



CIVIL SERVICE BOARD 2009 ANNUAL REPORT



ANNUAL REPORT HIGHLIGHTS January 1 – December 31, 2009

The City Charter provides for a Civil Service Board consisting of five (5) members to adopt, amend and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service subject to approval of the City Commission. The Board is responsible for legislative, quasi-judicial and administrative functions that serve to protect and defend the merit system; and to ensure that established rules, regulations, policies, and procedures are utilized in the hiring, promoting and retaining of capable people into the City’s workforce. The Board endeavors to improve the efficiency, effectiveness and quality of City government. There is no other board, either public or private which would better serve the functions of the City of Miami Civil Service Board.

During the 25 meetings held in 2009, the Civil Service Board conducted: four (4) Grievance hearings pursuant to Rule 16.2; four (4) Investigation hearings pursuant to Rule 16.1 and fifteen (15) Appeal hearings consisting of two (2) dismissals, eight (8) suspensions and five (5) forfeitures of earned overtime.

A sampling of the other personnel matters considered by the Board is as follows:

- Evaluated fifteen (15) requests for extension of probationary periods from departments citywide.
- Approved six (6) requests for military leaves of absence
- Approved three (3) requests for re-employment following military leave
- Approved one (1) request for re-employment
- Approved one (1) request for return to former classification

The Board entertained fourteen (14) requests for an appearance relating to:

- | | |
|----------------------------------|---|
| ➤ Rule 16.1 Investigations | 2 |
| ➤ Rule 16.2 Grievance Hearings | 4 |
| ➤ Rule 14.1(b) | 1 |
| ➤ Rule 14 | 3 |
| ➤ Motions filed by City/Employee | 4 |

Additionally, the Civil Service Board Office:

- Prepared 97 subpoenas for service to witnesses to appear at Board appeal and grievance hearings,
- Assisted in 16 New Employee/Supervisor Orientation sessions, conducted 2 training workshops, and issued 3 Information Bulletins
- Conducted 109 Research and Investigative Reports,
- Documented the 29 continuances granted by the Board on behalf of the City/Employee, and rescheduled the hearings, and
- Processed closure of 27 cases

The 2008-2009 Budgetary Expenditure report shows a savings of \$270 from the Annual Budget.



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Responses to items requested in accordance with City Code Sec. 2-890:

a. Whether the board is serving the purpose for which it was created.

When the Civil Service Board was originally created in 1921, it was designed to perform certain personnel-related managerial and adjudicatory functions simultaneously. However, the current City Charter provides for a Civil Service Board consisting of five (5) members to adopt, amend and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service subject to approval of the City Commission. The Board is responsible for investigations concerning the enforcement and effect of Section 36 of the City of Miami Charter and Code of Laws and of the Rules adopted. The principal functions of the Civil Service Board as they relate to the Civil Service Rules and Regulations are:

- To formulate personnel policies for City government and to review applicants' complaints and make recommendations as outlined in Civil Service Rule 4. This rule addresses the Board's policy function.
- To establish procedures and grounds for disciplinary actions and conduct hearings upon request of an employee dismissed, suspended, demoted, laid off or reduced in pay by the Department Director. These duties of the Board are conducted in accord with provisions of Rule 14 and are a part of its appellate function.
- To investigate concerns and hear complaints of employees concerning "whistleblower" allegations; abuse of power in appointments, layoffs, demotions, and removals without justification; and suspensions and forfeitures of time. The authority of the Board is exercised in accord with Civil Service Rules 16 and 17.
- To investigate allegations of fraud and discrimination in the employment process and impose appropriate sanctions. This responsibility is specified in Civil Service Rule 17 and relates to the Board's investigatory function.
- To amend, repeal or supplement any Civil Service Rule, subject only to approval of the City Commission, as in accord with Rule 18. This rule relates to the Board's rule-making function.

Additionally, the Civil Service Board is responsible for performing those administrative functions that affect the integrity of the merit system. These include the authority of the Board:

- To by-pass names on open, promotional, and lay off registers. The Board exercises this authority in accord with Civil Service Rules 8.3, 8.4 and 12.2.
- To extend probationary periods beyond the limits established in Civil Service Rule 9.3.
- To approve transfers to other classifications under specified conditions in accordance with Rule 11.1.
- To approve job assignments that are beyond the routine scope of the Rules. This responsibility is exercised in accord with Civil Service Rule 11.2.



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- To authorize active duty military leaves of absence and returns from active duty in accordance with Florida Statutes, Section 295.
- To conduct hearings and make retention decisions on employees who have received unsatisfactory annual evaluations as specified in Civil Service Rule 13.
- To approve re-employment of former employees under specified conditions in accordance with Civil Service Rule 12.4.
- To approve voluntary demotions/returns to former classifications.
- To approve applications for seniority rights from probationary employees appointed to the unclassified service as provided in Civil Service Rule 8.14.
- To approve applications for seniority credit from employees re-employed under Rule 12.4.

The Board is serving the purpose for which it was created as is evident by the issues acted upon during the twenty-five (25) Civil Service Board meetings held during 2009. Verification of Civil Service Board action is documented in the Board's minutes and also under the "Major Significant Accomplishments" section of this report.

b. Whether the board is serving current community needs.

The Civil Service Board is serving the current needs of both the workplace community, which is comprised of City of Miami employees and applicants, and also the community that includes the residents and business owners of the City of Miami. The Board serves to protect and defend the merit system and to ensure that established rules, regulations, policies, and procedures are utilized in the hiring, promoting and retaining of competent people in the City's workforce. The Board endeavors to improve the efficiency, effectiveness and quality of City government.

The Civil Service Board provides a relatively inexpensive and prompt forum for review of relevant personnel issues and formulation of personnel policy for City government; adjudication of classified employees' appeals of disciplinary actions; and investigation of employees complaints and allegations of fraud, discrimination and abuse of power. Such a forum is in keeping with the 14th amendment of the United States Constitution which not only requires that individuals be afforded "due process" in a tangible manner, but it also brings government and legal review to the grass roots level with involvement by way of both commission appointed and employee elected membership.

c. A list of the board's major accomplishments.



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CIVIL SERVICE BOARD MAJOR ACCOMPLISHMENTS 2009

During the 25 meetings held in 2009, the Civil Service Board conducted:

- Eight (8) grievance hearings; concerning abuse of power, discrimination, eligibility, resignation, and the certification process
- Fifteen (15) Appeal hearings consisting of two (2) dismissals, eight (8) suspensions and five (5) forfeitures of earned overtime

A sampling of the personnel matters considered by the Board is as follows:

- Evaluated fifteen (15) requests for extension of probationary periods from departments citywide.
- Approved six (6) requests for military leaves of absence
- Approved three (3) requests for re-employment following return from military leave
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| ➤ Rule 14 | 3 |
| ➤ Rule 14.1(b) | 1 |
| ➤ Motions filed by City/Employee | 4 |

Additionally, among the numerous activities completed this year, the Civil Service Board Office staff:

- prepared 97 subpoenas for service to witnesses to appear at Board appeal/grievance hearings,
- assisted in 16 New Employee/Supervisor Orientation sessions, conducted 2 training workshops, and published/distributed 3 Newsletters/Information Bulletins to employees.
- conducted 109 Research and Investigative Reports,
- documented the 29 continuances granted by the Board on behalf of the City/Employee, and rescheduled the hearings,
- processed closure of 27 cases, and
- provided the services of two (2) trained monitors and two (2) trained raters who participated in, and/or reported on eight (8) interview processes for new hires and promotions at the request of hiring departments citywide, in accordance Labor/Management Policy LMP-3-92, "Interview Process".



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d. Whether there is any other board, either public or private, which would better serve the function of the Board.

There is no other board, either public or private which would better serve the function of the City of Miami Civil Service Board. Although other municipalities typically have personnel or appeal boards, locally, this Board is the only one of its kind. Further, there needs to be an independent entity which is free to act and oversee the actions of City Administration as it relates to employment matters, to ensure that there is no abuse. Our research shows that unlike most merit or Civil Service Systems Boards, the City's Civil Service Board has the involvement of both community leaders and labor unions. Such a mixture of involvement balances the frequently competing interests of City Administration, employees and citizens of the City and has fostered an element of trust and fairness in the minds of many employees.

e. Whether the ordinance creating the board should be amended to better enable the board to serve the purpose for which it was created.

The Civil Service Board's current principal responsibilities are to perform adjudicatory functions to ensure that merit system principles are being followed. Board members believe that the following merit system principles should be incorporated as part of the current Civil Service Rules. These principles would serve as a basis for having the rules and the Board could guard these principles and ensure that they are exemplified in all personnel management practices initiated by the City of Miami.

Merit System Principles

- All employees and applicants should be treated fairly, without discrimination, and with proper regard for their privacy and constitutional rights.
- Recruitment should serve to achieve a work force made up of qualified people from all segments of society, and selection and promotion should be based solely on merit, after fair and open competition.
- The City workforce should be used efficiently and effectively.
- Employees should maintain high standards of integrity, conduct, and concern for the public interest.
- Retention should be based on performance, inadequate performance should be corrected, and employees who cannot or will not improve their performance to meet required standards should be separated.
- Employees should be provided effective education and training in order to achieve better organizational and individual performance.
- Employees should be protected against partisan politics and may not use their offices for partisan political purposes.



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- When employees legally disclose information evidencing wrongdoing, they should be protected from reprisal.
- Equal pay should be provided for work of equal value, with appropriate consideration for the rates paid by private sector employers, and appropriate incentives and recognition should be provided for excellent performance.

The Board feels that the current prohibited personnel practices listed under its ordinance should be expanded to include the following additional prohibited personnel practices:

- Soliciting or considering statements concerning a person under consideration for a personnel action unless the statement is based on personal knowledge and concerns the person's qualifications and character;
- Coercing the political activity of any person, or taking any action as a reprisal for a person's refusal to engage in political activity;
- Deceiving or willfully obstructing anyone from competing for employment;
- Influencing anyone to withdraw from competition for any position, whether to help or hurt anyone else's employment prospects;
- Giving unauthorized preferential treatment to any employee or applicant;
- Nepotism;
- Taking or failing to take, or threatening to take, a personnel action because of an individual's exercising any appeal, complaint, or grievance right; testifying or lawfully assisting any individual in the exercise of any appeal, complaint, or grievance right; or refusing to obey an order that would require the individual to violate a law.

The Civil Service Board's responsibilities should include the annual review of significant actions and personnel policies of the Department of Employee Relations to determine if they are in accord with merit system principles and free from prohibited personnel practices.

The Board could be responsible for conducting special studies covering topics representing current personnel issues in government and new City personnel policies. The Board's completion of such studies on personnel issues better serves the community by bringing issues to the surface, having public hearings on these issues, and making its findings known in the form of reports which could be made available to the community.

f. Whether the Board's membership requirements should be modified.



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Sec. 2-884(c) of the City Code advises that the “primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise.”

Although the current Civil Service Board members do not feel that membership *requirements* should be modified at this time, we believe that the residents, employees and applicants might be better served if special importance is given to the technical, managerial or administrative expertise of the persons proffered for Board appointment. Persons experienced in the fields of human resources, law, public administration, management, supervision, etc., would be ideally suited for consideration.

g. The cost, both direct and indirect of maintaining the Board.

Below is a summary of the budgeted and actual direct cost of maintaining the Civil Service Board during this fiscal year. There are no identifiable indirect costs associated with this Board.

2008-2009 BUDGET/EXPENDITURES

TOTAL APPROPRIATION – (revised budget) \$ 372,346*

EXPENDITURES:

Personnel Expenses: 5 Board Members, 4 Office Staff

Salaries and Wages \$304,751
Fringe Benefits 28,889

Total Personnel Expenditures \$ 333,640

Operating Expenditures

Books, Publications, Memberships \$ 210
Capital Outlay 0
Communications Services 1,200
Office Supplies 230
Paper Stock – Printing 60
Postage 66
Professional Services – Legal 29,641*
Professional Services – Other 4,875
Rent of Equipment – Outside 1,409
Training, Travel & Other Charges 745

Total Operating Expenses \$ 38,226

TOTAL ACTUAL EXPENSES \$ 371,866

BALANCE (Savings) \$ 270

**Does not include additional funds required from Department of Budget to cover contractual charges for legal services.*