

# MUNICIPAL CIVIL SERVICE RULES STAFF BRIEFING

---

June 12, 2014

Mark Washington, HR Director

# Purpose

- Overview of Rules
- Implementation and Training
- Next Steps

# Timeline

- **November 2012** Election: Austin residents passed Proposition 10 which amended Article IX of the City Code
- **January 29, 2013:** HRD staff presented a MCS Update during a work session to City Council
- **April 2013:** HRD hosted Department Directors from MCS Cities to learn best practices to assist with rule development
  - Arlington; Kansas City; El Paso; Houston; San Francisco; San Antonio
- **May 2013:** Employee Focus Group Meetings Held
  - Responses received that addressed hiring, RIFs, discipline and appeals
- **November 2013:** HR Director recommended Rules to MCS Commission
- **November 2013 – May 2014:** Commission modified HR Director Recommended Rules
  - 14 Meetings Held

# MCS Covered Employees

- The Rules cover all Employees, except those exempted by Article IX. Employee groups exempted:
  - Members of City Council & direct staff;
  - Persons appointed by City Council
  - City Manager, Assistant City Managers, Department Directors, Assistant Department Directors (Executives)
  - City Attorney & all Assistant City Attorneys
  - Temporary/Seasonal Employees
  - Employees covered by State Civil Service (uniformed Public Safety)

# Not Covered



# MCS Commission and Rules

- The MCS Commission is composed of five members:
  - Chair Kimberlee Kovach; Vice-Chair Theresa Perez-Wiseley; Commissioners Pamela Lancaster, Lynn Rubinett, Kevin Russell
- The Commission:
  - Recommends municipal civil service rules
  - Hears appeals regarding an employee who is discharged, suspended, demoted, denied a promotion, or put on disciplinary probation
- As defined by the Charter, the:
  - HR Director Recommends Rules to the MCS Commission
  - The MCS Commission reviews and modifies the Rules; then recommends adoption by City Council
  - The City Council Approves the Rules

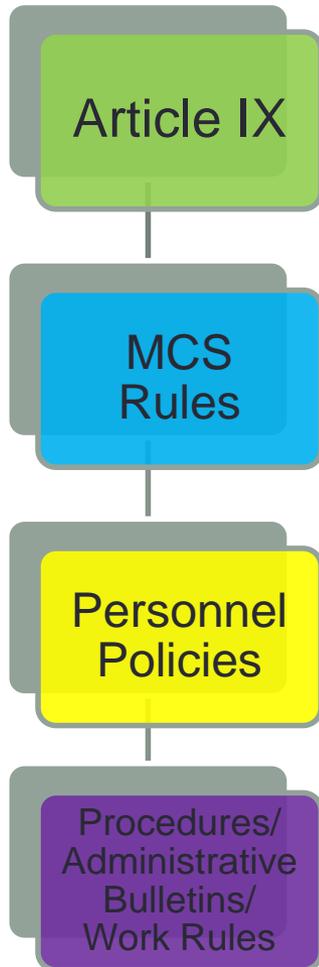


# Rule Sections

Seven sections in the Rules cover:

1. Definitions
2. General Provisions
3. Organization of the Commission
4. Hiring, Promotion, and Lateral Transfers
5. Reduction-in-Force (RIF)
6. Disciplinary Actions
7. Appeals to the Commission

# MCS Framework



- Article IX of the Charter was used as the framework to write the Municipal Civil Service Rules.
- The MCS Rules will serve as Policy Document to set the direction of the City as an organization.
- The Personnel Policies are still in effect unless superseded by the Rules.
- Management procedures allow for administrative direction to carry out the Rules.

# Evaluation of Candidates

- All Candidates will be evaluated for competitive positions based on Merit and Fitness.
- A Rating Matrix shall be used to determine the top candidate using numerical scoring to award points for:
  - Relevant experience
  - Seniority of applicants
  - Preferred qualifications
  - Interview/Assessment scores that include pre-defined factors for responses
- Required interview for employees in Good Standing that meet minimum and preferred qualifications
- Rules defined for probationary periods for new hires (6-months) and promotional selections (3-months).

# Direct Appointments & Required Interviews

- All Positions shall be filled using a competitive process unless certain conditions are met, including:
  - Accommodation for USERRA, FMLA, ADA and Return to Work Job Placement
  - Assign an employee displaced as the result of an Appeal to the MCS Commission
  - Assign an employee removed from a Promotional Probationary Period, voluntary Demotion, or involuntary Demotion
  - Assign an employee displaced by a Reduction-In-Force
  - Implement an exception by the Commission

# RIF Placement, Recall, & Reemployment

- RIF criteria includes length of service and performance
- Affected Employees shall be reassigned to another position, when possible
- Shall have a preferred interview status, up to one year after separation
- Be placed on a reemployment list for one year and recalled to a vacant position with the same classification in the same department

# Discipline Based on Cause

- Cause is defined as a good-faith belief by management, following an appropriate, documented inquiry, that an employee has engaged in one or more of the following conduct while on-duty, or if off-duty conduct is related or relevant to the Employee's job:
  - Insubordination, Theft, Dishonesty, Personal Conduct, Job Performance, Ineligibility, Attendance, Behavior, Rules Violation
- Pre-Notice of discipline to employee required with 3 days advance written notice
- After disciplinary meeting, written notice of Disciplinary Action shall be provided to the Employee

# Representation

- Representation – An Employee may bring a representative of his/her choice to the following types of meetings:
  - a pre-disciplinary meeting
  - a meeting formally requested by management at which discipline will be issued
  - a performance improvement plan (PIP) issuance meeting
  - an Investigatory Interview at which the Employee is a complainant or Respondent
- Employees may also have a representative during an appeal or other Employee generated complaint/grievance
- For meetings when representatives are permitted:
  - Schedule the meeting a minimum of 24-hours in advance
  - Reschedule the meeting to occur within 3 business days if the representative is not available
  - Stop an Investigatory Interview in progress when a representative is requested

# Appeals to the Commission

- Departmental grievance process must be exhausted before initiating an Appeal to the Commission.
- Commission hears and makes final binding decisions on
  - Disciplinary Probation
  - Disciplinary Suspension
  - Demotion
  - Discharge
  - Denial of Promotions
- Appeal process includes issuing Subpoenas
- Specific timelines for Appeals and Subpoenas



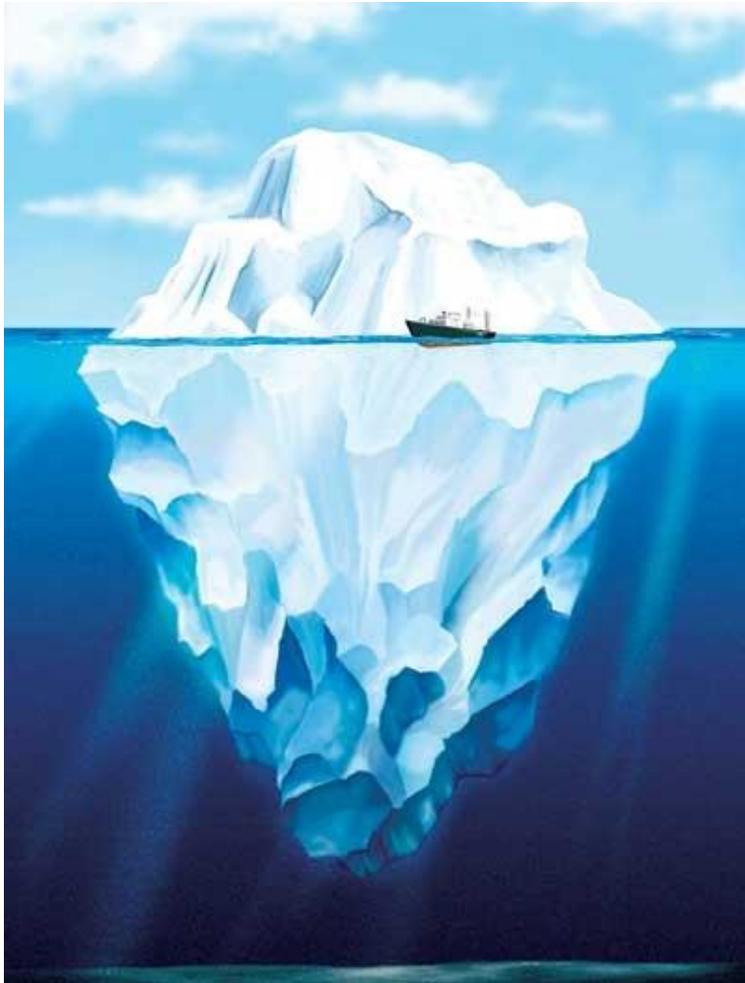
# Voting & Burden of Proof

- Voting
  - Unless three commissioners agree, the simple majority of the quorum will decide the outcome of an Appeal.
  - In the event of a tied vote, the party that has the burden of proof will not meet their burden.
- For Disciplinary and RIF Appeals
  - The Department has the burden of proof.
- For Denial of Promotion
  - The Employee has the burden of proof.

# Areas to Monitor

- Out of the 87 Commission Modifications, staff has identified two areas to monitor.
  1. Hiring Rule – concerns about filling vacancies
  2. Voting Rule - tie vote results in a decision, as opposed to being a non-decision.
- Recommendation: monitor closely and provide update in a year to council

# Rule Implementation



## Article IX MCS Rules

---

1. Alignment of current Personnel Policies, Procedures, Forms, and Departmental Work Rules
2. Training and Education for the Workforce & Commissioners
3. System Implementation
4. Transition to new Rules

# Implementation – Training & Education

- Municipal Civil Service is a major shift for our employees
- Need time to educate the workforce and commission
- Target Audience: Approximately 8,560 non-civil service employees
  - 130 Executives
  - 1500 Supervisors and managers
  - 6900 non-supervisory employees
- Developing Course Content, materials, forms
  - Estimate 5 week development
- Identifying, Training, and Scheduling
  - Estimate 2 week training and scheduling employees
- Class size ratios and timeframes (Using 8500 employees)
  - Estimate 17 weeks - 10 courses per week with 50 employees.

# Implementation – Technology

- HRD and CTM staff are implementing a new City Wide Technology System for Discipline and Appeals
  - Currently in final configuration and testing phase; Will move to the training phase in the coming months
  - System will have the ability to track discipline and provide for consistent documentation to present to the Commission regarding Appeals

# Next Steps

- June 26, 2014 – Item on the Council Agenda to vote on the Rules
- Four Month Implementation Plan
  1. Alignment of current Personnel Policies, Procedures, Forms, and Departmental Work Rules
  2. Training and Education for the Workforce & Commissioners
  3. System Implementation
  4. Transition to new Rules
- October 27, 2014 – The MCS Rules go into effect

# Risk of Poor Implementation

- The business impact of a workforce that has not been exposed to new governing Rules could lead to:
  - Neither employees or management understanding the new rules
  - Confusion, which leads to mistakes and chaotic administration of new system
  - The perception that MCS is ineffective

# Commission Chair Remarks