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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, APRIL 14, 2005
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Berube, Paul
Boureslan, Ali
Ellis, William
Graham, Elijah
Harris, Alvin
Martinez, Ramy
Peña, Andrew
Ruck, Lance – Chair
Schwartz, Elma

ALSO PRESENT:

Acuña, Magda – Sun Metro	Guinn, Bonnie – Public Safety Technology
Adauto, Patricia – Building & Planning Services	Guzman, Luis E. Jr.
Bond, Terry – CSC Secretary/HR Director	Hengen, Elaine – Assistant City Attorney
Buenning, Rosy – CSC Recorder	Keton, Frank – Comptroller
Chavira, Hernando	Martinez, Lupe – Assistant City Attorney
Cuellar, Lupe – Assistant City Attorney	Mendoza, Francisca
Curry, Patrick	Przepasniak, James – Library
DeBruhl, Edward	Thomas, Linda - Human Resources
Fargo, Peter - Human Resources	Young, Joseph
Garcia, Claudia – Sun Metro	

The meeting convened at 6:04 p.m. with a quorum of 9 Commissioners present and Chair Ruck presiding.

Presentation of Appreciation Plaques to Commissioners Paul Berube, Alvin Harris and Ken Sutherland.

Chair Ruck also welcomed new Commissioner Ali Boureslan to the Commission.

CONSENT AGENDA

Commissioner Ellis requested Item 2F be moved to the Regular Agenda. He also said he had run into Mr. Cohen at the Courthouse and Mr. Cohen had requested that Item 13 be deleted so he was requesting Item 13 be deleted. Commissioner Ellis also requested that Item 11 be addressed before any of the items that were being moved to the beginning of the Regular Agenda.

Ms. Bond made a correction to Item 9.10, the name should read "Flores, Rosario" instead of "Flores, Richard." She requested Item 15A be postponed per the request of the Department Head, and Item 17 be deleted as the appellant had withdrawn. Commissioner Ellis believed Item 15A could be disposed of so he requested they address it and if after addressing it they felt they needed to postpone it they would.

Assistant City Attorney Lupe Cuellar said there was a request to move Item 20 to the beginning of the Regular Agenda.

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

1. Discussion and Action on Approval of Minutes:
 - A. February 24, 2005 (Tabled 03/24/05)
 - B. March 10, 2005 (Tabled 03/24/05)
 - C. March 24, 2005

2. Discussion and Action on Approval of Contracts:
 - A. Undergraduate Intern Contract with Julliana Amalia Baldwin from April 18, 2005 through April 17, 2006, for the Airport.

- B. Cooperative Education Contract with Tiffany Schirmer from April 18, 2005 through April 17, 2006 for the El Paso Public Library.
- C. Cooperative Education Contract with John D. White from April 18, 2005 through April 17, 2006 for the El Paso Public Library.
- D. Personal Services Contract with Luis M. Guerra to perform the duties of HIDTA Fiscal Administrator from May 1, 2005 through April 30, 2006, for the Police Department.
- E. Personal Services Contract with Marlo L. Tena to perform the duties of Department Volunteer Coordinator from April 24, 2005 through April 23, 2006, for the Police Department.
- F. Personal Services Contract with Lea Hutchinson to perform the duties of Zoo Director from April 20, 2005 through October 19, 2005, for Quality of Life Services.

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

Commissioner Ellis said he was concerned about the new provisions in paragraph two of the contract. He believed these provisions would allow the contract to extend over a year period, he believed contracts could only be approved for a year period and asked Assistant City Attorney Lupe Cuellar for her opinion.

Assistant City Attorney Lupe Cuellar agreed that it would extend beyond the one-year point. She told the Commission that they have approved contracts for over a year in the past, such as the IT contracts, which are for two years. She asked the Commission to look at Section 6.6-5 Contractors.

Ms. Bond said Economic Development also has two-year contracts.

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

3. Discussion and Action on Approval of Applications for Outside Employment:

- A. Bustamante-Ricardo-Parks & Rec.
- B. Campa-Hector-Solid Waste Mgmt
- C. Cooper-Aaron-Police
- D. Cordero-Jaime-Police
- E. DeAnda-Martha-Police
- F. Gomez-Daniel-Police
- G. Haywood-Jeffrey-Police
- H. Hernandez-Antonio-Police
- I. Jones-H. Lavell-Mass Transit
- J. Limas-Richard-Police
- K. Morgan-Justin-Police
- L. Norman-Jason-Police
- M. Pelletier-Patrick-Police
- N. Pena-Arturo-Police
- O. Reyes-Martin-Police
- P. Serna-Gabriel-Police
- Q. Sias-Hector-Fire
- R. Stoltz-George-Police
- S. Tellez-Roberto-Police

4. Notice of Promulgation of Eligible Lists:

- A. Administrative Assistant (P-3)(O-3)
- B. Airport Program Manager (P-9)(O-5)
- C. Coach Mechanic I (P-2)(O-6)
- D. Coach Mechanic III (P-8)(O-1)
- E. EPWU Wastewater Plant Technician II (P-6)
- F. Fire Division Chief (P-4)

- G. Land and Contract Administrator (P-4)(CR-1)(O-1)
- H. Library Information Specialist II (P-9)(O-1)
- I. Recreation Leader II (O-38)
- J. Recreation Leader III (O-17)
- K. Recreation Program Supervisor (P-2)(CR-1)(O-8)
- L. Refuse Collection Division Supervisor (P-18)
- M. Strategic Budget Advisor (P-2)
- N. Well Production Field Operator (P-0)(O-2)

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.	Proposed: Assistant Director of Parks and Recreation	5158	Ex E
B.	Proposed: Senior Internal Auditor	5228	Ex G

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

Hernandez, Adrian – Planning Technician III – Mass Transit

7. Discussion and Action on Request for Temporary Promotion:

Gadson, Timothy – Airport
From: Custodial Worker
To: Shuttle Bus Operator

8. *Item Not Used*

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

- 1. Airport - Chavez, Christel - Information Entry Operator
- 2. Planning, Res. & Dev. - Kooshian, Charles - Planner III
- 3. Police - Adkins, Dana - Public Safety Dispatcher
- 4. Police - Anaya, Helen - Clerk Typist III
- 5. Police - Ayala, Yvonne - Police Records Spec. II
- 6. Police - Beltran, Cynthia - Communication Asst. Mgr
- 7. Police - Canales, Felix - Crime Analyst
- 8. Police - Chavez, Richard - Departmental Research Asst.
- 9. Police - Flores, Antoinette - Training Technician
- 10. Police - Flores, ~~Rosario~~ Richard - Police Records Spec. II ←-----Correction
- 11. Police - Garcia, Josefina - Police Records Unit Spvr
- 12. Police - Hernandez, Jaime - Station Operations Coord.
- 13. Police - Mercado, Sylvia - Executive Secretary
- 14. Police - Natividad, Angelica - Abandoned Vehicle Supervisor
- 15. Police - Nevarez, Rosemary - Secretary I
- 16. Police - Quinonez, Antonio - Clerk Typist III
- 17. Police - Quintanar, Daniel - Public Safety Communicator
- 18. Police - Reyes, Jaime - Secretary I
- 19. Police - Rodriguez, Martin - Police Records Spec. III
- 20. Police - Silva, Daniel - Parking Enforcement Controller
- 21. Police - Silva, Richard - Public Safety Dispatcher - Police
- 22. Police - Villegas, Rose Ann - Secretary II
- 23. Police - Williams, Janice - Police Records Spec. III

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

Clerk Typist III (through 11/13/05)

REGULAR AGENDA

11. Discussion and Action on the promulgation of a rule regulating working employees Out-of-Classification (Tabled 01/27/05; 02/24/05; 03/10/05).

Chair Ruck asked if the background that the Commissioners were provided was also given to the employees and employee associations?

Ms. Bond advised that it was posted on the website.

Chair Ruck commented that based on the minutes from March 10th, the City Manager had agreed to compensate employees working in higher classes. The Commission had also agreed to give employees complete credit for working out of class whether they had been approved or not. This new policy presented to the Commission seems to change what the City Manager had agreed to and what the Commission had agreed to also. Finally, this new policy abdicates the power of this Commission and places that authority directly at the discretion of the Human Resources Director with a notation to the Commission. He said he didn't know why the Commission would want to do that being that giving employees credit for working out of class has been a sore point for the last decade and has not been resolved. Chair Ruck stated that administration was presenting this as a policy as opposed to the possible Rule 30 the Commission was contemplating, and there were considerable changes to the proposal.

Ms. Bond said they were looking for a way to move this process through and make sure that employees get experience credit as quickly as they can. She said there needs to be a way to document prior credit which is why Section 6.2 was placed in the proposal, which would also involve a form that would be given to employees for them to request the credit. Ms. Bond added that there was a provision in administration's proposal for paying employees.

Discussion.

Chair Ruck asked Ms. Wilson why there was a change from what she had told the Commission on March 10th.

Ms. Wilson told the Commission that her conversations reference this issue entailed developing a policy entailing the following; 1) being able to work people out of class for catastrophic events for the period of the event as an exception to the rule; 2) to be able to work people out of class on a mutually agreeable basis for developmental purposes so that they could gain experience in an area and get credit for it, where they otherwise would not qualify to compete. In the developmental arena they may or may not get paid, that would be mutually agreed as well. She stated she was not adverse to paying someone if they were working out of class.; 3) 90 days versus 60 days was her suggestion and if the employee was in the position working out of class for a year then they would look at whether they needed to reclassify. She said the proposal was inconsistent with the conversations she had had and apologized for that. She said they needed to go back and make sure the proposal is consistent with what the Commission wanted as well. She said the only other item that HR asked for was that working out of class be defined more specifically.

Discussion

Commissioner Ellis said that the Charter contemplates that there is a certain partnership between City Council and the Commission. He didn't believe they should adopt policies thereby circumventing that process and instead believed they should adopt rules whereby Council would appropriately have input.

MOTION TO TABLE ITEM 11 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

Chair Ruck appointed Commissioner Ellis to chair the committee on this issue, and also appointed Commissioners Graham and Schwartz to the committee.

12. Discussion and Action on request from Hernando Chavira reference his pending termination appeal (04-BP-16BY).

Chair Ruck read a letter from Hearing Officer Bruce Yetter to the Commission explaining the status of this case.

Mr. Chavira told the Commission that he had a letter from Mr. Yetter from seven months ago that said the same thing as this present letter.

MOTION TO DELETE ITEM 12 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

13. Discussion and Action on letter from Michael Cohen regarding "Reclassification and Effective Removal of Fire Lieutenant Position in Violation of Civil Service Rules".

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

14. 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; 03/10/05).

Chief Surface told the Commission that in a lengthy analysis, their department concluded that the Fire Paramedic carries significant supervisory responsibility at a level that a firefighter with paramedic duties does not have.

Chair Ruck believed the Commission did not have the authority to overturn the City Manager's decision on this issue. He also asked if they could address this issue under "salary standardization."

Assistant City Attorney Lupe Cuellar said they could not overturn the City Manager's decision and told them that they were currently addressing the issue under salary standardization.

Commissioner Ellis didn't concur that the Commission would be out in the cold reference the City Manager's decision. He said that given the Commission's authority under the Charter he believed they retained ultimate authority in these areas. He referred to page 2 of Mr. Curry's backup which states, "I still believe that it is an inaccurate job description as it applies to paramedic personnel permanently assigned to paramedic pumpers." He said the firefighter job description had a concise statement of the medical duties a firefighter is to perform and believed it was accurate. He briefly reviewed Mr. Curry's documentation and believed that the Fire Paramedic duties were substantially different than those of a Firefighter. Commissioner Ellis believed the provisions of salary standardization were not being violated in this case and that the matter was being appropriately handled.

MOTION TO DELETE ITEM 14 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 7 WITH 1 ABSTENTION.

Ayes: Commissioners Berube, Ellis, Graham, Harris, Martinez, Peña, Schwartz
Abstain: Commissioner Boureslan

Mr. Curry made additional comments reference how similar the duties of these two jobs are.

15. Discussion and Action on Grievance Filed by:

- A. Mendoza, Francisca (Use of City Property; Visitors)

Ms. Mendoza asked the Commission to reconsider deleting the item. She told the Commission that she had requested documentation from the legal department and has not received a response from them, therefore, she requested that the item be placed on the next agenda.

Commissioner Peña asked Ms. Mendoza if she was satisfied with the actions already taken.

Ms. Mendoza said she was not. She told the Commission she felt retaliation since she had started the grievance process.

Assistant City Attorney Lupe Cuellar told the Commission that the Commission didn't have jurisdiction

because of the way the grievance was stated. The employee is supposed to state exactly what rights and rules have been violated. She agreed there was a need to modify the grievance form to make it clearer to employees exactly what they were required to state in their grievances.

Commissioner Ellis requested of the secretary that the grievance form be immediately modified so that the requirement of the grievance procedure as stated in Rule 24 that the employee state the rules or charter provisions believed to have been violated, be included in a separate little box on the first page. This will help everybody identify what they need to be able to establish.

Chair Ruck said that since the Department Head had requested the item be tabled maybe Ms. Mendoza could provide the documentation in the proper order at a future meeting.

MOTION TO DELETE ITEM 15A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

B. DeBruhl, Edward (Sun Metro Employee Committee Fundraising)

Mr. DeBruhl said he was basically satisfied with the actions taken on this grievance except that it was not done in a timely manner.

MOTION TO DELETE ITEM 15B MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

C. DeBruhl, Edward (Repayment-Public Phone/Cell Phone)

Chair Ruck said that after looking at the documentation provided it looked like the department had a policy and didn't have any problem reimbursing employees for the phone calls.

Mr. DeBruhl said that is what he has been told but has never been reimbursed. He said he has never seen any procedure so he has never filed any forms to be reimbursed. He believed there was a lack of communication and just asked that the driver's be advised of these issues.

Terry Lee Scott, Director of Mass Transit, stated that they did have a policy and a form for the employee to fill out. He explained to the Commission that the dispatcher's responsibility was only to log in the call. Mr. DeBruhl was given instructions to file for reimbursement.

Commissioner Ellis suggested creating a form for this purpose.

Mr. Scott said they would work on that.

MOTION TO DELETE ITEM 15C MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

16. Discussion and Action on Committee Report reference Performance Evaluation Appeal of:

A. Galindo, Emma - Comptroller's Office

Chair Ruck read the committee's recommendation, which was to approve Ms., Galindo's appeal and performance evaluation be re-rated.

MOTION TO ACCEPT THE COMMITTEE'S RECOMMENDATION MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

B. Gailey, Lisa - Police Dept.

Chair Ruck read the committee's recommendation which was to DENY Ms. Gailey's appeal of her performance evaluation.

MOTION TO ACCEPT THE COMMITTEE'S RECOMMENDATION MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 7 WITH 1 ABSTENTION.

Ayes: Commissioners Berube, Ellis, Graham, Harris, Martinez, Peña, Schwartz

Abstain: Commissioner Boureslan

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.:

Valdez, Martha A. – Accounting Clerk

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

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

The Commission retired into Executive Session at 7:16 p.m. to discuss Item 18, and reconvened for Open Session at 7:40 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER HARRIS 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. Nelson, Gary – EPWU Wastewater Plant Technician I (Ord. 8064, 5.1.b.)

Mr. Nelson 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 BERUBE, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

B. Young, Joseph – EPWU Wastewater Plant Technician I (Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEM 18B MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

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

A. Boureslan, Ali – Reappointment – District 5

MOTION TO GIVE MR. BOURESLAN A FAVORABLE RECOMMENDATION MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

B. Gezelius, Kenneth – to replace Paul Berube – District 4

MOTION TO GIVE MR. GEZELIUS A FAVORABLE RECOMMENDATION MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

C. Ruck, Lance – Reappointment – District 8

MOTION TO GIVE MR. RUCK A FAVORABLE RECOMMENDATION MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

20. Discussion and Action on letter from Hearing Officer Patricia Palafox regarding scheduling of hearings.

This item was discussed after Item 11.

Chair Ruck briefly reviewed Ms. Palafox' letter which addressed the timeline in which hearings are taking place. He believed that terminations were different from suspensions in that terminations should be handled within 30 to 60 days.

Lisa Elizondo, City Attorney, agreed with Chair Ruck. She stated that she had personally talked to Ms. Palafox and believed the issue had been resolved. She gave the Commission a little background on how disciplinary matters were handled by her office. She said she has talked to the City Manager and they are working on a procedure to expedite the process. She told the Commission that with respect to the three cases referred to by Ms. Palafox, the Morales case is set for hearing on April 27th without the involvement of her office, the Ernest Garcia case is scheduled for June 1st and she is still trying to contact Mr. Rivera's representative in order to schedule his case. She told the Commission that all these cases should proceed to hearings within 90 days.

Commissioner Ellis believed it was the Hearing Officers' responsibility to control these dockets, the City or the Commission should not be involved in that process. He believed the Commission needed to provide direction to the Hearing Officers reference expediting termination appeals and have them set 45 days from the date assigned subject to continuances for good cause. He believed the Commission needed to direct the Hearing Officer in the Rivera case to hear the case no later than 45 days from today's date.

Chair Ruck asked if it was general practice for the Hearing Officers to contact the City Attorney's office before setting the cases?

Ms. Elizondo said it was.

Chair Ruck believed they should table the item and then discuss what direction they should give the Hearing Officers at the next meeting.

Assistant City Attorney Lupe Cuellar suggested deleting the item and then posting a new item to address the direction to all the Hearing Officers.

MOTION MADE BY COMMISSIONER TO DIRECT HEARING OFFICER PALAFOX TO SET THE RIVERA MATTER FOR HEARING NOT LATER THAN 45 DAYS FROM TODAY AND THAT THE HEARING OFFICERS BE INSTRUCTED TO SET TERMINATION HEARING FOR HEARING WITHIN 45 DAYS FROM THE DATE THE CASE WAS ASSIGNED TO THEM SUBJECT TO APPROPRIATE MOTIONS FOR CONTINUANCES BY EITHER PARTY (DIED FOR LACK OF A SECOND)

MOTION TO DELETE ITEM 20 MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 7 TO 1.

Ayes: Commissioners Berube, Boureslan, Peña, Graham, Harris Martinez, Schwartz

Nays: Commissioner Ellis

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 7:43 P.M.



LANCE RUCK, C.S.C. CHAIR



TERRY BOND, C.S.C. SECRETARY

5-12-05

DATE APPROVED