



MUNICIPAL CIVIL SERVICE COMMISSION

August 10, 2020

Letter Regarding MCS Review

Dear Mayor and Council:

As you know, the Municipal Civil Service Commission sent a recommendation for council action dated November 8, 2019. We are not aware of any action that has been taken. Enclosed please find a copy of that letter and its attachments.

Sincerely,

Pamela Lancaster

Chair Pamela Lancaster

Melissa Rogers

Vice Chair Melissa Rogers

Rebecca Eisenbrey

Commissioner Rebecca Eisenbrey

Erika Kane

Commissioner Erika Kane

Teresa Pérez-Wiseley

Commissioner Teresa Pérez-Wiseley



**MUNICIPAL CIVIL SERVICE COMMISSION
RECOMMENDATION 20191108-4B**

Date: November 8, 2019

Subject: Review and report of Municipal Civil Service Commission denial of promotion and discharge appeals.

Motioned By: Pamela Lancaster, Chair

Seconded By: Rebecca Eisenbrey, Commissioner

Recommendation

The Municipal Civil Service Commission recommends Council direct the appropriate City official to review granted denial of promotion and discharge appeals, gather data, and report the findings of the review back to the Commission.

Description of Recommendation to Council

The Commission requests that the City Council direct the appropriate City official to:

- 1) Identify each appeal that the Commission granted from an employee who sought to overturn a discharge or denial of promotion;*
- 2) For each such granted appeal, identify the effect of the appeal, including but not limited to the employee's position, rate of pay and any other relevant information regarding the employee before and after the appeal was granted;*
- 3) For each such employee who had an appeal granted, identify whether the employee is still employed with the City and if so, the employee's position;*
- 4) For each such employee who had an appeal granted, identify whether the employee has applied for any promotions or transfers and, if so, the result of such application;*
- 5) For each such employee who had an appeal granted, identify whether the employee has been disciplined or placed on a performance improvement plan, and, if so, the nature and outcome of such disciplinary action or performance improvement plan; and*
- 6) Report the finding of such review back to the Commission*

Rationale:

The MCS Commission is a five-member commission established by the City Charter that, among other things, 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. The first appeal hearing heard by this Commission was in September 2014 and it has been approximately five years since that date.

The Commission has received information that some employees who have had appeals granted may have suffered negative consequences. The Commission believes that a review of its rulings is appropriate.

Vote

For: Pamela Lancaster, Chair;
Melissa Rogers, Vice-Chair;
Commissioner Rebecca Eisenbrey;
Commissioner Teresa Perez-Wiseley

Against:

Abstain:

Absent: Commissioner Lottie Dailey

Attest:

A handwritten signature in blue ink, reading "Matthew Christy", is written over a horizontal line.



MUNICIPAL CIVIL SERVICE COMMISSION

November 8, 2019

Letter Regarding MCS Review

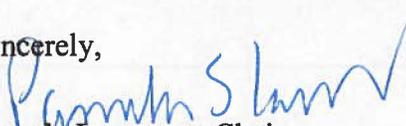
Dear Mayor and Council:

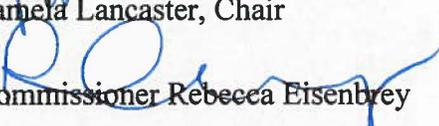
As you know, the Municipal Civil Service Commission is a five-member commission established by the City Charter that, among other things, hears appeals and make final, binding decisions in the case of any municipal civil service employee who is discharged, suspended, demoted, denied a promotion, or put on disciplinary probation. The first appeal hearing heard by this Commission was in September 2014 and it has been approximately five years since that date.

The Commission has received information that some employees who have had appeals granted may have suffered negative consequences. The Commission believes that a review of the results of its rulings is appropriate. The Commission requests that the City Council direct the appropriate City official to:

1. Identify each appeal that the Commission granted from an employee who sought to overturn a discharge or denial of promotion;
2. For each such granted appeal, identify the effect of the appeal, including but not limited to the employee's position, rate of pay and any other relevant information regarding the employee before and after the appeal was granted;
3. For each such employee who had an appeal granted, identify whether the employee is still employed with the City and if so, the employee's position;
4. For each such employee who had an appeal granted, identify whether the employee has applied for any promotions or transfers and, if so, the result of such application;
5. For each such employee who had an appeal granted, identify whether the employee has been disciplined or placed on a performance improvement plan, and, if so, the nature and outcome of such disciplinary action or performance improvement plan; and
6. Report the findings of such review back to the Commission.

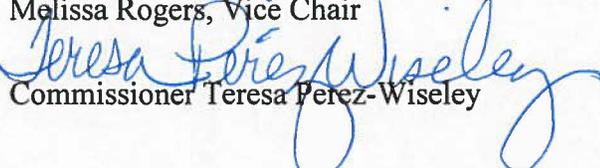
Sincerely,


Pamela Lancaster, Chair


Commissioner Rebecca Eisenbrey

Commissioner Lottie Dailey


Melissa Rogers, Vice Chair


Commissioner Teresa Perez-Wiseley

Teresa Perez-Wiseley
Chair
Municipal Civil Service Commission
[REDACTED]

Melissa Rogers
Vice-Chair
Municipal Civil Service Commission
[REDACTED]

July, 8 2021

Re: Municipal Civil Service Commission Recommendation 20191108-4B – Audit

Councilmember Alter:

Per your request, we are writing to you to provide further detail regarding Municipal Civil Service Commission Recommendation 20191108-4B (“The Recommendation”). In The Recommendation, the Commission asked that Council direct that there be an audit of “granted denial of promotion and discharge appeals.” The Commission requested such an audit because it has received information that some employees who had appeals granted may have suffered retaliation.

The scope of the audit is narrow. Based on data compiled by MCS staff, there have been 58 cases heard by the Commission. (Data attached) Of those 58 cases, the Commission has granted the appeal in 13 cases involving 12 employees and nine departments. Of those cases, only nine involved denials of promotion or discharge. Three cases involved probation and are not included in the Commission’s request for an audit. The audit would involve reviewing those nine cases and investigating what occurred to the employee following their appeal. Retaliation against an employee who pursues an appeal before the Commission undermines the authority of the Commission and thwarts the intentions of the MCS Rules. However, the Commission has no power or ability to conduct such an audit.

We would welcome the opportunity to speak with you directly regarding our concerns and to answer any questions that you might have. We are available to meet virtually.

Sincerely,

Teresa Perez-Wiseley
Chair

Melissa Rogers
Vice-Chair

Kevin S. Mullen
Commissioner

McKenzie Frazier
Commissioner