

# Memorandum



DATE January 31, 2014

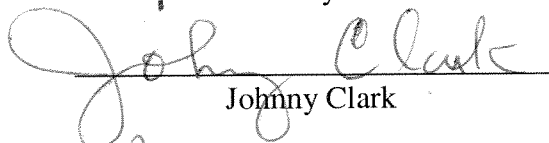
TO Mayor Mike Rawlings and  
Members of the City Council

SUBJECT FY 12-13 Annual Report

Enclosed please find the Civil Service Board's Annual Report for fiscal year 2012-2013. This is a summary of the many activities, initiatives, and accomplishments during this time. We hope that you will contact us if you have any questions at all. Thank you for your ongoing support.

  
Anita M. Childress, Chair

  
Jeff Bryan

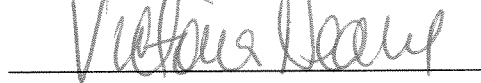
  
Johnny Clark



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

  
Sidney J. Miller, Vice-Chair

  
Flora M. Hernandez

  
Victoria Neave

Unavailable to sign  
Albert T. Turner

- c: Members of the Civil Service Board
- A. C. Gonzalez, City Manager
  - Ryan S. Evans, Interim First Assistant City Manager
  - Jill A. Jordan, P.E., Assistant City Manager
  - Chief Charles Cato, Interim Assistant City Manager
  - Theresa O'Donnell, Interim Assistant City Manager
  - Forest Turner, Assistant City Manager
  - Joey Zapata, Assistant City Manager
  - Jeanne Chipperfield, Chief Financial Officer
  - Craig D. Kinton, CPA, City Auditor
  - Warren M.S. Ernst, City Attorney
  - Rosa A. Rios, City Secretary
  - Administrative Judge Daniel F. Solis, Judiciary
  - Members of the Civil Service Adjunct Panel
  - Administrative Law Judges
  - Janice S. Moss, Executive Assistant City Attorney
  - Elsa Cantu, Assistant to the City Manager

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

**FOR THE TERM  
October 1, 2012 – September 30, 2013**

**Members of the Civil Service Board**

Anita M. Childress, Chair

Sidney J. Miller, Vice-Chair

Jeff Bryan

Johnny Clark

Flora Hernandez

Edwin W. Hickson (Holdover - Replaced 10/23/2013)

Victoria Neave (Appointed 10/23/2013)

Albert Turner

**Patricia Marsolais**

**PHR, IPMA-CP, CBM, CSSBB, CLSSS**

**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. REHIRE ELIGIBILITY APPEAL HEARINGS**

Rehire eligibility appeal hearings are conducted by the Civil Service Board to consider a former employee's request to reapply for City jobs. The Board takes into account the reasons the former employee was unsuccessful in his/her previous employment with the City, assesses the person's work record in the two or more years since he/she has been gone from City service and discusses the changes the former employee has made so that the same past behavior or circumstances will not be repeated. The conversation with the former employee is thorough and insightful providing the Board with a basis to make an informed decision to grant or deny the request. After a lengthy project to revise, refine, and update the existing rehire eligibility policy, the amended policy was approved by the Board at its March 5, 2013 Board meeting.

The Civil Service Board considered six rehire eligibility appeals for former City employees and deferred one to a later date pending the former employee's request to proceed under the revised policy.

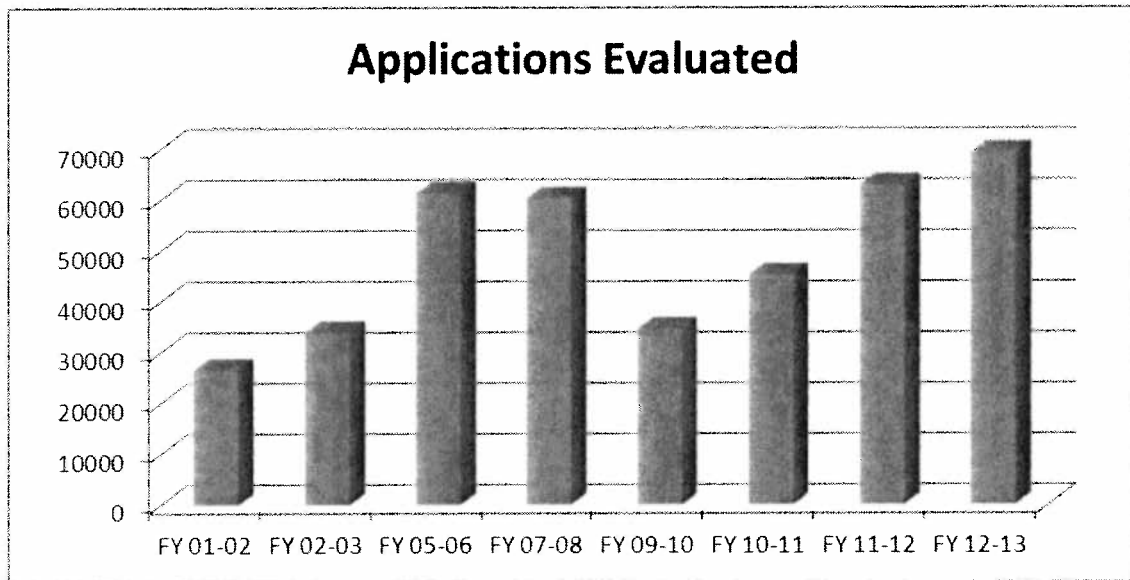
### **B. NOTABLE STAFF ACTIVITIES**

Throughout the year the Civil Service Department staff works on a multitude of projects in different areas of focus such as examination and recruitment for about 90 percent of the City workforce when positions open up, administration of promotional and entry-level examinations, development and validation of new tests, coordination of hearings for discharged/demoted employees and carrying out special projects as directed by the Board or at the request of the City Manager. Staff is in the process of assisting departments in determining if someone has the skills to perform the jobs of an Equipment Operator and a Heavy Equipment Operator via performance tests, if appropriate and feasible.

#### RECRUITMENT

- Staff processed 1,398 requisitions to fill promotional and open positions. A total of 965 positions were filled as a result of these activities. Processing requisitions involves checking the requisition for completeness, determining if there is an existing list of eligible candidates, determining if and how the positions should be advertised (open or promotional).

## B. NOTABLE STAFF ACTIVITIES (Continued)



- Staff evaluated 69,093 applications for employment. This represents a ten percent increase over the previous fiscal year.
- Staff participated in several job fairs for the Police and Fire Departments.

### TESTING

- Staff conducted 44 separate administrations of the Police Officer Trainee examination, 2,512 candidates were tested, and 190 were hired filling the five academy classes scheduled by the Police Department.
- Staff traveled with the Police Department to assist in recruiting efforts by administering the Police Officer Trainee exam to 60 candidates in Jacksonville, Mississippi and McAllister, Texas.
- Staff administered the Fire Rescue Officer Trainee examination to 832 applicants and 128 were hired.
- Staff administered the Fire Prevention Officer Trainee examination to 298 applicants.
- Staff administered a total of 6,237 written examinations (2,512 uniform; 3,725 civilian).
- Staff administered the Candidate Physical Abilities Test (CPAT) to 360 Fire Rescue Officer Trainee candidates who passed the written examination. This test is a sequence of eight events that requires the candidate to progress along a predetermined path from event to event in a continuous manner. The events include stair climb, hose drag, equipment carry, ladder raise and extension, forcible entry, search, rescue, and ceiling breach and pull.

## **B. NOTABLE STAFF ACTIVITIES (Continued)**

- Staff developed and administered assessment centers for the Fire Prevention Section Chief, Captain, and Lieutenant ranks, including one alternate assessment center for the Fire Prevention Section Chief. An assessment center consists of a standardized evaluation of behaviors such as problem solving, customer service, conflict resolution, management and supervisory skills, leadership, etc. that cannot be measured with a written multiple-choice examination. Fifteen candidates participated in the Lieutenant assessment center, seven in the Captain assessment center and four in the Section Chief assessment center. Six candidates were promoted to Lieutenant, five candidates were promoted to Captain and one candidate was promoted to Section Chief.
- Staff developed and administered the Senior Fire Prevention Officer promotional written multiple-choice examination to 18 candidates. Thirteen promotions have been made.
- Staff developed and administered the Fire Rescue Battalion/Section Chief promotional written multiple-choice examination and assessment center. Thirty-one candidates participated in the assessment center. Nine promotions have been made.
- Staff developed and administered the Fire Rescue Captain promotional written multiple-choice examination to 173 candidates. This examination process has an assessment center component which is scheduled for FY2014.
- Staff developed and administered the Police Lieutenant promotional written multiple-choice examination and assessment center. Ninety-three candidates participated in the assessment center. Ten were promoted in FY2012-2013.
- Staff administered several alternate written multiple-choice examinations for Police Sr. Corporal candidates returning from active military duty.
- Staff administered an alternate written multiple-choice examination for a Fire Prevention Lieutenant candidate returning from active military duty.

### JOB ANALYSES

- Staff commenced the Request for Proposals process to conduct in-depth job analyses for 14 uniformed ranks. A job analysis is a detailed study of a job to determine the essential skills, knowledge, abilities and other characteristics to include on an exam.
- Staff completed a job analysis for the Customer Service Agent position (Dallas Love field Airport Communications Center) using the CritiCall test software validation wizard. The CritiCall test software is a product of the Biddle Consulting Group used to test applicants for Dispatch positions.
- Staff conducted task updates for the Fire Captain rank. Task updates are conducted to determine if there have been major changes in the job since the last job analysis or update.

## **B. NOTABLE STAFF ACTIVITIES (Continued)**

### REDUCTION-IN-FORCE (RIF)

- Staff provided assistance to nine at risk employees (from the Dallas Farmers Market).

### TRAINING

- Staff conducted internal training for the Civil Service Board on its trial board and grievance hearing processes, recruitment and requisition processing, and test development and validation processes.
- Staff participated in the City University's Fundamentals of Supervision Training.
- Three staff members conducted Neogov Department User Training.

### MISCELLANEOUS

- Three positions (*one Senior Human Resources Analyst in Applicant Processing Civilian Division and two Senior Human Resources Analyst in Applicant Processing Uniform*) that were eliminated through the FY 09-10 Reduction in Force were restored.
- Staff responded to 88 open records requests as well as interrogatories and production requests. In some cases hundreds of pages were collected for a single request.
- Staff participated on the Education Enhancement and Clean Health Environment Key Focus area teams for the fiscal year 13-14 budget.
- Staff developed and is continuing to refine procedures/guidelines/checklists for numerous test and recruitment processes used by the department.

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

Employees who have been demoted or discharged and have pursued all available hearing opportunities at levels defined in the Personnel and Civil Service Rules may request a final administrative hearing before an Administrative Law Judge (ALJ) or a Trial Board that is comprised of one Civil Service Board member as Chair and two Adjunct Panel Members. ALJs and Trial Board members are City Council appointees. An ALJ or Trial Board is empowered to hear testimony and evidence from both the City and employee about the employee's demotion or discharge. It is a quasi-judicial process that results in a decision by the hearing officer or panel as to whether the discipline is sustained or modified.

- Members of the Civil Service Board and Adjunct Panel were assigned to nine Trial Boards resulting in six terminations being sustained, two appeals withdrawn and one settlement.
- Administrative Law Judges were assigned to three hearings resulting in one settlement and two withdrawals.

## D. BOARD ACTIVITIES

### GRIEVANCES

- The Board heard the grievance appeal of Dallas Fire Prevention Lieutenant Julie Kumar in which she claimed the Civil Service Department violated Rule IV Unclassified and Classified Service Section 4 of the Code of Rules and Regulations of the City of Dallas Civil Service Board when it set the pass point for the August 13, 2012 Fire Prevention Captain's written examination. This rule states in part that "No person shall be appointed to, demoted, or dismissed from any position, or in any way discriminated against with respect to employment because of political or religious opinions or because of race, color, sex or national origin." The City was represented by Assistant City Attorney Jason McClain. Dr. Michelle Barnett was the department representative. Lieutenant Kumar was represented by Chief Chris Martinez, a member of the Dallas Fire Department. After hearing testimony and receiving evidence from both sides, the Board voted unanimously to deny Lieutenant Kumar's grievance.
- The Board heard the grievance appeal of Senior Fire Prevention Officer Patricia Ovalle Martinez in which she claimed the Civil Service Department violated Rule XIV PROMOTIONS, Section 1 of the Code of Rules and Regulations of the City of Dallas Civil Service Board when it set the pass point for the September 10, 2012 Fire Prevention Lieutenant's written examination. This rule states that "The Board shall provide for promotion to all positions in the Classified Service on the basis of merit and fitness demonstrated by examination or other appropriate evidence of competition and by records of merit, efficiency, character, conduct and seniority." The City was represented by Assistant City Attorney Jason McClain. Dr. Michelle Barnett was the department representative. Senior Fire Prevention Officer Patricia Martinez was represented by Chief Chris Martinez, a member of the Dallas Fire Department. After hearing testimony and receiving evidence from both sides, the Board voted unanimously to deny Officer Martinez' grievance.
- The Board heard the grievance appeal of job applicant David Hammers in which he claimed discrimination based on the applicant's race, sex, or age on or about February 11, 2013 as it affected his consideration for the position of Inspector II in the Code Compliance Department. The City was represented by Nicholas Palmer. Mr. Hammers represented himself. Connie Reese was the representative for the Department of Code Compliance. After hearing testimony and receiving evidence from both sides, the Board granted the City's motion to deny the grievance for lack of jurisdiction based on the grievance being untimely filed.
- The Board heard the grievance appeal of job applicant David Hammers in which he claimed that the Code Compliance Services Department discriminated against him on April 10, 2013 on the basis of his race, sex and/or age when it did not hire him as an Inspector III. The City was represented by Nicholas Palmer. Mr. Hammers represented himself. Connie Reese was the representative for the Department of Code Compliance. Mr. Palmer made a pre-hearing motion to dismiss the Inspector III grievance for lack of jurisdiction on the same grounds as the Inspector II grievance. Mr. Hammers and the City stipulated that Mr. Hammers knew of the City's action on February 6, 2013 and that he did not file a grievance until March 4, 2013. The Board unanimously voted to deny the grievance for lack of jurisdiction based on it being untimely filed.



## **D. BOARD ACTIVITIES (Continued)**

### BOARD GOVERNANCE

- The Board held two off-site retreats on January 24, 2013 and May 2, 2013 to discuss its mission, goals and objectives, departmental operations including testing, financial matters, and ongoing issues/projects. Board direction and a short-term strategic-plan were also discussed at the May retreat.
- Board Chair Anita Childress worked with the City Attorney's Office to obtain an Assistant City Attorney to serve as a legal advisor to the Board. The Assistant City Attorney is from the General Counsel Division.
- The Board monitored the recruitment process for the appointment of the Administrative Law Judge Panel slated to serve the January 1, 2014 to December 31, 2015 contract term.
- The Board participated in three lengthy training sessions given by staff on the trial board and grievance hearing process, test development and validation, and recruitment and requisition processing to provide lists of eligible applicants for hiring departments to fill positions from.
- The Board closely followed staff's efforts and the overall situation in filling the critical 911 call-taker positions. Monthly briefings by staff and the Dallas Police Department took place until all vacancies were filled.
- The Open Records Coordinator for the City gave the Board a thorough overview of the Open Records process for the City.
- The Board instituted monthly briefings by staff members on test development, validation, and testing projects, recruitment and employment application processing, and financial matters such as expenses vis-à-vis approved budget. In addition to current fiscal year information, staff updated the Board regularly on the Fiscal Year 2013-14 budget development.

## **D. BOARD ACTIVITIES (Continued)**

### RULES, POLICIES, PROCEDURES AND PROJECTS

- The Board considered additional information presented by the Fire Department and the City Attorney's Office on modifications to the Civil Service Rules and Regulations on types of discharges from military service. With the request to consider applicants with an uncharacterized military discharge withdrawn by the Fire Department the Board voted to approve the remaining changes.
- The Board approved an updated version of the Rehire Eligibility Policy. The revised policy is the culmination of months of work by the Board, City Attorney's Office, and staff.
- The Board and staff worked with the City Attorney's Office on revisions to the current subpoena process. Under the proposed system, a quasi-new procedure will be in place where both sides will be made aware of each other's subpoenas and each side will have an opportunity to ascertain the impact of the requested information and make, if necessary, an objection for an Administrative Law Judge or a Trial Board Chair to rule on prior to the hearing. The City Attorney's Office will put the changes in the City Code format for submission to the City Council for consideration.
- Several Board members attended written and assessment center components of Police and Fire promotional testing to observe the process and understand how examinations are administered.
- The Chair and Vice-Chair attended a meeting with staff and representatives of the Police and Fire Departments about the need to plan for a major job analysis for each of these department's promotional ranks. The department will issue requests for proposal to conduct these studies in the next fiscal year.

# Civil Service Board's Annual Report

## Summary of Activities

### PERFORMANCE MEASURES

	<b>2012 – 2013</b>	<b>2013 - 2014</b>
	<b>Actual</b>	<b>Estimated</b>
<b><u>Application Processing</u></b>		
# of Applicants Processed	69,093	75,000
# of Applicants Tested	6,237	5,000
# Positions Filled (permanent)	965	1,200

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	<b>2012 – 2013</b>	<b>2013 - 2014</b>
	<b>Actual</b>	<b>Estimated</b>
<b><u>Uniform and Civilian Services</u></b>		
# of Assessment Centers	6 <sup>^</sup>	3 <sup>^</sup>
# of Civilian Written Examinations*	0	0
# of Uniformed Written Examinations	4 <sup>^</sup>	4 <sup>^</sup>
# of Job Analyses** Completed	1	4
Total Test Development Projects	11	11
Miscellaneous Projects***	2	2
# of Fire Physical Ability Tests****	360	450

<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/finalized in the new test development software ParTest.

\*\*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.

Task updates will be completed for four uniformed ranks.

\*\*\*Staffing efforts will also focus on departmental records retention and organization 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.

**Civil Service Board  
Fiscal Year Activity Report  
October 1, 2012 – September 30, 2013**

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

<u>Civil Service Board Members</u>	<u>Hearings Assigned</u>
Anita M. Childress, Chair	1
Sidney Miller, Vice-Chair	0
Jeff Bryan	1
Johnny Clark	2
Flora M. Hernandez	1
Edwin Hickson (Holdover - Replaced 10/23/2013)	1
Albert Turner	1

**Civil Service Adjunct Panel  
 Trial Board Activity  
 October 1, 2012 – September 30, 2013  
 Trial Board Appeals  
 (These include demotion/discharge appeals)**

<u>Adjunct Panel</u>	<u>Appointed By</u>	<u>Hearings Assigned</u>
John J. Cassen (Appointed 11/7/2012) (Holdover)	Margolin	3 hearings
Patricia Lee Gurson	Jasso	0 hearings
Johnny Jefferson (Resigned 10/16/2012)	Davis	0 hearings
Matt L. Houston (Resigned 10/1/2013)	Hill	0 hearings
Virgil Lang	Allen	2 hearings
Daniel L. Powell (Holdover)	Greyson	3 hearings
Michael Przekwas	Medrano	2 hearings
Calvin Robinson	Atkins	0 hearings
Dena D. Stroh (Resigned 2/21/2013)	Rawlings	0 hearings
Sharon L. VanSell (Appointed 11/14/12)	Alonzo	4 hearings
Rebel Webster (Appointed 3/11/2013) (Holdover)	Koop	0 hearings

**Administrative Law Judge  
Appeal Activity  
October 1, 2012 – September 30, 2013  
(These include demotion or discharge appeals)**

<u>Administrative Law Judge</u>	<u>Contract Term</u>	<u>Hearings Assigned*</u>
Willie Crowder	January, 2012 - December, 2013	0 hearings completed
Jean B. Crutchfield	January, 2012 – December, 2013	0 hearings completed
Douglas Lapidus	January, 2012 – December, 2013	0 hearings completed

*\*ALJs were requested to be the hearing officer at 3 hearings during this fiscal year. However, these cases were postponed until the resolution of pending criminal charges. Out of the three, two were withdrawn and one settled.*