

MINUTES

FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT 6:00 P.M., THURSDAY EVENING, FEBRUARY 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: Pleters, Michael – Chair
Bautista, Jesus
Hernandez, Edward
Karlsruher, Eileen
Ramirez, Terry

Members Absent: Dominguez, Ricardo
Gezelius, Kenneth
Turner, Marcia
Viescas, Cora

Meeting convened at 6:04 p.m. with four Commissioners present and Chair Pleters presiding. Chair Pleters asked CSC Secretary Linda Ball Thomas if there were any changes to Agenda. Ms. Thomas stated that Item 7 should read Chief Building Inspector instead of Environmental Services. Also, Item 8 appellant requesting for his item to be heard right after the Consent Agenda due to transportation issues.

CONSENT AGENDA

1. Approval of Minutes:

December 12, 2013 Civil Service Commission Meeting

2. Notation: Assignment of Hearing Officers to the Following Appeals

- A. Matthew Thomas – Fire- Termination – Robert Blumenfeld
- B. Martin Cereceres, Environmental Services- Termination – Patricia Palafox

3. Notation: Order Dismissing Appeal

Abel Torres-Department of Transportation-Suspension-Robert Blumenfeld

Discussion by Commissioner Bautista on Item 3B from Minutes of December 12, 2013 reference Disciplinary Matrix.

**MOTION TO APPROVE CONSENT AGENDA MADE BY COMMISSIONER KARLSRUHER AND
SECONDED BY COMMISSIONER RAMIREZ AND UNANIMOUSLY PASSED.**

MOTION TO MOVE TO EXECUTIVE SESSION FOR ITEM 8 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER BAUTISTA AND UNANIMOUSLY PASSED.

Executive session convened at 6:15 p.m.

MOTION TO RECONVENE TO OPEN SESSION MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER BAUTISTA AND UNANIMOUSLY PASSED.

Reconvened to open session at 6:30 p.m.

REGULAR AGENDA

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

A. Arturo R. Gonzalez – Sun Metro – Termination

Discussion by Appellant's Representative Jaime A. Arellano, Jr., Assistant City Attorney Linda Samples, Chair Pleters, Appellant Arturo R. Gonzalez, Commissioners, Bautista, Hernandez, Karlsruhe, AFSCME Local 59 Representative David Ochoa, CSC Assistant City Attorney Elizabeth Ruhmann, and Sun Metro Director Jay Banasiak.

MOTION TO OVERULE HEARING OFFICER'S DECISION "THE CITY HAD JUST CAUSE TO TERMINATE APPELLANT ON OCTOBER 16, 2013 FOR USING A SMART PHONE WHILE OPERATING A BUS, IN VIOLATION OF THE POLICY. THE HEARING OFFICER THEREFORE RECOMMENDS THAT APPELLANT'S TERMINATION FOR VIOLATION OF POLICIES AND FOR JUST CAUSE BE UPHELD" TO A 10-DAY SUSPENSION AND RETURN TO WORK MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER RAMIREZ AND PASSED BY A VOTE OF 3 TO 1.

AYES: RAMIREZ, BAUTISTA, HERNANDEZ
NAYES: KARLSRUHER

B. Francisco J. Herrera – Environmental Services – Termination

Discussion by Appellant Francisco J. Herrera, Commissioner Karlsruhe, and Assistant City Attorney Linda Samples.

MOTION TO APPROVE HEARING OFFICER'S RECOMMENDATION THAT TERMINATION NOT BE SUSTAINED. I RECOMMEND THAT INSTEAD OF TERMINATION THAT HERRERA'S DISCIPLINE BE REDUCED TO A THIRTEEN DAY SUSPENSION MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER RAMIREZ AND UNANIMOUSLY PASSED.

C. Pedro Robles – El Paso Water Utilities – Suspension

Discussion by Appellant Pedro Robles, Chair Pleters, Commissioners Karlsruhe, Hernandez, Ramirez.

MOTION TO SUSTAIN HEARING OFFICER'S RECOMMENDATION THAT APPEAL BE DENIED IN ALL RESPECTS MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER RAMIREZ VOTE WAS A TIE WITH COMMISSIONERS BAUTISTA AND HERNANDEZ ABSTAINING. CHAIR PLETERS BROKE TIE BY VOTING AYE.

AYES: RAMIREZ, KARLSRUHER
ABSTAIN: BAUTISTA, HERNANDEZ

5. Discussion and Action on Items Denied or Delayed Submission to the Civil Service Commission by the Human Resources Director:

Jesus A. Rios – Sun Metro Department

Discussion by Appellant's Representative David Ochoa AFSCME Local 59, Chair Pleters, CSC Assistant City Attorney Elizabeth Ruhmann, Commissioners Bautista, Hernandez, Ramirez, HR Director Linda Ball Thomas, Assistant Director of Operations Lloyd Williams.

1ST MOTION TO DENY APPEAL MADE BY COMMISSIONER KARLSRUHER MOTION FAILS FOR LACK OF SECOND.

2ND MOTION TO REMOVE AWOL AND DEDUCT FROM SICK LEAVE BALANCE MADE BY COMMISSIONER BAUTISTA MOTION FAILS FOR LACK OF SECOND.

3RD MOTION TO DELETE MADE BY COMMISSIONER KARLSRUHER MOTION FAILS FOR LACK OF SECOND.

4TH MOTION TO TAKE NO ACTION MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER KARLSRUHER VOTE IS A TIE CHAIR PLETERS BREAKS THE TIE BY VOTING AYE.

AYES: HERNANDEZ, KARLSRUHER
NAYES: RAMIREZ, BAUTISTA

MOTION TO MOVE TO EXECUTIVE SESSION FOR ITEM 6 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER BAUTISTA AND UNANIMOUSLY PASSED.

Executive session convened at 8:37 p.m.

MOTION TO RECONVENE TO OPEN SESSION MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.

Reconvened to open session at 8:50 p.m.

6. Discussion and Action Miscellaneous Appeal-Outside Employment Revocation

Everardo Ochoa - Fire Department

Discussion by Appellant Everardo Ochoa, Chair Pleters, Fire Chief Samuel Pena, Commissioners Bautista and Ramirez.

MOTION TO DENY OUTSIDE EMPLOYMENT APPEAL AND REVIEW IN SIX MONTHS MADE BY COMMISSIONER RAMIREZ AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.

- 7. 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):

Sonya Cahalan – Environmental Services

Discussion by Appellant Sonya Cahalan, HR Director Linda Ball Thomas, Commissioners Bautista, Hernandez, and Karlsruhe.

MOTION TO APPROVE APPEAL MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER RAMIREZ 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 MATTERS

- 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.(b)

Jaime Marroquin – General Service Worker

MOTION TO APPROVE MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER RAMIREZ AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.

MEETING ADJOURNED AT 9:12 P.M.

Michael Pleeters, Chair

Linda Ball Thomas, C.S.C. Secretary

April 10, 2014

Date Approved