendation 9**

*Enhanced sorting techniques.*

Some sorting techniques have been implemented. Currently there is no ability for a department to sort the eligibility list by date, rank, or name. The department has contacted NEOGOV to explore this functional issue.

**Recommendation 10**

*Change the life of all eligibility lists to a length of six months.*

Ms. McDonald stated that there has been some concern about this recommendation because it could breed familiarity with tests if the exam plan calls for it. Other than that departments seem to favor the six month list because it keeps lists current. A Civil Service rule change is needed to make the recommended change. The Chair suggested this rule change be placed on the agenda for the next Board meeting.

**AGENDA ITEM 7 – Examination and Recruitment Division report**

Pamela McDonald gave a brief report on the Examining and Recruitment Division activities. Staff recently met with the Police Department to administer tests for police officers trainee applicants. Thirty-one people were tested. The Police Department was pleased with the results. During July through September of last year the Police Department hired 49 recruits. In the fourth quarter there were 54 recruits. Quarterly updates will be provided. Due to his absence at the last meeting Mr. Bryan asked staff to explain the reasons for the extension of the Police Lieutenant's eligibility list at that meeting.

**AGENDA ITEM 8-Test Development and Validation Division report**

Assistant Director Michelle Hanchard briefed the Board on the division's testing projects and issues. Ms. Hanchard explained that staff wants to re-examine the 911 Call Taker Trainee examination and has started the job analysis process for that position. Ms. Hanchard noted that information obtained from the job analysis could be used by Examining and Recruitment in determining minimum requirements.

Ms. Hanchard also reported that the job analysis process had started for the position of Office Assistant B. Staff is currently gathering background information on the position and will plan for observations of incumbents and for focus groups.

Ms. Hanchard stated that a recommendation had not been made regarding the selection of a vendor to conduct the in-depth job analyses for the 10 Fire ranks. Procurement has asked the vendors for clarification on various things twice. Responses were received and forwarded to the evaluation committee for re-evaluation.

Ms. Hanchard relayed information about the Police Senior Corporal written examination. Staff is currently involved in internal item reviews. The Police Subject Matter Experts will review the test at a later time. The written examination orientation is available online to candidates who have successfully signed up for the examination. Ms. Hanchard stated that the division would like to do something similar for applicants taking tests for civilian classifications. The video would feature test taking tips, how to study for exams, etc. Ms. Hanchard stated that staff will write the script for the video. Sharon Van Sell mentioned that the university environment has videos on successful testing for \$100-\$150 that might be an option.

Ms. Hanchard reported on the computer-based testing efforts. She reminded the Board that there were some procedural steps that needed to be done prior to installing the upgrade. Richard Etheridge, IT Business Analyst, completed these steps and expects to have the CritiCall upgrade installed by February 6, 2015. That would give the division time to complete the conversion of the paper and pencil test to the computer program and conduct a trial run by the end of February. The Chair stated that she would like to see all of the department's technology projects reflected in the annual report.

Ms. Hanchard briefed the Board on the initiative to video record assessments centers. She reported on the status of the BTRs (Business Technology Requests). They are currently being reviewed by CIS. She also stated that staff located another city – Columbus, Ohio- that video records its assessment centers. The City of Columbus will be conducting assessment centers for their Fire Captain and Fire Lieutenant ranks in April 2015 and said that our staff can attend to observe the process. Houston and Austin also video record their assessment centers; however, their testing processes are complete and they do not expect to test again until late 2015 or 2016. Ms. Marsolais stated that Houston had some litigation on the open records aspect of their recordings.

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**AGENDA ITEM 9 – FY 2014-15 Goals and Objectives**

Vice-Chair Flora Hernandez briefed the Board on the progress with the fiscal year 2014-15 goals and objectives. She has worked with the staff to make these more responsive to the Board's aspirations, a final version will be presented to the Board at the March meeting.

Ms. Hernandez stressed that the department is being looked at as a whole. The CPS recommendations that have been provided are marching orders. The goals and objectives will be in line with these recommendations. After discussing several of the goals that will be included in the final version, the Chair said she wanted input from the key players in the department such as Michelle Hanchard and Pamela McDonald. Ms. Hernandez would also like to see some thoughts from Budget Analyst Savina Rikhilal because everything links back to the budget cycle. Goals and objectives will be revisited at the next meeting.

**AGENDA ITEM – 10 Designation of panel members for Trial Board hearings**

There were no Trial Boards for the Chair to designate.

**AGENDA ITEM 11-Hear the grievance appeal of Bright Siaw-Afriyie in which he claims that the Communication and Information Services (CIS) Department discriminated against him in violation of City of Dallas Personnel Rules, Sections 34-35 (a) and (b), Fair Employment Practices, when it did not promote him to Project Manager III**

Prior to the discussion of Agenda Item 1, the Chair addressed the logistical issues concerning the witnesses for this hearing. Witnesses were present for the hearing which would not start for a couple of hours. The Chair wanted to be mindful of their time. The Assistant City Attorney and grievant agreed to allow the witnesses to be sworn and released on standby. They were instructed to return at 11:30 a.m., at which time the Board would have a better idea of when the grievance would commence and who, in particular, would be needed most urgently.

The Board heard the grievance appeal of Mr. Bright Siaw-Afriyie in which he claimed the Communication and Information Services (CIS) Department discriminated against him in violation of the City of Dallas Personnel Rules, Section 34-35 (a) and (b) when it did not promote him to Project Manager III. The City was represented by Senior Assistant City Attorney Jennifer Huggard. Orrin Rugen served as the CIS Department Representative. Mr. Siaw-Afriyie represented himself. His son, Samuel Siaw-Afriyie sat with him for the purpose of taking notes. Mr. Siaw-Afriyie objected to having the department representative in the hearing room when he would also serve as a witness. Ms. Huggard stated that since the City is an entity, it is entitled to have a representative and Mr. Rugen is the City's chosen representative. There was further discussion on this issue. The Chair stated that it is the City's prerogative to decide who its representative will be. Mr. Rugen will stay in the room even if the Rule of Sequestration is invoked.

Ms. Huggard made a motion to dismiss any matter within Mr. Siaw-Afriyie's original grievance, other than his complaint regarding his non-promotion to Project Manager III, because any other matter in the grievance was not timely presented. Ms. Huggard stated that when Mr. Siaw-Afriyie requested a grievance hearing before the Board, the personnel rules required him to attach a copy of the original grievance to his request. The original grievance was submitted on March 14, 2014. In this grievance, Mr. Siaw-Afriyie complains about not being considered for promotional opportunities for 52 CIS different positions; not being given any consideration for project manager position for the implementation of the court case management system (Paragraph No. 3), and not being given any consideration for the IT business analyst for the courts application position (Paragraph No. 2). The only thing that should be considered is paragraph No. 1, his non-promotion to Project Manager III. In response to the Chair's inquiry about paragraph No. 2, Ms. Huggard responded that there was no indication in terms of the date that Mr. Siaw-Afriyie became aware that he did not get the position. She cited Personnel Rule Section 34-39 (a) (4) (a) (2) (aa) in which it says the complainant is required to state a brief explanation of the incident causing the complaint, including the date of occurrence. There was further discussion on when the grievant became aware of certain events and how long he had to file a grievance. Ms. Huggard objected to consideration of paragraphs 2, 3, and 4, anything other than No. 1 which involves two project manager positions, not three. Ms. Huggard stated that the only matters that the Board has jurisdiction to hear with grievance would be those things that affect advancement, promotion, transfer, or training.

The Chair stated that the Board would grant the City's motion to strike portions of the grievance to which the Board does not have jurisdiction under the personnel rules. The Board will hear the items in the grievance that are compliant with the rule which includes paragraph 1 addressing two fills of the Project Manager III position. The Chair stated she would not strike any portion of Mr. Siaw-Afriyie's grievance that talks about his basis for protected classifications. The Board will not hear any issues related to positions that are not described with the required specificity. This included Nos. 2, 3, 4, 7, and 8. Issues in Paragraph 7 and 8 are issues outside of the Board's jurisdiction because of the nature of the employment action. The Board cannot hear a pay grade issue or an overtime/compensation issue. Mr. Siaw-Afriyie said Paragraph 3 should be heard since it is related to positions in his field. The Chair responded that to the extent that the 52 includes the two Project Manager III's, those can be heard, but the Board will not hear the other 50 positions.

The Board heard testimony from two witnesses. The Board recessed the hearing based upon time constraints. The grievance will be continued at a future meeting, starting with the re-cross of Mr. Rugen.

There being no further business before the Board, the meeting was adjourned at 5:52 p.m.

(A complete transcription of this meeting is available)

  
ATTESTED

  
APPROVED