

**MINUTES FOR A SPECIAL MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, APRIL 22, 2004
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA - 2nd FLOOR**

MEMBERS PRESENT: Berube, Paul
 Ellis, William J.
 Graham, Elijah
 Harris, Alvin
 Martinez, Ramy
 Pena, Andrew
 Ruck, Lance
 Schwartz, Elma
 Sutherland, Ken

ALSO PRESENT: Almonte, David – OMB
 Bond, Terry – C.S.C. Secretary
 Porras, Sandy – C.S.C. Recorder
 Puga, Monica – Human Resources
 Mueller, Paul – Human Resources
 Cenicerros, :Leo – Human Resources
 Castillo, Norma – Legal Dept.
 Pena, Armando – Human Resources
 Pucel, Gerald – Asst. Deputy Director of Street. Dept.
 Buenning, Rosy- Former C.S.C. Recorder
 Cichon, Gerald – Attorney for Police
 Luna, Jesus – American Civil Liberties Union
 Abeln, Pat – Airport Director
 Fargo, Peter – Human Resources
 Loweree, Fred – El Paso Water Utilities
 Burman, Steve – Human Resources
 Steele, Harry – El Paso Water Utilities

The meeting convened at 6:00 p.m. with a quorum of 9 commissioners present and Chair Berube presiding.

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

April 8, 2004

2. Discussion and Action on Approval of Contracts:
 - A. Graduate Intern Contract with Katherine Nicole Arnold from April 23, 2004 through July 23, 2004, for the Economic Development Department.

 - B. Two (2) Personal Services Contracts with Sheila Elias and Chris Cummings from May 8, 2004 through May 7, 2005, for Financial and Administrative Services.

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

- | | | | |
|----|-----------------------------|-----|-------------------------------------|
| A. | Arce-Alfredo Jr.-Police | R. | Myers-Karl-Police |
| B. | Balderrama-Manuel-Police | S. | Olague-Rudy-Police |
| C. | Bastidas-Alex-Police | T. | Perez-Alfredo-Police |
| D. | Campos-Mark-Police | U. | Perez-Alfredo-Police |
| E. | Canonizado-Laura-Police | V. | Ramos-Juan M.-Police |
| F. | Carreon-Louie-Police | W. | Ramos-Juan M.-Police |
| G. | Castillo-Juan J.-Police | X. | Reta-Juan E.-Police |
| H. | Cotham-Jeffrey-Police | Y. | Reveles-Jose Jr.-Police |
| I. | Esparza-Juan Jr.-Police | Z. | Rivera-Ricardo M. Jr.-Police |
| J. | Gilkison-William R.-Police | AA. | Rivera-Thomas-Mass Transit |
| K. | Gutierrez-Luis-Mass Transit | BB. | Rojas-Juan F.-Police |
| L. | Gutierrez-Luis-Mass Transit | CC. | Short-Michael J.-Police |
| M. | Hernandez-John-Police | DD. | Tausiani-George-Fire |
| N. | Lawrence-Thomas R.-Police | EE. | Torgerson-Bill-Zoo & Parks and Rec. |
| O. | Martinez-Michael-Police | FF. | Vasquez-Michael B.-Police |
| P. | Medina-George-Fire | GG. | Wilcox-John-E.P.W.U. |
| Q. | Mena-Ralph-Police | | |

Commissioner Ellis stated that City Council just approved Rule 29 and asked Legal Counsel if this new rule would take into affect after this set of outside applications.

Deputy City Attorney Lupe Cuellar responded yes.

4. Notice of Promulgation of Eligible Lists:

- A. Airport Maintenance Worker (P-8)(CR-2)(O-17)
- B. Budget Specialist (P-3)(CR-1)(O-1)
- C. Coach Mechanic I (P-2)(O-5)
- D. Electronic Controls Specialist (P-1)(CR-1)(O-0)
- E. Public Services Librarian I (O-12)
- F. Public Safety Dispatcher- Police (Corrected P-13)(Corrected CR-1)
- G. Water Meter Repairer I (P-2)(CR-1)

5. Discussion and Action on Approval of Classification Actions:

	<u>TITLE</u>	<u>CODE</u>	<u>GRADE</u>
OFFICIAL:	Community & Human Development Director	5794	EX C
PROPOSED:	Same	Same	Same

6. Discussion and Action on Assignment of pending appeal cases to Hearing Officer:

Burrell, Thomas. – Suspension – Solid Waste Management

7. Discussion and Action on Request to have name placed on Transfer List:

- A. Leyva, Lorenzo. – Laborer – El Paso Water Utilities
- B. Ramirez, Virginia – Information Entry Operator – Municipal Clerk

MOTION TO APPROVE THE CONSENT AGENDA MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER PENA AND UNANIMOUSLY PASSED.

REGULAR AGENDA

8. Discussion and Action on approval of Equal Employment Opportunity Plan.

Commissioner Sutherland asked if Human Resources has a recruitment team that goes to job fairs.

C.S.C. Secretary T. Bond stated that HR does attend job fairs. Police and Fire attend local and out-of-state job fairs.

Commissioner Sutherland asked Ms. Bond if HR could sponsor their own job fairs, perhaps in collaboration with UTEP, career schools, and local unions.

C.S.C. Secretary T. Bond said it was a possibility and a great suggestion.

MOTION TO APPROVE ITEM 8 MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY APPROVED.

9. Discussion and Action regarding promulgation and adoption of amendments to Rule 1 relating to procedural rules governing Commission meetings, duties of the Chair, Vice-Chair and Secretary, provisions related to the Commission Recorder and Committees of the Commission. (Tabled 04/08/04)

MOTION TO APPROVE THE WORDING OF THE 3RD DRAFT OF RULE 1 TO THE EXTENT THAT IT EXISTS AND UP TO THE SECOND MENTION OF THE WORD COMMISSION ON THE 2ND LINE OF SECTION 10 WAS MADE BY COMMISSIONER ELLIS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

Commissioner Ellis asked the Commission to consider whether or not the sentence should end with the word "Commission" or up to wherer the underlining stops.

Commissioner Ruck stated that he has requested from HR that they develop a job specification for the C.S.C. Secretary that way it can come back to C.S.C.

MOTION TO APPROVE THE LAST SENTENCE OF SECTION 10 OF RULE 1 IN DRAFT 3 TO INCLUDE THE UNDERLINED PORTION WAS MADE BY COMMISSIONER ELLIS AND SECONDED BY COMMISSIONER RUCK AND DID NOT PASS WITH A VOTE OF 5 TO 4.

Ayes: Graham, Harris, Ruck, Ellis

Nays: Pena, Martinez, Sutherland, Schwartz, Berube

Commissioner Sutherland commended Commissioner Ellis for all his work on this item.

10. Discussion and Action on amending Rule 20, Lay-offs, Job Rights, Reinstatement. (Tabled 04/08/04)

T. Bond, H.R. Director and OMB Director, David Almonte expressed their concern about not leaving the "probationary period" in place.

Chair Berube asked if an employee is promoted would he be terminated if he failed his probation.

C.S.C. Secretary T. Bond answered no. The employee would be moved back to their original position. If it's not available, the employee would go through much like the lay-off process, and have another position located for the employee.

HR Employee Armando Pena added that when an employee is laid off because he didn't pass probation and his previous position was no longer available, he will be placed on a reinstatement list (call-back list) then the employee will be called when a position is available.

C.S.C. Secretary T. Bond added that the Reinstatement list is higher on the certification list than the promotional or original list.

City employee Norma Castillo requested that this item be tabled until the next C.S.C. meeting so that City employees can be given an opportunity to discuss this at the next Employee Association Meeting.

MOTION TO TABLE ITEM 10 UNTIL THE NEXT C.S.C. MEETING MADE BY COMMISSIONER ELLIS AND SECONDED BY COMMISSIONER PENA AND UNANIMOUSLY PASSED.

11. Discussion and Action on temporarily filling the position of CSC Recorder.

Commissioner Ellis stated that Rosy Buenning has served the Commission long and well.

Commissioner Ruck stated that he feels that the Commission should be able to determine who will be the recorder.

Deputy City Attorney Lupe Cuellar pointed out that the Charter gives the Commission the authority to remove the recorder. The Charter does not address whether you can or cannot appoint the recorder. Also, she asked the Commissioners if they want to use the current job description for the recorder, keep her at the same salary and benefits.

Commissioner Ellis responded yes.

Deputy City Attorney Lupe Cuellar asked with regards to the Termination Provision of the Contract, if Commission wants the same language concerning convenience and cause but to give the cause determination to be made by Commission.

Commissioners agreed.

MOTION TO RECOMMEND TO COUNCIL THAT A CONTRACT BE AWARDED TO ROSY BUENNING ON A PROVISIONAL BASIS UNTIL THERE IS A LIST AND A SELECTION MADE. MADE BY COMMISSIONER ELLIS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

12. Discussion and Action on current and future policies regarding the dissemination of back-up for Commission meetings to the public and City employees in a timely manner before the Commission's meeting.

Commissioner Ellis asked if the public or City employees have problems getting back-up for items prior to C.S.C. Meetings.

C.S.C. Secretary T. Bond's response was no. The agenda is made available on the public drive for City employees. If anybody requests information, it's given to them.

Deputy City Attorney Lupe Cuellar interjected by saying that when a City employee has a item on the agenda, such as a grievance, along with the grievance form, any other documentation that is made a part of the back-up should be provided to the employee without requesting an open records request.

MOTION TO DELETE ITEM 12 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER ELLIS AND UNANIMOUSLY PASSED.

13. Discussion and Action on Request to have name placed on Reinstatement List:

Marion, John – Library Assistant – Library

No Discussion

MOTION TO APPROVE ITEM 13 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

14. Approve merit increases in accordance with C.S.C. Guidelines:

- A. Parks & Recreation-Little, Donna-Clerk Typist II
- B. Parks & Recreation-Martinez, Raul-Recreation Program Supervisor

No Discussion.

MOTION TO APPROVE ITEM 14 WAS MADE BY COMMISSIONER SUTHERLAND AND SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

15. Approve Hearing Officer's Invoice:

Palafox, Patricia. – Dated 04/10/04 – March 2004

Chair Berube asked if everything was in order.

C.S.C. Secretary T. Bond responded yes.

MOTION TO APPROVE ITEM 15 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

16. Discussion and Action on Request for Temporary Promotion:

Graves, Scott – Police Department
From: Police Sergeant
To: Police Lieutenant

No Discussion.

MOTION TO APPROVE ITEM 16 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

17. Discussion and Action on Request to Work Employee Out of Classification:

Sepulveda, Ricardo – Street Department

Current: Equipment Operator III
Proposed: Street Operations Supervisor

Commissioner Ruck asked if the employee would be getting credit for each month that he's working out-of-class, and why couldn't he be promoted.

C.S.C. Secretary T. Bond stated that he would be getting credit for the entire six months.

Asst. Deputy Dir. for Street Dept., Gerald Pucel, added that the position is not budgeted or staffed for him to be promoted.. He may be doing this for more than the 6 months allotted. He will be doing this job 100% of the time, and further stated that his old position would not be replaced and there wouldn't be problems with that.

MOTION TO APPROVE ITEM 17 WAS MADE BY COMMISSIONER GRAHAM AND SECONDED BY COMMISSIONER PENA AND UNANIMOUSLY APPROVED.

18. Discussion and Action on police investigation of Jaime Luevano.

Commissioner Ruck stated that he has brought this item back to CSC because he wants to see the police investigation file in this case.

Deputy City Attorney Lupe Cuellar stated that some documents in the file may be privileged and confidential and that it would not be available.

Jesus Luna with American Civil Liberties Union stated that he was there to answer any questions that the Commissioner may have. Stated that he represents Jaime Luevano.

MOTION TO REQUEST THAT INTERIM POLICE CHIEF WILES PROVIDE THE COMMISSIONERS WITH A COPY OF THE INVESTIGATION IN THIS MATTER WAS MADE BY COMMISSIONER ELLIS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

19. Discussion and Action on request to reset ending date of probationary period in accordance with Article VI, Section 6.9-1 of the C.S.C. Charter:

Mendoza, David D. – Custodial Worker – Airport

No Discussion

MOTION TO APPROVE ITEM 19 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

20. Discussion and Action on rerated Performance Evaluation of:

Anaya, Priscilla – Cashier Clerk – Mass Transit

C.S.C. Secretary T. Bond stated that Bill Arvallo requested that this item be postponed until the next C.S.C. Meeting.

Commissioner Ellis asked why this item couldn't be approved today. Stated that the recommendation of the committee had been followed.

Deputy City Attorney Lupe Cuellar stated that Commissioners could approve the item today because they were verifying that the re-rating of the performance evaluation was done in

accordance with their direction.

MOTION TO APPROVE ITEM 20 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

21. Discussion and Action on Grievance filed by:

Ceballos, Sr., Raymundo – Airport

Commissioner Graham stated that this item has been requested to be heard in executive session.

Commissioner Ruck asked if there appears to be a lack of jurisdiction because the grievance is about discipline which is not subject for a grievance.

Deputy Assistant Attorney Lupe Cuellar stated that if an employee engaged in misconduct it can be brought to Commission's attention to be investigated. If the remedy that employee is asking for is that disciplinary action be taken and if it comes to you and you make that determination, then you are removing any due process rights that employee has. Who is that employee going to appeal to? If you look at the grievance process it states that you should specifically state whether a right has been violated.

Commissioner Ruck stated that the grievance looked like it wasn't requesting to overturn the written reprimand that he was given, and asked of counsel if she thought that what was being sought in the grievance was sufficient for Commission to rule on.

Commissioner Ellis stated that all this should be addressed in Executive Session.

Deputy City Attorney Lupe Cuellar stated that it was a procedural question. Further stated that there are factual determinations that need to be made in executive session depending on how Commission determines the facts to fall. There may be something Commission may be able to do that is not disciplinary action.

MOTION MADE BY COMMISSIONER RUCK TO ADDRESS ITEM 21 IN EXECUTIVE SESSION AND SECONDED BY COMMISSIONER PENA AND UNANIMOUSLY PASSED

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

Commissioner Ruck stated that Commission had no jurisdiction in this matter.

MOTION TO DELETE ITEM 21 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER PENA AND UNANIMOUSLY PASSED.

22. Discussion and Action on request filed by Jesus Cancino (Airport) to have name placed back on Eligible List for Custodial Worker.

C.S.C. Secretary T. Bond stated that this item needs to go to Executive Session

MOTION MADE BY COMMISSIONER RUCK TO ADDRESS ITEM 22 IN EXECUTIVE SESSION AND SECONDED BY COMMISSIONER PENA AND UNANIMOUSLY PASSED.

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

Deputy City Attorney Lupe Cuellar stated that the Commission has no jurisdiction on this item. Further stated that probationary employees do not have the right to appeal any termination to the Commission.

MOTION TO DELETE ITEM 22 WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

23. 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. Gardon, Hortencia – Budget Management Analyst I

Ms. Gardon was present. Chair Berube read the specifics of Ms. Gardon's disqualification. Ms. Gardon expanded on her qualifications and experience in detail and also provided additional back-up for Commissioners.

Leo Cenicerros and David Almonte stated that based on information that Ms. Gardon presented and further provided, she couldn't be qualified.

MOTION TO DENY ITEM 23A MADE BY COMMISSIONER ELLIS AND SECONDED BY COMMISSIONER GRAHAM AND PASSED UNANIMOUSLY.

B. Lozano, Frank – Customer Service Supervisor II

Mr. Lozano was present. Chair Berube read the specifics of Mr. Lozano's disqualification. Mr. Lozano expanded on his qualifications and experience in detail.

Harry Steele and Fred Loweree w/ EPWU and Leo Cenicerros w/ HR stated that based on information that Mr. Lozano presented, they were not able to qualify him.

MOTION TO DENY ITEM 23B WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER ELLIS AND UNANIMOUSLY PASSED.

C. Walsmith, Sheila – Customer Service Supervisor II

Ms. Walsmith was not present. Chair Berube read the specifics of Ms. Walsmith's disqualification.

MOTION TO DENY ITEM 23C WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY AVOTE OF 7 TO 1.

Ayes: Pena, Martinez, Sutherland, Schwartz, Harris, Ruck, Ellis

Nay: Graham

D. Posada-Lopez, Sylvia – Public Services Librarian I

Ms. Posada was present. Chair Berube read the specifics of Ms. Posada's disqualification. Ms. Posada expanded on her qualifications and experience in detail.

MOTION TO DENY ITEM 23D WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

E. Barrera, Jr., Carlos – Traffic Signs & Marking Worker II

Mr. Barrera was present. Chair Berube read the specifics of Mr. Barrera's disqualification. Mr. Barrera expanded on his qualifications and experience in detail.

Gerald Pucel w/ Streets and Paul Mueller w/ HR elaborated on why he didn't qualify.

MOTION TO APPROVE ITEM 23E WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM AND FAILED BY A VOTE OF 5 TO 4.

Ayes: Graham, Martinez, Harris, Ruck
Nays: Pena, Sutherland, Schwartz, Ellis, Berube

MOTION TO DENY ITEM 23E WAS MADE BY COMMISSIONER SUTHERLAND AND SECONDED BY COMMISSIONER ELLIS AND PASSED BY A VOTE OF 5 TO 3.

Ayes: Pena, Sutherland, Schwartz, Harris, Ellis
Nays: Graham, Martinez, Ruck

F. Maldonado, Josue – Traffic Signs & Marking Worker II

Mr. Maldonado was present. Chair Berube read the specifics of Mr. Maldonado's disqualification. Mr. Maldonado expanded on his qualifications and experience in detail.

MOTION TO APPROVE ITEM 23F WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SUTHERLAND AND PASSED UNANIMOUSLY.

G. Parada, Jorge – Traffic Signs & Marking Worker II

Mr. Parada was present. Chair Berube read the specifics of Mr. Parada's disqualification. Mr. Parada expanded on his qualifications and experience in detail.

MOTION TO APPROVE ITEM 23G WAS MADE BY COMMISSIONER SUTHERLAND AND SECONDED BY COMMISSIONER RUCK AND PASSED UNANIMOUSLY.

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

The Commission retired into Executive Session at 7:52 p.m. to discuss items 24, 21, 22, & 25, and reconvened for Open Session at 9:05 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER SUTHERLAND AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

24. 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. Del Rosario, Leila – Personnel & Accounting Clerk (11.3.g.)

Ms. Del Rosario was present. The matter was discussed in Executive Session. The following action was taken in Open Session:

MOTION TO APPROVE ITEM 24A MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

B. Moore, Guillermo – Traffic Signs & Marking Worker II (Ord. 8064, 5.1.b. & 11.3.g.)

Mr. Moore was not present. The matter was discussed in Executive Session. The following action was taken in Open Session:

MOTION TO APPROVE ITEM 24B WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

C. Robinson, Beverly Ann – Secretary III (11.3.g.)

Ms. Robinson was present. The matter was discussed in Executive Session. The following action was taken in Open Session:

MOTION TO APPROVE ITEM 24C WAS MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

25. Discussion and Action on Review of Open Items List:

- A. Professional/Managerial Guidelines Exploratory Committee
- B. Quarterly and Yearly Reports of the CSC (Proposed Measurables)
- C. Review and amend CSC rules as appropriate

Commissioner Berube asked C.S.C. Secretary T. Bond if she had anything for them.

C.S.C. Secretary T. Bond responded no.

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

THE MEETING ADJOURNED AT 9:07 P.M.



PAUL BERUBE, C.S.C. CHAIR



TERRY BOND, C.S.C. SECRETARY

5/13/04
DATE APPROVED

