

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 8, APPLICATIONS

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 8 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 8, Applications, is amended in its entirety as follows:

RULE 8
Applications

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 day specified in the job posting for the examination and in the manner prescribed in the job posting. Application forms for any examination will not be accepted after the close of the filing period, except for good cause as determined by the Human Resources Director, subject to review by the Commission.

a. The Human Resources Director will establish the filing period limits to accept applications but such period will in no case be less than ten calendar days. Whenever it is required to fill positions and classes for which a constant need of qualified applicants exists, the Human Resources Director may establish an open filing period for those classes and accept applications for employment on a continuous basis until all anticipated vacancies are filled, or the need for continuous accepting and processing of applications no longer exists. In such cases, notification of the end of the filing period will be made in the same manner as the initial job posting.

b. Any false statement knowingly made by any applicant in his applications for admission to any examination or made at his request or with his knowledge in any certificate which may accompany his application or any other fraudulent conduct will cause the Commission to:

- (1) Exclude him from such examination or;
- (2) Remove his name from any register or eligible list or;
- (3) Remove him permanently from his or her position if he or she has secured appointment from such examination.

Any applicant who knowingly falsifies his application will be ineligible to reapply for any City position for a period of two (2) years from the date the falsified application was submitted. Additionally, that person's name will be removed from any eligible list(s) on which it currently appears.

c. In case of applicants for positions the duties of which require special qualifications, the Human Resources Director will require evidence of a sufficient degree of education, training, or experience. He may also demand such certificates of competency or licenses as the law may require for the practice of the profession, art or trade involved.

d. 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:

- (1) He is found to lack any of the minimum requirements established in the classification for the position and grade for which he applies; or
- (2) He has been convicted of a felony, or a misdemeanor, which is determined to be job related to the position sought; or
- (3) He has been dismissed from public service for delinquency or misconduct, which is determined to be job related to the position sought; or
- (4) 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; or
- (5) He has submitted an incomplete application, thereby preventing full review of the applicant's qualifications for the position held.

e. If the Commission determines that the applicant is eligible for a position in the same series they will be approved for other jobs in the same job series.

When determining whether an applicant meets the minimum qualifications of a job class, the Human Resources Director will permit education to substitute for experience in accordance with Civil Service Commission policy regarding equivalencies.

f. For purposes of determining if an applicant has met the minimum experience requirements established in the classification for the position and grade for which he has applied, 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.

Section 2. Applications Not to be Returned.

Applications filed with the City will become the property of the City, and under no circumstances will they be returned to applicants or be altered or added to by or on behalf of the applicant. An applicant may supplement his application to update contact information, such as address or phone number, or to expand on job entries already listed.

Section 3. Unused Applications.

Applications for one examination will not be used for any other or later examinations. An applicant who has been given notice that he fails to meet the minimum experience requirement in Section 1 will be given the opportunity within seven working days of the date of the disqualification notice to supplement his application and provide any relevant information not previously stated in his application.

Section 4. Appeals from Disqualification from Examination.

a. Applicants who are disqualified from taking an examination for any of the above reasons may appeal to the Civil Service Commission provided they appeal within seven working days and individuals who appeal must file a written rebuttal in a format prescribed by the Human Resources Director by mail, electronic transmission (e-mail), FAX or in person within seven working days of the date the disqualification is e-mailed, mailed, phoned, delivered in person or delivered by special messenger to the address shown on the application. If the applicant fails to update their contact information or respond within the timelines set, no further action will be taken

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. The appeal will not be forwarded to the Commission and no further action will be taken.

Section 5. Age.

a. Appointment to any position in the classified service shall be made without discrimination based on age, except where age constitutes a "bona fide occupational qualification"; or where state or federal law requires; or where the conditions of a grant program prescribe age qualifications. Age limits for classes of positions will be established by ordinance in the class specification.

b. When age limits for positions are set by ordinance, an applicant will be considered to be within the age limit if his birthday falls any time within the month in which the examination is held. If the examination has more than one component, the applicant must

meet the age requirement in the month in which the first component of the examination is administered.

2. Section 6 is eliminated from the Rule.

PASSED AND APPROVED this 11th day of July 2006.

THE CITY OF EL PASO

John F. Cook
Mayor

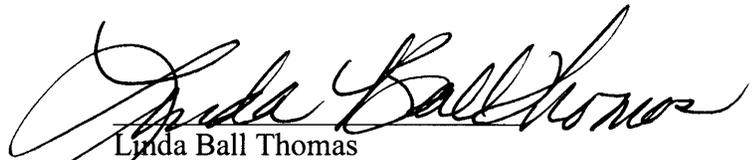
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Elaine S. Hengen
Senior Assistant City Attorney


Linda Ball Thomas
Human Resources Director

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

By: 
Secretary