



Annual Internal Review

This report covers the time period of 1/1/2020 to 12/31/2020

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.

Commissioner Lottie A. Dailey submitted her letter of resignation on January 9, 2020, creating a new vacancy. An open call for applications to the Municipal Civil Service Commission began on January 22, 2021. On February 26, 2020, staff with the Human Resources Department and the Office of the City Clerk presented to the Audit and Finance Committee regarding the open call for Municipal Civil Service Commission applications. The Audit and Finance Committee decided to extend the open call and extend the posting to different institutions.

On May 27, 2020, staff with the Human Resources Department provided a briefing to the Audit and Finance Committee regarding the MCS Commissioner appointment process. The Audit and Finance Committee voted to reappoint Pamela Lancaster and to ask 4 applicants to come in for interviews. On June 10, 2020, the Audit and Finance Committee interviewed applicants in closed session. The Committee made a recommendation to Council for Erika Kane to fill the unexpired term ending May 8, 2021, and to appoint Pamela Lancaster as Chair of the Commission. On June 11, 2020, the City Council voted to reappoint Pamela Lancaster to a term expiring on May 8, 2023, to appoint Erika Kane to fill a vacant term ending on May 8, 2021, and to appoint Pamela Lancaster as Chair of the Commission.

On Monday, October 26, 2020, the Municipal Civil Service Commission made Recommendation No. 20201026-03A to the City Council nominating Teresa Perez-Wiseley as the Chair of the Commission for the remainder of the term identified in Council Resolution No. 20200611-058. The appointment of MCS Commission Chair was made in February 2021.

The Municipal Civil Service Commission held seven (7) regularly scheduled meetings in calendar year 2020. A majority of those meetings were to hear appeals and make decisions regarding those appeals. Pursuant to Mayor Adler's Order issued March 20, 2020, "Order of Control for Bars, Restaurants, and Gatherings," all deadlines imposed by City Code, ordinance, rule, or other regulation were suspended. As a result of the March 20th order and multiple subsequent orders, all deadlines imposed by the MCS Rules were suspended March 20, 2020 through June 15, 2020. Beginning in July 2020, the Commission transitioned to virtual meetings due to the COVID-19 pandemic. Below is summary of the meetings held in 2020:

Calendar Year 2020 - MCSC Meetings

Appeal	Date	Details
Regular Meeting – Appeal Heard	01/27/2020	Discharge
Regular Meeting – Appeal Heard	02/24/2020	Discharge
Regular Remote Meeting – Appeal Heard	07/13/2020	Disciplinary Probation
Regular Remote Meeting – Appeal Heard	07/27/2020	Discharge
Regular Remote Meeting – Appeal Heard	08/10/2020	Discharge
Regular Remote Meeting – Appeal Heard	10/26/2020	Discharge
Regular Remote Meeting – Appeal Heard	11/9/2020	Discharge

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

On Monday, October 26, 2020, the Municipal Civil Service Commission made Recommendation No. 20201026-03A to the City Council nominating Teresa Perez-Wiseley as the Chair of the Commission for the remainder of the term identified in Council Resolution No. 20200611-058.

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 2021, 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.