

ITEM 3

CITY OF EL PASO CIVIL SERVICE COMMISSION

POLICY ON REQUESTING A SUBPOENA FROM THE
CIVIL SERVICE COMMISSION

Policy:

The City of El Paso Civil Service Commission (the "Commission") hereby establishes a policy for the requesting, issuance and enforcement of subpoenas authorized by the Commission.

In an effort to simplify and make more efficient the subpoena request, issuance and service process, the Commission hereby delegates to the Commission's Chair, or in the Chair's absence to the Commission's Vice-Chair, the authority to grant or deny a request for a subpoena for witnesses and evidence as necessary for the Commission's proper discharge of its functions and duties, as prescribed by the El Paso City Charter and Civil Service Rules and Regulations.

Procedure:

Only parties to a pending appeal or grievance coming before the Commission can request a subpoena from the Commission. (As applicable, matters referred by the Commission to a hearing officer will be handled pursuant to the hearing officer's procedural orders.) A subpoena may be requested when the testimony of someone is required and that person will not voluntarily attend the Commission meeting or hearing. A subpoena may also be needed to request the production of evidence relevant to the hearing or appeal.

Absent extenuating circumstances, a subpoena should not be necessary for the production of witnesses who are City employees. When a party requests that a City employee be subpoenaed, the City's Human Resources Department will work with the employee's supervisor to accommodate the request and make the employee available at the requested date and time.

A party requesting a subpoena must do so at least seven (7) days prior to the scheduled Commission meeting or hearing date. (Under the delegation of authority set forth herein, the Commission Chair or Vice-Chair reserves the right to waive this seven-day requirement for good cause.)

How to request a subpoena:

If a party desires to have a witness who is not currently a City employee served with a subpoena, that party shall deliver to the Commission Secretary a written list of all persons to be subpoenaed, along with the last known address for such witnesses, no later than seven (7) days prior to the scheduled Commission meeting or hearing date. If the party desires to have evidence subpoenaed, such evidence must be sufficiently described in the subpoena request. The request must also explain the relevance of the person's testimony or the evidence to the proceedings.

Upon receipt of the request, the Commission Secretary will promptly forward the request to the Commission Chair or Vice-Chair. The Chair or Vice-Chair will review the subpoena and will inform the Commission Secretary of whether the subpoena request has been approved or denied. The Commission Secretary will notify the parties of the determination. If approved, and if the witness is not a City employee, the Commission Secretary will be responsible having the subpoena served. If the witness is a City employee, the City Human Resources Department will arrange for the witness' attendance at the meeting or hearing.

Enforcement:

Pursuant to the El Paso City Charter, any person who fails or refuses to obey a subpoena duly issued by the Commission or Commission Hearing Officer, or who fails or refuses to produce evidence duly subpoenaed by the Commission or Commission Hearing Officer, shall be subject to penalties for contempt as provided by Ordinance 008057, as may be amended.

Passed and Approved on this _____ day of _____, 2015.

Edward Hernandez, Chair
Civil Service Commission

ATTEST:

APPROVED AS TO FORM:

Linda Ball Thomas, Secretary
Civil Service Commission

Elizabeth Ruhmann
Assistant City Attorney

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