# CIVIL SERVICE COMMISSION

**City of Tucson** **Minutes**

## QUARTERLY MEETING

**August 12, 2015**

A quorum of the Civil Service Commission of the City of Tucson met on August 12, 2015 at 9:00 a.m. for their regularly scheduled Quarterly Meeting. The meeting was held at City Hall, 255 W. Alameda, 1st Floor Conference Room in Tucson, AZ.

Present were Chair Max Parks, Commissioners Marion Pickens, Arnold Elias, David Flaugher, and Malcom Pavey. Staff present: Barry Corey, Legal Counsel; Gioia Sanderson, Principal Assistant City Attorney; Sivan Korn, Principal Assistant City Attorney, Curry C. Hale, HR Director; Tameron Collins, Interim HR Deputy Director; and Armida Saufley, Recording Secretary.

- The Civil Service Commission opened the meeting with roll call and proceeded with a Call to the Audience. No one addressed the Commission.

- The Civil Service Commission was presented with an *Administrative Review of Removal from Eligibility List* relating to the Police Officer Recruit process filed by Mr. Justin McNally. Mr. McNally was not in attendance when the Commission addressed this item and the Commission took the item out of order.

- The Civil Service Commission was addressed by Ms. Sivan Korn, Principal Assistant City Attorney, regarding the written form of the decision in the matter of Brandon Kelly, whose appeal was sustained and subsequently reinstated to his former position of police officer with the Tucson Police Department. Ms. Korn contended that the decision document does not reflect the basis for the findings of the Commission as she recalled; specifically, the finding of untruthfulness. Legal Counsel, Mr. Barry Corey addressed Ms. Korn stating that the decision document reflects the Commission's finding of just cause in the matter of Mr. Kelly. Mr. Corey stated that in his opinion taking this matter back to the quorum is considered a reconsideration of the decision to make findings, which is not in the Commission's authority to do. Ms. Korn disagrees that this request would be a reconsideration of the decision; rather, Ms. Korn is requesting the written document reflect the basis for the decision.

  The Civil Service Commission agreed to review the deliberation portion of Mr. Kelly's appeal recording to determine whether the written decision is captured as intended. The Civil Service Commission will be provided with a copy of the recording for review. A Special Meeting will be noticed for August 31, 2015, to finalize the discussion regarding the form of the written decision in the matter of Brandon Kelly.

- The Civil Service Commission was informed that Tucson Police Department staff was present to address the *Administrative Review of Removal from Eligibility List* relating to the Police Officer Recruit process filed by Mr. Justin McNally. At 9:48 a.m. Mr. McNally had not appeared to address the Commission regarding his administrative review request. Commissioner Pickens stated that requests for administrative review for the removal from the police officer eligibility list have been before the Commission on numerous occasions; the Commission has reviewed the

current police officer recruitment process and finds that the process is conducted in accordance with Civil Service Rules and Regulations.

Commissioner Pickens made a motion to deny the request for review filed by Mr. McNally, Commissioner Pavey seconded the motion. The vote was unanimous.

- The Civil Service Commission was presented with the following Minutes for their review and/or modification.
  - Quarterly Meeting, April 20, 2015
  - Special Meeting, May 7, 2015, Discussion on hearing order of the multiple appeals filed by Brandon Kelly, Tucson Police Department
  - Appeal of Demotion, Brett Bradshaw, Fire Department, June 17, 18, 2015
  - Appeal of Demotion, Stacey Lee, Tucson Police Department, July 8, 9, 2015
  - Appeal of Termination / Suspension, Brandon Kelley, July 27, 29, 2015, Tucson Police Department

Commissioner Pickens noted that minutes for the hearing of Brett Bradshaw did not incorporate the first motion which died for lack of a second. Minutes corrected as noted.

On a motion made by Commissioner Pickens, seconded by Commissioner Elias, all minutes were approved as written with correction as noted. The vote was unanimous.

- The Civil Service Commission was provided with the HR Employment Quarterly Statistics for the period of April through June 2015 for informational purposes only.

Commissioner Elias asked Human Resources to provide data with more detail regarding employee demographics. HR Director, Curry C. Hale, informed the Commission that demographic information by pay grade is produced on a quarterly basis and that employee demographic information would be included with future quarterly statistics.

Commissioner Pavey inquired as to who determines the minimum qualifications for the positions. Interim HR Deputy Director Collins addressed the Commission and detailed the recruitment process including the review of applications received. HR Director Hale also pointed out that the minimum qualifications are noted on the recruitment announcement.

- HR Director Hale shared that the current location being utilized for meetings is assigned as a permanent location. Commissioner Parks suggested that the location be reserved exclusively for hearings 2 days out of every week, perhaps having already set aside dates would alleviate the scheduling challenges.

Commissioner Parks asked HR staff about potential rule changes. Mr. Collins stated that no language changes are on the agenda at this time, and acknowledged that the rule to address centers around scheduling hearings within the required 45-day timeframe. Commissioner Parks suggested that the rule be changed from 45 to 60 days, to enable all parties to better prepare to present their case before the Civil Service Commission. Mr. Collins stated that he would draft language to present at the next Quarterly Meeting in October.

- The Commission was presented with pending appeals to be scheduled. The Commission set hearing dates as follows:

August 31, 2015 — 9:00 A.M.
Form of Written Decision – Brandon Kelly
Scheduled with Commissioners Parks, Flaugher, Pavey

September 11, 2015 — 9:00A.M.
David Watson, Prehearing to determine jurisdiction – Tucson Police Department
Scheduled with Commissioners Parks, Pickens, Flaugher, Elias, Pavey

September 29, 30, 2015 — 9:00A.M.
Appellant To Be Determined
Scheduled with Commissioners Parks, Elias, Pavey

October 6, 7, 2015 — 9:00A.M.
Martin Walker, Appeal of Termination – Tucson Police Department
Scheduled with Commissioners Parks, Flaugher, Pavey

October 13, 14, 15 — 9:00A.M.
Oscar Ramos, Appeal of Termination – Tucson Police Department
Scheduled with Commissioners Parks, Elias, Pavey

October 21, 2015 — 9:00A.M.
Quarterly Meeting
Scheduled with Commissioners Parks, Flaugher, Pickens, Elias, Pavey

October 22, 23, 2015 — 9:00A.M.
John Valenzuela, Appeal of Demotion – Tucson Fire Department
Scheduled with Commissioners Flaugher, Pickens, Elias

October 29, 30, 2015 — 9:00A.M.
Appellant To Be Determined – Tucson Police Department
Scheduled with Commissioners Parks, Pickens, Elias

November 5, 6, 2015 — 9:00A.M.
Appellant To Be Determined – Tucson Police Department
Scheduled with Commissioners Parks, Pickens, Elias

November 12, 13, 2015 — 9:00A.M.
Appellant To Be Determined – Tucson Police Department
Scheduled with Commissioners Parks, Elias, Pavey

Having no further items to discuss, the Quarterly Meeting adjourned at 11:00 a.m.

Max Parks, Chair
Civil Service Commission

10/21/15
Date