

Meeting of the Civil Service Board

Present: Vice-Chair Steve Sanderfer, George L. Allen, Jr., Marvin M. Lane, Jr., Pat Parrish, Alicia Voltmer

Absent: F. Ray Hill, Joseph L. Phifer,

Attendees:

Scott Clumpner, Grievance Chair - Dallas Fire Fighters Association
Ryan Evans, First Assistant City Manager
Chris Heinbaugh, Chief of Staff to the Mayor
Gordon Jackson, Dallas Examiner
Marian Hubbard Jefferson, Dallas Examiner
Frank Libro, Public Information Officer
Jason McClain, Assistant City Attorney
Janice Moss, Senior Assistant City Attorney
Scott Newland, United Steelworkers Union
Ernesto Peña, President of the North TX Assn. of Public Employees, Div. of the United Steelworkers
Heather Silver, Assistant City Attorney
Joe Tave, former Civil Service Board Vice-Chair
Jesus Toscano, Assistant City Attorney
Tiwan Williams, Dallas Examiner

Civil Service Department Staff:

Michelle Hanchard, Assistant Director
Sheneice Hughes, Test Development and Validation Division Coordinator
La'Tarsha Jones, Office Assistant
Millie Laird, Sr. Human Resources Analyst
Patricia Marsolais, Secretary to the Civil Service Board
Kimberly Martin, Sr. Human Resources Analyst
Pamela McDonald, Manager – Examining and Recruitment Division
Dawne Payne, Sr. Human Resource Analyst
Martha Santos, Coordinator – Civil Service Department
Brandy Thomas, Office Assistant
Joyce Truelove, Sr. Human Resource Analyst
Joanne Ung, Project Manager NEOGOV

The meeting was called to order at 9:30 a.m.

The minutes of the Thursday, October 4, 2007 meeting were unanimously approved.

The Board conducted the annual evaluation of the Secretary to the Board for the period of October 1, 2006 to September 30, 2007.

Board Member Parrish stated that she was impressed with the results the Secretary had achieved during the rating period.

Board Member Lane rated the Secretary a five in all categories but two. The two categories in which he gave her a four were “influence” due to the failure to influence the City Manager’s Office to cooperate with the Civil Service Board and “safety”. He does not believe someone in an administrative function can achieve a top rating in safety. He said if it were possible he would give the Secretary a 5 plus on integrity because of her constantly looking out for the benefit of City employees, the citizens of Dallas, the department and the Board.

Board Member Allen rated the Secretary distinguished on all aspects of the evaluation. He said she had been a remarkable employee since her arrival nearly nine year ago.

Vice-Chair Sanderfer echoed the sentiments of the other members of the Board and commended the Secretary for bringing matters to the Board’s attention whenever needed and agreed with the “distinguished” rating recommended by the other members.

The Board began the investigation into possible violations of the City Charter and the privacy of City employees and general applicants, regarding application data and related information by City Manager Mary Suhm, Assistant City Manager Jill Jordan, and Human Resources Director David Etheridge. The Vice-Chair explained that the Board had received some information that gave them pause as to the functionality of the checks and balances in place in City government. The investigation is not a witch hunt nor is it intended to reflect poorly on the City. It is an effort to resolve issues that have been ongoing for some time. The Board will compile the results of its investigation and recommendations that emerge and send them to the City Council.

Mr. Lane added that the Board feels that the Mayor, City Council, and City Manager’s Office have been non-responsive to concerns raised in various ways such as the August 16, 2007 letter from the Board to the Mayor and members of the City Council. As a result the Board is following the City Code and beginning this investigation.

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Ms. Parrish pointed out that Council member Dr. Elba Garcia had responded by asking the City Manager to include the Civil Service Board in the criminal convictions policy discussion and process. However, to date the Board has not heard from the City Manager on this.

The Vice-Chair and Assistant City Attorney Moss exchanged thoughts on the role of the City Attorney's Office and who they were representing in this matter. Ms. Moss said she was representing the City overall.

Ms. Moss indicated that Assistant City Manager Ryan Evans had brought a partial response to the matter of allegations and the investigation. Ms. Moss said they are asking for clarification on the following things:

1. The allegations of the specific violations of the Charter.
2. The specific actions that the three individuals accused have taken that violate the Charter.
3. Postponement of the investigation until they can adequately respond to whatever it is they're being accused of.

Ms. Moss' legal advice is that it is inappropriate to go forward with an investigation when the people involved don't know what they're being accused of.

Prior to calling any witnesses, the Secretary provided the Board with an overview of the NEOGOV workforce management system and recent developments with security/access and privacy aspects regarding data maintained by the vendor.

The Secretary detailed the access concerns, business interruptions, etc. that occurred when approximately 30 Human Resource Department personnel were given access to applicant information on the system. Such access allows changes to the minimum qualifications for a job classification, the applicant and his/her eligibility on a list, changes to published test scores, etc.

NEOGOVS Project Manager Joanne Ung was placed under oath to answer questions from the Board about what had occurred. Ms. Ung gave the Board an overview of her work with the City in both the CIS (IT) and Human Resource Departments the last two years to develop and help procure a vendor for the new applicant tracking system.

Ms. Ung explained that NEOGOV is a web-based transaction processing system that automates the process of recruiting and hiring of applicants. The information maintained on applicants is their personal history, work history, education, and some confidential information such as gender and race that candidates opt to provide.

The system went live City-wide on June 1, 2007. Ms. Ung was told by the Human Resources Director that her position could no longer be funded in the 2007-2008 fiscal year. In order to continue the implementation of the project and ensure a smooth transition, Board Secretary Patricia Marsolais advised Mr. Etheridge on August 24, 2007 via e-mail that Civil Service would fund Ms. Ung as Project Manager.

On October 3, 2007 Ms. Ung's access to the system was terminated without notification to her or the Civil Service Department. After researching this it was discovered that the vendor NEOGOV had made this change at the request of Human Resources Director David Etheridge. E-mail documents detailing the correspondence with NEOGOV were read to the Board. A designated NEOGOV administrator in Civil Service reinstated Ms. Ung's access.

On October 8, 2007 Ms. Ung's access was terminated again without notification. Over the next week the Secretary tried to resolve this through several channels. At that point with Ms. Ung's work disrupted and City business negatively impacted, the Secretary authorized her access be reinstated. A confirmation e-mail indicated that it was Human Resources Director David Etheridge who had Ms. Ung deleted the second time.

Assistant City Attorney Moss indicated they would obtain a copy of the meeting transcript and share it with the people involved. She added that per Chapter VIII Section 28 of the Dallas City Code that the Board is required to adhere to the advice of the City Attorney. The Vice-Chair again questioned the City Attorney's neutrality in the matter.

The Board entered executive session time 10:11 to 10:45 a.m. to receive legal advice from the City Attorney. There was no action taken during the closed session.

After more testimony from Joanne Ung, the Vice-Chair placed a copy of an August 24, 2007 e-mail from the Board Secretary to Human Resources Director David Etheridge into the record as an exhibit. The e-mail communicated to Mr. Etheridge that Ms. Ung would be funded as the Project Manager by Civil Service to ensure a smooth implementation and transition of the NEOGOV project. The tracking record on the e-mail shows that Mr. Etheridge read it at 12:45 p.m. on that day.

The Vice-Chair questioned Ms. Ung about additional users being given access to the system and the issue of system security.

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Ms. Ung said that NEOGOV's access is defined by roles. Role-based access is defined by the degree of transactions that are processed in the system and what business roles the individual has within the business transaction. Users are assigned specific roles based on their level of responsibility and their authority to do the transactions within the system. The process when properly administered ensures separation of duties and guards against unauthorized data manipulation and dissemination. She added that NEOGOV is not an information system. It does not have view-only access.

The Vice-Chair had an October 31, 2007 memorandum to the Board from First Assistant City Manager Ryan Evans marked as an exhibit. In that memorandum Mr. Evans stated that some employees have read-only access to the system.

Ms. Ung went on to discuss the two sides of the NEOGOV system, the Insight side and the department side. The scoring and access to the Insight side is what's at issue. Ms. Ung said that the only people who should have access to the Insight side are individuals who have roles to post positions, review applications, and put them on eligibility lists. Prior to October 3, 2007 twelve people were authorized to have access to the Insight side. As of this date forty-six have access. The people added were Human Resource Generalists and Human Resource Assistants (payroll employees) and a CIS person in the IT department. Ms. Ung stressed that access to the Insight side of the system allows the user to do anything with the applicant. She said that with that many people having access to Insight there is a risk of data being changed, released to people who shouldn't have it, eligibility lists modified, and test scores changed. When asked who has the ultimate responsibility for the Insight side of the system Ms. Ung said it would be Civil Service because 90 percent of the city positions are classified/unclassified.

The Board Secretary indicated that there was never any communication or notice that additional users were being added to the Insight side of the workforce management system.

Ms. Ung stated that from a management standpoint, the City's CIS (IT) department has no role because there is no IT structure that needs to be maintained with NEOGOV.

Referencing an October 27, 2007 e-mail sent to the Secretary, Assistant City Manager Jill Jordan, and Human Resources Director David Etheridge from City Manager Mary Suhm, Board Members Parrish and Lane expressed their concern about a "veiled threat" being made to the Secretary by the City Manager. The Secretary reports to the Board not the City Manager.

Ms. Ung continued a description of the two sides (i.e., Insight and department) of the NEOGOV workforce management system explaining the differences between them and who has access and what the ramifications of that are. Ms. Ung explained that employees with access to the Insight side have no restrictions when it comes to processing applicants and their information. She added that it is more restrictive on the department side because of the various business processes it takes to requisition a position and to hire someone. In response to a question from Board Member Parrish about the overall security of the system, Ms. Ung says that is maintained by the vendor.

With reference to the old ATS (applicant tracking system) Ms. Ung said it is used for historical purposes.

Ms. Ung explained the difference between a system administrator and users who have access to the Insight side of the system but are not designated as administrators. Three of the new users on the Insight side of the system have administrator's rights. Ms. Ung stated that Human Resources Director David Etheridge requested the vendor add these individuals. No one was notified of this change.

Vice-Chair Sanderfer read the October 31, 2007 partial response signed by First Assistant City Manager Ryan Evans on behalf of City Manager Mary Suhm, Assistant City Manager Jill Jordan and Human Resources Director David Etheridge into the record. The Vice-Chair entered it as an exhibit.

The Vice-Chair questioned Ms. Ung about the First Assistant City Manager's assertion that the NEOGOV system has read-only access. She had previously testified that it did not. She reaffirmed her statement.

The Vice-Chair questioned the Secretary on a meeting the First Assistant City Manager said that Civil Service did not attend on October 23, 2007 to address security issues with CIS and Human Resources. The Secretary stated that in the meeting of October 19, 2007 with Assistant City Manager Jill Jordan, CIS Director Worris Levine, Human Resources Director David Etheridge, Examining and Recruitment Division Manager Pamela McDonald and Assistant Director Michelle Hanchard she only remembered Ms. Jordan asking Mr. Levine to develop a plan and get back with her the next Friday.

The Secretary acknowledged that she later was informed of a meeting on October 23, 2007 but had a conflict at that time. She said she immediately notified CIS that she could not attend. Ryan Evans's October 31, 2007 memorandum to the Board alleges she did not notify anyone.

The Vice-Chair suggested that when the transcript of the meeting is received, a list of questions be prepared and sent to the people the Board would like answers from. The Board raised the issue of its ability to issue subpoenas. Further discussions on this would have to be done in executive session. No further discussion occurred on this subject.

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Civil Service Examining and Recruitment Division Manager Pamela McDonald was placed under oath and asked if there was anything that Ms. Ung testified to that was incorrect or just not true. She said no. Ms. McDonald indicated that she too was very concerned about the access given to the system of 30 or so more individuals. She was particularly concerned about test scores because they are so vital. Ms. McDonald also testified that she was present at the meeting with Assistant Jill Jordan on October 19, 2007 and did not recall any mention of a meeting set for October 23, 2007.

Recognizing representatives of employee associations in the audience, Board Member Parrish asked them to address the Board.

Ernesto Peña, President of the North Texas Association of Public Employees, Division of the United Steelworkers discussed the loss of Civil Service appeal rights by some of their members whose work groups or departments have been moved or are expected to be placed under the City Manager's Office. He added that it is very unfair to those employees will lose rights of appeal to grieve a matter or challenge a termination. He believes this action is in violation of the City Charter.

Assistant Director Michelle Hanchard testified that she did not recall hearing about a meeting scheduled for October 23, 2007 in the meeting with Assistant City Manager Jill Jordan on October 19, 2007.

After the testimony ended the Vice-Chair said that there were a lot of unanswered questions. He added that he has concerns about people's access being removed. Perhaps the people in charge believe that NEOGOV has read-only? He hopes this statement was not intentionally misleading. When the transcript is available each member of the Board and the City Attorney's Office will be given copies.

The Vice-Chair provided clarification to questions posed by Assistant City Attorney Jason McClain about the concerns regarding Human Resources Director David Etheridge. Mr. Sanderfer outlined specifics but added that the general tenor of the concern is the invasion of the Civil Service Department by people who don't realize the two departments are separate.

The Vice-Chair outlined the Board's concerns about the City Manager's apparent lack of recognition that Civil Service is something she doesn't control. Making "veiled threats" to the Civil Service Secretary is something she doesn't have the authority to do.

Board Member Lane would like to know what the City Manager told Assistant City Manager Jill Jordan and Human Resources Director David Etheridge to do or not to do. City Manager Suhm has not taken corrective action to fix the matters outlined. The Vice-Chair added that the buck stops with the City Manager. If her reports are violating the Charter, she's responsible.

The Vice-Chair said the Board's questions would be forwarded to Assistant City Attorney Janice Moss. He reiterated the Board's request for independent counsel. Ms. Moss acknowledged that she had spoken with City Attorney Tom Perkins about it.

Assistant City Manager Jill Jordan's role in the chain of command is what is at issue as far as she is concerned in the matter.

Board Member Voltmer said that the investigation raised more questions than answers for her. She added that she wanted to go on record as saying she is not convinced that the City Attorney is at the meeting on behalf of anyone other than the City.

Board Member Lane went on record to say that he was willing to meet with the City Manager and Mayor and appropriate colleagues including the Board Chair to help improve the process so that this doesn't happen again in his lifetime. The Vice-Chair added that he had made that offer to the Mayor.

There being no further business before the Board, the meeting adjourned at 12:35 p.m.

(A complete transcription of this meeting is available)

ATTESTED

APPROVED