

Name:

Rafael Muro

**ITEM 8B**

Position Applying for:

Truck Driver

Current City Employee:

Yes  No

Position/Grade: General Service Worker / GS 043

Original Hire Date: April 13, 1993

Date of Disqualification:

April 4, 2016

Date Appeal Filed:

April 6, 2016

Reason for Disqualification:

Lacks required driver's license

Date of Examination: April 14, 2016

Conditional Exam:  
 Yes  No  N/A

Disqualified by:

Phone  E-Mail  
 In Person

Was the Appeal Filed in Timely Manner:

Yes  No

**Rule or Ordinance Under Which Disqualified:**

**Rule 5, Section 1.(a):** The Human Resources Director, subject to appeal to the Commission, will refuse to examine an applicant, or after examination to certify him or her as eligible and will remove his or her name from the eligible list for any of the following reasons, in each case to be fully documented:  
(a) He is found to lack any of the minimum requirements established in the classification for the position and grade for which he applies

**HR Application Policy:** A regular employee may file a written appeal to the Civil Service Commission. The appeal must be filed within three (3) working days on a form prescribed by the Human Resources Director. The three (3) working days period begins the date the notice was emailed to the applicant. Late appeals will not be accepted.

**Minimum Qualifications**

Education

None

High School Diploma

Experience

One (1) year of experience operating light or medium trucks, or related automotive equipment.

Truck Driver

Years

13

Months

1

**Deficits**

None

Texas Class "B" Commercial Driver's License (CDL) or equivalent from another state.

**Non-Qualifying Education/Experience:**

**Comments**

The position of Truck Driver requires a Class "B" CDL in order to drive the various trucks as needed by the departments. Mr. Muro does not hold the State required driver's license to drive and operate trucks and light equipment. Therefore, Mr. Muro does not qualify for the position of Truck Driver.

Education

Experience:

Position

Years Months

Prepared by:

Valerie Rodriguez

Reviewed by:

*[Signature]*

# CSC Appeal Fact Sheet

Recruitment Title: Truck Driver

Recruiting Department: Various Departments

Total Applications Received: 77

Total # of Applicants Failed Minimum Qualifications: 28

# Failed for Lack of Education: 0

# Failed for Lack of Experience: 17

# Failed for Lack of Education and Experience: 0

# Failed for Other (5 for Licenses and Certificates) : 11

Total # Failed the Exam: 0

# No-Show to Exam: 26

# of Applicants who met the minimum qualifications for the position and passed examination: 23

# Appeal Form

To Whom It May Concern:

I, Rafael Muro, hereby appeal my disqualification to take the  
examination for: Truck driver [Examination Title]

Date notified of disqualification: April 4, 2016

Disqualified Under CIVIL SERVICE RULE (C.S.C.) and/or HUMAN RESOURCES (HR) POLICY:  
 Check all boxes that are applicable.

Lacks Minimum Qualification – Rule 5.1.(a) <input checked="" type="checkbox"/>	Convicted of a felony, or a misdemeanor – Rule 5.1.(b) <input checked="" type="checkbox"/>
Human Resources Policy: Dismissed from Public Service <input type="checkbox"/>	Dismissed from City Employment <input type="checkbox"/>
OTHER <input type="checkbox"/> _____ (write specific C.S.C. Rule or HR Policy you are appealing)	

C.S.C. Rule 5.1.(a) Applicant Does Not Meet Minimum Qualification	YES	NO
Do you meet the educational requirements as stated in the job specification for this position?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Can you provide official proof of Education or other requirements, official transcripts, original or certified copies of diplomas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you meet the minimum required experience as stated in the job specification for this position?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you list your education and/or experience on your application?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Detail your qualifying experience (use additional paper if necessary)  
From March, 1997 TO August, 2013  
My duties were to haul construction materials or debris using  
a dump truck to the job sight or landfill and transport the  
steel roller or pneumatic roller and used it as required to compact  
the asphalt, water-tank for flood control on rainy days to  
dewater the streets, and loading the debris or material on to  
the dump truck with a front end loader or skid front loader

C.S.C. Rule 5.1.(b) Conviction of Felony or Misdemeanor	YES	NO
Is your conviction job related to the position sought?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the conviction hinder your ability to perform the duties of this position?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please detail why your conviction will not affect your job performance. Please submit any supporting documentation regarding this issue.  
This conviction will not affect my job performance because  
I have paid all my fines and finish my probation I'm submitting  
supporting documentation

<b>HR Policy: Dismissed from Public Service</b>	<b>YES</b>	<b>NO</b>
<b>HR Policy: Dismissed from City Employment</b>		
Are the circumstances of your dismissal related to the duties of the position being sought?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Please detail the circumstances involving your dismissal from public service. Please provide any supporting documentation regarding this issue.		
<b>Other</b> _____ (cite specific Rule or HR Policy you are appealing).		
Please explain what you are appealing		

**Name:** Rafael Muro      **Address:** \_\_\_\_\_      **City/State/Zip:** \_\_\_\_\_ <sup>3</sup>

**Telephone:** \_\_\_\_\_      **Person ID #:** \_\_\_\_\_ (Neogov)

**Applicant Signature:** *Rafael Muro*      **Date:** April 6, 2016      stamp

**Please note:** In accordance with the Texas Public Information Act, information from your application and/or résumé is subject to release to the public.

**The electronic transmission of this appeal form via e-mail will constitute a signature:**

**Check signifies electronic signature**

RECEIVED

MAY 03 2016 *MW*

CIVIL SERVICE  
COMMISSION

## 18440-0316 - Truck Driver

**Contact Information -- Person ID:**

Name: rafael muro Address:  
 Home Phone: Alternate Phone:  
 Email: Former Last Name:  
 Month and Day of Birth:

**Personal Information**

Driver's License: Yes, New Mexico , Class C  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Some College

**Preferences**

Preferred Salary:  
 Are you willing to relocate?

Types of positions you will accept:  
 Types of work you will accept:  
 Types of shifts you will accept:

**Objective****Education**

**College**  
*el paso community college*  
 8/1993 - 6/1997  
 el paso , Texas  
 Did you graduate: No  
 College Major/Minor: auto mechanics  
 Units Completed: 60 Semester  
 Degree Received: Associate's

**Work Experience**

**truck driver**  
 7/2000 - 8/2013  
 city of el paso transportation department  
 el paso, Texas 79902  
 (915) 6216750  
 Hours worked per week: 40  
 Monthly Salary: \$2,256.00  
 # of Employees Supervised: 4  
 Name of Supervisor: - supervisor  
 May we contact this employer? Yes

**Duties**

my main duties were to drive a dump truck haul debris to the land fill and materials to the job site . Also i would hook up the trailer to the dump truck and transport other equipment to the job side such as the pneumatic roller steel roller backhoe and slope mower. from time to time I used the front loader or backhoe to load the debris or material on to the dump truck or help the pro patch crew removed the debris from a big project using the front loader ,

**Reason for Leaving**

still working for same department in lower position dew to a demotion

**Certificates and Licenses**

Type: class B Commercial drivers license  
 Number:  
 Issued by:  
 Date Issued: 3 /1997 Date Expires: 4 /2013

**Skills**

Office Skills

Typing:

Data Entry:

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Languages

Spanish - Speak, Read, Write

**Additional Information**

Military Service

i was enlisted in the the U.S.Army from 1988 to 1992 when to desert storm war in Irak

**References**

Professional  
ochoa, antonio

**Resume**

Text Resume

**Attachments**

Attachment	File Name	File Type	Created By
Disposition Paperwork	Muro, R Disposition Paperwork	Other	Valerie R. Rodriguez
Truck Driver 0316 Appeal	Muro, R Truck Driver Appeal	Other	Valerie R. Rodriguez



**CITY OF EL PASO**  
invites applications for the position of:  
**Truck Driver**

An Equal Opportunity Employer

**SALARY:**            \$11.17 - \$16.57 Hourly  
                             \$893.51 - \$1,325.70 Biweekly  
                             \$1,935.94 - \$2,872.35 Monthly  
                             \$23,231.33 - \$34,468.20 Annually

**OPENING DATE:** 03/17/16

**CLOSING DATE:** 03/22/16 11:59 PM

**REQUIREMENTS:** Candidate must have one (1) year of experience operating light or medium trucks, or related automotive equipment.

**Licenses and Certificates:**

- Texas Class "B" Commercial Driver's License (CDL) or equivalent from another state.
- CDL may require specialized endorsements may be required depending on area of assignment.

**Special Requirements:** Positions requiring a CDL or positions of a safety sensitive nature are subject to drug and alcohol testing in accordance with federal regulations.

**GENERAL PURPOSE:**

Under general supervision, drive and operate any of a variety of trucks and other light motorized equipment utilized in construction, repair, maintenance and other operations of numerous departments, divisions and activities, as qualified.

**TYPICAL DUTIES:**

Drive and operate trucks and light equipment, such as, but not limited to, dump, flatbed, pick-up, stake, water tank, or refuse front or rear loader trucks, pneumatic or steel wheel rollers, tree mulcher, skid steer loader, small riding mower and small tractors with mowing and loader attachments, as assigned. Involves: Operate one or more general or specialized pieces of equipment. Drive to work site. Perform construction, repair, maintenance, operations or related work. Inspect work site prior to, during and following activities. Identify, recommend and undertake work according to priorities and established schedules. Direct laborers or other workers in related routine tasks.

Perform various related duties as required. Involves: Inspect, clean, grease and fuel equipment. Identify and perform basic equipment preventative maintenance servicing and minor repair work to maintain operating condition and meet safety requirements. Engage in manual labor as necessary to work assignment such as pick up rocks, leaves or trash, clean up after grader, or load or unload trucks. Interact with other departments, employees, contractors, vendors or the public.

**GENERAL INFORMATION:**

For a complete job specification, click [here](#).

Test information: An evaluation of education and experience will be

conducted on qualified applicants.

Please note: Interested persons must apply. Current opening is at the Streets and Maintenance Department. However, this eligible list could be used to fill positions located in other City departments.

**Note: Applicants are encouraged to apply immediately. This position will close when a preset number of qualified applicants have been received.**

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APPLICATIONS MAY BE FILED ONLINE AT:  
<http://www.elpasotexas.gov>

Job #18440-0316  
TRUCK DRIVER  
Non-Exempt  
VR

OUR OFFICE IS LOCATED AT:  
300 N. Campbell  
El Paso, TX 79901  
915.212-1258 or 212-0045  
TDD Users: 915.212-1258  
[EPApplications@elpasotexas.gov](mailto:EPApplications@elpasotexas.gov)

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### Truck Driver Supplemental Questionnaire

- \* 1. Do you have a minimum of one (1) year of experience operating light or medium trucks, or related automotive equipment?
    - Yes
    - No
  
  - \* 2. Do you have a valid USA Commercial driver's license (CDL)? If so, what type of driver's license do you have?
    - Class A - CDL
    - Class B - CDL
    - Class C
    - No, I do not have a valid driver's license.
- \* Required Question

## RULE 5

### Application and Promotional Process and Lateral Transfer Process

#### Section 1. Filing of Applications.

Except as otherwise provided for herein, applicants for all positions, must file an application with the Human Resource Department not later than the date specified in the job posting and in the manner prescribed in the job posting.

The Human Resources Director, subject to appeal to the Commission, will refuse to examine an applicant, or after examination to certify him as eligible and will remove his name from the eligible list for any of the following reasons, in each case to be fully documented:

- (a) He is found to lack any of the minimum requirements established in the classification for the position and grade for which he applies; or
- (b) He has been convicted of a felony, or a misdemeanor within seven (7) years from date of conviction, end of parole, or release from prison, which is determined to be job related to the position sought; or (Amended 8/25/09, 11/2/10)
- (c) He is found by the Commission to have committed any act, either while in the service of the City or otherwise, or to have any deficiency or disqualification which, in the judgment of the Commission, would be sufficient to constitute a just cause for discharge from the Civil Service as defined in Article VI, Section 6.13-3 of the Charter.

#### Section 2. Appeals from Disqualification from Examination.

a. Applicants who are disqualified from taking an examination may appeal to the Civil Service Commission provided they appeal within three (3) working days from the date of the notice. The three (3) working day period begins the date the notice was emailed. Individuals who appeal must file a written rebuttal in a format prescribed by the Human Resources Director. If the applicant fails to update their contact information or respond within the timelines set, no further action will be taken. (Amended 8/21/07, 8/25/09, 9/17/13)

b. Untimely appeals will not be accepted.

c. If the examination is held before the appeal is heard and determined by the Commission, the Human Resources Director may allow the applicant to take the examination conditionally pending the Commission's determination. If a conditional applicant fails to achieve a passing grade on an examination, the appeal shall be administratively dismissed and the appeal will not be forwarded to the Commission and no further action will be taken. (Amended 8/25/09)

#### Section 3. Frequency and Examination.

Examinations will be given whenever needed to fill a vacancy for which an adequate list does not exist. (Amended 12/11/84, 1/24/89, 8/21/07)

#### Section 4. Eligibility.

A person is eligible to take promotional examinations after actual service in a regular position for six months and when he fully meets the qualifications for the class as specified in the job description. The six months of actual service will be deemed to have been met if the employee successfully completes the six months of service by the date the first component of the examination is administered, and the employee is recommended for regular status. (Amended 10/21/97, 8/21/07, 8/25/09, 9/17/13)

## Section 5. Seniority and Efficiency Points

Seniority points will be awarded to the score of City Employees provided that the minimum passing grade is achieved on the examination or evaluation. Efficiency points will be added to or subtracted from, the examination score of applicants passing promotional examinations based on the employee's most recent regularly scheduled evaluations. City Employees may receive a maximum of seven additional points that can be added to their score for a combination of seniority and efficiency points. (Amended 3/6/12)

## Section 6. Special Credit

### Ratings for Veterans

A veteran, who has obtained a passing score, shall have his rating on an original entrance examination advanced five points. A veteran is defined as any person who has served on active duty in the Armed Forces of the United States, or any division thereof, including the Coast Guard, for a period of 180 days and presents a DD 214 indicating an honorable discharge from said service. (Amended 8/21/07, 8/25/09)

- a. To qualify for an additional five-point increment based on disability, such disability must be at least 30 percent, certified by the most recent letter from the Veteran's Administration. (Amended 8/21/07)
- b. Nothing in this provision will be construed to authorize or direct the placing of the name of any person on any eligible list who does not meet the physical standards set by the Human Resources Director for the position for which the eligible list has been created.

## Section 7. Penalty for Deceit in Examination.

Where deceit in an examination is alleged, and the examinee denies the fact of deceit, or if the examiner in charge of the examination believes extenuating circumstances to exist, the examinee will be permitted to finish the examination, and a full report shall be submitted immediately to the Human Resources Director, who will conduct an appropriate investigation. Should the Director find that the applicant engaged in deceitful conduct in connection with the examination, the applicant will be disqualified. (Amended 8/21/07, 9/17/13)

## Section 8. Duration of Eligible Lists.

The Human Resources Director will compile lists of eligible promotional candidates for job classifications and maintain them as necessary and appropriate. Eligible lists other than reinstatement and transfer lists will normally expire 6 months from the date they are certified unless extended by the Human Resources Director.. (Amended 1/24/89, 8/21/07, 9/17/13)

## Section 9. Removal from the Promotional List of Persons Permanently Separated from Service.

The names of persons permanently separated from the service on account of resignation, discharge or other cause, will be removed from all promotional applicant lists by the Human Resources Director.

## Section 10. Removal from Lower List if Appointed from Higher List.

Regular employees whose names are on promotional eligible lists of different grades or lists with different salary schedules will be removed from the lower grade promotional eligible lists or promotional lists with a lower salary schedule upon promotion to a higher grade position or one with a higher salary schedule. (Passed 3/28/91 and Amended 8/21/07)

## Section 11. Required Licenses or Certificates

All employees who are required to have a license or certificate as a condition of employment shall maintain such licenses or certificates in a current status as long as their job specification requires it.

Failure to maintain or obtain such license or certificate as required by the employee's job specification shall constitute just cause for disciplinary action as described in Rule 8. (Passed 8/25/09)

Section 12. Transfer to Same Class and Grade.

Whenever an employee in any department of the City wishes to transfer to a position in another department, the employee must be recommended by the transferring department and must have not been disciplined or placed on a performance improvement plan in the last 12 months. Employee shall retain his grade and pay rate, provided: (Amended 7/31/07, 8/25/09, 9/17/13)

- a. The position is in the same class and grade as the one from which transfer is made; or
- b. The employee has been performing services substantially similar in nature and having similar requirements as to education and experience to those of the new position, as determined by the Human Resources Director. Seniority credit where applicable will be given to the employee for the number of years he has been performing similar work in the former department. (Amended 2/1/94 and 7/31/07)

Section 13. Transfer During Probationary Period.

- a. In order to have a request for a transfer approved, a person must have completed a probationary period in the class to which transfer is being requested, except as provided in paragraph b.
- b. In cases where a position is abolished, a transfer request may be made by either the employee or the City. In such cases, a transfer may be approved while the employee is still serving in a probationary period for the class to which transfer is requested, provided that the balance of the employee's probationary period not yet served be retained by the employee in the new department, and that the rules regarding transfer and the order of certification and all provisions regarding transfers are met. (Passed 1/2/85) (Amended 9/13/05)



## ADMINISTRATIVE POLICIES AND PROCEDURES

**Policy: Applications and Appeals Policy**

**Creation Date: October 18, 2011**

**Revision Date: August 5, 2013; May 30, 2015**

**Prepared By: HR Department**

**Approved By: City Manager**

**Legal Review: Elizabeth Ruhmann**

### DESCRIPTION: APPLICATIONS AND APPEALS POLICY

#### I. POLICY

It is the City's policy to allow all interested job seekers to apply for available positions and to provide a method for appealing a disqualification determination, pursuant to the procedures set forth in this policy.

#### II. PROCEDURES

##### A. Acceptance of Applications

1. The Human Resources Director or Designee will establish a filing period to accept applications for a particular position
  - a. All job seekers must complete an application for a particular position through the City's online application system.
  - b. A filing period with a specific closing date may be established for a job posting.
  - c. When the need exists for a limited number of applicants, the filing period will only remain open until an adequate number of applications have been received.
  - d. When necessary to fill positions for which there is a constant need for qualified applicants, or for hard to fill positions, the Human Resources Director may establish an open filing period and accept applications for employment on a continuous basis until all anticipated vacancies are filled, or the need for accepting and processing of applications no longer exists.

B. Review of Applications

1. Human Resources Director: As required, the Human Resources Director or designee will review applications and identify candidates based solely on qualifications.

The Human Resources Director will permit education to substitute for experience as stated in the Equivalency Guidelines. Experience will be counted from the first day of entry into a qualifying job, to the day of the first component of the examination for which they have applied.

2. Hiring Official: When requested and as appropriate, applications may be referred to the hiring official to pre-screen.

C. Disqualification:

1. The Human Resources Director will refuse to examine an applicant, or after examination refuse to certify the applicant as eligible and will remove the name from the eligible list, for any of the following reasons, in each case to be fully documented:

- a) Lacks Minimum Qualifications: The applicant lacks the minimum qualifications established in the classification for the position:

- Applicants lacking three (3) months or less of the required job related work experience at the time of list promulgation may be placed on the eligible list. However, applicants lacking the required experience will not be certified for the appointment until after it is determined by the Human Resources Director that they have met the minimum experience required. Applicants may be asked to provide additional details concerning current or past work experience.

- b) Criminal History: The applicant has a criminal history within the seven (7) years preceding the date the application was submitted, which is determined to be job related to the position sought. For purposes of this subsection, criminal history includes conviction of a felony or misdemeanor. Additionally, the dates of release from prison, probation and/or parole for the relevant convictions will be evaluated and factored into the determination. *All applicants for Public Safety positions may be subject to more stringent criminal history standards deemed to be job related by the respective department or as required by regulatory agencies, or;*

- c) Dismissed from Public Service: The applicant has been dismissed from public service (to include City employment) for delinquency or misconduct, which is determined to be job-related to the position sought.

D. False Statement on Application

1. Any false statement knowingly made by an applicant in an application for admission to an examination or any other fraudulent conduct related to the application process will cause the Human Resources Director to:
  - a) Exclude the applicant from such examination;
  - b) Remove the applicant's name from any eligible list;
  - c) Remove the applicant permanently from the position if the applicant has secured appointment from such examination; and/or
  - d) Exclude the applicant from consideration for any City position for a period of two (2) years from the date the falsified application was submitted or discovered, whichever is later.

E. Appeals from Disqualification:

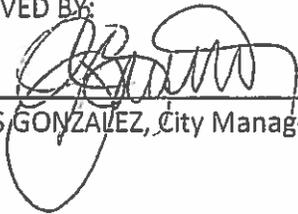
1. Appeals for disqualification from taking an examination, or from not being certified after examination, or from being removed from an eligible list, may be submitted as follows:
  - a) Regular Employee: A regular employee may file a written appeal to the Civil Service Commission. The appeal must be filed within three (3) working days on a form prescribed by the Human Resources Director. The three (3) working days period begins the date the notice was emailed to the applicant. Late appeals will not be accepted.
  - b) Original Applicant: With the exception of C.1.(b) above, Criminal History, which applicants may file a written appeal to the Civil Service Commission in the form and manner described, original applicants who are not regular employees may file a written appeal to the Human Resources Director. The appeal must be filed within three (3) working days on a form prescribed by the Human Resources Director. The three (3) working days period begins the date the notice was emailed. Late appeals will not be accepted.
  - c) Appeal Form: Applicants may obtain an appeal form by visiting the Human Resources Department website or office.

- d) **Timeline:** Untimely appeals will not be accepted. If the employee or applicant fails to update their contact information or respond within the timelines set, no further action will be taken.
  
- e) **Administrative Dismissal:** If the examination is held before the appeal is reviewed, the Human Resources Director may allow the applicant to take the examination pending the disposition of the appeal. If the applicant fails to achieve a passing grade on the examination, the appeal shall be administratively dismissed.
  
- F. **Application Retention and Reuse:** Applications and/or supporting documentation filed with the City will become the property of the City. Applications for one examination will not be used for any other or later examinations.
  
- G. **Contact Information:** An applicant may update contact information by logging onto their Personal Account Profile. All applicants have the responsibility to update their Personal Account Profile through the City's online application system with any changes in their contact information.
  
- H. **Non-Disclosure of Examinations:** Examination questions, and answers to test questions that do or may reveal examination questions, are exempt from public disclosure under the Texas Public Information Act (the "Act"). Accordingly, requests for a copy of the examinations and/or such examination answers will be denied pursuant to the relevant provisions of the Act.

APPROVED BY:

FOR

TOMAS GONZALEZ, City Manager



DATE:

July 14, 2015