CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Human Resources**

AGENDA DATE: **06/27/06**

CONTACT PERSON/PHONE: **Human Resources, Linda Ball Thomas, (915) 541-4509**

DISTRICT(S) AFFECTED: **N/A**

SUBJECT: **Introduction of Amendments to Ordinance 8065, (Civil Service Rules and Regulations)**

APPROVE:

BACKGROUND / DISCUSSION:

Upon approval, these amendments to Ordinance 8065, (Civil Service Rules and Regulations) will update Rules 1, 2, 4, 7, 8, 19, and 25. Rule 1 further defines how Civil Service Commissioners are elected to serve as Chair and Vice-Chair, the position of Civil Service Recorder and Hearing Officers. Rule 2 is deleted. Rule 4 is amended in the in its entirety and defines how new classifications are created and amended. Rule 7 clarifies how Provisional, Temporary Appointment, and Independent Contract positions are defined. Rule 8 is amended in its entirety to bring the city's recruiting practices in line with industry best practices. Rule 19 was amended to delete a section that was no longer needed. Rule 25 was amended to ensure that all employees were subject to the provisions of the rule.

PRIOR COUNCIL ACTION:
Ordinance 8065 was last amended by City Council on February 7, 2006 (Ordinance no. 16277)

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

As per Civil Service Commission approval on May 25, 2006

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _JRB_____ **FINANCE:** (if required) _____

OTHER: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO._____

AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 4, CLASSIFICATION

WHEREAS, the Civil Service Commission is given the authority under Section 6.1-5(A) of the City Charter to recommend amendments to the City's Civil Service Rules; and

WHEREAS, the City Council is the approving authority for amendments to the Civil Service Rules; therefore, the Civil Service Commission presented their recommend changes to City Council; and

WHEREAS, these recommendations contain revisions to the amendments proposed by the Human Resources Director; and

WHEREAS, both the Civil Service Commission and the City Council have determined that Civil Service Rule 4 should be amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Ordinance 8065, Civil Service Rules and Regulations, Rule 4, Classification, is amended in its entirety as follows:

RULE 4
Classification

Section 1. Class Specifications Interpreted.

The specifications of classes of positions in the classification plan have the following force and effect:

a. They are descriptive and explanatory and are not restrictive. The use of a particular expression or illustration as to duties, qualifications, or other attributes will not be held to exclude others not mentioned if such others are similar in kind or quality.

b. When a substantial change of duties is made, or duties are added that are incidental to the main employment, such changes will be reported to the Human Resources Director for the purpose of possible reclassification of the position.

Section 2. Classification of New Positions.

a. The creation of a new position is subject to approval through the budgeting process based on needs demonstrated by the Department Head concerned. If the Human Resources Director determines that no appropriate class exists, a new class shall be

submitted to the Civil Service Commission for approval and then to City Council for adoption.

b. Whenever a new position is proposed, the Department Head shall forward to the Human Resources Director a description of the proposed duties and responsibilities of the position. The Human Resources Director shall, after a study of the Department Head's proposal, make changes, if necessary, recommend the appropriate class and grade in the classification plan to which the position should be allocated and refer the matter to the Commission for approval.

c. In determining the classification of a position considered shall be given to the general duties and responsibilities of the position, the recommended minimum entrance qualifications, and relationships to other positions.

Section 3. Reclassification of Positions.

a. The Human Resources Director may investigate of his own accord or will investigate upon the request of a Department Head or the Civil Service Commission, any change in the duties and responsibilities of a position from those upon which it was originally classified. Upon initiation of an investigation, the employee shall be provided written notice. If it is found that the duties and responsibilities of the position have changed so significantly that the former classification is a substantially inaccurate description of the current duties and responsibilities, the Human Resources Director will place the position in its proper class and grade and submit it to the Commission for approval and to the City Council for adoption.

A change in compensation applying to all positions of the same class and grade will not affect the seniority or other rights of those in the Civil Service. The Human Resources Director may at any time secure from the appointing authority, Department Heads or employees involved, statements of the duties and responsibilities of the position under review. The appointing authority, department heads and employees concerned will have an opportunity to be heard before the revised class is approved.

b. Whenever the reclassification of a position has been authorized, the Human Resources Director, after conferring with the City Manager and Department Head concerned, will make a recommendation to the Commission for its determination whether:

(1) the position in the new class will continue to be held by the incumbent of the position of the old class; or
(2) is to be filled through a non-competitive or competitive examination.

Section 4. Review of Classification Plan.

a. If City Council, under a reclassification of existing positions in the Civil Service, classifies a position at a higher grade than that to which the incumbent was certified as eligible, the Commission may require the incumbent to demonstrate his or her fitness to perform the enlarged duties of the position through a non-competitive or competitive examination. Failure on such an examination will be cause for the employee to be retained in the position for ninety days while the Human Resources Director undertakes

to locate another position at the employee's current grade for which the employee is qualified and to which he or she may be reinstated in accordance with the order of certification. If the Human Resources Director is unable to locate an appropriate vacancy within the ninety day period, the employee will be laid off and placed on the appropriate reinstatement list.

b. If City Council, under a general reclassification of existing positions in the Civil Service, classifies a position at a lower grade, the Human Resources Director shall undertake to locate another position at an equivalent grade for which the employee is qualified and to which he or she may be reinstated in accordance with the order of certification. If the Human Resources Director is unable to locate an appropriate vacancy, the incumbent of the position will be allowed to retain his or her then current pay in the new class, for a period not to exceed 18 months from the date of the reclassification of the position. During such time, the incumbent will remain eligible for general increases given to classified City employees, but will not be eligible for competency or merit increases. If, at the end of the 18-month period stated above, the Human Resources Director has been unable to locate an appropriate vacancy, and if the incumbent's pay has not reached the pay in the new class, the incumbent shall be placed at the pay rate in the pay grade for the new class which shall minimize reduction in pay. If the employee is unwilling to accept such reduction, the employee shall be laid off and placed on the appropriate reinstatement list.

3. Section 5 is eliminated from the Rule.

4. Except as expressly herein amended, all provisions of Ordinance 8065, Civil Service Rules and Regulations, remain the same and are in full force and effect.

PASSED AND APPROVED this 11th day of July 2006.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

SIGNATURES CONTINUE ON FOLLOWING PAGE

APPROVED AS TO FORM:

Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Linda Ball Thomas
Human Resources Director

APPROVED BY THE CIVIL SERVICE COMMISSION ON MAY 25, 2006.

By : _____
Secretary