

# Civil Service Commission Minutes

Cincinnati, Ohio

**May 10, 2012**

The Civil Service Commission met in regular session in Room 307, Council Chambers, on Thursday, May 10, 2012. Commissioners in attendance were Mr. James Robinson, Chair; Ms. Deborah Gaines and Mr. Robert Braddock. Commission staff present included, Ms. Georgetta Kelly, Civil Service Secretary; Ms. Arnell Jackson, Assistant Civil Service Secretary and Ms. Ornita Brown, Recording Secretary.

Since minutes from the April 26, 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.

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At the request of the City, a continuance has been granted for Granada Williams concerning her dismissal from the Public Services Department.

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The Civil Service Commission met on May 3, 2012, 9:00 a.m. to hear the appeal of Steve Byrne concerning his suspension from the Water Works Department. Commissioners in attendance were Mr. James Robinson, Chair and Mr. Robert Braddock. The City was represented by Julie Bissinger, Assistant City Solicitor. The appellant was represented by Walter Edwards, AFSCME. The official court reporter was Elite Reporting Agency. After hearing all the arguments and testimony, the Commission took the matter under advisement.

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## **Whitney Mobley Decision**

This matter came on for hearing before Commissioners Robert Braddock, Deborah Gaines, and James Robinson, Chairperson. The City of Cincinnati was represented by Heidi Rosales and the Appellant was represented by Peter M. McLinden, Regional Director of Ohio Council 8, AFSCME.

The employee Whitney Mobley, a Truck Driver with the Metropolitan Sewer District (MSD) Wastewater Treatment Division is appealing his 48 hour suspension for Neglect of Duty effective May 31, 2011. The Notice of Disciplinary Action was issued after a Pre-Disciplinary Meeting, held on May 12, 2011 upon the charges of Neglect of Duty and Dishonesty. The Summary of this meeting indicates that the charge of Dishonesty was not sustained but the Neglect of Duty was sustained.

The pertinent facts at the pre-disciplinary meeting were not in dispute in that the employee read a statement he had authored that indicated he had been "distracted" and that as a rule he does not forget to pick up grit buckets. " I think it is important for me to say, on this day, there were a lot of things going on in my life and on my mind...."

Testimony elicited from the witnesses for the city that proved most impressive concerned the need for emergency time which included 23 hours of work by three men in three trucks to do the job that Mr. Mobley failed to do as required and scheduled as attested by Terry Gray of MSD supervisor of Mr. Mobley.

Although hearings before the Commission are de novo, the Pre-Disciplinary Meeting Summary was introduced as evidence by the employee/union and received into evidence without objection by the city and therefore is a part of the evidence before the Commission. The statement itself was introduced to the Commission as evidence by the employee. His statement was offered in mitigation at the Pre-Disciplinary Meeting and before the Commission.

The appeal of the penalty, after lengthy discussion by the Commissioners, is denied in that the past penalties have been progressive: June 13, 2008 for a 32 hour suspension for neglect of duty and insubordination, and again on January 11, 2010 there was a 40 hour suspension for neglect of duty. The present suspension of 48 hours is an appropriate and progressive penalty and the Notice of Disciplinary Action is upheld and the Commission will uphold the charges and penalty of the appointing authority without modification.

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#### **ELIGIBLE LIST**

Plant Maintenance Worker – open

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#### **SPECIAL EXAMINERS**

- Daryl Ross and Steve Pacella for the Truck Driver (Non-CDL) exam
  - Debra Stevenson, Jarrod Bolden, and Jon Childress for the Sign Painter exam
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#### **EMERGENCY COMMUNICATIONS CENTER**

##### **Request from the Emergency Communications Center for the promotion without exam of Andrea Boudrie, Amanda Klems, and Jeremy Cotton from an Assistant Operator and Dispatchers to Operator and Dispatchers**

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 have successfully completed one year of service as Assistant Operator and Dispatchers.

#### **FINANCE**

##### **Request from the Finance Department for the transfer of Julie Back from the Income Tax Division to the Treasury Division as an Accountant**

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that all parties are agreeable to the transfer.

### **METROPOLITAN SEWER DISTRICT**

**Request from the Metropolitan Sewer District for the promotion without exam of Aly Abou Ouermi and Christopher Zdinak from a Plant Operator 1 to Plant Operator 2s w/Class 1 license**

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 have received their licensures.

### **PARKS**

**Request from the Parks Department for the permanent appointment of Ronald Dailey from a Municipal Worker to a Laborer**

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. Dailey is the most senior municipal worker in the employing unit.

### **POLICE**

**Request from the Police Department for the exceptional appointment of Justin Meek 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. Meek is qualified and the Commission previously approved this title for exceptional appointment.

**Request from the Police Department for the exceptional appointment of Sally Tarabah as a Crime 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. Tarabah is qualified and the Commission previously approved this title for exceptional appointment.

**Request from the Police Department for the voluntary demotion of Christina Flanigan from a Storekeeper to a Clerk Typist 3**

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that all parties are agreeable to the voluntary demotion.

### **PUBLIC SERVICES**

**Request from the Public Services Department for the transfer of Venyke Payton from the Metropolitan Sewer District to Public Services as an Administrative Technician**

The staff recommended approval of the request. After review and discussion, the Commission approved the request. The decision was based on the fact that all parties are agreeable to the transfer.

## **WATER WORKS**

### **Request from the Water Works Department for the promotion without exam of Keith Schneider from a Computer Programmer Analyst to a Computer Systems 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. Schneider was chosen from the two qualified and interested employees in the employing unit.

## **AGENDA ITEMS**

### **Request from Domenica Aracri to appeal his rejection from the Sanitarian/Sanitarian-in-Training 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 Mr. Aracri does not meet the minimum qualifications.

### **Request from Jeffrey Gemereth to appeal his rejection from the Inspector 1/Inspector Trainee 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 Mr. Gemereth does not meet the minimum qualifications.

### **Request from Kendrick Lockett to appeal his pre-employment physical for a Municipal Worker position in 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 information presented at the meeting.

### **Request from Robert Cherry to appeal his elimination from the Fire Recruit selection 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 Ohio State Law places a cap on the age limit for Fire Recruit/Fire Fighter.

### **Classification study submitted by Human Resources for a vacant Accountant position in the Finance Department/Treasury Division**

The staff recommended approval of the request. After review and discussion, the Commission approved the recommendation that the vacant position should be reclassified as an Accounting Technician 3. The decision was based on the fact that the Accounting Technician 3 classification better reflects the actual job duties.

### **Request for approval of new and/or revised classification specifications**

Administrative Specialist – promotional

Accounting Technician 3 – open and promotional

Parks/Recreation Maintenance Crew Leader – promotional

After review and discussion, the Commission approved the request.

**Request from Enterprise Technology Solutions to add a Senior 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 Administrative Technician position.

**Request from the Water Works Department to add a Senior Plant Supervisor 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 Plant Supervisor.

**Pending:**

Jasmine Wright  
Steve Byrne

**Appeals to be scheduled:**

Joseph Lee  
Alfred Brewster  
Veno Mitchell  
David Johnson  
Anthony Harper  
James Roper  
Lester McEwen  
Alice Folson  
Curtis Boykins  
Anthony Arnold  
David Scott (2)  
Veronica Barnes  
Phillip Threatt  
Granada Williams