



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

Date: November 8, 2019

Subject: Removal of Municipal Civil Service Commissioner Lottie A. Dailey from the Commission for cause

Motioned By: Pamela Lancaster, Chair

Seconded By: Rebecca Eisenbrey, Commissioner

Recommendation

The Municipal Civil Service Commission recommends Council remove Municipal Civil Service Commissioner Lottie A. Dailey from the Commission for cause due to absences.

Description of Recommendation to Council

The Municipal Civil Service Commission recommends that the City Council

- *Remove Commissioner Dailey for cause due to her absences and failure to communicate when she will return and resume her duties.*
- *Provide Commissioner Dailey a written statement of the reasons for her removal so she may request a public hearing if she desires*

The Commission asks that this be done as quickly as possible so the Audit and Finance Committee may begin the process of finding a replacement.

Rationale:

The Municipal Civil Service 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 appeal hearings typically begin at 9:00 and last for most of the working day, making rescheduling a significant burden. The Commissioner heard ten of these appeals from January 2019 through October of 2019, has eight currently scheduled from the date of the recommendation through April 27, 2020, and except for vacancies on January 13, 2020 and February 10, 2020, is currently scheduling hearings for May 2020.

Commissioner Dailey has not been in contact with the Municipal Civil Service Director's staff since August 23, 2019, when she stated she would return for the September 9, 2019 hearing. However, she did not appear or communicate her intentions since then. With only four members available to attend hearings, it is more difficult to obtain a quorum making it more likely an appeal hearing must be postponed, often for six months or more, at considerable inconvenience to the employee and the City Department.

Unlike most other Boards and Commissions in the City, the Charter states that a Municipal Civil Service “commissioner may be removed before the end of the commissioner’s term only for cause, and after receiving a written statement of the reasons for removal and a public hearing before the city council if the commissioner requests a hearing.”

Vote

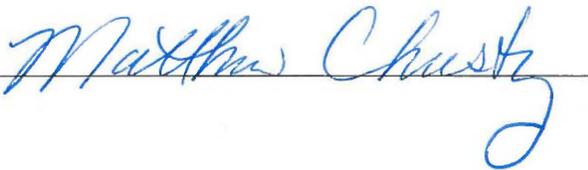
For: Pamela Lancaster, Chair;
Melissa Rogers, Vice-Chair;
Rebecca Eisenbrey, Commissioner;
Teresa Perez-Wiseley, Commissioner

Against:

Abstain:

Absent: Commissioner Lottie Dailey

Attest:

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



MUNICIPAL CIVIL SERVICE COMMISSION

November 8, 2019

Letter Regarding Commissioner Lottie Dailey

Dear Mayor and Council:

We write you regarding Municipal Civil Service Commissioner Lottie A. Dailey to seek that the City Council remove her for cause.

Background

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 makes final, binding decisions in the case of municipal civil service employees who have been discharged, suspended, demoted, denied a promotion, or put on disciplinary probation. These appeal hearings typically begin at 9:00 and last for most of the working day, making rescheduling a significant burden. The Commission heard ten of these appeals from January 2019 through October of 2019, has eight currently scheduled from today through April 27, 2020, and except for vacancies on January 13, 2020, and February 10, 2020, is currently scheduling hearings for May 2020.

Commissioner Dailey's Attendance and Communication

The undersigned understand that Commissioner Dailey has been handling a difficult family situation out of the state of Texas since June 2019 and has not been in contact with the Municipal Civil Service Director's staff since August 23, 2019 when she stated she would return for the September 9, 2019 hearing. However, she did not appear or communicate her intentions since then. With only four members available to attend hearings, it is more difficult to obtain a quorum making it more likely an appeal hearing must be postponed, often for six months or more, at considerable inconvenience to the employee and the City Department.

The MCS Commission is Unique

Unlike most other Boards and Commissions in the City, the Charter states that a Municipal Civil Service "commissioner may be removed before the end of the commissioner's term only for cause, and after receiving a written statement of the reasons for removal and a public hearing before the city council if the commissioner requests a hearing." Accordingly, the undersigned Commissioners request that the City Council remove Commissioner Dailey for cause due to her absences and failure to communicate when she will return and resume her duties. We further ask that the City provide her a written statement of the reasons for her removal so she may request a public hearing if she desires. Finally, the Commission asks that this be done as quickly as possible so the Audit and Finance Committee may begin the process of finding a replacement.

Commissioner Dailey Should be Considered for Re-Appointment

Commissioner Dailey has served on the Municipal Civil Service Commission since May 14, 2015, and her service has been invaluable. The undersigned want to make clear that this request is only taken as a result of Commissioner Dailey's lack of attendance and communication. If Commissioner Dailey returns to Texas and applies to serve as a Municipal Civil Service Commissioner again, the undersigned Commissioners encourage the Mayor and Council to consider Commissioner Dailey for re-appointment.

Signature page follows.

Letter to Mayor and Council re: Commissioner Dailey

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Sincerely,

Chair Pamela Lancaster

Vice Chair Melissa Rogers

Commissioner Rebecca Eisenbrey

Commissioner Teresa Perez-Wiseley