



Annual Internal Review

This report covers the time period of 1/1/2019 to 12/31/2019

Municipal Civil Service Commission

The Board/Commission mission statement is:

The Municipal Civil Service (MCS) Commission is established and governed by City Charter Article IX (*Personnel*). The purpose of the Commission is to:

1. hear appeals and make final, binding decisions in the case of municipal civil service employees covered under Article IX of the City Charter who have been discharged, suspended, demoted, denied a promotion, or put on disciplinary probation;
2. recommend the adoption of civil service rules after receipt of proposed rules by the Human Resources Director and perform services under the civil service rules as provided in Article IX, Section 2 of the City Charter;
3. perform other duties regarding the municipal civil service, not inconsistent with Article IX of the City Charter, that the City Council may require;
4. issue subpoenas and subpoenas duces tecum to witnesses, whether at the request of interested parties or on its own motion, when reasonably necessary to obtain pertinent evidence at a hearing or investigation;
5. administer oaths to witnesses appearing at a hearing or investigation; and
6. conduct any investigations it may consider desirable or which it may be required by the City Council or the City Manager concerning the administration of municipal civil service, and report its findings and recommendations to the City Council.

Further information regarding the Municipal Civil Service Commission is found in § 2-1-164 of the Austin City Code, which states:

- (A) The Municipal Civil Service Commission is established and governed by City Charter Article IX (*Personnel*). The Charter provisions supersede this chapter to the extent of conflict.
- (B) The Council Audit and Finance Committee shall review applications received by the city clerk from persons seeking appointment as a commissioner. Notwithstanding § 2-1-4(C), the Audit and Finance Committee, or any council member, may nominate a person for appointment to the commission.
- (C) A city employee may not serve as a member of the commission.
- (D) The council shall designate the commission chair annually at the time new commissioners are appointed.
- (E) Subsection (A) of Section 2-1-43 (Meeting Requirements) does not apply to the Municipal Civil Service Commission. The commission may meet as necessary to carry out its duties under City Charter Article IX (*Personnel*).

Source: Ord. 20130214-045; Ord. 20130321-043.

1. Describe the board’s actions supporting their mission during the previous calendar year. Address all elements of the board’s mission statement as provided in the relevant sections of the City Code.

On February 27, 2019, staff with the Human Resources Department and the Office of the City Clerk presented to the Audit and Finance Committee regarding the process for commissioner appointment and reappointment. The Audit and Finance Committee recommended the reappointment of Teresa Perez-Wiseley and Melissa Rogers to the Municipal Civil Service Commission. The Audit and Finance Committee also recommended to appoint Pamela Lancaster as Chair of the Commission. On March 28, 2019, the City Council confirmed the reappointment of Teresa Perez-Wiseley and Melissa Rogers for terms expiring on May 9, 2022, and confirmed Pamela Lancaster as Chair of the Commission for a term of one year.

Commissioner Michael Murphy submitted his letter of resignation on March 8, 2019, creating a new vacancy. On April 17, 2019, the Human Resources Department and the Office of the City Clerk presented to the Audit and Finance Committee regarding the process for filling the unexpired term vacated by Michael Murphy. The Audit and Finance Committee directed staff to pursue an open call for applicants. On May 29, 2019, the Audit and Finance Committee met to select (3) candidates for interview. On June 13, 2019, the Audit and Finance Committee interviewed candidates and recommended the appointment of Rebecca Eisenbrey to fill the unexpired term. On June 19, 2019, the City Council confirmed Rebecca Eisenbrey to fill the unexpired term ending on May 8, 2021.

The Municipal Civil Service Commission held twelve (12) regularly scheduled meetings and one (1) special called meeting in calendar year 2019. A majority of those meetings were to hear appeals and make decisions regarding those appeals. Below is summary of the meetings held in 2019:

Calendar Year 2019 - MCSC Meetings

Appeal	Date	Details
Regular Meeting – Appeal Heard	01/14/2019	Discharge
Regular Meeting – Appeal Heard	02/11/2019	Discharge (Employee No Show)
Regular Meeting – Appeal Heard	02/25/2019	Disciplinary Probation & Demotion
Regular Meeting – Appeal Heard	03/11/2019	Denial of Promotion
No Hearing	04/08/2019	Business Meeting
Regular Meeting – Appeal Heard	04/22/2019	Denial of Promotion
Regular Meeting – Appeal Heard	06/10/2019	Discharge
Regular Meeting – Appeal Heard	07/08/2019	Denial of Promotion
Regular Meeting – Appeal Heard	08/26/2019	Discharge
Regular Meeting – Appeal Heard	09/09/2019	Disciplinary Probation & Demotion
Regular Meeting – Appeal Heard	09/23/2019	Discharge
Regular Meeting – Appeal Heard	10/28/2019	Discharge (Employee No Show)
Special Called Meeting – Appeal Heard	11/08/2019	Denial of Promotion

In fulfillment of Article IX of the City Charter, the Commission hears appeals and makes final, binding decisions in the case of any municipal civil service employee who is discharged, suspended, demoted, denied a promotion, or put on disciplinary probation; issues subpoenas and subpoenas duces tecum to witnesses, when reasonably necessary to obtain pertinent evidence at a hearing or investigation; and administers oaths to witnesses appearing at a hearing or investigation.

Recommendations to City Council

Recommendation 20191108-4B regarding a review of granted denial of promotion and discharge appeals.

The MCS Commission approved Recommendation 20191108-4B, requesting that the City Council direct the appropriate City official to identify each appeal that the Commission granted who sought to overturn a discharge or denial of promotion; for each granted appeal, identify the effect of the appeal on the employee before and after the appeal was granted; identify whether the employee is still employed with the City and if so, the employee's position; identify whether the employee has applied for any promotions or transfers, and the result of such applications; identify whether the employee has been disciplined or placed on a performance improvement plan, and the nature and outcome of such performance improvement plan; and to report the findings of the review back to the commission, on a vote of 4-0-1 with Commissioner Dailey absent.

Recommendation 20191108-4C regarding the removal of Municipal Civil Service Commissioner Lottie A. Dailey from the Commission for cause due to absences.

The MCS Commission approved Recommendation 20191108-4C, recommending City Council remove Commissioner Dailey for cause due to her absences and failure to communicate when she will return and resume her duties; and provide Commissioner Dailey a written statement of the reasons for her removal so she may request a public hearing if she desires, on a vote of 4-0-1, with Commissioner Dailey absent.

2. Determine if the board's actions throughout the year comply with the mission statement.

All actions of the Municipal Civil Service Commission comply with Article IX of the City Charter, which serves as the Commission's Mission Statement.

3. List the board's goals and objectives for the new calendar year.

In calendar year 2020, the MCS Commission (in accord with Article IX of the City Charter) will:

1. Schedule and hold as many meetings as necessary to hear appeals for any municipal civil service employee who is discharged, suspended, demoted, denied a promotion, or put on disciplinary probation.
2. Fulfill any other requirements under Article IX that become apparent and necessary throughout the year.