



Annual Internal Review

This report covers the time period of 1/1/2021 to 12/31/2021

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.

On January 20, 2021, the Human Resources Department and the Office of the City Clerk presented to the Audit and Finance Committee regarding the recruitment and appointment/reappointment process and appointment of Chair of the Municipal Civil Service Commission. Due to the expiration of Commissioners Erika Kane and Rebecca Eisenbrey's terms on May 8, 2021, an open call for applications to the Municipal Civil Service Commission began January 25, 2021 through March 1, 2021, to solicit interest for the two (possibly three) positions for appointment to the Municipal Civil Service Commission.

Pamela Lancaster, appointed as Commission Chair by Council June 11, 2020, asked to step down as Chair as soon as a new Chair is appointed. The Austin City Council appointed Teresa Perez-Wiseley as the Chair of the Municipal Civil Service Commission on February 4, 2021.

On Wednesday, March 31, 2021, the Audit and Finance Committee made a motion to invite four (4) candidates to interview for the Commission appointments. On April 13, 2021, Pamela Lancaster submitted her resignation from the Municipal Civil Service Commission after nine years of service on the Commission.

The Audit and Finance Committee interviewed candidates in closed session on April 13, 2021. The Committee made a recommendation to Council to appoint McKenzie Frazier, Andy Mormon, and Kevin Mullen to the Municipal Civil Service Commission.

On April 22, 2021, the Austin City Council appointed McKenzie Frazier and Andy Mormon to serve as commissioners of the Municipal Civil Service Commission for three-year terms that expire on May 8, 2024. Kevin Mullen was appointed as a commissioner of the Municipal Civil Service Commission to serve the remainder of the term associated with the vacated position, expiring May 8, 2023.

The Municipal Civil Service Commission held thirteen (13) regularly scheduled meetings in calendar year 2021. A majority of those meetings were to hear appeals and make decisions regarding those appeals. Because the Office of the Attorney General's suspensions to certain provisions of the Texas Open Meetings Act (TOMA) expired on

September 1, 2021, the Commission transitioned back to in-person meetings. Below is a summary of the meetings held in 2021:

Calendar Year 2021 - MCSC Meetings

Appeal	Date	Details
Regular Remote Meeting – Appeal Heard	1/25/21	Denial of Promotion
Regular Remote Meeting – Appeal Heard	2/8/21	Discharge
Regular Remote Meeting – Appeal Heard	3/8/21	Denial of Promotion
Regular Remote Meeting – No Hearing	3/22/21	Business Meeting
Regular Remote Meeting – Appeal Heard	4/26/21	Denial of Promotion
Regular Remote Meeting – No Hearing	5/20/21	Business Meeting
Regular Remote Meeting – Appeal Heard	5/24/21	Discharge
Regular Remote Meeting – No Hearing	6/28/21	Business Meeting
Regular Remote Meeting – Appeal Heard	7/26/21	Disciplinary Probation
Regular Meeting – Appeal Heard	9/27/21	Disciplinary Suspension
Regular Meeting – Appeal Heard	10/25/21	Discharge
Regular Meeting	11/8/21	Business Meeting
Regular Meeting	12/13/21	Denial of Promotion (Employee Withdrawn)

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.

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 2022, 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.