

## Asheville Civil Service Board Minutes

**Meeting attended by:** *Board members:* Chairman Marv Rosen  
Carolyn Worthington  
Lynn Moffa  
Alan Coxie  
Virginia Robinson

*City of Asheville Administration:* Kelley Dickens, HR Director  
Kelly Whitlock, Assistant HR Director  
Robin Currin, City Attorney  
John Maddux Assistant City Attorney  
Paul Fetherston, Deputy City Manager  
Meredith Troughton; Board Clerk

**Absent:** *Board Attorney:* Patsy Brison

**Date:** September 4<sup>th</sup> 2014

**Time:** 2:30pm

### **I. Welcome**

#### **I. Approval of Minutes**

a. July 2014 Meeting Minutes

- July minutes were not approved. There was discussion about the detail of the minutes. The Board would prefer summary minutes. The Board Clerk will revise the minutes and resend to the Board for approval.

#### **II. Old Business**

a. Discussion and Recommendations: Asheville Police Department Promotional Policy 1073

- i. Transparency and publication of a rank-ordered list of eligible candidates
- ii. Length of service requirement for promotion to Captain
- iii. Relative weight and absence of a quantifiable value attributable to the Chief's interview
- iv. Selection by Chief based upon "The Chief can promote any candidate referred to him by Human Resources".
- v. Are promotions under Chief's selection criteria grieveable?
- vi. Start and end dates of promotional lists
- vii. Other unlisted items consistent with discussion of APD Policy 1073

Please note that all documentation that was presented in this meeting is available through the City's Human Resource Department request for full audio of the meeting can also be obtained from the City's Human Resource Department.

- Board referenced a letter from the City Attorney's Office dated August 29<sup>th</sup> 2014. The City's position is that until Substantive Rules can be put in place and approved by City Council, the board shall not make any changes to process already in effect.
  - The Board discussed the revision of Policy 1073. Board members have had discussions with individuals with in the police department expressing their concerns. However, the City is unaware whether these individuals have expressed their concerns to City administration.
  - The Board discussed the length of service to be promoted to Police Captain. The Board was under the impression that the length of service to be promoted to Captain was 18 months. According to a recent job posting provided by the City's HR department, the length of service to be promoted to Captain is 24 months. The City also provided minutes from the November 2<sup>nd</sup>, 2012 Civil Service Board Meeting that reflect the change from 18 months to 24 months and the approval of the Board. However, there is a discrepancy with that length of service within the Policy. Kelley Dickens will work with APD to get the discrepancy corrected.
  - Discussion on the weight of the Chief's interview. The Board expressed concern over the fact that there was no way to quantify the weight of the Chief's interview.
  - There was discussion as to the Board's authority to amend Asheville Police Department Promotional Policy 1073. Board Member Moffa was not comfortable amending Policy 1073 without having more information.
  - The Board would like to invite the Chief to their next meeting for a question and answer session to address specific concerns that the Board has with Policy 1073. Kelley Dickens will relay the request to the Chief and the Board will write a letter to the Chief as an invitation for the question and answer session. The City Attorney asked that the Board address what specific questions they had in the invitation that they will send to the Chief.
  - Kelley Dickens explained to the board that if there were current employees who had issues with APD that there is an appropriate route to express their concerns.
  - There was discussion about the video that was made by the Chief in regards to the promotion of an individual who at the time the promotion took place, was not eligible for promotion. The Board would like for Kelley Dickens to speak to the issue and how the City resolved the matter at the next Board meeting.
- b. Report, update and discussion of Substantive Rules
- Discussion of what took place during the Substantive Rules Committee Meeting on August 7<sup>th</sup>, 2014.
  - Discussion as to why the City Attorney's office was not at the Substantive Rules Committee Meeting. The Substantive Rules Committee would like for this process to be a collaborative effort with the City.
  - Since the Substantive Rules Committee felt that there was no representation from the City, the Committee deferred until they could consult with independent council as to what should be done.

Please note that all documentation that was presented in this meeting is available through the City's Human Resource Department request for full audio of the meeting can also be obtained from the City's Human Resource Department.

- The Substantive Rules Committee Meeting would like HR's input on rules that are needed and would like for Kelley Dickens to work with the Substantive Rules Committee to draft Substantive Rules.
  - The Board also decided that since there are 3 Board members on the Substantive Rules Committee, which constitutes quorum of the Board, the Substantive Rules Committee would take no official action before bringing it before the rest of the Board.
- c. Update on CSB Independent Counsel
- Discussion about the Legal Statute in regards to independent counsel being limited to 20 hours per year for non-grievance related matters.
  - At this time, the Board's independent counsel has used the full 20 hours for the fiscal year 2014-2015 which runs July 1<sup>st</sup>, 2014 – June 30<sup>th</sup>, 2015.
  - The Board would like to meet with their City Council liaison to address their concerns about the limitation on independent council.

### **III. New Business**

- Letter to CSB Chairman re Police Department compensation

### **IV. Other Business**

- a. Grievance Hearing schedule update
- Frost hearing is set for September 9<sup>th</sup>
  - Mr. Collins has waived his 15 day time period in order to be able to obtain counsel. He will notify HR when he has retained counsel.
  - Board Member Coxie will coordinate with Civil Service Board Clerk Meredith Troughton to schedule the next Substantive Rules Committee Meeting

### **V. Adjourn**

Motion was made by Board Member Coxie and seconded by Board Member Worthington, and carried unanimously

Please note that all documentation that was presented in this meeting is available through the City's Human Resource Department request for full audio of the meeting can also be obtained from the City's Human Resource Department.