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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, MARCH 10, 2005
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Berube, Paul
Ellis, William
Graham, Elijah
Harris, Alvin
Ruck, Lance – Chair
Schwartz, Elma

MEMBERS ABSENT: Martinez, Ramy
Peña, Andrew

ALSO PRESENT:

Barnes, Douglas	Myers, Carlton - Human Resources
Barrera, Carlos Jr.	Przepasniak, Jim
Bond, Terry – CSC Secretary/HR Director	Rodriguez, Jacob
Buenning, Rosy – CSC Recorder	Sanchez, Ana – Human Resources
Cuellar, Lupe – Assistant City Attorney	Sherman, Carol
Curry, Patrick	Studer, Bill – Deputy City Manager
Fargo, Peter - Human Resources	Surface, Steven – Fire Dept.
Lopez, Esteban Jr.	Thomas, Linda - Human Resources
Mendoza, Francisca	Wilson, Joyce – City Manager
Moncada, Corina	Young, Joseph
Morales, Irene – Insurance & Benefits	

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

Ms. Bond requested that Item 1 be tabled, Item 5C be deleted, a correction to Item 8G should state Worker II instead of Worker I, Item 9A be deleted as the incumbent was returning from military leave, Items 17A, 17B and 17D be deleted as the appellants had withdrawn and been qualified.

Commissioner Ellis requested that Items 2A, 5A, 5B and 5.5 be moved to the Regular Agenda and that Item 5A be discussed together with Item 16.

Chair Ruck requested Items 10A, 10B and 10C be moved to the Regular Agenda.

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

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:
 - A. February 24, 2005
2. Discussion and Action on Approval of Contracts:
 - A. Personal Services Contract with Larry Romero to perform the duties of Business Retention and Expansion Manager from March 14, 2005 through March 13, 2006, for Economic Development.

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

Commissioner Ellis asked how long this position has existed and why it isn't a classified position.

David Dobson, Director for Economic Development, explained that this position had been approximately a 90-day position and ultimately he will consider making the position a classified one.

MOTION TO APPROVE ITEM 2A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

- B. Personal Services Contract with Patricia Palafox, from March 10, 2005 through March 9, 2006, to perform the duties of Civil Service Commission Hearing Officer, for Human Resources.
 - C. Personal Services Contracts with Bruce Yetter, from March 10, 2005 through March 9, 2006, to perform the duties of Civil Service Commission Hearing Officer, for Human Resources.
3. Discussion and Action on Approval of Applications for Outside Employment:
- | | |
|-----------------------------------|--------------------------------|
| A. Amador-Juan-Parks & Recreation | J. Gutierrez-Luis-Mass Transit |
| B. Bennett-William-Community Dev. | K. Jones-Janet-E.P.W.U. |
| C. Brooks-Perry-Fire | L. Martinez-Guillermo-Police |
| D. Calderon-Ricardo-Street | M. Portillo-Victor-Police |
| E. Carreon-Louie-Police | N. Prado-Edith-Police |
| F. Chavez-Daniel-Police | O. Salcido-Michael-OMB |
| G. Cotham-Jeffery-Police | P. Venegas-Ricardo-Airport |
| H. De Avila-Jose-Police | Q. Villa-Ruben-Police |
| I. Gutierrez-Luis-Mass Transit | |
4. Notice of Promulgation of Eligible Lists:
- A. Parking Meter Service Worker (P-4)(CR-3)(O-8)
 - B. Police Commander (P-9)

5. Discussion and Action on Approval of Classification Actions:

New Job Class/Revised Job Class/Revised Job Class & Grade/Revised Job Class, Title & Grade

	<u>Title</u>	<u>Code</u>	<u>Grade</u>
A.	Official: Firefighter	7332	F1 (Tabled 02/24/05)
	Proposed: Same	Same	Same

This item was addressed with Item 16 on the Regular Agenda.

B.	Official: Personnel Technician I	9222	GS 17 (Tabled 02/10/05)
	Proposed: Same	Same	Same

This item was addressed concurrently with Item 5.5 at the beginning of the Regular Agenda.

Lupe Chavez said she had several meetings with Ms. Bond, Ms. Thomas and one meeting with Ms. Wilson. She said they explained what they wanted to do and how they wanted to meld certain classifications because the City had too many.

Chair Ruck stated that the minimum qualifications were going to change with this title change, specifically one of the new qualifications asked for "and one year of paraprofessional experience in personnel recruitment, placement, testing administration, computerized information management, benefits enrollment, or closely related area." He asked Ms. Chavez what experience she had in personnel recruitment, placement and testing administration and benefits enrollment."

Ms. Chavez said none.

Chair Ruck asked Ms. Bond how this could be done if Ms. Chavez didn't have that experience and the job specification required it. He also asked if this meant Ms. Chavez would be performing the duties of Personnel Technicians and the Personnel Technicians would be performing the payroll duties as well. He

also asked why some of the recommendations from the classification study were being implemented and others were not.

Ms. Bond said the specification said “or” not “and”, the employee needed to have some of the experience, not all of it. She explained that the affected employees were in four sections of Human Resources and even though there might be a crossover in some duties, Ms. Chavez would not be doing recruitment. She said that at the time the classification study was done the City did not have Peoplesoft and the responsibilities of the employees in the payroll section were very different. Ms. Bond reiterated that the technology is what has created the commonality among these positions.

Ms. Wilson said she met with the affected employees and Human Resources because she was concerned that employees were not properly notified and weren’t aware of what was happening. She made sure the Human Resources management team was there and that there was good communication as to what they were trying to achieve. The conversation evolved about not having career paths so they discussed how this could be an opportunity for growing in their careers and so they would have an opportunity to promote. This would be done by starting as Personnel Technician I’s and as they learn the various duties from various sections they would then be promoted to a Human Resources Specialist. Ms. Bond and her staff were directed to work on this plan so that this could be achieved. Ms. Wilson explained that cross training was actually good for the employee because they would be multitasked and good for the organization because the department has backup in the event that an employee is on leave for any reason, she also mentioned a possible monetary incentive.

Discussion.

Commissioner Ellis asked if Ms. Chavez was the only employee affected and if there were other employees citywide with this title.

Ms. Bond said this position was specific to Human Resources.

MOTION TO APPROVE ITEMS 5B AND 5.5 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

C. Public Art Program Coordinator 5177 PM 75

5.5 Discussion and Action on Approval of placement of incumbents into reclassified positions:

	<u>Title</u>	<u>Code</u>	<u>Grade</u>	
02/10/05)	Official: Personnel & Payroll Clerk	1602	GS 17	(Tabled
	Proposed: Personnel Technician I Chavez, Lupe V.	9222	GS 17	

See discussion and motion on item 5B.

6. For Notation: Request to have appeal heard by Arbitrator:

- A. Gomez, David R. – Suspension – Police Dept. (CP04-251)
- B. Jimenez, Elizabeth – Suspension – Police Dept. (CP04-251)

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

- A. Gandara, Carlos – Termination – Solid Waste Management
- B. Morales, Leo – Suspension – Solid Waste Management

8. Discussion and Action on Approval of Merit Increases in accordance with C.S.C. Guidelines:

- A. Commun & Hum Dev - Shaar, Anthony - Senior Grants Planner
- B. Fleet Services - Acosta, Leticia - Accounting Clerk

- C. Fleet Services - Carlos, Jose A. - Maintenance Mechanic I
- D. Fleet Services - Escobar, Mario - Bldg Maint Worker I
- E. Fleet Services - Olivas, Rose M. - Accounting Technician
- F. Fleet Services - Orona, Alberto - Maintenance Mechanic II
- G. Fleet Services - Pedroza, Ramiro - Bldg Maint Worker I
- H. Fleet Services - Rodriguez, Omar - Bldg Maint Worker I
- I. Fleet Services - Ross, Edward - Electrician
- J. Fleet Services - Salgado, Jesus - Bldg Maint Worker II

9. Discussion and Action on Request for Temporary Promotion:

- A. Mefford, Robert – El Paso International Airport
From: Traffic Signs and Markings Worker
To: Labor Foreman II
- B. Guillen, Albert – Fleet Services
From: Automotive Technician I
To: Automotive Technician II

10. Discussion and Action on Request for Extension of Eligible Lists for an additional six months:

- A. Library Information Specialist I – Extended through August 27, 2005
- B. Paratransit Coach Operator – Extended through September 8, 2005
- C. Sprinkler System Installer/Repairer – Extended through August 28, 2005
- D. Meter Reader – Extended through September 23, 2005

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

Chair Ruck pointed out that three of these lists had already expired and asked if they could approve them.

Ms. Bond said they had brought expired lists to the Commission in the past.

Discussion.

Commissioner Ellis said he didn't believe they had the authority to extend expired lists even if they had done it in the past.

MOTION TO DELETE ITEMS 10A, 10B AND 10C MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

REGULAR AGENDA

Items 2A, 5A, 5B, 5.5, 10A, 10B and 10C were discussed here.

11. Discussion and Action on Rule 13, Leave of Absence, Resignation, Sick Leave and Vacations and associated changes to Ordinance 8064, regarding approval of and length of leaves of absence, FMLA, benefits during leave, working hours and other benefits (Tabled 01/27/05 & (Tabled 02/24/05).

Chair Ruck said that based on the special meeting they had at 4 p.m. he would request the item be tabled.

MOTION TO TABLE ITEM 11 TO THE MAY 12TH MEETING MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

12. Discussion and Action on the promulgation of a rule regulating working employees Out-of-Classification (Tabled 01/27/05 & 02/24/05).

MOTION TO TABLE ITEM 12 TO THE 1ST MEETING IN APRIL MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

13. Discussion and Action on revision of Commission's policy on working employees out of classification (Tabled 02/24/05).

Commissioner Ellis said he was concerned about employees not getting credit for working out of class even during this period of the Commission's discussions about adopting a policy or a rule reference this matter. He believed they should adopt a rule now.

Discussion, the Commission agreed they should give the employee full credit for working out of class, and that the last words of the proposed language "for which the approval was granted" be deleted.

Assistant City Attorney Lupe Martinez said that on behalf of management they would prefer both of these items be tabled because of the impact this would have on all employees and collective bargaining issues.

Commissioner Ellis said that only two departments in the City have the collective bargaining advantage but the mass of City employees do not. He said they all knew that if there was a provision of the collective bargaining agreement (CBA) that would be contrary to this, that the collective bargaining agreement trumps it so those uniformed employees in Police and Fire would be unaffected by this adoption because they have a contract that may or may not preempt it. He also mentioned that the City Manager at the previous 4 p.m. special meeting had agreed with giving employees credit for the work they performed.

Chief Surface, Fire Department, said this was a radical change from the promotional structure they have at the Fire Department. He said that when the collective bargaining agreement was drafted it never anticipated this type of language and urged the Commission to table the item.

Assistant City Attorney Lupe Cuellar said another possibility was for the Commission to temporarily have a policy for uniformed and a policy for non-uniformed employees. Maybe the current policy could be left in place for uniformed employees and the policy they want to adopt can apply to non-uniformed employees.

Ms. Wilson said she was fine with adopting this new policy if they would exclude the uniformed employees.

MOTION TO AMEND THE COMMISSION'S WORKING OUT-OF-CLASS POLICY AND ADOPT THE PROVISIONS AS SET FOR IN SECTION 4 OF THE BACKUP AS NOTED BELOW REGARDING CREDIT FOR WORKING OUT OF CLASS EXCLUDING FIRE AND POLICE UNIFORMED EMPLOYEES MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

"AN EMPLOYEE WILL BE GRANTED CREDIT FOR EACH DAY OUT-OF-CLASSIFICATION WORK FOR THE PURPOSE OF CALCULATING EXPERIENCE TOWARD THE MINIMUM QUALIFICATIONS FOR A PROMOTIONAL EXAMINATION RELATED TO THE POSITION."

14. A. Discussion and Action to reconsider the Commission's prior action in regards to the amendment to Rule 1, Civil Service Commission, Section 10, Commission Recorder. (Tabled 02/24/05)

MOTION TO RECONSIDER MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

- B. Discussion and Action on amendment to Rule 1, Civil Service Commission, Section 10, Commission Recorder.

Assistant City Attorney Lupe Cuellar asked what the Commission's intent was when they amended the wording of this rule at the last meeting by adding the words, "Disciplinary action may be taken against the Commission Recorder by the Secretary only with the concurrence of 2/3 of the Commission."

The Commission agreed that the intent was "present and voting."

MOTION TO ADOPT THE PROPOSED AMENDMENT AS FOLLOWS MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSISONER GRAHAM (no vote taken)

"The Commission Recorder serves at the pleasure of the Commission. Disciplinary action may be taken against the Commission Recorder by the Secretary of the Commission only with the concurrence of two thirds of the Commission present and voting."

Assistant City Attorney Lupe Martinez suggested this item be tabled also because if the Commission Recorder was to be relocated to another Department, the Department Head would want to have disciplinary power over the Commission Recorder. She believed that through the Charter, the Secretary had the authority to discipline the Recorder because she supervises her and that supervision encompasses discipline.

Commissioner Ellis gave the analogy that administration wanted the "tail to wag the dog" by allowing the Secretary of the Commission to discipline the Recorder without any input from the Commission even though the Recorder serves at the pleasure of the Commission. He didn't believe that made sense at all because no Department Head has authority over the Commission Recorder, only the Commission does through its Secretary.

Chair Ruck also believed that according to the Recorder's job specifications she could not work on other duties not related to the Commission. He believed this was an issue Ms. Wilson was also going to investigate and agreed the item should probably be tabled.

MOTION TO TABLE ITEM 14 MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 3 to 2.

Ayes: Commissioners Berube, Schwartz, Harris

Nays: Commissioner Ellis, Graham

15. Discussion and Action on communications between the City Manager and the Commission(Tabled 02/24/05).

Chair Ruck advised that this item had been discussed at the 4 p.m. special meeting open to the public.

MOTION TO DELETE ITEM 17 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

A short recess was taken from 7:00 p.m. to 7:10 p.m.

16. Discussion and Action on status of Patrick Curry reclassification issue, Fire Department, reference reclassification from Firefighter to Fire Paramedic (Tabled 12/09/04 & 02/24/05).

Item 5A was discussed concurrently with this item.

Chair Ruck said he has all the backup for this item every time it has been before the Commission. He commented that Chief Surface had said this item was not related to Item 5A.

Chief Surface agreed and asked that the Commission look at the job specification on its own merits and then look at the reclassification issue. He believed one had to be done before the other.

Chair Ruck said he believed that not until after the Firefighter job specification revision was approved could Human Resources address the reclassification issue.

Ms. Bond said that was correct.

Chair Ruck asked Mr. Curry if the proposed revision to the firefighter job specification was in any way denying his appeal.

Mr. Curry believed the possibility was there. He pointed out that the part in the revision that reads "perform medical duties while assigned to a fire suppression or medical: was directly related to what he brought to the Commission. He added that the training for paramedic meant that the employee needed to have additional training and schooling required by the State. He elaborated on the responsibilities and training. Mr. Curry said that right now there are firefighters that are cross-trained as paramedics and paramedics that are cross-trained as firefighters, the difference is that only the paramedics cross-trained as firefighters are addressed in the contract, the firefighters cross-trained as paramedics remain on the FS1 pay scale and remain Civil Service employees and are not addressed in the contract – he said this was the reason he brought this issue before the Commission. He added that Fire Paramedics came on board in 2002 and they were given that title from contract negotiations. Mr. Curry detailed the current process and believed they needed to set up a promotional structure.

Assistant City Attorney Lupe Cuellar reminded the Commission that Mr. Curry kept referring to the CBA and said that the contract would trump any issues addressed in it. She said that the classifications and wages are addressed in the wage schedules.

Discussion.

Commissioner Berube asked if they were now requiring employees to be qualified as a paramedic before becoming firefighters?

Chief Surface said no, this was strictly a volunteer program but they do have a requirement to be EMT's. He said that the basic premise of Patrick's argument was the commonalities. Chief Surface gave the Commission several examples of the commonalities even though their ranks were different, he presented an organizational chart and various other forms (i.e., promotional structure, etc.) and reviewed them for the Commission. He asked the Commission why there weren't any firefighters present today opposing the proposed revisions to the job specification if it was off-track? He noted that the Department has the support of management, Human Resources and Local 51 on behalf of the firefighters. He said the new specifications accurately reflected what the firefighters have been doing for the last several years and added that firefighters are now doing more and more medical work as opposed to fire fighting. Chief Surface told the Commission that per their contract they compensate their employees an additional five percent who are doing out-of-class work if it is work of a higher grade.

Discussion.

Mr. Curry said he just wanted equalization as far as the pay scale was concerned and elaborated on why some paramedics believed they were better or higher than others depending on whether or not they worked on a pumper or ambulance. He believed if it was left this way the problem would be perpetuated.

Chair Ruck said they needed to wait for the reclassification.

Ms. Bond said that per the Commission's directive many months ago to look into reclassifying Mr. Curry, a determination has been made by Human Resources that Mr. Curry was adequately classified in his position as a Firefighter. This determination was made after various meetings with Ms. Wilson, Chief Rivera and Chief Surface where they also reviewed all the documentation presented by Mr. Curry. Therefore, Ms. Wilson is not directing Human Resources to reclassify Mr. Curry.

Commissioner Ellis said that in light of the new job description, he asked Mr. Curry to provide the Commission with additional written explanation together with graphs or visual aids that might make the point clearer before the next meeting. He said he wasn't surprised with the analysis given by Human Resources but wasn't sure it was correct or not correct. He said that the Commission needed some input about Mr. Curry's point of the wage differences and they might have the authority to order some adjustment under a different provision. He asked Ms. Cuellar where that left the Commission with the conclusions that had just been articulated?

Assistant City Attorney Lupe Cuellar said they had already requested that the City Manager look into the reclassification, they couldn't order her to do it. This issue also involves a collective bargaining agreement and she believed it was addressed in that agreement. She told the Commission that they didn't have the authority to promote someone.

Commissioner Ellis said they might be able to address it under the provision of Salary Equalization. He asked if there were appropriate remedies that the Commission should consider.

Assistant City Attorney Lupe Cuellar stated that they are dealing with a collective bargaining agreement which supercedes the Charter and the Civil Service Rules. She suggested that the parties exchange the documentation and information before the next meeting.

Commissioner Ellis requested that they see the requested documentation before coming to the next meeting.

MOTION TO TABLE ITEM 16 TO THE 1ST MEETING IN APRIL MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM 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. Rule 8.1.d.1.:

Items 17A, 17B and 17D were deleted during the Consent Agenda.

- A. Sanchez, Raymond – Airport Program Manager
- B. Sanchez, Raymond – Recreation Program Supervisor
- C. Barrera, Carlos – Recreation Program Supervisor

Mr. Barrera was present. Chair Ruck read the specifics of Mr. Barrera's disqualification. Mr. Barrera believed that his Army Reserve active duty experience qualified him for this position. He detailed his experience for the Commission and stated that he was 29 hours short of his bachelor's degree.

MOTION TO DENY ITEM 16A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

- D. Flores, Jose Luis – Recreation Program Supervisor

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

The Commission retired into Executive Session at 8:00 p.m. to discuss Item 18, and reconvened for Open Session at 8:28 p.m.

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

18. 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. Lopez, Esteban – Recreation Leader III (8.1.d.4.)

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

MOTION TO APPROVE ITEM 18A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

- B. Lopez, Guillermo – Firefighter Trainee (12.11)

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

MOTION TO DENY ITEM 18B MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Berube, Schwartz, Harris, Ellis
Nays: Commissioner Graham

19. Discussion and Action on Proposed appointment to the Civil Service Commission:

Boureslan, Ali to replace Ken Sutherland – District 5

MOTION TO APPROVE ITEM 19 AND GIVE MR. BOURES LAN A FAVORABLE RECOMMENDATION MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

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

Palafox, Patricia – Dated 03/07/05 – February 2005

Ms. Bond told the Commission that because Ms. Palafox's contract was expired during some of the dates on the invoice, she requested that they delete all items dated on or after February 21st.

Assistant City Attorney Lupe Cuellar advised that there were other mechanisms by which Ms. Palafox could and would be paid for the services during that period.

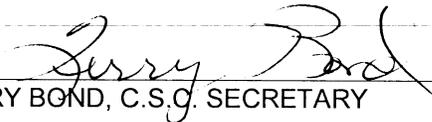
MOTION TO APPROVE ITEM 20, ONLY THE ITEMS DATED 02/08 THROUGH 02/17, MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 8:30 P.M.



LANCE RUCK, C.S.C. CHAIR



TERRY BOND, C.S.C. SECRETARY

4/14/05

DATE APPROVED