

ITEM 5

From: Mr. Jaime A. Arellano, Jr.,
Retired Mass-Transit City
Sun Metro Bus Driver, and
President, Our Struggle for
Survival and Justice Committee



October 26, 2016
10837 Obsidian St.
El Paso, Texas, 79924
915-821-1833
jamesjustice1252@yahoo.com

To: Ms. Amy Ross, CSC Secretary
Ms. Mary Holguin, CSC Recorder

Re: Submitting an item for discussion and action, for The Civil Service Commission meeting of November 10, 2016, involving the structure and creation of a new CSC policy design for members of the general public and personal representatives submitting items for discussion and action, to the CSC, with a duration of 45 minutes, with an additional 15 minutes if a CSC files a motion to extend the time.

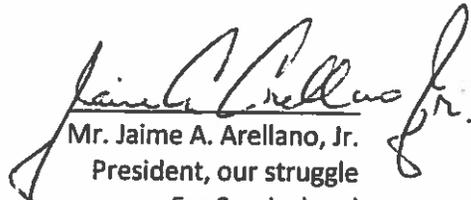
Dear Ms. Ross, CSC Secretary, and Ms. Holguin:

I'm submitting an item for discussion and action involving the structure and creation of a new policy on behalf of the general public and personal representatives submitting an item for discussion and action to the CSC.

I'm submitting seven documents as supportive evidence to develop my brief on this issue, divided into three exhibits.

In summary, commissioners, I'm submitting this item for discussion and action, as personal representative on behalf city of El Paso workers in an effort to avoid disparate treatment, abusive treatment, and discriminatory practices against my person.

Respectfully Submitted,


Mr. Jaime A. Arellano, Jr.
President, our struggle
For Survival and
Justice Committee

OCT 26 2016

CIVIL SERVICE
COMMISSION

**CITY OF EL PASO CIVIL SERVICE COMMISSION
POLICY ON SUBMISSION OF WRITTEN BRIEFS AND HEARING OF ORAL
ARGUMENTS PRIOR TO THE COMMISSION'S ACTION ON A
HEARING OFFICER'S RECOMMENDATION**

Policy:

The purpose of this policy is to protect the due process rights of all parties to a disciplinary appeal case. This policy is intended to prevent a party from having what is essentially a rehearing of an appeal (a "de novo" hearing) before the Civil Service Commission prior to the Commission taking action on the Hearing Officer's opinion and recommendation.

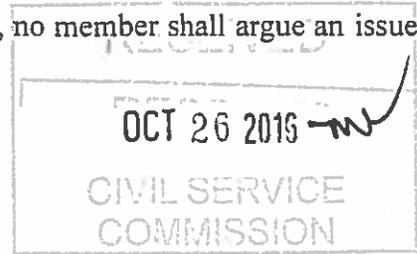
Upon receipt of a Hearing Officer's recommendations, it is the duty of the Commission to review the written findings and recommendation of the Hearing Officer, and, as permitted by the Commission, any additional written briefs and/or oral argument from the parties, in order to take subsequent action as permitted in Section 6.13-8 of the El Paso City Charter (accept or reduce the recommendation; remand to the Hearing Officer for development of additional facts; or, reject the recommendation and hear the appeal de novo). An action to hear the appeal de novo would require that the hearing be held on a future date, in order that the parties are afforded full and free opportunity to present all evidence and witnesses.

Accordingly, pursuant to the authority granted to the Civil Service Commission in Section 6.13-8 of the City Charter, the Commission hereby establishes the following rules and criteria relating to the submission of any written briefs and the hearing of any oral arguments by the parties to a disciplinary appeal case prior to and when taking action on a Hearing Officer's opinion and recommendation.

Procedure:

- A party to a disciplinary appeal case may submit a written brief to the Commission no later than 10 calendar days before the civil service meeting at which the appeal is to be considered, so as to allow the Commission sufficient time to review the brief. The brief must be submitted with Civil Service Commission Secretary, who will promptly distribute the brief to each of the Commissioners and the opposing party.
- A party may make an oral argument to the Commission at the meeting at which the appeal is being considered. Each side is limited to a total of 45 minutes to present oral argument. An extension of time will be allowed by majority vote of the commission, for up to an additional 15 minutes per side.
- All written briefs and oral arguments must be limited to a presentation and discussion of issues/evidence that were *not* considered by the Hearing Officer because the evidence or information was unknown at the time of the hearing, etc.
- Failure of a party to timely submit a written brief will result in the Commission not considering the brief in making its determination. A written brief will not be accepted by or distributed to the Commission on the day of the meeting at which the subject appeal is

5. During the discussion of matters of public hearing before the Commission, the members of the Commission may ask questions and make comments; however, no member shall argue an issue with members of the public and/or staff.



ARTICLE XII - Participation by Employees and Public

1. When an employee of the City desires to speak, he/she shall address the Chair, and upon being recognized, shall state his/her name and position with the City, and then speak.
2. On calls to the public, a person desiring to speak shall address the Chair. Upon being recognized, such person shall state his/her full name, address, whom he/she represents, and state the subject matter.
3. No person shall inappropriately interrupt the proceedings of the Commission. Orderly procedure requires that each person shall proceed without interruption from the audience, that all arguments shall be addressed to the Commission, and that there be no inappropriate questioning or arguing between individuals.
4. Any person shall have a reasonable opportunity to be heard at all public hearings of the Commission in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of Commission affairs or business which is within the scope of the authority and legislative functions of the Commission. Provided, however, that the time allowed for each citizen's appearance before Commission may be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted five (5) minutes to present their position on issues. Time will be kept by the Secretary or designee. Members of the Commission may move to grant additional time to speakers. Such extended time will be determined by a simple majority vote of Commission, present and voting.
5. Public comments on items not posted on the agenda will not be allowed. This provision does not restrict any member of the public from signing up or requesting to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.
6. Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak to an item posted on the regular agenda must sign up prior to the start of the meeting on the day of the Commission meeting. The Secretary shall make available the sign-in sheet for the public inside the meeting location on the day of the Commission meeting up until the start of the meeting. Persons may sign up to address multiple items, however this does not

RECEIVED
OCT 26 2016
CIVIL SERVICE
COMMISSION

AGENDA

FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT
6:00 P.M., THURSDAY EVENING, OCTOBER 13, 2016, CITY COUNCIL CHAMBERS
300 NORTH CAMPBELL – 1ST 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.

CONSENT AGENDA

1. Approval of Minutes:
September 8, 2016 Civil Service Commission Meeting
2. Notation: Assignment of Hearing Officers to the Following Appeals
 - A. Jesus Jimenez – Environmental – Termination – Patricia Palafox
 - B. Armando Pena – Public Health - Suspension - William Ellis
 - C. Michael Bolanos – Sun Metro – Termination – Robert Blumenfeld

REGULAR AGENDA

3. Discussion and Action on Hearing Officer's Reports and Recommendations:
 - A. Miguel A. Castaneda-El Paso Water Utilities-Suspension
 - B. Juan Olavez-Sun Metro-Termination
4. Discussion and Action on proposed amendment to Rule 8; Section 8 (Formal Counseling), as submitted by David Guzman, AFSCME Local 59 at the CSC meeting of September 8, 2016. (Per Commissioner Williams)
5. Discussion and Analysis on Sun Metro's process for issuing formal counselings. (Submitted By Jaime A. Arellano, Jr.)
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 5.1.(a) and City's Application Policy:
 - A. Elisa Gallegos – Recreation Program Supervisor
 - B. Jose L Lujan, Jr. – Recreation Program Supervisor
 - C. Alejandro Paz – Engineering Technician

Exhibit A-3, Document #3

RECEIVED
OCT 26 2016
CIVIL SERVICE COMMISSION

AGENDA

FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT
6:00 P.M., THURSDAY EVENING, SEPTEMBER 8, 2016, CITY COUNCIL CHAMBERS
300 NORTH CAMPBELL – 1ST 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.

CONSENT AGENDA

1. Approval of Minutes:
August 11, 2016 Civil Service Commission Meeting
2. Notation: Assignment of Hearing Officer to the Following Appeal
Juan Olavez-Sun Metro-Termination-William Ellis

REGULAR AGENDA

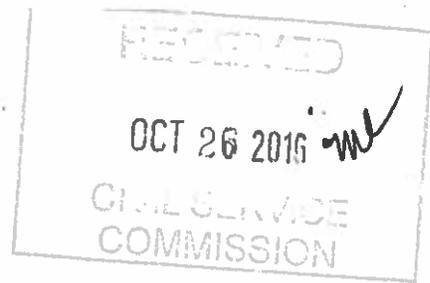
- 3.A. Discussion and Action on implementing a policy that addresses the procedure for handling grievance appeals [of formal counselings] in lieu of amendments to Civil Service Rules 8 and 14. (Per Commissioner Barde)
- 3.B. Discussion and Action on Amending Rule 8; Section 8 (Formal Counseling) and Rule 14 (Grievances) for the purpose of formalizing the process over which the CSC handles grievance appeals, with a focus on grievances relating to formal counselings.
4. Discussion and Action on Appeal of Grievance submitted by Patrizia Hightower -- Public Health Department.
5. Discussion and Action on Appeal of Grievance submitted by Patrizia Hightower -- Public Health Department.

EXECUTIVE SESSION

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

Exhibit A-3 - Document #4



AGENDA

**FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT
6:00 P.M., THURSDAY EVENING, AUGUST 11, 2016, CITY COUNCIL CHAMBERS
300 NORTH CAMPBELL – 1ST 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.

CONSENT AGENDA

1. Approval of Minutes:

July 14, 2016 Civil Service Commission Meeting

REGULAR AGENDA

2. Discussion and Action on Renewal of Employment Contracts for Hearing Officers:
(Period of September 15, 2016 to September 14, 2017)
 - A. William Ellis
 - B. Patricia Palafox
 - C. Robert Blumenfeld
3. Discussion and Action on proposed amendments to the Civil Service Commission Bylaws-
Decorum and Debate. (Per Chair Bowling) (POSTPONED FROM 7/14/16 MEETING)
4. Discussion and Action on Amending the Civil Service Rules for the purpose of granting the
Civil Service Commission jurisdiction over hearing appeals of Formal Counseling. (Per
Commissioner Williams)
- 4 A. Discussion and Action on Procedure for the CSC Secretary to follow for appeals relating to
Formal Counseling. (Per Commissioner Barde)
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 5.1.(a) and City's Application Policy:

Patrick Baughman-Accountant

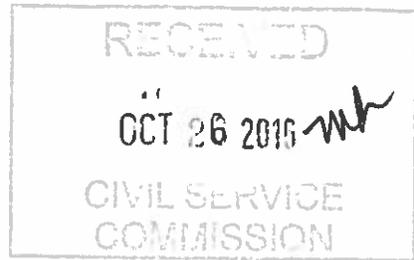
EXECUTIVE SESSION

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Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.074 PERSONNEL MATTERS

Exhibit A-3 - Document #5



AGENDA

FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT
6:00 P.M., THURSDAY EVENING, JULY 14, 2016, CITY COUNCIL CHAMBERS
300 NORTH CAMPBELL – 1ST 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.

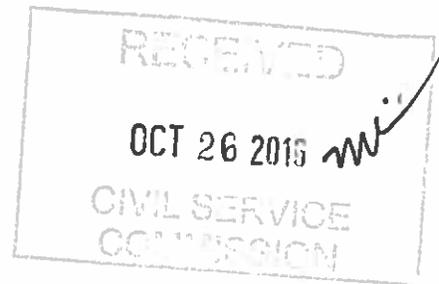
CONSENT AGENDA

1. Approval of Minutes:
June 9, 2016 Civil Service Commission Meeting
2. Notation: Suspension Appeal Withdrawn Per Settlement Agreement
Minerva Cutter-Public Health-Suspension
3. Notation: Assignment of Hearing Officers to the Following Appeals
 - A. Patrizia Hightower – Public Health – Suspension – Robert Blumenfeld
 - B. Miguel A. Castaneda – EPWU-Suspension- Patricia Palafox

REGULAR AGENDA

4. Discussion and Action on proposed amendments to the Civil Service Commission Bylaws-Decorum and Debate. (Per Chair Bowling)
5. Discussion and Action on the process to be followed by the CSC Secretary relating to items that are determined to be ineligible for placement on the CSC Agenda. (Per Commissioner Amy Ross, CSC Secretary)
6. Discussion and Action on level of authority and power of the CSC Secretary on placing items on the CSC Agenda meetings, and denying and blocking to place items already submitted for discussion and action, making decision for the whole Commission. (Submitted by Jaime A. Arellano, Jr.)
7. Discussion and Action on the decision making authority granted to CSC Secretary in determining which items should be placed in the CSC Agenda and which item does not meet the criteria or consideration to be placed in the agenda basing the overall logic and judgment solely on the CSC Secretary's own judgment and free will. (Submitted by Jaime A. Arellano, Jr.)
8. Discussion and Action on complaint filed on behalf of Eduardo Acosta (Sun Metro) by Jaime A. Arellano, Jr.

Exhibit A-3 - Document #6



AGENDA

FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT
6:00 P.M., THURSDAY EVENING, MAY 12, 2016, CITY COUNCIL CHAMBERS
300 NORTH CAMPBELL – 1ST 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.

CONSENT AGENDA

1. Approval of Minutes:
April 14, 2016 Civil Service Commission Meeting
2. Notation: Assignment of Hearing Officer to the Following Appeal
Minerva Cutter – Public Health – Suspension – Robert Blumenfeld

REGULAR AGENDA

3. Presentation regarding the roles of the Office of the City Attorney and the Members of the Civil Service Commission. (Sylvia Borunda Firth, City Attorney)
4. Discussion and Action on the Appointment of New Civil Service Commission Secretary. (Per Commissioner Williams)
5. Discussion and Action on Civil Service Commission's Referral Process and Jurisdiction over classified staff appeals, complaints, and grievances. (Per Commissioner Williams)
6. Discussion an Action to modify the procedure for Appeals, Complaints, and Grievances that have been denied or delayed by the Human Resources Director. (Per Commissioner Williams)
7. Discussion and Action on Approval of Hearing Officer's Report and Recommendation:
Victor S. Garcia-Parks & Recreation Department-Suspension
8. 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 5.1.(a) and City's Application Policy:
 - A. Erick Saucedo – Airport Assistant Operations Officer (TABLED FROM 4/14/16 MEETING)
 - B. Rafael Muro – Truck Driver
 - C. Gloria Rios – Administrative Analyst

Exhibit A-3 - Document #7