

**MINUTES
CIVIL SERVICE COMMISSION
SPECIAL MEETING
July 29, 2010
6:00 P.M.**

The Civil Service Commission of the City of Forest Hill met on the above date at 6:00 p.m. with Commissioner Ozell Birks presiding. The following Commissioners and officials were present: Commissioners Tony Santiago and Gene Pirtle; City Manager Sheyi Ipaye, and Interim Civil Service Director Jaynice Porter-Brathwaite.

Opening Agenda:

A. Call to Order

With a quorum present, Commissioner Birks called the meeting to order at 6:03 p.m.

B. Invocation

C. Consent Agenda: All consent agenda items are considered to be routine by the Civil Service Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Civil Service Commission member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Consider minutes of the July 07, 2010 Special Civil Service Commission meeting.

Commissioner Santiago made a motion to accept all consent agenda items as presented, seconded by commissioner Pirtle, this passed as follows:

Ayes: Commissioners Birks, Santiago, and Pirtle

Nays: None

D. New Business:

2. Hear Firefighter Robert Hall appeal for promotion qualified by the June 4, 2009 eligibility list.

E. Deliberation Agenda:

3. Discuss and consider action to promote Firefighter Robert Hall to Fire Engineer.

Firefighter Robert Hall's letter was presented along with the opinion of Attorney Bettye Lynn, who recommends that Robert Hall be promoted to Fire Engineer and receive retroactive pay from May 22, 2010.

Per the Attorney's opinion Robert Hall's claim contents that, according to section 143.036 of the Texas Local Government Code, he was entitled to be promoted to the Fire Engineer position no later than sixty (60) days after one of the Fire Engineers should have been promoted to the Fire Lieutenant's position. Hall claims that the date the City should have promoted a Fire Engineer to Fire Lieutenant was the 91st day after the November 29, 2009 vacancy.

The Attorney's recommendation states, unless other facts showing that the delay in administering the second Fire Lieutenant promotional examination was attributable to factors outside the City's control, then, by operation of law, a promotional vacancy for Fire Engineer existed as of March 23, 2010. Because there was an eligibility list in existence as of that date, the department head had sixty (60) days from that date to promote Hall who was next on that eligibility list. Sixty days from March 23, 2010 is May 22, 2010. Hall should be promoted to the vacant Fire Engineer slot, retroactively from May 22, 2010. He is also entitled to back pay from that day.

In addition the Attorney states, however, the failure to post and give another promotional Fire Lieutenant in a timely manner was within the City's control. Another promotional test should have been scheduled within a reasonable time, but it was not. The 91st day from December 22, 2009 is March 22, 2010. The candidate who placed number 1 on the Fire Lieutenant examination on July 6, 2010 should have his promotion made retroactive to March 22, 2010, and he should be paid back pay from that date until the date of his actual promotion.

The Commissioners decided as follows on each Fire promotion and retroactive pay issue:

Commissioner Birks motioned to approve promoting Firefighter Robert Hall based on the June 4, 2009 eligibility list and give him retroactive pay from May 22, 2010, seconded by Commissioner Pirtle, which passed as follows:

Ayes: Commissioners Birks, Santiago, and Pirtle

Nays: None

Secondly, Commissioner Pirtle motioned to approve retroactive pay from May 22, 2010 for the candidate who placed number 1 on the Fire Lieutenant examination on July 6, 2010 (Fire Lieutenant Jay Wisdom). Seconded by Commissioner Birks, which passed as follows:

Ayes: Commissioners Birks, Santiago, and Pirtle

Nays: None

G. Adjournment

With no further business to discuss the Civil Service Commission adjourned at 6:35 p.m.

Jaynice Porter-Brathwaite
Acting Civil Service Director