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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, MARCH 23, 2006
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Boureslan, Ali
Ellis, William - Chair
Gezelius, Ken
Graham, Elijah
Peña, Andrew (arrived in time to vote on Item 11)
Reynolds, Thurman
Schwartz, Elma
Scott, Valerie

MEMBER ABSENT: Ruck, Lance

The meeting convened at 6:05 p.m. with 8 Commissioners present and Chair Ellis presiding. Chair Ellis welcome Commissioner Reynolds, this was his first meeting since his appointment to the Commission.

Items 2A and 7D were discussed at the beginning of the Regular Agenda, Item 17E was deleted..

CONSENT AGENDA

- 1. Discussion and Action on Approval of Minutes:
 - A. February 20, 2006 (Tabled 03/09/06)
 - B. February 23, 2006 (Tabled 03/09/06)
 - C. March 9, 2006

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

- 2. Discussion and Action on Approval of Contracts:
 - A. Personal Services Contract with Emma Magadan-Beall to perform the duties of Foreign Trade Zone Coordinator from March 27, 2006 through March 26, 2007, for the Airport.

MOTION TO TABLE ITEM 2A UNTIL MR. ABELN RETURNS TO THE MEETING MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

Mr. Abeln told the Commission that he wanted to bring in Ms. Magadan-Beall as support for the Foreign Trade Zone Manager and then very quickly create a classified position as an assistant.

MOTION TO APPROVE ITEM 2A MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 5 TO 1.

Ayes: Commissioners Reynolds, Gezelius, Boureslan, Schwartz, Scott
Nay: Commissioner Graham

- B. Graduate Intern Contract with Nikolina Georgieva from May 1, 2006 through April 30, 2007, for the Office of Management and Budget.
- C. Cooperative Education Contract with John D. White from April 18, 2006 through April 17, 2007, for the El Paso Public Library.
- D. Personal Services Contract with Elsa Taylor to perform the duties of Daycare Director from April 3, 2006 through August 31, 2006, for Parks and Recreation.

- E. Independent Services Contract with Neil Devereaux to perform the duties of Translator from March 6, 2006 through March 5, 2007, for the Police Department.
3. Notice of Promulgation of Eligible Lists:
- A. Public Safety Calltaker = Promulgated 03/14/06 (P-2)(CR-1)(O-27)
 - B. Coach Mechanic I = Promulgated 03/10/06 (P-4)(O-4)
 - C. Coach Mechanic II = Promulgated 03/10/06 (P-4)(O-1)
 - D. Certified Firefighter Trainee = Promulgated 03/10/06 (O-31)
 - E. Residential Inspector Supervisor = Promulgated 03/01/06 (P-7)
 - F. Information Processor Operator = Promulgated 02/28/06 (P-10)(CR-1)(O-5)
4. For Notation: Request to have appeal heard by Arbitrator:
- A. De Avila, Jose – Suspension – Police Dept. (CP05-123)
 - B. Sommers, Angela – Suspension – Police Dept. (IA05-143)
5. For Notation and if appropriate, assignment of Hearing Examiner: Request(s) to have appeal(s) heard in accordance with Article 21 of the Collective Bargaining Agreement between the City and the El Paso Municipal Police Officers Association.
- Armitage, Darwin - Suspension – Police Dept. (CP06-019)
6. Discussion and Action on request to assign pending appeal cases:
- Martinez, Martin – Termination – Mass Transit
7. Discussion and Action on request to have name placed on Transfer List:
- A. Martinez, Daniel – Building Maintenance Worker II – Parks & Recreation
 - B. Muñoz, Nancy – Clerk Typist II – Fire Dept.
 - C. Pedregon, Oscar – Electrician – Mass Transit
 - D. Sierra, Alma – Accounting Technician – Human Resources

This item was discussed at the beginning of Regular Agenda.

Commissioner Boureslan noted that there was an "unable to evaluate" evaluation attached to the backup and asked about it.

Ms. Thomas stated that when Ms. Sierra's evaluation was due she had not been her rater long enough to be able to rate her. She explained that when Ms. Bond left she had given Ms. Sierra an unscheduled evaluation which was competent.

MOTION TO APPROVE ITEM 7D MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

- E. Valdez, Thelma – Accounting Technician – Financial Services
8. Discussion and Action on Request for Extension of Eligible Lists for an additional six months:
- A. Automotive Service Worker II.....Extended through 10/04/2006
 - B. Electrician.....Extended through 09/28/2006
 - C. Equipment Operator I.....Extended through 09/25/2006
 - D. Information Entry Operator.....Extended through 09/26/2006
9. For Notation: Civil Service Commission Action regarding Appeal of Performance Evaluation by Debra McFadden.

REGULAR AGENDA

- 10. Discussion and Action on detail of process followed when hiring Contract Employees (Tabled 01/26/06).

Items 10 and 11 were addressed simultaneously.

Commissioner Peña arrived here.

MOTION TO DELETE ITEM 10 MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

- 11. Discussion and Action on adopting a policy for contract positions which do not require Civil Service Commission approval.

Asst. City Attorney John Batoon told the Commission that several meetings ago the City had indicated that they were going to draft a policy for contracts not requiring Civil Service Commission approval. He explained that up to this time there were several policies for various types of positions. He stated that the policy combines all these policies into one policy and reviewed the policy.

Commissioner Graham was concerned of the perception of taking these positions from Civil Service and placing them in the hands of the City Manager. Who is receiving these jobs, the amount of pay, etc., would be questionable.

Joyce Wilson said that the only contracts on this policy that currently come before the Commission are the ones for Economic Development, the rest are not. She also reminded the Commission that any contracts over \$50,000 also need City Council approval. Ms. Wilson said that the grant-funded contracts go through a similar recruitment process as CSC positions do.

Commissioner Boureslan was concerned with the wording on Item #4 of Attachment A.

MOTION TO DELETE ITEM #4 ON ATTACHMENT "A" MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

Discussion.

MOTION TO APPROVE ITEM 11 WITH THE DELETION OF ITEM #4 ON ATTACHMENT "A" MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 6 TO 2.

Ayes: Commissioners Peña, Reynolds, Gezelius, Boureslan, Scott, Ruck

Nays: Commissioners Graham, Schwartz

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

Brannon, Edith Schwartz – Appointment – District 1

Commissioner Gezelius stated that Ms. Brannon was very well qualified but wondered if because she has previously served two complete terms on the Commission if she was eligible according to Charter Section 6.1-2.

Chair Ellis said he was informed that there had been a couple of Commissioners who had previously served their terms and were then reappointed. He asked for legal counsel.

Asst. City Attorney Lupe Cuellar stated that a Commissioner could serve their two terms then could not be reappointed unless they sat out a term or more. She believed the key word in the Charter was

"successive."

Discussion.

MOTION TO GIVE EDITH BRANNON A FAVORABLE RECOMMENDATION MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 7 WITH 1 ABSTENTION.

Ayes: Commissioner Peña, Graham, Reynolds, Boureslan, Schwartz, Scott, Ruck
Abstain: Commissioner Gezelius

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

Gardon, Rafael – Recreation Services Supervisor – Parks & Recreation

A committee consisting of Commissioners Scott (Chair), Graham and Schwartz was appointed to hear Mr. Gardon's PE appeal.

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

14. Discussion and Action on employee concerns regarding new classifications and compensation for positions within the Executive Compensation Plan and the Professional/ Managerial Compensation Plan pursuant to the Classification and Compensation Study completed by the Human Resources Department.

Chair Ellis wondered if the entire Commission should be privy to all the backup for this item so they could review it.

Commissioner Peña felt that the Commission had entrusted the Committee to hear the concerns and give them a recommendation and felt they shouldn't prolong this any longer and vote on the items tonight.

Discussion on Research Assistant:

MOTION TO APPROVE THE PROPOSED SPECIFICATION FOR RESEARCH ASSISTANT AS PROPOSED BY THE CITY MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

Discussion on Budget & Services Coordinator:

Ms. Thomas told the Commission that the committee felt this specification was at a lower level than it should be so they recommended it be raised from 124 to 129. Ms. Thomas agreed that it was probably at a lower level but if it was raised to a 129 it would be higher than the Police Department's position which supervises three times as many people, their budget is 14 times higher, Ms. Thomas reviewed the documents she passed out to the Commission. She asked the Commission not to change the word "or" to "and" on the specification because then in order to recruit for it a person would have to have all three types of experience and higher qualified people wouldn't qualify because of the change from "or" to "and." She recommended to the Commission that they keep the 3 years of experience, this would mean keeping the 1 additional year the committee recommended, not change the word "or" to "and", and raise it to a grade 126 instead of the recommended 129, this would make it comparable to the Police positions.

Grace Sanchez detailed her responsibilities for the Commission.

Chair Ellis told the Commission that the Library Director had agreed with the Committee's recommendations.

Jim Sienkiewicz for Human Resources answered the Commission's questions reference the

specifications.

Discussion.

MOTION TO CHANGE THE 2-YEAR REQUIREMENT TO 3 YEARS IN THE JOB SPECIFICATION FOR BUDGET & SERVICES COORDINATOR MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

MOTION TO CHANGE THE WORD "OR" BACK TO "AND" BETWEEN THE WORDS BUDGET AND FISCAL, AND CHANGE THE WORD "OR" TO "AND" BETWEEN THE WORDS ANALYSIS AND ADMINISTRATION IN THE JOB SPECIFICATION FOR BUDGET & SERVICES COORDINATOR MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO CHANGE THE GRADE TO 126 IN THE JOB SPECIFICATION FOR BUDGET & SERVICES COORDINATOR MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

Discussion on Human Resources Manager:

Armando Peña felt he didn't have the opportunity to articulate his points fully.

Chair Ellis disagreed and believed Mr. Peña was given a complete opportunity to articulate his views. He commented that there was some consensus that some of Mr. Peña's points even though well taken were collateral to the matter before the committee. He asked Mr. Peña to proceed and to remain germane to the topic.

Mr. Peña said that one of his requests was that the information on the study be made available to the employees and that had never happened. He felt it was only fair that the employees have a full packet of the findings and that each employee should be informed that they can appeal to this body. He felt it was unfair that he had to defend that some duties were allocated to him if the duties were allocated to him which the committee agreed with in their final analysis. He stated that the charter has something called the Salary Standardization clause which says that similarly situated employees have to be treated the same. Mr. Peña detailed his point of view.

Ms. Wilson said that this position was given a level of scrutiny beyond any other position where they was a disagreement in terms of the recommendation. She said there were a series of additional reviews all of which were made available to employees and that nothing was ramrodded through the system.

Mr. Peña said he had met with Ms. Wilson and had discussed this issue. He didn't believe there was any "bad faith", he just believed it was rushed because of expediency.

Discussion.

MOTION TO APPROVE THE JOB SPECIFICATION FOR HUMAN RESOURCES MANAGER AS PROPOSED BY THE CITY MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

15. Discussion and Action on addendums to the new Classification and Compensation Plan for positions within the Executive Compensation Plan and the Professional/ Managerial Compensation Plan pursuant to the Classification and Compensation Study completed by the Human Resources Department.

	<u>Title</u>	<u>Code</u>	<u>Grade</u>
A. Approved:	Hydrogeologist Manager	13230	EX 4
Proposed:	Water Resources Manager	Same	EX 3

B.	Approved:	Land and Contracts Administrator	10370	PM 125
	Proposed:	Utility Land and Water Rights Manager	20125	EX 3
C.	Approved:	Water Conservation Program Coordinator	20310	PM 128
	Proposed:	Water Conservation/Tech20 Manager	Same	EX 5
D.	Approved:	Utility Strategic Business Manager	20040	EX 4
	Proposed:	Government Affairs and Communications Manager	Same	Same
E.	Approved:	Water Conservation Education Specialist	20320	PM 124
	Proposed:	Same	Same	Same
F.	Proposed:	Utility Security Officer <u>Coordinator</u>	20060	EX 5
G.	Proposed:	Water Operations Control Analyst	20580	PM 129
H.	Proposed:	Water Conservation Coordinator	20325	PM 124

Ms. Thomas explained to the Commission that the EPWU has a different budget cycle from the City's, theirs starts on March 1st.

Commissioner Boureslan asked if any of these positions would be making any engineering decisions.

Nick Costanzo, EPWU Asst. General Manager, stated that the hydrogeoloist position will have a P.E. filling it. He said the incumbent will actually have his Phd in May. He said it would require engineering decisions.

Rafael Gardon, Parks & Recreation employee, stated that reference the Land and Contracts Administrator position and other positions being changed by the study, he wondered if the Commission was aware that not all the PM levels are exempt and wondered how the proposed changes approved today would affect the exemption status. He asked if they were giving these positions duties of a higher or lower grade how that would affect their exemption status, and are they going to stay exempt or become non-exempt. He said that was one of the issues that was not being addressed and one way that employees were left out of the loop. He said that if you are exempt you are not entitled to overtime by federal law and if you are non-exempt you are entitled to overtime. He said that this was going to impact the earnings for employees and stated that if these issues were not posted how were the employees going to address them.

Asst. City Attorney Lupe Cuellar said the issue raised by Mr. Gardon was not relevant to these job specifications.

MOTION TO APPROVE ITEM 15 MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GEZELIUS 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. Limas, Jorge Jr. – Traffic Signs & Markings Worker II

Chair Ellis read the specifics of Mr. Limas' disqualification.

Mr. Limas detailed his experience for the Commission.

MOTION TO APPROVE ITEM 16A MADE BY COMMISSIONER PENA, SECONDED BY COMMISSIONER GRAHAM BUT FAILED BY A VOTE OF 3 TO 4.

Correction

Ayes: Commissioners Peña, Graham, Reynolds
Nays: Commissioners Gezelius, Boureslan, Schwartz, Scott

MOTION TO DENY ITEM 16A MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Gezelius, Boureslan, Schwartz, Scott
Nays: Commissioners Peña, Graham, Reynolds

B. Castillo, Victor M. – Street Operations Assistant

Chair Ellis read the specifics of Mr. Castillo's disqualification.

Mr. Castillo detailed his experience for the Commission.

Mr. Fargo reviewed the required qualifications for the Commission.

MOTION TO DENY ITEM 16B MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Reynolds, Gezelius, Boureslan, Schwartz, Scott
Nay: Commissioner Graham

Mr. Castillo wondered if this meant he wouldn't be able to promote.

Mr. Fargo stated that there is a progression and he needs to get more experience in order to qualify for promotions in this series.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 8:30 p.m. to discuss Item 17, and reconvened for Open Session at 9:01 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER BOURESLAN 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. Limas, Jorge – Traffic Signs & Markings Worker II (8.1.b.)
- B. Limas, Jorge – Traffic Signs & Markings Worker II (Ord. 8064, 51.b.)
- C. Limas, Jorge – Traffic Signs & Markings Worker II (8.1.d.4.)

Chair Ellis explained to Mr. Limas that the action taken on Item 16A made Items 17A-C moot.

MOTION TO DELETE ITEMS 17A, 17B AND 17C MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

D. Delgado, Cynthia – Accountant IV (12.11)

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

MOTION TO APPROVE ITEM 17D MADE BY COMMISSIONER GRAHAM, SECONDED BY

COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 5 TO 2.

Ayes: Commissioners Peña, Graham, Reynolds, Boureslan, Scott
Nays: Commissioners Gezelius, Schwartz

E. Delgado, Cynthia – Auditor II (11.3.g.)

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

F. Martinez, Luis Carlos – Equipment Operator III (Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEM 17F MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Peña, Graham, Reynolds, Gezelius, Schwartz, Scott
Nays: Commissioner Boureslan

18. Discussion and Action on Report containing results of meeting held reference Ziad Al-Dasouqi.

Chair Ellis asked Ms. Smyth if the original report she provided the Commission was signed.

Ms. Smyth said she had the signed original in her office and would forward it to Human Resources.

Chair Ellis asked Mr. Al-Dasouqi if he had seen the report and if he was in agreement with it.

Mr. Al-Dasouqi said he had seen the report and agreed with it. He also thanked the Commission for their participation and action in this matter and told them he really appreciated them.

MOTION TO APPROVE THE REPORT ON ITEM 18 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

Chair Ellis thanked the Commission for the honor of being the Chair for the past 11 months. He said it had been an honor to work with the people on the Commission. This was his last meeting as Chair of the Commission.

MOTION TO DELETE ITEM 18 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 9:10 P.M.


ALI BOURESLAN , C.S.C. CHAIR


LINDA BALL THOMAS, C.S.C. SECRETARY

04-13-06
DATE APPROVED