

CIVIL SERVICE COMMISSION

The Civil Service Commission of the City of Raleigh met in a regularly scheduled meeting on Wednesday, May 15, 2024, at 9:00 a.m. in the City Council Chamber, Room 201 of the Raleigh Municipal Building, 222, West Hargett Street, Raleigh, North Carolina with the following present:

Commission

Denise Smith-Cline, Chair, Presiding
Cynthia Ball (absent/excused)
Craig Haines
Patricia Holland
Minu Lee
Thomas McCormick
Chuck Till (absent/excused)

Staff

Human Resources Director Sharnell Jones
Chief Deputy City Attorney Dorothy Kibler
Deputy City Clerk Ralph Puccini

These are summary minutes unless otherwise indicated.

Following a technical delay, Chair Cline called the hearing to order at 9:06 a.m., and indicated Commissioners Ball and Till were absent and excused.

Chair Cline stated the purpose for today's meeting was for the Commission to perform its statutory duty to review Human Resources policies and make any recommendations.

The following items were discussed with recommendation given as shown.

HUMAN RESOURCES – POLICIES: 300-21 BACKGROUND INVESTIGATION; 300-22 RECRUITMENT AND SELECTION; 300-23 PROBATIONARY PERIOD – AMENDMENTS ENDORSED

The City of Raleigh and its Human Resources department recently underwent a revision of policies 300-21 Background Investigation, 300-22 Recruitment and Selection, and 300-23 Probationary Period. These policy updates were completed using a policy approval process that included feedback from the City Attorney's Office and several city working groups that drew from a range of departments and levels of seniority. It included a review by the Management Team that includes executive staff, Public Safety Collaborative and Employee Experience Collaborative.

Electronic sets of staff's memorandum along with the current and proposed amended policies were provided to the Commissioners prior at the meeting and printed sets were also provided at the meeting.

Human Resources Director Sharnell Jones summarized the information highlighting staff's memorandum with Commissioners asking questions after each policy amendment was summarized.

300-21 Background Investigation Policy

Policy Update

This policy was updated in 2006, streamlining of the recruitment and selection process has prompted changes for review. Each policy change is bulleted in detail below and corresponding changes are highlighted in yellow in *Exhibit 1: Revised 300-21: Background Investigation Policy* for easy review.

Definitions

The following definition was added to provide the meaning of background investigations in relation to this policy.

- **Background Investigations** – A background investigation may include criminal background checks, motor vehicle reports (MVR), employment credit checks, reference checks, public information checks, and/or fingerprinting for public safety positions.

Section 3

This section provides a more detailed explanation of when Human Resources will run a credit check. This section provides guidance on how Human Resources interprets the results of a credit check and what steps will be taken if a risk is identified.

- 3. A credit check will be conducted for positions that regularly engage in handling credit cards, debit cards, cash or other City funds. This requirement applies to candidates who have accepted a conditional written offer and to current employees receiving an internal promotion or transfer to such a position.
- 3.1. Credit checks may be required for other positions when the duties of the job necessitate the check. Departments that regularly require a credit check include finance, accounting, and customer service, public safety positions, are part of senior management, and any other positions deemed appropriate.
- 3.2. Human Resources will review all credit checks for qualifying positions. Human Resources will review the information obtain from the credit check and will provide the results to management involved in the hiring process. Access to this information is limited to employees of the Human Resources department and management involved in the hiring process, on a need-to-know basis to ensure the privacy of the candidate.
- 3.3. If the credit check reveals that the candidate for hire or transfer has a history of bad debt, the individual may be disqualified from the position. Bad debt is defined as debt that has been referred for collection, has a balance past due more than 60 days or has been written or charged off by the creditor.
- 3.4. Bad debt is not typically considered a risk if it is
 - 3.4.1. more than five years old

- 3.4.2. the result of student loan obligations or
- 3.4.3. incurred through extensive medical care.

- 3.5. Bad debt is considered a risk if it exceeds 10 percent of the salary for the position being filled, regardless of the time period in which the debt was incurred or the type of debt incurred.
- 3.6. If a candidate's credit check reveals a history of bad debt that may be identified as a risk, the Human Resource Department will initiate the FCRA pre-adverse action process as described in section five below.

Section 4

This section outlines the factors the Human Resource Director or designee will use to conduct an individualized assessment to verify that the background investigation is relevant to the essential functions of the position that the candidate has been selected for. These factors align with guidelines provided by the Equal Employment Opportunity Commission (EEOC).

- 4. All background investigation reports are reviewed and approved by the Human Resources Director or a Human Resources designee to verify that the checks are relevant to the essential functions of the position. The Human Resource director or designee should conduct an individualized assessment of the candidate's background using the factors listed below.
 - 4.1. Severity and number of convictions or offenses and circumstances of each
 - 4.2. Length of time between convictions or offenses, the completion of a sentence, or pattern of activity
 - 4.3. The circumstances under which the job is performed (e.g. whether the position involves interacting with coworkers or residents) and the involvement in which positions is performed (e.g., in a private home)
 - 4.4. The essential functions of the position
 - 4.5. The relevance of the conviction or offense to the candidate's ability to perform the functions of the position, the level of interaction with coworkers and/or the public, and the level of supervision within the position.
 - 4.6. Employment history
 - 4.7. Whether the individual is bonded under a federal, State, or other bonding program.
 - 4.8. Other relevant facts and circumstances that assist in assessing the suitability of the applicant or employee, and as required by law.

Section 5

This section provides guidance on the pre-adverse action process required under the Fair Credit Reporting Act (FCRA) if a background investigation reveals information that may indicate a candidate is unsuitable for employment.

- 5. If a consumer report from the background investigation reveals criminal records, other serious misconduct, pending court dates, driving offenses as listed in 101-12 Driving License Requirements Policy, collections, and/or sources, including in publicly available information that may indicate unsuitability for employment, Human Resources shall initiate the FCRA required pre-adverse action process to allow the candidate a reasonable opportunity to correct or explain the content of a consumer report. Following receipt of the candidate's response, the City will consider all information provided in determining whether the conditional offer will become final or will be withdrawn.

Section 6

This section outlines the process taken if the hiring department and Human Resources determines that a candidate does not meet the City's background investigation requirements.

- 6. If the hiring department, in consultation with HR, determines that a candidate does not meet the City's background investigation requirements, Human Resources will rescind the candidate's offer and inform the hiring department. In the event the background investigation provides information that makes the candidate ineligible for the position (lacks educational requirements, driver's license, etc.), HR will rescind the offer and inform the hiring department.

Responsibilities

The Responsibilities Section was added to the policy to provide context of duties for employee groups and/or departments affected by this policy.

- **Human Resources Department or Human Resources-Approved City department designee** – Review and approve background investigations for all City positions. Human Resources will provide approval for Human Resources-approved City department designees. Human Resources will also provide instruction and training on background investigations to Human Resources-approved City department designees.
- **All City Departments and Divisions** – Indicate in position requisitions whether an MVR and/or an employment credit check will be required in accordance with this policy due to the essential duties of the position.

Commissioner Haines questioned whether gasoline company card accounts were part of the credit check with HR Director Jones responding only cash accounts, utility bills, etc. and responsibility in keeping the accounts current. Commissioner Haines questioned whether a full credit check was

conducted and whether such checks were done periodically for current city employees with HR Director Jones responding no full credit checks were conducted and those checks would be for only new candidates or those employees promoted to positions where handling cash was required. Commissioner Haines questioned whether student loan debt or extended medical care expenses were considered credit risks with HR Director Jones responding bad debt i.e. student loans were not considered a risk.

Chair Cline questioned whether debt outside of 5 years was not considered bad debt with HR Director Jones indicating that was correct with Chief Deputy City Attorney Dorothy Leapley noting such consideration was given to those seeking their first job out of school and HR Director Jones adding student loans and medical debt could add up to 20% of base salary and would not be considered “bad debt” and Commissioner Lee opining the policy language was ambiguous regarding actual bad debt. City Attorney Leapley noted a candidates’ delinquency rates may be considered with HR Director Jones pointing out candidates would be given the opportunity to respond/address the matter. Commissioner Lee questioned the situation should there be a student loan 3 years old and in collection with HR Jones reiterating the candidate would be given the opportunity to respond/address the matter. Commissioner Lee questioned whether HR would inform the candidate the reasons should an offer be rescinded with HR Director Jones responding in the affirmative.

300-22 Recruitment and Selection Policy

Policy Update

Policy 300-22 was updated in 1988; streamlining of the recruitment and selection process prompted changes for review. Each policy change is bulleted in detail below and corresponding changes are highlighted in yellow in *Exhibit 3: Revised 300-22: Recruitment and Selection Policy* for easy review.

Definitions

The following definitions were added to provide context to this policy.

- **External Recruitment** – To recruit applicants from outside the City’s organization, in addition to considering current City employees.
- **Internal Recruitment** – To recruit applicants only from within the City’s organization.
- **Lateral Transfer** – A transfer within a department or to another department from one position to another of the same classification and/or pay grade as the first position.
- **Promotion** – The action taken when an employee is moved from the employee’s current position into a different position that is in a higher pay grade.
- **Demotion** – The action taken when an employee is either assigned to a position or requests to be moved into a position that is in a lower pay grade or amount than the

position currently held.

Section 1.2

This section describes when the City of Raleigh is not required to advertise vacancies.

- 1.2. The City of Raleigh is not required to advertise vacancies when a pool of qualified applicants has been established for another vacancy within the same classification, same minimum and preferred qualifications, and same pay range within sixty (60) calendar days from the closing date of the prior vacancy. This pool may be used in lieu of advertising for the current vacancy. The City is also not required to advertise vacancies for established apprenticeships, fellowships, internships, and workforce development programs that have been pre-approved by the Human Resources Director.

Section 1.3

This section outlines that all placements and selections should be consistent with City of Raleigh policies.

- 1.3. All selections and placements shall be consistent with Employee Code of Ethics Policy prohibiting supervisory relationships between immediate family, as defined in Policy 300-01A, Human Resources Program Policy Definitions.

Section 1.4

This section provides clarity on which City Departments have all their recruitment and selection activities administered by Human Resources and which departments have some recruitment and selection autonomy.

- 1.4. The recruitment for City Departments, advertising, testing, and selection activities will be centralized in, administered by, coordinated through, or approved by the Human Resources Department. City departments with some recruitment and selection autonomy include the Police Department, Emergency Communications, the Fire Department, and Parks, Recreation & Cultural Resources.

Section 1.5

This section provides a list of positions that are exempt from this policy.

- 1.5. City Council-appointed positions of City Manager, City Clerk, and City Attorney are exempt from this policy.

Section 2.3

This section outlines expectations for departments when the City may implement a hiring freeze

- 2.3. At times, the City may implement a position freeze directive, and, in these situations, departments should follow the freeze-release approval process, if applicable.

Section 3.2

This section provides an update on how the online recruitment process begins.

- 3.2. The hiring manager or designee begins the recruitment of the vacant position by completing a requisition request through the City's online recruiting system. During this time, hiring managers and supervisors are encouraged to work with designated Human Resources staff to determine appropriate and accessible recruitment strategies for the position to obtain a broad and distinct applicant pool.

Section 4

This section provides an update on how and where position vacancies are posted.

- 4.1 Upon receipt of the requisition from the hiring department, the Human Resources Department will conduct a review to ensure compliance with the Americans with Disabilities Act. Subject to compliance with this policy and all applicable laws, the Human Resources Department will post the position vacancy announcement (also referred to as a job posting). Jobs will typically be posted within the timeline set in the Recruiting Toolkit and the Recruitment and Selection Standard Procedure.
- 4.2 City positions will be posted for external recruitment. However, upon request of a hiring manager or supervisor, a position may be posted for internal recruitment only.

Section 5

This section provides an update and guidance to hiring managers on the screening and interview process.

- 5.1 All applicants who have applied for employment shall be selected on a competitive basis and in accordance with the Raleigh Civil Service Act.
- 5.2 Application: All persons expressing an interest in employment with the City of Raleigh will be given an opportunity to apply for vacant positions. All applicants must apply online to be considered for employment. Reasonable accommodations can be provided by Human Resources to those applicants who may need assistance and requests for accommodations should be made as explained in Policy 300-35. Knowing and willful submission of false information on an application may be grounds for disqualification, or termination of employment if discovered after employment begins.
- 5.3 Screening: Each applicant's credentials will be reviewed in compliance with all applicable laws, based on the applicant's responses to the minimum requirements supplemental questions submitted through the online application. All applicants referred for consideration must meet the minimum requirements established for the position as specified in the job posting.

- 5.4 Interview panels: Interview panels should typically consist of a minimum of two (2) to three (3) members. Interview panels should consist of members based on factors such as their experience, expertise, knowledge, functional area, seniority, and good standing. Selection and appointment of interview panel members shall comply with all federal and state equal opportunity laws against discrimination. In addition, the interviewer(s) should be knowledgeable about the position requirements. Multiple interview panels may be used during the interview process. For each applicant, the panel members should remain the same for that specific round of interviews.
- 5.5 Questions and assessments: All applicants interviewing for a specific position are to be asked the same questions and given the same exercises before identifying the final candidate. Behavioral and/or situational based interview questions must be relevant to the knowledge, skills, and experience expected to be successful in the position. Questions should clearly relate to the responsibilities of the position.
- 5.6 Reference checks: The hiring manager or supervisor will conduct professional reference checks once the final candidate has been identified and prior to making an offer. A minimum of two (2) professional references are required from the applicant. Hiring managers will conduct reference checks via telephone or email. Reference checks are required to be completed prior to an offer. For internal hires, the supervisor is required to conduct a reference check with the applicant's departing department prior to making an offer or conditional offer, if applicable.
- 5.7 Job offers: After a decision has been made by the hiring manager or supervisor to hire a candidate, a conditional offer shall be extended in writing. See City Policy 300-4A Job Classification and Compensation System for hiring managers. Employment offers must be made in writing and signed by the applicant prior to the commencement of employment. Applicants who have accepted and signed an employment offer must complete a background check in accordance with City Policy 300-21 Background Investigations, a controlled substance test, and any other position-specific requirements.
- 5.8 Records and retention of hiring decisions: Records of all documentation related to the selection process are to be retained according to the City's Record Retention Schedule and all federal, State, and local laws. The hiring manager or supervisor or other department designee must update the status of all applicants in the online recruiting system and non-selection notifications should be sent by the hiring department, Human Resources, or Human Resources-approved City department designee. Human Resources will close out the requisition in the online recruiting system.

Responsibilities

The Responsibilities Section was added to the policy to provide context of duties for

employee groups and/or departments affected by this policy.

- **Human Resources Department** – Execute, administer, and update policy. Human Resources will also provide instruction and training on this policy to Human Resources- approved City department designees.
- **Human Resources-Approved City Department Designee** – Adhere to and execute the policy.
- **Hiring Department (Hiring Managers and Supervisors)** – Adhere to and follow policy for filling all vacant positions both internally and externally. Defines job requirements, participates in interview and selection processes, and ensures fair and consistent evaluation of candidates.
- **All City Departments and Divisions** – Indicate in position requisitions whether an MVR and/or an employment credit check will be required in accordance with this policy due to the essential duties of the position

Commissioner Lee questioned the reason behind Section 1.2 allowing for non-advertisement of a new position if it was similar to one already posted with HR Director Jones explaining if there the pool of applicants for the posted position were large enough then a candidate could be for the not-yet posted position could be chosen out of the pool.

Discussion took place regarding avoiding discrimination toward younger/less experienced candidates versus more experienced candidates and how the HR's Talent Acquisition Team evaluated applications.

Commissioner Lee questioned what determined whether a position was posted internally or externally with HR Jones explaining the determination depended on whether the Department believed there were available candidates internally and that it was also up to the hiring manager's discretion.

Discussion took place regarding how positions were posted and what links provided on to access the postings on the City's web portal.

Commissioner Lee suggested amending Section 5.4 regarding the number of members in the interview panel to read "at least 2 members" rather than giving a range in the number of members.

Commissioner Haines questioned whether public information checks included social media with HR Director Jones indicating that was correct. Commissioner Haines questioned whether candidates were required to give up their passwords to their social media accounts with HR Director Jones stating there was no such requirement for candidates citywide; however, for specific departments such as Police, Internal Affairs, etc. that may be a possibility.

Commissioner Haines questioned what would happen if expunged records appeared in a candidate's search with City Attorney Leapley responding state statute governs the meaning of

“expungement” and HR Director Jones pointing out the candidate would have the opportunity to respond to the entry and City Attorney Leapley opining that a search of court records would not/should not include expunged cases.

Discussion took place regarding Raleigh Police and Emergency Communications Center candidate requirements.

Commissioner Haines questioned how “extreme staffing shortages” was determined under Section 1.1.7 with HR Director Jones explaining that determination was made by the City Manager and the impacted department’s Director.

300-23 Probationary Period Policy

Policy Update

Policy 300-23 was updated in 2017; the City of Raleigh and its Human Resources Department revised the criteria used to evaluate an employee at the end of their initial probationary period. This revision is also based on the addition of other probationary periods, if needed. Each policy change is bulleted in detail below and corresponding changes are highlighted in yellow in *Exhibit 5: Revised 300-23: Probationary Period Policy* for easy review.

Definitions

The following definitions were added to the policy to provide context regarding the types of probationary periods:

- **Initial Probationary Period** – The time period provided to evaluate a new employee hired into a permanent full-time or permanent part-time position on their suitability for continued employment. A new employee hired into a permanent full-time or part-time position is expected to perform the essential functions of the position and successfully meet all conduct and performance expectations by the end of the initial probationary period. A new employee will not be considered a permanent employee until the successful completion of their initial probationary period, to include any approved extensions.
- **Other Probationary Period** – The time period provided to a permanent full-time or permanent part-time employee to demonstrate that they can perform the essential functions of the new position to which they have been promoted or transferred or the time period to improve a performance or conduct issue.

Section 1.3

Provides the criteria a supervisor will use to evaluate and determine if an employee should be retained by the City after their initial probationary period.

- 1.3 Assessment. At the end of the initial probationary period, the supervisor will evaluate and determine if the employee should be retained by the City. This decision will be made by evaluating the following criteria:

- 1.3.1.1 The skills, competencies, and knowledge of the employee in the position
- 1.3.1.2 The employee's progress on given assignments
- 1.3.1.3 The employee's reflection of the City's values
- 1.3.1.4 The employee's behavior, conduct, relations, and collaboration with subordinates, supervisors, and peers

Section 1.5

This section provides permanent full-time employees coverage under the Raleigh Civil Service Act.

- 1.5 Raleigh Civil Service Act
 - 1.5.1 After completion of the initial probationary period, permanent full-time employees are covered by the Raleigh Civil Service Act unless their position is exempt from the Civil Service Act. Permanent full-time employees, whose positions are covered by the Civil Service Act, are entitled to the rights of permanent full-time employees provided by the Raleigh Civil Service Act, regardless of any other probationary periods the employee may be placed on in the future.
- 2.1 Permanent full-time or permanent part-time employees who have completed their initial probationary period may be placed in a probationary status when promoted or transferred to a new position for a period of up to three (3) months. This type of action serves as a notice to the employee that a period of performance evaluation is in effect. The purpose of the other probationary period is to evaluate the employee's ability to adapt successfully to the new position. The supervisor will evaluate the employee based on the criteria listed under Section 1.3 of this policy.
- 2.2 Disciplinary action – to serve as a warning to the employee.
- 2.3 Failure to meet expectations during the other probationary period may lead to disciplinary action up to and including termination in accordance with Policy 300-14, Disciplinary Action, Suspension, and Dismissal.

Responsibilities

The Responsibilities Section was added to the policy to provide context of duties for employee groups and/or departments affected by this policy.

- **Employees** – The employee will work closely with their supervisor during the probationary period, actively participate in any required training, and ask questions or seek assistance if they are having difficulty meeting the expectations of the position.
- **Supervisors** – During an employee's initial or other probationary period, clearly communicate expectations, evaluate performance and behavior, and provide feedback and coaching to the employee. Supervisors are required to provide written notice to the employee if electing to extend the employee's probationary period.

Additionally, determine whether probationary periods should last beyond the initial probationary in consultation with Human Resources.

- **Human Resources Department** – Assist supervisors with coaching and evaluation, as needed.

Commissioner Lee questioned what documentation looked like for employees facing disciplinary actions with HR Director Jones stating the documentation would be outlined at the start of the probationary process including documented discussions with employees while following the guidelines outlined in HR Policy 300-14.

Discussion took place regarding how Civil Service eligibility was communicated once the probationary period ended along with how grievances/terminations were documented as well as how employees address their concerns to HR.

Various commissioners commended HR Jones and staff regarding the proposed changes.

Commissioner Lee moved to endorse the policy changes without alteration. His motion was seconded by Commissioner McCormick and put to a vote that resulted in all Commissioners voting in the affirmative (Ball, Till absent/excused). Chair Cline ruled the motion adopted on a 5-0 vote.

HR POLICY REVIEW – PROPOSED AMENDMENTS TO BE SUBMITTED TO CIVIL SERVICE COMMISSIONERS A MINIMUM 7 DAYS PRIOR TO MEETING

Commissioner Lee stated there needed to be a more standard timeline for submitting policy recommendations to the Civil Service Commissioners noting the last set was sent on the previous Friday at the start of a Holiday weekend and stated he would prefer receiving the recommendations at least 1 week in advance to properly read and review them with Commissioners Haines and Holland agreeing.

Following brief discussion and, by consensus, Chair Cline instructed HR to make sure that all future policy recommendations be submitted at least 7 days prior to the scheduled meeting.

HR POLICY REVIEW – TO BE HELD JULY SCHEDULED FOR JULY 26, 2025

HR Director Sharnell Jones stated she will have additional policy amendments for Commissioner consideration at the Commission's July 16, 2025 meeting and indicated she would have one of the policy amendments ready to submit within this next week.

RALEIGH CIVIL SERVICE COMMISSION CASE #25-CSC-003 AMANDA WILKES V. CITY OF RALEIGH – HEARING ON CITY MOTION TO DISMISS AND MOTION TO EXTEND TIME TO RESPOND – SCHEDULED FOR AUGUST 20, 2025

Deputy City Clerk Ralph Puccini reminded the Commissioners there will be a hearing on Wednesday, August 20, 2025 in the matter of Case #25-CSC-003 Amanda Wilkes v. City of Raleigh to consider the City's Motion to Dismiss and Motion to Extend Time to Respond.

ADJOURNMENT

There being no further business, Chair Cline declared the hearing adjourned at 9:35 a.m.

Ralph L. Puccini, III
Deputy City Clerk
Clerk to the Raleigh Civil Service Commission