

MINUTES

FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT 6:00 P.M., THURSDAY EVENING, FEBRUARY 16, 2012, CITY COUNCIL CHAMBERS #2 CIVIC CENTER PLAZA – 2ND 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: Gezelius, Kenneth – Chair
Bautista, Jesus H.
Hernandez, Edward
Karlsruher, Eileen
Mendez-Acosta, Belinda
Pleters, Michael
Ramirez, Terry
Turner, Marcia

MEMBERS ABSENT: Viescas, Cora

The meeting convened at 6:02 p.m. with seven Commissioners present and Chair Gezelius presiding. Chair Gezelius suspends the rules for Commissioners to make comments. Commissioner Bautista and Senior City Attorney Elaine Hengen comment. Chair Gezelius asked CSC Secretary Linda Ball Thomas if there are any changes to Agenda Ms. Thomas states on Regular Agenda Item 2C Appellant requested for item to be rescheduled and Item 3B Applicant withdrew her appeal.

MOTION TO ACCEPT CHANGES MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER RAMIREZ AND UNANIMOUSLY PASSED.

Commissioner Bautista requests for Items 7 and 8 to be moved prior to Item 4.

MOTION TO MOVE ITEMS 7 AND 8 PRIOR TO ITEM 4 MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER RAMIREZ AND PASSED WITH ONE OPPOSITION BY COMMISSIONER KARLSRUHER.

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

January 12, 2012

Discussion by Commissioner Bautista and Chair Gezelius.

MOTION TO APPROVE THE MINUTES MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 6 TO 1.

AYES: TURNER, RAMIREZ, MENDEZ-ACOSTA, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

REGULAR AGENDA

2. Discussion and Action on Approval of Hearing Officer's Reports and Recommendations:

A. Christopher Sanchez – Suspension – Environmental Services

MOTION TO APPROVE HEARING OFFICER'S RECOMMENDATION TO REDUCE THE SUSPENSION FROM FOUR DAYS TO THREE DAYS MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER RAMIREZ AND UNANIMOUSLY PASSED.

Discussion after motion passed by Chair Gezelius and Senior Assistant City Attorney Elaine Hengen.

B. Rosa I. Talamantes – Demotion- Financial Services

Discussion by Appellant's Representative David Guzman, Appellant Rosa Talamantes, CEO Financial Services Carmen Arrieta-Candelaria, Commissioners Bautista, Hernandez, Ramirez, Karlsruhe, Sr. Asst. City Attorney Elaine Hengen.

Further discussion by Commissioner Hernandez, Appellant Rosa Talamantes, Commissioner Ramirez, Assistant City Attorney Robert Almonte.

MOTION TO APPROVE HEARING OFFICER'S RECOMMENDATION TO SUSTAIN THE DEMOTION MADE BY COMMISSIONER TURNER AND SECONDED BY COMMISSIONER KARLSRUHER MOTION FAILS BY A VOTE OF 3 TO 4.

AYES: TURNER, PLETTERS, KARLSRUHER
NAYES: RAMIREZ, MENDEZ-ACOSTA, HERNANDEZ, BAUTISTA

SECOND MOTION TO REINSTATE APPELLANT TO PREVIOUS POSITION OF ACCOUNTANT WITH BACKPAY MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER HERNANDEZ THIS MOTION NOT VOTED ON DUE TO ORDER OF BACK PAY ISSUE.

Discussion by Sr. Assistant City Attorney Elaine Hengen, Commissioner Bautista, Appellant's Representative David Guzman, Commissioners Mendez-Acosta, Ramirez, and Chair Gezelius.

SECOND MOTION MODIFIED TO REINSTATE APPELLANT TO PREVIOUS POSITION OF ACCOUNTANT MADE BY COMMISSIONER BAUTISTA AND SECONDED BY COMMISSIONER HERNANDEZ AND PASSED BY A VOTE OF 4 TO 3.

AYES: RAMIREZ, MENDEZ-ACOSTA, HERNANDEZ, BAUTISTA
NAYES: TURNER, PLETTERS, KARLSRUHER

C. Lilia Hernandez – Termination – Sun Metro

APPELLANT REQUESTED FOR APPEAL TO BE RE-SCHEDULED.

D. Jesus Salas – Termination- General Services

Discussion by Appellant Jesus Salas, and Commissioner Ramirez.

MOTION TO APPROVE HEARING OFFICER'S RECOMMENDATION TO SUSTAIN THE TERMINATION MADE BY COMMISSIONER RAMIREZ AND SECONDED BY COMMISSIONER BAUTISTA AND UNANIMOUSLY PASSED.

3. 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. Arce, Melissa – Archives and Records Manager

MOTION TO DENY MADE BY COMMISSIONER TURNER AND SECONDED BY COMMISSIONER RAMIREZ AND UNANIMOUSLY PASSED.

B. Espinosa, Luz – Associate Accountant

APPELLANT WITHDREW APPEAL.

C. Lewis, Henry – Senior Deputy Court Clerk

MOTION TO DENY MADE BY COMMISSIONER RAMIREZ AND SECONDED BY COMMISSIONER TURNER AND UNANIMOUSLY PASSED.

4. Discussion and Action to Add a Definition of Working Out of Class to Rule 2 and to Add a New Section 6 to Proposed Rule 3 of Ordinance 8065 Rules and Regulations Relating to Compensation for Working Out of Class:

Commissioner Mendez-Acosta states she would be recusing herself. Discussion by Commissioner Bautista.

MOTION TO APPROVE ADDITIONS TO RULES 2 AND 3 MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.

5. Discussion and Action on Proposed Changes to Ordinance 8065 Rules and Regulations Rules 13 through 30:

Commissioner Mendez-Acosta states she would be recusing herself.

RULE 13-LEAVE OF ABSENCE, RESIGNATION, SICK LEAVE, AND VACATIONS

Discussion by HR Director Linda Ball Thomas, Speakers Carlos Moreno, Mary Robles, Ron Martin Police Department Association, Commissioners Pleters, Bautista, Hernandez, Ramirez, Chair Gezelius and City Manager Joyce Wilson.

MOTION TO APPROVE RULE 13 MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER KARLSRUHER AND UNANIMOUSLY PASSED.

RULE 14- APPEAL OF EFFICIENCY RATINGS

Discussion by HR Director Linda Ball Thomas, Hearing Officer Bill Ellis, Commissioner Bautista, City Manager Joyce Wilson, Speaker Carlos Moreno, Commissioners Hernandez, Pleters, Ramirez, AFSCME Rep. David Guzman, Commissioner Karlsruher, Speaker Mary Robles, and Senior Assistant City Attorney Elaine Hengen.

MOTION TO MODIFY RULE 14 APPEAL PROCESS: AS FOLLOWS "Subject to the provisions of this section, the employee has the right to appeal an evaluation that results in the creation of a Performance Improvement Plan, or that is given upon the completion of a Performance Improvement Plan with an overall rating below the equivalent of "Successful" he considers unfair, discriminatory, or otherwise objectionable." MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 15- SUSPENSION, REDUCTION, DISCHARGE

Discussion by HR Director Linda Ball Thomas, Commissioners Pleters, Hernandez, Ramirez, and Senior Assistant City Attorney Elaine Hengen.

MOTION TO MODIFY RULE 15 SECTION 1 (e) to "an elected or appointed official" MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER PLETTERS AND PASSED BY A VOTE OF 4 TO 2.

AYES: TURNER, RAMIREZ, PLETTERS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

RULE 16- HEARINGS

MOTION TO APPROVE RENUMBERING OF RULE 16 TO RULE 9 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 17- EMPLOYEES SEEKING PUBLIC OFFICE

MOTION TO APPROVE RENUMBERING OF RULE 17 TO RULE 10 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 18- UNCLASSIFIED SERVICE

Discussion by HR Director Linda Ball Thomas.

MOTION TO APPROVE DELETION OF RULE 18 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 19-DEPARTMENTAL RULES

Discussion by HR Director Linda Ball Thomas, Commissioner Hernandez, Ramirez, Karlsruhe Speaker Joe Acosta, Hearing Officer Bill Ellis, Sr. Assistant City Attorney Elaine Hengen, and City Manager Joyce Wilson.

MOTION TO APPROVE RULE 19 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 4 TO 2.

AYES: TURNER, RAMIREZ, PLETTERS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

MOTION TO RECONSIDER RULE 19 MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER RAMIREZ MOTION FAILS.

RULE 20- LAY-OFFS, JOB RIGHTS, REINSTATEMENT

Discussion by HR Director Linda Ball Thomas, Speaker Carlos Moreno, Commissioners Ramirez, Bautista.

MOTION TO APPROVE RULE 20 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 21- EX PARTE COMMUNICATIONS

Discussion by HR Director Linda Ball Thomas.

MOTION TO APPROVE DELETION OF RULE 21 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA



RULE 22- DOCUMENTATION TO EMPLOYEE'S FILE

Discussion by HR Director Linda Ball Thomas.

MOTION TO APPROVE DELETION OF RULE 22 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 23- RESIDENCY-New Title-EMERGENCY RESPONSE BY CITY EMPLOYEES

Discussion by HR Director Linda Ball Thomas, Commissioners Hernandez, Pletters, and City Manager Joyce Wilson.

MOTION TO APPROVE RULE 23 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER PLETTERS AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 24- GRIEVANCE PROCEDURE- New Title- GRIEVANCES

Discussion by HR Director Linda Ball Thomas, Commissioner Hernandez, Sr. Assistant City Attorney Elaine Hengen, Speaker Joe Acosta, Commissioner Pletters.

MOTION TO MODIFY RULE 24 TO ADD THE FOLLOWING LANGUAGE "Any employee disciplined for failure to comply with any rules, regulations, policies, or procedures as promulgated hereunder, shall have the right to appeal as set forth in the City Charter or the Civil Service Rules and Regulations. Employees shall have the right to file a grievance that meets the requirements of Rule 14 regarding any rule, regulation, policy or procedure promulgated hereunder." MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER RAMIREZ VOTE WAS A TIE CHAIR GEZELIUS VOTES AYE MOTION PASSES.

AYES: RAMIREZ, HERNANDEZ, BAUTISTA, GEZELIUS
NAYES: TURNER, PLETTERS, KARLSRUHER

RULE 25- DRIVER SAFETY STANDARDS

Discussion by HR Director Linda Ball Thomas, Speaker Carlos Moreno.

MOTION TO APPROVE DELETION OF RULE 25 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 26-REGULAR PART-TIME EMPLOYEES

Discussion by HR Director Linda Ball Thomas.

MOTION TO APPROVE DELETION OF RULE 26 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 27-NON-DISCRIMINATION

Discussion by HR Director Linda Ball Thomas and Commissioner Bautista.

MOTION TO APPROVE DELETION OF RULE 27 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULES 28- SAFETY

Discussion by HR Director Linda Ball Thomas, and City Manager Joyce Wilson.

MOTION TO APPROVE DELETION OF RULE 28 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER VOTE WAS A TIE CHAIR GEZELIUS VOTES AYE MOTION PASSES.

AYES: TURNER, PLETTERS, KARLSRUHER, GEZELIUS
NAYES: RAMIREZ, HERNANDEZ, BAUTISTA

RULE 29- OUTSIDE EMPLOYMENT-New Title-APPEAL REGARDING OUTSIDE EMPLOYMENT DENIAL OR REVOCATION

Discussion by HR Director Linda Ball Thomas, City Manager Joyce Wilson, and Commissioner Pletters.

MOTION TO APPROVE RULE 29 MADE BY COMMISSIONER RAMIREZ AND SECONDED BY COMMISSIONER PLETTERS AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

RULE 30- WORKING OUT OF CLASS

Discussion by HR Director Linda Ball Thomas, Speaker Carlos Moreno, Commissioners Pletters, Ramirez, Bautista, City Manager Joyce Wilson.

MOTION TO APPROVE DELETION OF RULE 30 MADE BY COMMISSIONER TURNER AND SECONDED BY COMMISSIONER PLETTERS AND PASSED BY A VOTE OF 4 TO 2.

AYES: TURNER, RAMIREZ, PLETTERS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

6. Discussion and Action on Proposed Changes to Ordinance 8064 Classification and Compensation:

SECTION 1-INTRODUCTION

Discussion by HR Director Linda Ball Thomas, and Commissioner Hernandez. Commissioner Mendez-Acosta states she would be recusing herself.

MOTION TO APPROVE SECTION 1 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER PLETTERS AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

SECTION 2-CLASSIFICATION PLAN

Discussion by HR Director Linda Ball Thomas.

MOTION TO APPROVE SECTION 2 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER PLETTERS AND PASSED BY A VOTE OF 5 TO 1.

AYES: TURNER, RAMIREZ, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: BAUTISTA

SECTION 3-COMPENSATION PLAN

Discussion by HR Director Linda Ball Thomas, Speaker James Peterson, Commissioners Hernandez, Pleters, Bautista, Ramirez, Sr. Assistant City Attorney Elaine Hengen and City Manager Joyce Wilson.

MOTION TO APPROVE SECTION 3 MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 4 TO 2.

AYES: TURNER, HERNANDEZ, PLETTERS, KARLSRUHER
NAYES: RAMIREZ, BAUTISTA

SECTION 4-FRINGE BENEFITS

Discussion by HR Director Linda Ball Thomas.

MOTION TO APPROVE SECTION 4 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER TURNER AND PASSED BY A VOTE OF 4 TO 2.

AYES: TURNER, RAMIREZ, PLETTERS, KARLSRUHER
NAYES: HERNANDEZ, BAUTISTA

SECTION 5-CONDITION OF EMPLOYMENT

Discussion by HR Director Linda Ball Thomas.

MOTION TO APPROVE DELETION OF SECTION 5 MADE BY COMMISSIONER PLETERS AND SECONDED BY COMMISSIONER KARLSRUHER AND PASSED BY A VOTE OF 4 TO 2.

AYES: TURNER, RAMIREZ, PLETERS, KARLSRUHER

NAYES: HERNANDEZ, BAUTISTA

SECTION 6-ADJUSTMENT OF EMPLOYEE COMPLAINTS FOR CLASSIFICATION AND COMPENSATION PURPOSES**SECTION 7-REPEAL OF CONFLICTING ORDINANCES****SECTION 8-SEVERABILITY CLAUSE**

MOTION TO RENUMBER SECTION 6 TO SECTION 5, SECTION 7 TO SECTION 6, AND SECTION 8 TO SECTION 7 MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER PLETERS AND PASSED BY A VOTE OF 4 TO 2.

AYES: TURNER, RAMIREZ, PLETERS, KARLSRUHER

NAYES: HERNANDEZ, BAUTISTA

7. Discussion and Action Regarding a Request by the City Attorney that the Commission Reconsider the Motion Passed on August 12, 2010, Requiring that any Item that has been Submitted to be Placed on the Agenda that has been Denied or Delayed to be Forwarded to all Commissioners Immediately:

Discussion by Senior Assistant City Attorney Elaine Hengen, Commissioner Bautista, Chair Gezelius, Commissioners Mendez-Acosta, Ramirez, HR Director Linda Ball Thomas, Commissioners Hernandez, Pleters, CSC Secretary Linda Ball Thomas. Speakers on item Hector Garcia, Carlos Moreno, Norma Ledesma, Joe Gaines, Pat Hurtado, Reynaldo Morales, Joe Acosta, and AFSCME Local 59 Representative David Guzman and CSC Secretary Linda Ball Thomas.

MOTION FOR A REPORT TO BE PREPARED BY THE CSC SECRETARY LINDA BALL THOMAS LISTING ALL ITEMS AND INFORMATION SUBMITTED TO THE CIVIL SERVICE COMMISSION THAT HAVE BEEN DENIED OR DELAYED TO BE REVIEWED BY THE COMMISSION AND CITY ATTORNEY IF ITEMS CAN BE HEARD AND PLACED ON THE NEXT AGENDA MADE BY COMMISSIONER HERNANDEZ AND SECONDED BY COMMISSIONER RAMIREZ AND PASSED BY A VOTE OF 5 TO 1 WITH COMMISSIONER MENDEZ-ACOSTA RECUSING HERSELF.

AYES: RAMIREZ, HERNANDEZ, PLETERS, KARLSRUHER, BAUTISTA

NAYES: TURNER

8. Report from Staff Regarding Items that were Requested for Placement on the Agenda that were Denied or Delayed:

NO ACTION TAKEN ON THIS ITEM.

MOTION TO MOVE TO EXECUTIVE SESSION MADE BY COMMISSIONER KARLSRUHER AND SECONDED BY COMMISSIONER RAMIREZ AND UNANIMOUSLY PASSED.

Executive session convened at 7:45 p.m.

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

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

Reconvened to open session at 8:10 p.m.

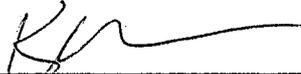
9. Discussion and Action on Miscellaneous Appeal of Denial Shared Leave:

Celia Castor – Engineering Department

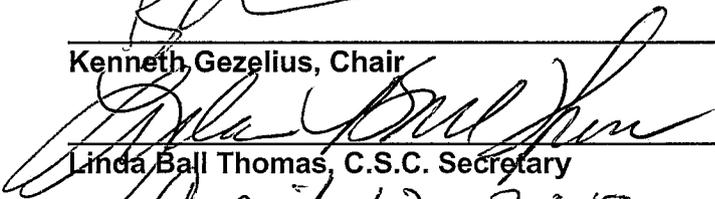
MOTION TO APPROVE ONLY FOR DIRECT CONTRIBUTIONS MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER HERNANDEZ AND PASSED WITH COMMISSIONER KARLSRUHER RECUSING HERSELF.

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

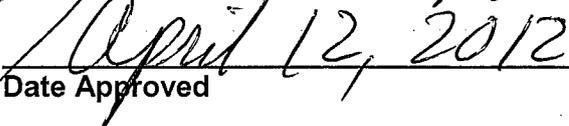
MEETING ADJOURNED AT 10:14 P.M.



Kenneth Gezelius, Chair



Linda Ball Thomas, C.S.C. Secretary



Date Approved