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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, JANUARY 12, 2006
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Boureslan, Ali
Ellis, William - Chair
Gezelius, Ken
Graham, Elijah
Ruck, Lance
Schwartz, Elma

MEMBERS ABSENT: Martinez, Ramy
Peña, Andrew
Scott, Valerie

ALSO PRESENT:

Aguilar, Eddy	Chavez, Lorenzo	Leon, Ana Maria
Al-Dasouqi, Ziad	Cuellar, Lupe – Asst City Attorney	Lowerree, Fred – EPWU
Almonte, David – OMB	De Avila, Javier	Navarrete, Marcela
Alvidrez, Enrique	Fargo, Peter - Human Resources	Núñez, Eliberto
Arellano, Jaime Jr.	Gable, Robert	Puga, Monica - Human Resources
Barajas, Luis A.	Garcia, Claudia	Sanchez, Graciela
Batoon, John – Asst City Attorney	Garcia, Jose	Sifuentes, Candice
Brey-Casiano, Carol – Library	Gilyard, Lydia - Human Resources	Thomas, Linda Ball – CSC Secretary/Interim HR Director
Brown, Roland	Hernandez, Ricardo Jr.	Valles, Zacarias III
Buenning, Rosy – CSC Recorder	Jimenez, Ivonne	Washer, Michael
Burgos, Fredy	Lama, Steve	

The meeting convened at 6:04 p.m. with a quorum of 6 Commissioners present and Chair Ellis presiding.

CONSENT AGENDA

Ms. Thomas requested that on Item 2A on the agenda wording, that the words “to perform the duties of Legal Secretary” be deleted. She requested that Item 8C be deleted, that Item 14 be moved to the beginning of the Regular Agenda if there was going to be any discussion on that item. She requested that Items 12A, 12B and 12C be tabled. Ms. Thomas also requested that Item 13 be addressed after Item 14.

Mr. Eddy Aguilar told the Commission that he had requested that his item (Item 14) be tabled.

Commissioner Ruck requested that Item 2D be moved to the Regular Agenda.

Chair Ellis requested that Item 6A be moved to the Regular Agenda.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

1. Discussion and Action on Approval of Minutes:

December 8, 2005

2. Discussion and Action on Approval of Contracts:

- A. Undergraduate Intern Contract with Kim Brown to perform the duties of Legal Secretary from January 17, 2006 through May 31, 2006, for the Airport.
- B. Personal Services Contract with Lucille A. Ponticelli to perform the duties of Economic Development Manager from January 13, 2006 through January 12, 2007, for Economic Development.
- C. Personal Services Contract with Steve Lama to perform the duties of Marketing and Customer Relations Coordinator from January 17, 2006 through July 16, 2006, for the Police Department.

- D. Personal Services Contract with Marco Antonio Ramos to perform the duties of Financial and Benefits Systems Administrator from January 18, 2006 through January 17, 2008, for the Office of Management and Budget.

This item was addressed at the beginning of the Regular Agenda.

Commissioner Ruck asked what the correct salary for this contract was.

David Almonte, OMB Director, stated that \$60,000 annually was the correct salary for this contract and it was a 2-year contract.

MOTION TO APPROVE ITEM 2D MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

- E. Personal Services Contract with Javier Gadney to perform the duties of Economic Development Coordinator from February 13, 2006 through February 12, 2007, for Economic Development.

3. Notice of Promulgation of Eligible Lists:

- A. Director of Museum of Art = Promulgated 12/01/05 (O-9)
- B. Treasury Services Analyst = Promulgated 12/05/05 (P-5)(CR-1)
- C. Budget & Management Analyst = Promulgated 12/10/05 (P-2)(CR-1)(O-12)
- D. Stores Clerk I = Promulgated 12/10/05 (P-5)(O-14)
- E. Cashier II = Promulgated 12/12/05 (P-15)(CR-3)
- F. Chemist = Promulgated 12/12/05 (P-1)(O-4)
- G. Transit Route Supervisor = Promulgated 12/15/05 (P-49)
- H. Building Maintenance Worker I = Promulgated 12/19/05 (P-13)(CR-2)(O-20)
- I. Systems Accountant = Promulgated 12/19/05 (P-0)
- J. Personnel Analyst = Promulgated 12/21/05 (P-3)(O-9)
- K. Plumber = Promulgated 12/23/05 (O-7)
- L. Administrative Analyst = Promulgated 01/04/06 (P-10)(CR-1)(O-6)

4. Discussion and Action on Approval of Hearing Officer's Invoice:

- A. Cross, Roberta - Dated 01/08/06 - November 2005
- B. Cross, Roberta - Dated 01/08/06 - December 2005

5. Discussion and Action on request to assign pending appeal cases:

Fonseca, Mario – Termination – Street Dept.

6. Discussion and Action on request to have name placed on Transfer List:

- A. Giner, Marta – Grants Coordinator – Police Dept.

This item was addressed after Item 13 on the Regular Agenda.

Chair Ellis requested that the item be approved with a notation that approval should not be construed as a comment or endorsement of the reasons stated for the transfer request.

MOTION TO APPROVE ITEM 6A MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

- B. Lujan, Ray Jr. – Laborer – Street Dept.
- C. Pedroza, Hector – Laborer – Street Dept.
- D. Vasquez, Jesse – Laborer – El Paso Zoo

7. Discussion and Action on request to have name placed on Reinstatement List:

- A. Jimarez, Armando – Chief Architect – Parks & Recreation
- B. Moreno, Arturo – Police Records Specialist II – Police Dept.
- C. Ruiz, Bea – Library Information Specialist II – Library

- D. Hernandez, Ricardo Jr. – Messenger I - Library
8. Discussion and Action on Request for Temporary Promotion:
- A. Castañeda, Rodolfo – Public Transit
From: Maintenance Mechanic II
To: Building Maintenance Supervisor
- B. Torres, Damian – Public Transit
From: Coach Maintenance Supervisor
To: Coach Maintenance Chief
- C. Owens, Cedric – Public Transit
From: Coach Operator
To: Transit Communications Dispatcher

This item was deleted concurrent with approval of the Consent Agenda.

- D. Diaz, Roman – Airport
From: Custodial Worker
To: Shuttle Bus Operator
9. Discussion and Action on the revocation of Coach Operator Trainee eligible list and the ordering of another examination per Civil Service Rule 12, Section 4.

This item was reconsidered at Item 16A on the Regular Agenda – this item had originally been approved concurrent with approval of the Consent Agenda..

MOTION TO RECONSIDER ITEM 9 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

Chair Ellis was concerned that the reasons they were given for revoking this list didn't fall under the parameters of the rule.

Assistant City Attorney Lupe Cuellar stated that the Human Resources Director has told them that she believed that the test was not adequate in that the people tested were not specifically tested in the area of customer service.

Commissioner Ruck asked Ms. Thomas what the advantage of doing this was as opposed to just recruiting for a new list and leaving the current list as is.

Ms. Thomas stated that if they waited for this list to expire they wouldn't be able to start recruiting until after its expiration in April. She explained that they were prepared to start recruiting immediately once this list is revoked.

Several members of the Commission expressed a concern for the people on the current list because these people were going to be forced to test for this position again through no fault of their own. They believed it was not fair to eliminate the people on the current list.

Terry Lee Scott, Director of Sun Metro, said that the aspect of being able to develop coach operators with good customers service skills was extremely important.

Discussion.

MOTION TO DENY ITEM 9 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

REGULAR AGENDA

Items 2D, 13 and 6A were addressed here.

10. Discussion and Action on Civil Service Rule 13, Leave of Absence, Resignation, Sick Leave and Vacations.

Chair Ellis thanked the committee consisting of Commissioners Scott, Peña and Graham for their many hours dedicated to this item which took over a year to accomplish.

Elaine Hengen, Assistant City Attorney, told the Commission that in November there were issues on the State ballot pertaining to amendments to the State Constitution and one of those created potential conflict and difficulties with the language the Commission had proposed. This was pertaining to an individual being able to obtain certain benefits as a domestic partner. The City felt they needed to remove the "domestic partner" language and insert a more generic language which is what they did by using "designated household member." Ms. Hengen also stated that instead of only allowing permanent employees to use sick leave they were amending the rule to allow probationary employees to use it as well. Ms. Hengen detailed the proposed amendments.

Discussion.

MOTION TO APPROVE ITEM 10 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

11. Discussion and Action on Appeal of Performance Evaluation of:

McFadden, Debbie – Personnel & Payroll Clerk – Fire Dept.

Chair Ellis assigned a committee consisting of Commissioners Boureslan, Graham (Chair of Committee) and himself to hear Ms. McFadden's appeal.

12. Discussion and Action on Hearing Officer's Report and Recommendation:

- A. Lopez, Alfredo – Termination – Public Transit (05-SM-17RC)
- B. Vela, Javier – Termination – Airport (05-AP-18PP)
- C. Padilla, Arturo – Termination – Street Dept. (05-ST-07BY)

Items 12A through 12C were tabled concurrent with approval of the Consent Agenda.

13. Discussion and Action on letter/petition from Jaime Arellano, Jr. and other Public Transit Coach Operators requesting full recognition for Our Struggle for Survival and Justice Committee.

This item was addressed at the beginning of the Regular Agenda.

Assistant City Attorney Lupe Cuellar told the Commission that neither the City nor the Civil Service Commission had the authority to recognize this organization in the manner they wanted to be recognized or to recognize them at all. She said they couldn't be recognized as a bargaining agent for any type of compensation issues or work-related issues. She clarified that if an employee came before the Commission and wanted a member of this organization to represent him or her individually, they could.

Chair Ellis agreed with Ms. Cuellar and said that it was the government code that prohibited this. He stated that after looking at the documentation presented it didn't seem that they were specifically asking to be recognized as a bargaining agent. He commended their efforts to speak on behalf of fellow employees and encouraged them to assemble.

Jaime Arellano, Jr., told Chair Ellis he was correct. He said they were simply a group of Coach Operators that want to assemble and exercise their constitutional right to assemble and their freedom of speech. He stated they wanted the Commission's awareness of their committee and he said that they would continue to do their best to improve and create a safe and healthier environment at Sun Metro.

MOTION TO DELETE ITEM 13 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

14. Discussion and Action on Grievance filed by:

Aguilar, Eddy – Parks & Recreation re: Written Reprimand Memorandum dated 08/09/05

Item 14 were tabled concurrent with approval of the Consent Agenda.

15. 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 9.1.c.:

Sifuentes, Candice – Laboratory Analyst

Chair Ellis read the specifics of the appellant's disqualification.

Ms. Sifuentes stated that she had taken the examination and told the Commission that in June 2005 she was employed by the Fred Hervey Water Plant in the capacity of Laboratory Analyst. She explained the job duties she was currently performing and the materials she had been studying in order to qualify for this test.

MOTION TO APPROVE ITEM 15 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

16. 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 8.1.d.1.:

A. Garcia, Claudia – Rideshare Program Coordinator (Tabled 12/08/05)

Ms. Thomas told the Commission that she was asking for their reconsideration on this item because she believed that the information the Commission had received about Ms. Garcia's qualifications was not completely stated and understandable as far as at what level Ms. Garcia had performed those duties. She asked the Commission to review her memorandum provided to them in their backup.

Commissioner Boureslan believed that because Ms. Garcia had a college degree and some work experience she should qualify.

Commissioner Ruck said he looked at Robert's Rules of Order and found an instance where reconsideration was not proper if they approved a contract and the person who was there had left. He felt the Commission was not presented with any other information than what they had decided on the last meeting.

MOTION TO APPROVE ITEM 16A MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Graham, Gezelius, Boureslan, Ruck

Nays: Commissioner Schwartz

Item 9 was considered here.

B. Garcia, Claudia – Business & Customer Services Manager

Chair Ellis read the specifics of the appellant's disqualification.

Ms. Garcia stated that HR staff told her she performed high-level clerical work that didn't qualify her for this position. She told the Commission she has been performing her duties for 11 years, which include customer service and supervision of other personnel as well, she detailed her experience. She said the job she was applying for only required 5 years of experience.

Commissioner Ruck asked where the definition "Professional Customer Service Administration is when a person oversees or manages a customer service function for an organization or department," came from and what exactly did it mean, because he believed it was relevant to this case and a few of the following ones too.

Peter Fargo, Human Resources, stated they got the definition from their classification section. He pointed out that this particular job description had recently been approved in August 2005. He said they were not disputing the customer service activities that Ms. Garcia performed, he said the problem they had was with the level of it. They didn't believe the experience Ms. Garcia had was at the level they were

requiring.

Commissioner Boureslan stated that the fact that Ms. Garcia obtained a college degree in Business Administration would have taught her the skill to manage and the skill to run a department.

Discussion.

MOTION TO APPROVE ITEM 16A MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Graham, Gezelius, Boureslan, Ruck

Nays: Commissioner Schwartz

C. Gillett, Jodi – Business & Customer Services Manager

Ms. Gillett was not present.

MOTION TO DENY ITEM 16C ON THE BASIS OF DEFICIENCY IN THE EDUCATIONAL REQUIREMENTS MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

D. Jimenez, Ivonne – Business & Customer Services Manager

Chair Ellis read the specifics of the appellant's disqualification.

Ms. Jimenez requested an opportunity to apply for this position. She believed her Master's Degree which she received in 1978 and her experience with the City of El Paso which were 16+ years she has been overseeing the largest division within the El Paso Public Library. She stated that her experience and education entailed public policy, facility management, customer service, budget administration, grants, vendors and capital projects. Ms. Jimenez detailed her experience.

Commissioner Ruck commented that he had seen Ms. Jimenez' extensive resume from being on the committee to hear her PE appeal. He said he found it incredulous that somebody who has been working as a PM 81, as an administrator for the City for 15 years does not have 5 years of customer service.

MOTION TO APPROVE ITEM 16D MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

E. Sanchez, Graciela – Business & Customer Services Manager

Chair Ellis read the specifics of the appellant's disqualification.

Ms. Sanchez stated that she was one of the administrators for the El Paso Public Library by managing the business office. She said that as the Budget and Services Manager it was her responsibility to provide services, many of her customers were considered internal customers because she oversees and manages the payroll section, the courier service, accounts payable and accounts receivable, security service and the facilities. Ms. Sanchez detailed her experience.

MOTION TO APPROVE ITEM 16E MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER GEZELIUS AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Graham, Gezelius, Boureslan, Ruck

Nays: Commissioner Schwartz

F. Gable, Robert – Education/Graphics Technician

Chair Ellis read the specifics of the appellant's disqualification.

Mr. Gable told the Commission that he believed the education he possessed plus his experience qualified him to take this examination. Mr. Gable detailed his experience with the El Paso Zoo which he believed definitely qualified him for this exam and asked the Commission to review the documentation he had presented to them.

Mr. Fargo stated that this eligible list will be for other departments as well although the opening right now was at the zoo. He explained to the Commission that his section spends hours of study and research to ensure applicants have or do not have the minimum qualifications established in the job descriptions. Mr. Fargo believed Mr. Gable did not meet the minimum qualifications and there was nothing in his personnel file that indicated he should have been credited for experience that he might have obtained while working out of class.

Discussion.

MOTION TO APPROVE ITEM 16F MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Graham, Gezelius, Schwartz, Ruck
Nays: Commissioner Boureslan

G. De Avila, Javier – Shuttle Bus Operator

Chair Ellis read the specifics of the appellant's disqualification.

Mr. De Avila believed he was disqualified from taking this examination due to the driving aspect, Human Resources believed he did not qualify. Mr. De Avila said he submitted additional information with his appeal, he stated he has actually performed the duties of Shuttle Bus Operator in the past for the Airport, where he has worked for 6 years. He told the Commission he drove for the Gas company as well and detailed his experience.

Commissioner Graham explained to Mr. De Avila that he could obtain a Class A driver's license which would put him at an advantage when applying for various positions.

MOTION TO APPROVE ITEM 16G MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

H. Vick, Michael – Shuttle Bus Operator

Mr. Vick was not present.

MOTION TO DENY ITEM 16H MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

I. Brown, Roland – Zookeeper

Chair Ellis read the specifics of the appellant's disqualification.

Mr. Brown detailed his experience at the Zoo for the Commission and stated that he has been a volunteer at the El Paso Zoo for almost 2 years. He said he works with the zoo keepers on a daily basis and on Saturdays also works at an exhibit where he has the opportunity to work with the larger animals. He strongly believed he was complying with the minimum qualifications until he received his disqualification from Human Resources. He noted that the minimum qualifications for this position was last revised in 1991 and it appeared to him that a higher standard was being applied to the applications by Human Resources.

Commissioner Schwartz asked Mr. Brown if he had included his 1000+ hours of volunteer work on his application when he submitted it.

Mr. Brown said he did not know how many hours he had at that time.

Commissioner Ruck noted that Mr. Brown had been in the Navy for four years, most of the time on a ship as a petty officer and also had been an El Paso police officer for 23 years.

MOTION TO APPROVE ITEM 16I MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 8:15 p.m. to discuss Item 17, and reconvened for Open Session at 9:40 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

17. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rules and Regulations:

A. Locke, John – Building Inspector (8.1.d.4.)

Mr. Locke was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 17A MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Graham, Boureslan, Schwartz, Ruck

Nays: Commissioner Gezelius

B. Washer, Michael – Education/Graphics Technician (25.2.b.)

Mr. Washer was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 17B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

C. Al-Dasouqi, Ziad – Engineering Division Manager (11.3.g.)

Mr. Al-Dasouqi was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

Commissioner Boureslan commented that he had an engineering company and throughout the last 20 years he has worked with the City and its various branches. He said he was familiar with the majority of the engineers in the Engineering Department within the City. He said he came to know Ziad as he came to know other engineers in the City, through his applications for permits, etc. He said he would abstain from voting if he felt he would be unfair and said he would be fair in this case just as he had pledged fairness to everyone coming before the Commission.

MOTION TO APPROVE ITEM 17C MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

D. Garcia, Jose – Traffic Counter (8.1.d.4.)

Mr. Garcia was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 17D MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

E. Magness, Vicki – Traffic Counter (8.1.d.4.)

Ms. Magness was not present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO TABLE ITEM 17E MADE BY COMMISSIONER GEZELIUS BUT FAILED FOR LACK OF A SECOND.

MOTION TO APPROVE ITEM 17E MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Graham, Boureslan, Schwartz, Ruck

Nays: Commissioner Gezelius

F. Berry, Jorge – Zookeeper (8.1.d.4.)

MOTION TO TABLE ITEM 17F MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

G. Leon, Ana – Zookeeper (8.1.d.4.)

Ms. Leon was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 17G MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

H. Valles III, Zacarias – Electrician Helper (Ord. 8064, 5.1.b.)

Mr. Valles was present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 17H MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

18. Discussion and Action on having current Eligible Lists for all upcoming Classified position vacancies.

Commissioner Boureslan stated that the Commission that they were approving various contracts due to there being no eligible lists available. He believed Human Resources should be aware of what vacancies are going to be coming up due to retirement, etc. and have eligible lists ready for when a vacancy occurs.

Chair Ellis believed that the only way to actually bring change was for the Commission to stop approving contract requests because there are no eligible lists.

Commissioner Ruck asked how severe the problem was.

Ms. Thomas stated that there are 600 classifications and eligible lists are good for 18 months but Human Resources doesn't recruit unless there is a vacancy because it would not be efficient to recruit because there was no list. She said the triggering event is a vacancy and Human Resources doesn't know when an employee is going to leave until they tender their resignation and at that point the department submits a requisition to fill that position.

Chair Ellis believed they didn't have to do that. He believed a new list could be requested prior to it expiring or prior to there being only five.

Ms. Thomas said she didn't have staff resources to recruit for that many positions, she said her staff would have to be doubled, tripled or quadrupled. She gave the Commission an example of the time periods involved in the recruitment process. She said she knew one of her employees would be retiring and started recruiting in August to fill that vacancy but didn't get qualified candidates until December. She explained that even knowing in advance and being proactive it still took her this long to get a list together.

Chair Ellis commended Ms. Thomas but stated that her situation sounded more like the exception than the rule because there are too many times that contracts are being requested due to no eligible list existing.

Commissioner Boureslan stated that a contract was approved today for the Police Department for six months. He commented that the Police Department often has vacancies through attrition, therefore, those eligible lists should not be allowed to expire without a new list being in effect. Commissioner Boureslan reminded the Commission about a recent contract that was requested for one year because of an employee who was retiring. This contract was approved for six months even though he believed the contractor was not qualified. Commissioner Boureslan asked what the process was for an employee to submit his or her retirement. He also thought it more logical to fill vacancies and other positions needing to be filled, even on a temporary basis, with people from a list, even if the list was expired. This would ensure the person is qualified because they actually qualified and tested for the position. Commissioner Boureslan believed the City wanted to fill the positions with the best qualified person and the best way to do that was to fill vacancies from eligible lists, not through contract after contract with someone who hasn't even qualified or tested for the position. He suggested possibly denying the benefits on all contracts to control the problem somewhat.

Commissioner Ruck said regardless of the reason they were filling positions with contracts, the person filling the position should be qualified. He commented on a recent contract where he said it was obvious the person was not qualified.

Ms. Thomas said she did not have the staff to recruit for positions which are not going to be filled. She reminded the Commission that sometimes there isn't a vacancy for years.

Assistant City Attorney Lupe Cuellar said that the questions they were asking were important and valid, however, she didn't believe the Commission would be able to direct the Human Resources Department to always have eligible lists for all positions.

Commissioner Ruck said that in the past he has requested to see resumes of the people they are requesting contracts for, and has also requested resumes for the other people considered. He said he was never provided with resumes for the other people considered. He believed this is when it is known something is wrong, whether it is cronyism, somebody's friend, etc. He believed the Commission as a body needed to ask the departments requesting contracts how many people they interviewed for that contract and for them to provide copies of the other candidates to the Commission.

Assistant City Attorney Lupe Cuellar said cronyism was another issue. She told the Commission that the only reason that the contracts came to them to begin with was not to ensure they get the best person, no to ensure that they're getting paid right or that they are or aren't getting benefits. She said the contracts come to the Commission to ensure the Civil Service system is not getting circumvented. If there is a Civil Service position it should be filled using the Civil Service process and if it is not being filled using the Civil Service process then there has to be a reason and that is when the Commission should ask questions.

Commissioner Ruck said they know the reason, that there is no eligible list so they are hiring people on contract because they need them immediately. The problem was that these people were being contracted year after year even though departments were promising the Commission that they would have an eligible list by the end of the contract period.

Commissioner Schwartz asked if the eligible lists that are currently being recruited for are the positions that the Commission has approved contracts for because there is no list. She wondered if this was their priority.

Ms. Thomas stated that the department directors set the priority and that they are trying to make those lists the priority.

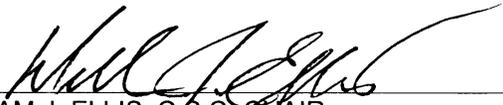
Commissioner Boureslan asked what procedure was used to select an individual who is to be hired on a contract basis. Commissioner Boureslan requested that an item be posted on the following agenda since it was commented that this discussion was not properly posted.

MOTION TO DELETE ITEM 18 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 4 TO 1.

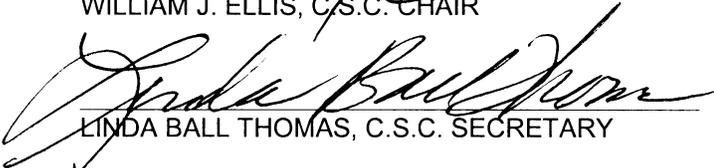
Ayes: Commissioners Graham, Gezelius, Schwartz, Ruck
Nays: Commissioner Boureslan

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 10:11 P.M.



WILLIAM J. ELLIS, C.S.C. CHAIR



LINDA BALL THOMAS, C.S.C. SECRETARY

2-9-06
DATE APPROVED