

Civil Service Commission Minutes

Cincinnati, Ohio

December 15, 2011

The Civil Service Commission met in regular session in Room 307, Council Chambers, on Thursday, December 15, 2011. Commissioners in attendance were Mr. James Robinson, Chairman, Ms. Deborah Gaines and Mr. Robert Braddock. Commission staff present included, Ms. Arnell Jackson, Assistant Civil Service Secretary and Ms. Ornita Brown, Recording Secretary.

Since minutes from the December 8, 2011 meeting had been circulated among the members, a motion to dispense with a reading of the minutes was passed and the minutes were approved.

ELIGIBLE LISTS

- Motor Equipment Operator 2 – promotional
- Parking Enforcement Officer and Meter Inspector – promotional
- Public Vehicle Investigator – open

SPECIAL EXAMINERS

- Cheryl Watson for the Supervising Parks/Recreation Coordinator (Recreation Programming) exam
- Roy Winston for the Fire District Chief exam

HEARING

The Civil Service Commission has scheduled a hearing for Anthony Arnold for January 19, 2012 at 9:00 a.m. concerning his dismissal from the Water Works Department.

DECISION

Laboratory Technician Classification Study

City employees Michelle Nelson, Louise Schramm, and Catherine Simpson have appealed a reclassification study which concluded that they are appropriately classified in their current positions as Laboratory Technicians 3 and should not be reclassified as Chemists. The study was done at their request, and was conducted by Debra Schoenig, Senior Human Resources Analyst with the City. It was completed in final form on or about February 17, 2011, and the employees filed a timely appeal.

The Commission conducted a hearing over three days, and the parties subsequently filed proposed findings of fact and conclusions of law.

Under Civil Service Rule 17, Section 8, which governs classification appeals, this Commission is to compare the duties performed by the employees to class specifications and "determine the classification which most appropriately describes the duties performed." If employees substantially perform the duties of higher classification

as well as those of their existing classification, they should be reclassified and get the benefits of the higher classification.

The Metropolitan Sewer District of the City of Cincinnati has a Wastewater Treatment Division and a Division of Industrial Waste. The Appellants are in the Water Treatment Division. Each of them works in a separate laboratory at one of the Districts' outlying treatment plants, and each of them is responsible for laboratory testing of the water at her own plant and several other outlying facilities. Ms. Nelson has been a Lab Tech 3, with responsibility for the testing at three plants, since 1993. Ms. Simpson has been a Lab Tech 3 since 1987, and has been in the same plant lab since 1993. She has responsibility for three facilities. Ms. Schramm has been a Lab Tech 3, with responsibility for testing of water from two plants and two other facilities, since 2001.

All three Appellants are exemplary employees with fine work records.

The District employs several people classified as Chemists, along with a Senior Chemist and Supervising Chemist, in the Division of Industrial Waste. These people work in a large central laboratory at the Mill Creek plant. This laboratory has more equipment, and more sophisticated equipment, than the outlying labs, and conducts tests that are not done in the outlying plants, including tests for metals, nutrients, oils, and grease.

The three appellants have all the qualifications for the Lab Tech 3 position, and in fact perform the Lab Tech 3 job. The question then becomes whether they also substantially perform the Chemist job, which has a higher pay rate, and should therefore be reclassified into that position. The Human Resources Analyst who conducted the reclassification study reviewed the class specifications, surveyed the Appellants and their supervisors, and did job observations on one Chemist and one Lab Tech 3. She concluded that although the Appellants performed some functions that were listed among the Chemist job duties as well, they did not do so regularly; and that performing lab analysis on industrial waste, which is expected of the Chemist, is more complex than analyzing wastewater samples as the Appellants do.

The Class Specifications for the two positions, on their face, differ markedly. The examples of work performed by the Chemist - unlike the examples for the Lab Tech 3 - include the operation and maintenance of sophisticated types of equipment and their associated computer data systems, developing analytical procedures, and evaluations which the Lab Tech 3's are not expected to do.

The education required for the job of Chemist for applicants from outside the City is a bachelor's degree in a relevant natural science. Nelson, with a bachelor's degree in biology and a master's degree in aquatic biology, more than meets that requirement. The education requirement for city employees seeking promotion to Chemist is a bachelor's degree in any field, along with a concentration of at least 60 hours in natural sciences or math; and Schramm and Simpson both meet this requirement.

Ms. Nelson not only has the capacity to fill the Chemist classification, but in fact has held the classification, successfully, in her career with the City. She was in the Chemist classification from 1991 to 1993, but in 1993 demoted herself to a different job as a Lab

Tech 3 to accommodate her personal scheduling needs. Recently, she decided against applying for a city Chemist position that was open, in part because she wanted to continue pursuing this reclassification case with Ms. Schramm and Ms. Simpson, for their benefit.

There are approximately six Chemists in the labs at the Mill Creek plant. The one observed for the reclassification study, whose work reflected greater need for sophistication and judgment than the work of the Lab Tech 3 who was observed, was in the organics specialty lab. One of the Mill Creek labs is a plant lab, which runs water samples like the outlying plant labs; but even there, the Chemists apparently use additional equipment and do additional tests not run by the Appellants.

There is certainly some resemblance between some work done by the Lab Tech 3's in the outlying plants and that done by Chemists in the Mill Creek labs; but the Lab Tech 3's do not substantially perform the work of Chemists. The substantial facial difference between the job specifications was confirmed by careful surveying and observation, and reclassification is not appropriate. The appeal is therefore denied.

TRANSPORTATION AND ENGINEERING

Request from the Department of Transportation and Engineering for the exceptional appointment of Brandon Lecrone as a Senior Engineer

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that Mr. Lecrone is qualified and the Commission previously approved this title for exceptional appointment.

CITY MANAGER/BUDGET AND EVALUATION

Request from the Budget and Evaluation Office for the exceptional appointment of Holly Zistler as a Supervising Management Analyst

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that Ms. Zistler is qualified and the Commission previously approved this title for exceptional appointment.

AGENDA ITEMS

Request from Teresa Earls to appeal her rejection from the Contract Compliance Specialist exceptional appointment process

The staff recommended denial of the request. After review and discussion, the Commission denied the request. The decision was based on the fact that Ms. Earls does not meet the minimum qualifications as stated in the classification specification.

Request from Corey Corbin to appeal his rejection from the Water Works Maintenance Worker (Article XX) promotional process

The staff recommended denial of the request. After review and discussion, the Commission denied the request. The decision was based on the fact that Mr. Corbin does not meet the minimum qualifications as stated in the classification specification.

Request from Donald Klapper to appeal his rejection from the Determination of Interest & Eligibility for the Assistant Fleet Services Supervisor job posting with the Public Services Department

The staff recommended denial of the request. After review and discussion, the Commission denied the request. The decision was based on the fact that Mr. Klapper does not meet the minimum qualifications as stated in the classification specification.

Request from Tonya Ervin to appeal her medical separation from the Public Services Department

After review and discussion, the Commission placed the item on hold for thirty days for further review and information.

Request from the Health Services Department to add an Accountant position to their table of organization

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that the duties and responsibilities are consistent with the proposed title and the deletion of an Accounting Technician 3.

Request from the Metropolitan Sewer District to add a Storekeeper position to their table of organization

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that the duties and responsibilities are consistent with the proposed title and the deletion of a Stock Handler.

Request from the Water Works Department to add a Clerk Typist 3 position to their table of organization

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that the duties and responsibilities are consistent with the proposed title and the deletion of a Clerk Typist 2.

Request for approval of new and/or revised classification specifications:

Fire District Chief – promotional

Request from the Fire Department for the approval of the Fire District Chief promotional exam reading list

1. Current Union Contract – Open Book
2. Fire Department Performance Rating Manual – Closed Book
3. General Orders – Closed Book
4. Hazardous Materials – Managing the Incident – Closed Book
5. Managing Fire Services and Rescue – Closed Book
6. Human Resources Policies and Procedures – Open Book

7. Procedures/Operations Manual – Closed Book
8. Report Manual – Closed Book
9. Administrative Regulations – Open Book
 - a. #01
 - b. #04
 - c. #05
 - d. #13
 - e. #17
 - f. #18
 - g. #22
 - h. #25
 - i. #31
 - j. #33
 - k. #34
 - l. #41
 - m. #44
 - n. #46
 - o. #49
 - p. #51
 - q. #52
10. Structural Firefighting – Closed Book
11. Safety and Survival on the Fire Ground – Closed Book
12. Collapse of Burning Buildings – Closed Book
13. Fire Officers Principles and Practices – Closed Book
14. The Fire Chief's Handbook 6th Edition- Open Book

Section I

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The Future
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Chapter-8
Chapter-9

Section V

Fire Prevention and Loss Reduction
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After review and discussion, the Commission approved the reading list.

Request from Joseph Terry to appeal his rejection from the Maintenance Crew Leader (Mechanical) promotional exam

At its December 8, 2011 Commission meeting Mr. Terry appealed his rejection from the Maintenance Crew Leader promotional exam. The staff recommended denial of the request and Commission put the request on hold for further review. After research based on additional information from the meeting, staff approved Mr. Terry's application and the appeal is withdrawn.

Information Item from December 8, 2011

- ❖ Request from City Manager/Office of Contract Compliance to use the exceptional appointment process to fill a Contract Compliance Specialist vacant position. This item will be held for 45 days for comments or concerns.

Pending:

Anthony Arnold – suspension decision

Appeals to be scheduled:

Joseph Lee
Alfred Brewster
Veno Mitchell
Steve Byrne (2 appeals)
Whitney Mobley
David Johnson
Anthony Harper
Jasmine Wright
James Roper
Lester McEwen
Alice Folson
Granada Williams