

Civil Service Commission Minutes

Cincinnati, Ohio

January 26, 2012

The Civil Service Commission met in regular session in Room 307, Council Chambers, on Thursday, January 26, 2012. 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 January 12, 2012 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

- Administrative Technician (revised) – promotional
- Water Works Maintenance Worker (Article XX) – promotional

SPECIAL EXAMINERS

- Charlie Becker, Don Seig, and John Feist for the Plant Maintenance Worker exam
- Jill Byrd, Barbara Brown, and Debra Dreyfus for the Public Health Nurse III exam

HEARINGS

The Civil Service Commission has scheduled a hearing for Steve Byrne for February 23, 2012 at 9:30 a.m. concerning his suspensions from the Water Works Department.

DECISION

Anthony Arnold Suspension

This matter came on for hearing before the full Commission on the appeal of Mr. Arnold who was appealing the 80 hour suspension as discipline for Inefficiency and Neglect of Duty. Mr. Arnold had four previous disciplinary actions dating from September 14, 2007 for Insubordination resulting in a 40 hour Suspension and two Neglect of Duty in January, 2009 and June 17, 2009 both resulting in Verbal Consults. On June 19, 2009 charges of Inefficiency and Neglect of Duty, resulted in a 12 hour loss of vacation.

The current matter before the commission came with four specifications:

1. That while working on the 48" concrete main project on Madison, Isabella to Ridge, Anthony Arnold, Valve Operator 2, ordered Valve Operator 1's into air cock chambers without a gas detector while the main was being filled, chlorinated and pressure tested. This is unsafe and not in line with Confined Space Procedures and constituted neglect of duty.

2. Mr. Arnold failed to install all risers before filling or chlorinating the new main. According to the Valve Manual, all 7 risers should have been installed at each air cock chamber before fill/chlorination of the new main. This constituted neglect of duty.
3. Mr. Arnold failed to release air from all air cocks on numerous occasions while chlorinating and pressure testing the main as described in the Valve Manual. The purpose of the air cock is to release air from inside the pipe each time you are filling the main and failure to do so constituted neglect of duty.
4. Mr. Arnold requested a third person to assist in releasing air from the main during chlorination. This third Valve Operator was not mentioned in work order stories and omitted from the time entry module of most work orders. In addition, the Work orders prepared by Mr. Arnold were poor in quality and incomplete, by not mentioning chlorine readings, number of air release locations, or confined space procedures required. In addition, specific dates were not provided for many work activities. Many of the work orders for this job were repetitious in nature. These acts constituted inefficiency.

The witnesses that testified before the Commission were Jonathon Peters, Senior Engineer in the Distribution Division for the Greater Cincinnati Water Works. Mr. Peters was involved in the investigation and preparation of the report on Mr. Arnold. Mr. Peters worked with the charging supervisor Ralph Doerzbacher, now retired, who had been in charge of the valve section in the Distribution Division. Mr. Peters testified to numerous examples of neglect of duty by Mr. Arnold, including three Valve 1 Operators signing statements that they felt unsafe when asked to go into air cock chambers on this project with Mr. Arnold the senior Valve Operator II.

A second witness was Mark Raffenberg, Principal Engineer in the systems section of Water Works, related to water main design and construction. Mr. Raffenberg testified to the unusual amount of air being in the main and that the initial pressure test indicated the air was not properly released from the main which was the Valve Operator II's responsibility.

The City's third witness was Patty Herlinger, a Senior Administrative Specialist and as such she oversees the safety program for the Water Works Department, keeping logs and records of training. Part of her job responsibilities is calibrating and maintaining the gas detectors. The gas detectors are available 24 hours a day, seven days a week for anybody to use in the department. To keep track of the usage and to meet the need to calibrate the detectors every 30 days, Ms. Herlinger maintains a sign out sheet to track the gas detectors, to see who is using them and if there are any problems with them while they are being used. Any person taking a gas detector for the day must sign out the equipment. During the specific period covered by the specifications of this case, July and August 2010, the log entries did not show any sign out of the equipment by Anthony Arnold. There were no log entries as to other individuals working with Mr. Arnold on the Madison Road project.

The appellant did not call any witnesses and was represented by counsel, who informed the Commissioners before and during the hearing that he was retained to represent Mr. Arnold on the dismissal charge and that the witnesses he had present were on the dismissal and not the suspension. The witnesses and exhibits clearly indicate that the suspension was warranted and that the 80 hour suspension, along with

the additional recommendations were appropriate. The seriousness of the danger presented to the Valve Operator 1's and other persons present on the job site indicate that a disregard for the safety procedures as well as the need to document the work procedures utilized for future reference and efficiency necessitate the need for discipline when the safeguards are not followed. The Appeal is denied.

METROPOLITAN SEWER DISTRICT

Request from the Metropolitan Sewer District for the promotion without exam of Debra Hawthorne from an Electronics Technician 1 to an Electronics Technician 2

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. Hawthorne has successfully completed three years of satisfactory service as an Electronics Technician 1.

Request from the Metropolitan Sewer District for the exceptional appointment of Eric Ornella as an Engineer Intern

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. Ornella is qualified and the Commission previously approved this title for exceptional appointment.

Request from the Metropolitan Sewer District for the exceptional appointment of Charles Bradley as a Plant Operator 1

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. Bradley is qualified and the Commission previously approved this title for exceptional appointment.

Request from the Metropolitan Sewer District for the exceptional appointment of Andrew Spurgeon 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. Spurgeon is qualified and the Commission previously approved this title for exceptional appointment.

WATER WORKS

Request from the Water Works Department for the temporary promotion of Cathy Bailey from a Computer Systems Analyst to an Assistant Treatment of Superintendent (Transition Manager)

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. Bailey's diverse background in various areas gives her excellent insight into the many projects that this position will oversee and she meets the minimum qualifications for the position as outlined on the classification specification.

POLICE

Request from the Police Department for the exceptional appointment of Benjamin Charlton as a Computer Programmer 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 Mr. Charlton is qualified and the Commission previously approved this title for exceptional appointment.

Request from the Police Department for the exceptional appointment of Anthony Schlegel as a Senior Computer Programmer 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 Mr. Schlegel is qualified and the Commission previously approved this title for exceptional appointment.

CITIZEN COMPLAINT AUTHORITY & INTERNAL AUDIT

Request from the Internal Audit Division for the temporary promotion of Lauren Sundararajan from a Senior Internal Auditor to a Supervising Management Analyst in Internal Audit

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 temporary promotion is needed until the position of Internal Audit Manager can be filled permanently and Ms. Sundararajan meets the qualifications for the temporary promotion.

BOARD OF EDUCATION

Request from the Board of Education for the exceptional appointment of Michael Boll and Paul Lynch as Plumbers

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

AGENDA ITEMS

Request from James Martino to appeal his rejection from the Engineering Technician 3 (Instrumentation) open competitive process

At the Commission meeting held Thursday, January 12, 2012, staff recommended denial of the request. Based on information presented by Mr. Martino, the Commission held the request. After further review of the information, again staff recommended denial of the request. After review and discussion, the Commission denied the request. The decision was based on the fact that Mr. Martino does not meet the minimum qualifications as stated in the job announcement.

Request from Timothy Kellard to appeal his rejection from the Supervising Parks/Recreation Coordinator promotional exam

At the Commission meeting held Thursday, January 12, 2012, staff recommended denial of the request. After review and discussion, the Commission held the request based on Mr. Kellard's request and for further review by staff. After further review and discussion between Mr. Kellard and the Human Resources staff, the appeal has been withdrawn.

Request from Kevin Kelly to appeal his employment physical for reinstatement from his medical separation as a Sanitation Helper

The staff recommended denial of the request. After review and discussion, the Commission denied the request. The decision was based on the fact that Employee Health Services determined Mr. Kelly is restricted to light duty and the Public Services Department is unable to accommodate the restrictions.

Request from Walter Schroder to appeal his pre-employment physical for a Laboratory Technician 1 with the Water Works Department

The staff recommended denial of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that Mr. Schroder is able to perform the essential duties of the classification.

Request from the Fire Department 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 an Accounting Technician 3.

Request from the Parks Department to add a Clerk Typist 2 and HVAC Specialist 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 titles.

Request from the Health Department to add a Senior Administrative Specialist 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 Administrative Specialist.

Information Items

- ❖ Request from the Parks Department to use the exceptional appointment process to fill six Florist positions. This item will be held for 45 days for comments or concerns.
- ❖ Layoff Statement of Rationale from the Health Department
- ❖ Letter from Reginald Staples, Assistant Operator & Dispatcher

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 was held for 45 days for comments or concerns. Since no concerns were brought before Commission, the request is approved.

Rescinding Items

From January 12, 2012 Commission:

- Request from the Public Services Department for the exceptional appointment of Eric Golay as an Automotive Mechanic

From December 8, 2011 Commission:

- Request from the Public Services Department for the exceptional appointment of Eric Benzing and Joshua Kellerman as Automotive Mechanic Helpers

Pending:

Appeals to be scheduled:

Joseph Lee
Alfred Brewster
Veno Mitchell
Whitney Mobley
David Johnson
Anthony Harper
Jasmine Wright
James Roper
Lester McEwen
Alice Folson
Granada Williams