ITEM 1

# MINUTES

## FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT 6:00 P.M., THURSDAY EVENING, JANUARY 12, 2012, CITY COUNCIL CHAMBERS #2 CIVIC CENTER PLAZA – 2ND FLOOR

All matters listed under the Consent Agenda below will be considered by the Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless members of the Commission or persons in the audience request specific items be removed from the Consent agenda to the Regular Agenda for discussion prior to the time the Commission votes on the motion to adopt the Consent Agenda.

MEMBERS PRESENT: Gezelius, Kenneth – Chair
Bautista, Jesus H.
Hernandez, Edward
Karlsruher, Eileen
Mendez-Acosta, Belinda
Pleters, Michael
Turner, Marcia
Viescas, Cora

MEMBERS ABSENT: Ramirez, Terry

Meeting convened at 6:01 p.m. with seven Commissioners present and Chair Gezelius presiding. Chair Gezelius states that there will be changes to the order of the agenda. Items 5, 6, and 7 moved to forefront of Regular Agenda. Items 3 and 4 will be moved to end of Regular Agenda. Early departure by Commissioner Pleters at 7:00 p.m.

## CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

December 8, 2011

**MOTION TO APPROVE MINUTES MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.**

2. Notation: Assignment of Hearing Officers to the Following Appeals:

A. Jesus Salas – General Services – Termination-Patricia Palafox
B. Gloria Castaneda – Aviation – Suspension- William Ellis- DELETED
C. Joshua M. Dominguez – Fire – Termination- Patricia Palafox
D. Ana M. Castillo-Engineering & Construction Mgmt.-Suspension- William Ellis

CSC Secretary Linda Thomas states for Item 2B to be deleted.

**MOTION TO DELETE ITEM 2B MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER KARLSRUHER AND NOTED.**

## REGULAR AGENDA

3. Discussion and Action on Repeal of the Following Resolution and Policies Approved/Adopted/Amended by Civil Service Commission Prior to February 7, 2004.

   A. Written Reprimand Policy- Adopted July 10, 1986
   B. Sexual Harassment Policy and Procedures- Revision Adopted April 11, 1991
   C. Intimidation and Harassment of Employees Resolution- Approved July 14, 1994
   D. Concealed Handguns and Deadly Weapons in the Workplace Policy- Adopted December 14, 1995
   E. Drug Free Work Place Policy- Amended May 14, 1998

Discussion by HR Director Linda Thomas, and Chair Gezelius.

**MOTION TO REPEAL ITEM 3 A-E MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER VIESCAS AND UNANIMOUSLY PASSED.**

4. Discussion and Action on Proposed Changes to Ordinance 8065 Rules and Regulations Rules 1 through 12:

Discussion by Commissioner Bautista, Chair Gezelius, Commissioners Karlsruher, Viescas, HR Director/Secretary CSC Linda Thomas. Further discussion by Commissioner Bautista, HR Director Linda Thomas, Commissioner Karlsruher, City Manager Joyce Wilson, and Hearing Officer Bill Ellis. Commissioner Mendez-Acosta comments to Chair Gezelius she would recues herself and states she did not make any suggestions to doing rule changes.

**RULE 1-CIVIL SERVICE COMMISSION Section 6 b**

Discussion by HR Director Linda Thomas, Commissioner Hernandez, Senior Assistant City Attorney Elaine Hengen, Commissioners Pleters, Bautista and Chair Gezelius.

**MOTION TO DELETE "or to create a tie" MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER PLETERS AND UNANIMOUSLY PASSED.**

Commissioner Pleters excuses himself from meeting at 7:00 p.m.

Discussion by City Employees Lilia Fierro and Joe Acosta. Discussion by Non–City Employee Ali Boureslan. Discussion by Commissioners Viescas, Bautista, Hernandez, City Manager Joyce Wilson, Sr. Assistant City Attorney Elaine Hengen, Chair Gezelius, City Employee Joe Acosta. Hearing Officer Bill Ellis, HR Director Linda Thomas and City Employee Lilia Fierro.

**MOTION TO APPROVE RULE 1 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND UNANIMOUSLY PASSED.**

**RULE 2-DEFINITIONS AND RULES OF CONSTRUCTION**

Discussion by HR Director Linda Thomas, Commissioners Bautista, Viescas, Chair Gezelius, Non-City Employee Ali Boureslan, Sr. Asst. Attorney Elaine Hengen, and City Manager Joyce Wilson.

**MOTION TO APPROVE RULE 2 MADE BY COMMISSIONER TURNER AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 4 TO 1.**

AYES: TURNER, VIESCAS, HERNANDEZ, KARLSRUHER
NAYES: BAUTISTA

**RULE 3- REQUIRED LICENSES OR CERTIFICATES**

Discussion by HR Director Linda Thomas and Chair Gezelius.

**MOTION TO APPROVE DELETION OF RULE 3 MADE BY COMMISSIONER TURNER AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.**

**RULE 4-CLASSIFICATION**

Discussion by HR Director Linda Thomas, Chair Gezelius, Commissioners Karlsruher, Hernandez. Further discussion by City Employee Lilia Fierro, Commissioners Viescas and Bautista.

**MOTION TO APPROVE DELETION OF RULE 4 MADE BY COMMISSIONER TURNER AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.**

**RULE 5-COMPENSATION**

Discussion by HR Director Linda Thomas and City Employee Lilia Fierro.

**MOTION TO APPROVE RULE 5 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 3 TO 2.**

AYES: TURNER, VIESCAS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

**RULE 6-CERTIFICATION**

Discussion by HR Director Linda Thomas, Commissioner Bautista, Chair Gezelius, City Employee Joe Acosta. Further discussion by HR Director Linda Thomas, Commissioner Hernandez, City Manager Joyce Wilson and City Employee Joe Acosta.

**MOTION TO APPROVE RULE 6 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 4 TO 1.**

AYES: TURNER, VIESCAS, HERNANDEZ, KARLSRUHER
NAYES: BAUTISTA

**RULE 7-PROVISIONAL & TEMPORARY APPOINTMENTS**

Discussion by HR Director Linda Thomas.

**MOTION TO APPROVE DELETION OF RULE 7 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 4 TO1.**

AYES: TURNER, VIESCAS, HERNANDEZ, KARLSRUHER
NAYES: BAUTISTA

**RULE 8-APPLICATIONS**

Discussion by HR Director Linda Thomas, Commissioners Hernandez, Bautista, City Employee Joe Acosta.

**MOTION TO APPROVE DELETION OF RULE 8 MADE BY COMMISSIONER TURNER AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 3 TO 2.**

AYES: TURNER, VIESCAS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

**RULE 9-EXAMINATION, MARKING AND RATING**

Discussion by HR Director Linda Thomas, City Employee Lilia Fierro read letter written by City Employee Tracey Fontenot, City Employee Joe Acosta, Commissioners Viescas, Hernandez, City Manager Joyce Wilson, Sr. Asst. Attorney Elaine Hengen, and City Employee Jeff Romney.

**MOTION FOR FIVE MINUTE RECESS MADE BY CHAIR GEZELIUS.**
**Recess convened at 8:28 p.m.**

**Reconvened from Recess at 8:33 p.m.**

Further discussion by HR Director Linda Thomas to move to Rule 11 for clarification on Rule 9.

Further discussion moving back to Rule 9 from Rule 11 by Hearing Officer Bill Ellis, City Manager Joyce Wilson, HR Director Linda Thomas, Commissioner Karlsruher, Sr. Assistant City Attorney Elaine Hengen.

**MOTION TO REINSTATE SECTION 2 a (1)(2) SPECIAL CREDIT – Ratings for Veterans AND MOVE FROM RULE 9 to RULE 11 MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER VIESCAS AND PASSED BY A VOTE OF 4 TO 1.**

AYES: TURNER, VIESCAS, HERNANDEZ, BAUTISTA
NAYES: KARLSRUHER

**SECOND MOTION TO REINSTATE SECTION 2 b Ratings for Seniority and 2 c Ratings for Efficiency FROM RULE 9 TO REPLACE SECTION 5 OF RULE 11 MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER BAUTISTA MOTION FAILS BY A VOTE OF 2 TO 3.**

AYES: HERNANDEZ, BAUTISTA
NAYES: TURNER, VIESCAS, KARLSRUHER

**MOTION TO APPROVE REMAINING DELETION OF RULE 9 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 3 TO 2.**

AYES: TURNER, VIESCAS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

**RULE 10-EXAMINATION STANDARDS**

Discussion by HR Director Linda Thomas, Chair Gezelius, City Employee Joe Acosta, Commissioners Karlsruher, Viescas, and Sr. Asst. City Attorney Elaine Hengen.

**MOTION TO APPROVE DELETION OF RULE 10 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 4 TO1.**

AYES: TURNER, VIESCAS, HERNANDEZ, KARLSRUHER
NAYES: BAUTISTA

**RULE 11-PROMOTIONAL PROCESS-New Title-APPLICATION AND PROMOTIONAL PROCESS**

Discussion by HR Director Linda Thomas, Commissioners Viescas, Bautista, Hearing Officer Bill Ellis, Commissioners Hernandez, Karlsruher, and City Manager Joyce Wilson.

Further discussion by HR Director Linda Thomas and Commissioner Hernandez.

**MOTION TO MODIFY RULE 11 SECTION 2 a. APPEALS FROM DISQUALIFICATION FROM EXAMINATION FIRST WORD FROM "Employees" to "Applicants" MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSONER VIESCAS AND UNANIMOUSLY PASSED.**

**MOTION TO APPROVE RULE 11 MADE BY COMMISISONER KARLSRUHER AND SECONDED BY COMMISIONER TURNER AND PASSED BY A VOTE OF 4 TO 1.**

AYES: TURNER, VIESCAS, HERNANDEZ, KARLSRUHER
NAYES: BAUTISTA

**RULE 12-ELIGIBLE LISTS**

Discussion by HR Director Linda Thomas, City Employee Joe Acosta.

**MOTION TO APPROVE DELETION OF RULE 12 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 4 TO 1.**

AYES: TURNER, VIESCAS, HERNANDEZ, KARLSRUHER
NAYES: BAUTISTA

Closing Comments by Hearing Officer Bill Ellis, Commissioners Mendez-Acosta, Viescas and HR Director Linda Thomas.

5. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.1:

Garcia, Graciela – Recreation Specialist

Discussion by Appellant Graciela Garcia, Commissioners Bautista, Karlsruher, Viescas, Turner, Hernandez, and HR Director Linda Thomas.

**MOTION TO DENY MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER VIESCAS AND PASSED BY A VOTE OF 5 TO 2.**

AYES: TURNER, MENDEZ-ACOSTA, VIESCAS, PLETERS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

**MOTION TO MOVE TO EXECUTIVE SESSION MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISIONER KARLSRUHER AND UNANIMOUSLY PASSED.**

**Executive session convened at 6:10 p.m.**

The Civil Service Commission may retire into Executive Session pursuant to Civil Service Commission Rule 1, Section 11(a) and the Texas Government Code, Section 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Commission may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.). The Commission will return to open session to take any final action.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

**MOTION TO RECOVENE TO OPEN SESSION MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.**

**Reconvened to open session at 6:33 p.m.**

6. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.2:

Muro, Esteban – Facilities Maintenance Worker

**MOTION TO APPROVE MADE BY COMMISSIONER VIESCAS AND SECONDED BY COMMISSIONER PLETERS AND UNANIMOUSLY PASSED.**

7. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.f:

Aragon, Amy – Facilities Maintenance Worker

**MOTION TO APPROVE MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER VIESCAS AND UNANIMOUSLY PASSED.**

**MOTION TO ADJOURN MEETING MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND UNANIMOUSLY PASSED.**

**MEETING ADJOURNED AT 9:06 P.M.**

_____
**Kenneth Gezelius, Chair**

_____
**Linda Ball Thomas, C.S.C. Secretary**

_____
**Date Approved**