

**ITEM 1**

## MINUTES

**FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT  
6:00 P.M., THURSDAY EVENING, NOVEMBER 13, 2014, 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.

Members Present: Karlsruhe, Eileen – Vice Chair  
Bautista, Jesus  
Dominguez, Ricardo  
Hernandez, Edward  
Ramirez, Terry  
Viescas, Cora  
Ware-Asbury, Theresa

Members Absent: Pieters, Michael

Meeting convened at 6:02 p.m. with six Commissioners present and Vice Chair Karlsruhe presiding. Vice Chair Karlsruhe introduced newly appointed Commissioner Theresa Ware-Asbury by District 1, Ann Morgan-Lilly and the reappointment of Commissioner Edward Hernandez by District 6, Claudia Ordaz. Vice Chair Karlsruhe asked CSC Secretary Linda Ball Thomas if there were any changes to Agenda. Ms. Thomas stated there were changes in the Regular Agenda; requested that Item 3B be heard before 3A.

### CONSENT AGENDA

1. Approval of Minutes:

October 9, 2014 Civil Service Commission Meeting

2. Notation: Order Dismissing Appeal

Beatriz Herrera-Public Health-Suspension-Robert Blumenfeld

**MOTION TO APPROVE CONSENT AGENDA MADE BY COMMISSIONER BAUTISA AND  
SECONDED BY COMMISSIONER DOMINGUEZ AND UNANIMOUSLY PASSED.**

### REGULAR AGENDA

3. Discussion and Action on Approval of Hearing Officer's Report and Recommendation:

A. German Lozoya-Sun Metro-Termination

Discussion by Appellant's Representative Jaime A. Arellano, Jr., Chair Karlsruher, CSC Assistant City Attorney Elizabeth Ruhmann, Commissioners Hernandez, Dominguez, Bautista, Ware-Asbury, and Assistant City Attorney Linda Samples.

**1<sup>st</sup> MOTION TO HEAR THE TEN POINTS FROM APPELLANT'S REPRESENTATIVE MADE BY COMMISSIONER BAUTISTA; FAILED FOR LACK OF SECOND.**

**2<sup>ND</sup> MOTION TO REMAND BACK TO HEARING OFFICER FOR DEVELOPMENT OF ADDITIONAL FACTS AND FINDINGS, LIMITED TO NEW EVIDENCE AND NEW LEGAL ARGUMENT, MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER RAMIREZ AND PASSED BY A VOTE OF 5 TO 1.**

AYES: WARE-ASBURY, RAMIREZ, DOMINGUEZ, HERNANDEZ, VIESCAS  
NAYES: BAUTISTA

B. Manuel Delgado-El Paso Water Utilities-Suspension

Discussion by Appellant Manuel Delgado and Assistant City Attorney Linda Samples.

**MOTION TO APPROVE HEARING OFFICER'S RECOMMENDATION THAT THE DISCIPLINARY ACTION BE SUSTAINED, BUT THE PENALTY BE DOWNGRADED TO A "2<sup>ND</sup> OFFENSE PENALTY" CONSISTING OF A THREE-DAY SUSPENSION WITHOUT PAY, AND THAT APPELLANT BE REPAID ONE DAY'S PAY FOR THE FOURTH DAY HE WAS SUSPENDED WITHOUT PAY MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER VIESCAS AND UNANIMOUSLY PASSED.**

4. Discussion and Action to implement a Civil Service Commission policy to address the submission of written briefs from and/or hearing of oral arguments by the Appellant (or representative) and the City when the Commission is scheduled to take action on a Hearing Officer's opinion and recommendations, pursuant to Section 6.13-8 of the El Paso City Charter (Per Commissioner Gezelius). (TABLED FOR 2 MONTHS AT THE AUGUST 14, 2014 MEETING)

Discussion by CSC Secretary Linda Ball Thomas, Speaker Jaime A. Arellano, Jr, Commissioners Bautista, Hernandez, Dominguez, Ware-Asbury, Viescas, CSC Assistant City Attorney Elizabeth Ruhmann, AFSCME Local 59 David Guzman, Vice Chair Karlsruher, and Assistant City Attorney Lupe Martinez.

**MOTION TO MODIFY 1<sup>ST</sup> BULLET POINT UNDER PROCEDURE FROM 7 CALENDAR DAYS TO 10 CALENDAR DAYS MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER BAUTISTA AND UNANIMOUSLY PASSED.**

- A party to a disciplinary appeal case may submit a written brief to the Commission no later than **7 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.

**1<sup>ST</sup> MOTION TO DELETE 2<sup>ND</sup> BULLET POINT MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER BAUTISTA, MOTION FAILED BY A VOTE OF 2 TO 4.**

AYES: HERNANDEZ, BAUTISTA  
NAYES: WARE-ASBURY, RAMIREZ, DOMINGUEZ, VIASCAS

**2<sup>ND</sup> MOTION TO ALLOW FORTY-FIVE (45) MINUTES WITH AN ADDITIONAL FIFTEEN (15) MINUTES FOR EACH SIDE AND TO DELETE PARENTHETICAL INFORMATION, MADE BY COMMISSIONER WARE-ASBURY AND SECONDED BY COMMISSIONER DOMINGUEZ AND UNANIMOUSLY PASSED.**

- 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 \_\_\_\_ minutes to present oral argument (**in other words, each side may have more than one person speak, provided the total time taken for all persons to speak for the side does not exceed \_\_\_\_ minutes**). An extension of time will be allowed by majority vote of the commission, for up to an additional \_\_\_\_ minutes per side.

**MOTION TO ADD LANGUAGE TO 4<sup>TH</sup> BULLET POINT TO WAIVE, ON A CASE BY CASE BASIS, THE REQUIREMENTS OF THE BULLET POINT, AND TO APPROVE 5<sup>TH</sup> BULLET POINT, MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER VIASCAS AND UNANIMOUSLY PASSED.**

- 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 being heard and considered.
- The Civil Service Secretary will be responsible for notifying parties to a disciplinary appeal case of the rules and criteria set forth herein.

**MOTION TO ADOPT THE POLICY AS AMENDED MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER WARE-ASBURY AND UNANIMOUSLY PASSED.**

5. Discussion and Action on proposed amendments to the Civil Service Commission Bylaws to:  
(i) amend the date for electing the Chair and Vice Chair from May to February, in order to comport with the most recent City Charter amendments to Article VI (Civil Service), Section 6.1-3 (Appointment); and (ii) to clarify criteria for reappointment after serving two successive terms, in order to comport with the City's past practice.

Discussion by Commissioners Bautista, Hernandez, Ramirez, Ware-Asbury, Vice Chair Karlsruher, and CSC Assistant City Attorney Elizabeth Ruhmann.

**MOTION TO APPROVE THE TWO CHANGES TO CSC BYLAWS MADE BY COMMISSIONER WARE-ASBURY AND SECONDED BY COMMISSIONER BAUTISTA AND UNANIMOUSLY PASSED.**

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 MATTER

**MEETING CONCLUDED AT 7:34 P.M.**

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**Eileen Karlsruher, Vice Chair**

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

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**Date Approved**