

MINUTES
FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT
6:00 P.M., THURSDAY EVENING, MAY 8, 2008, 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: Boureslan, Ali
 Gezelius, Ken
 Brannon, Edith
 Pleters, Michael
 Sustaita, Jessie
 Chacon, Fernando
 Karlsruher, Eileen
 Viescas, Cora

MEMBERS ABSENT: None

The meeting convened at 6:15 p.m. with eight Commissioners present. Ms. Linda Thomas, CSC Secretary recommended that the Civil Service Commission appoint Commissioner Ali Boureslan Chair Pro-Tem to serve until a vote on selection of a new Chair was taken. The Commission appointed Commissioner Boureslan as Chair Pro-Tem. Chair Pro-Tem Boureslan welcomed new Commissioner Eileen Karlsruher. Chair Pro-Tem Boureslan asked Ms. Thomas if there were any changes to the Agenda. Ms. Thomas requested that item 9.5 be brought to the forefront after Item 2 of the Regular Agenda.

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

April 10, 2008

1.5. Discussion and Action on Approval of Classification Actions:

	<u>Title</u>	<u>Code</u>	<u>Grade</u>
PROPOSED:	Energy Management Coordinator	20140	EX 4

Discussion by Commissioner Gezelius, Human Resources Director Linda Thomas

MOTION TO APPROVE CONSENT AGENDA WITH CHANGES MADE BY COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER PLETTERS AND UNANIMOUSLY PASSED.

REGULAR AGENDA

2. Discussion and Action on Election of Civil Service Commission Chair and Vice Chair.

MOTION FOR A CHAIR NOMINATION. COMMISSIONER CHACON NOMINATES CHAIR PRO-TEM ALI BOURESLAN AND SECONDED BY COMMISSIONER SUSTAITA.

COMMISSIONER GEZELIUS OFFERS ANOTHER NOMINATION FOR CHAIR OF COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER VIASCAS.

MOTION TO APPOINT CHAIR PRO-TEM BOURESLAN AS CHAIR MADE BY COMMISSIONER CHACON AND SECONDED BY COMMISSIONER SUSTAITA VOTE WAS A TIE AND 1 ABSTENTION.

AYES: SUSTAITA, CHACON, KARLSRUHER

NAYES: BRANNON, GEZELIUS, VIASCAS

ABSTAIN: PLETTERS

CHAIR PRO-TEM BOURESLAN BROKE THE TIE, VOTING AYE

MOTION FOR A VICE CHAIR NOMINATION. COMMISSIONER GEZELIUS NOMINATES COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER CHACON.

CHAIR BOURESLAN NOMINATES COMMISSIONER CHACON FOR VICE CHAIR AND COMMISSIONER CHACON DECLINES THE NOMINATION.

MOTION TO APPOINT COMMISSIONER BRANNON AS VICE CHAIR MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER CHACON VOTE WAS 6 AYES AND 1 ABSTENTION.

AYES: SUSTAITA, GEZELIUS, CHACON, PLETTERS, KARLSRUHER, VIASCAS

NAYES: NONE

ABSTAIN: BRANNON

CHAIR BOURESLAN REQUEST THAT ITEMS 5, 6, AND 7 SUBMITTED BY LANCE RUCK BE MOVED AFTER ITEM 9.5. ALL COMMISSIONERS ARE IN AGREEMENT.

3. Discussion and Action on Performance Evaluations.

Discussion by Commissioner Brannon, HR Director Linda Thomas, Chair Boureslan, Commissioner Chacon, Vice President El Paso City Employees Association David Ochoa, Assistant City Attorney John Batoon, Joseph Rochefort, Joe Acosta, HR Sun Metro Carlos Ramirez.

NO ACTION TAKEN.

4. Discussion and Action on Delinquent Performance Evaluations.

Discussion by HR Director Linda Thomas, Commissioner Chacon, Chief Donald Marron El Paso Fire Department, and Chair Boureslan.

NO ACTION TAKEN.

5. Discussion and action on the 4/10/08 Sub-Committee Report and the jurisdiction of the Sub-Committee.

Discussion by Lance Ruck, Chair Boureslan, Assistant City Attorney John Batoon. Further discussion by Lance Ruck, Commissioner Brannon, Assistant City Attorney John Batoon, Chair Boureslan.

MOTION TO REJECT REPORT MADE BY COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER GEZELIUS. MOTION PASSES WITH ALL COMMISSIONERS VOTING AYE AND COMMISSIONER CHACON ABSTAINING.

6. Discussion and action on the progress of the Hearing Transcript requested 4/10/08 and on information concerning the re-hearing.

Discussion by Lance Ruck, Assistant City Attorney John Batoon, Chair Boureslan, Assistant City Attorney Michele Daly, Commissioner Gezelius, CSC Secretary Linda Thomas and Commissioner Brannon.

MOTION THAT JOSEPH R. ROCHEFORT'S TERMINATION BE REMANDED TO HEARING OFFICER FOR CONSIDERATION OF ADDITIONAL INFORMATION AND EVIDENCE TO BE SUBMITTED MADE BY COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

7. Discussion on information requested concerning the new Transit Safety Manager job the Commission created at the 4/10/08 Meeting.

Discussion by Lance Ruck, HR Director Linda Thomas, Assistant City Attorney John Batoon, and Chair Boureslan.

MOTION TO DELETE ITEM 7 MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER PLETTERS AND UNANIMOUSLY PASSED.

MOTION TO MOVE TO EXECUTIVE SESSION MADE BY COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER SUSTAITA AND UNANIMOUSLY PASSED.

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

Executive Session convened at 7:10 p.m.

MOTION TO RETURN FROM EXECUTIVE SESSION MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER CHACON AND UNANIMOUSLY PASSED.

Reconvened to Open Session at 7:23 p.m.

8. Discussion and Action on Approval of Hearing Officer Report and Recommendation:

A. Gustavo Vidal-Garay – Termination – Fire Department
(Tabled 4/10/08 CSC Meeting)

MOTION TO ACCEPT HEARING OFFICER'S RECOMMENDATION; THAT TERMINATION BE SET ASIDE AND THAT APPELLANT'S PUNISHMENT BE REDUCED TO A SUSPENSION OF A DURATION EQUAL TO THE PERIOD FROM JANUARY 8, 2008 AND ENDING ON THE DATE THIS MATTER IS RENDERED BY THE COMMISSION MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER PLETTERS AND UNANIMOUSLY PASSED.

B. German Lozoya – Termination – Sun Metro

Discussion by AFSCME Local 59 Bill Araballo, Assistant City Attorney Michele Daly, Commissioner Brannon, Assistant City Attorney John Batoon, and Chair Boureslan.

MOTION TO ACCEPT HEARING OFFICER'S RECOMMENDATION THAT TERMINATION NOT BE SUSTAINED. ALSO, RECOMMEND THAT LOZOYA BE RETURNED TO WORK AS A FLEET MAINTENANCE SUPERVISOR, BUT THAT HE NOT RECEIVE BACK PAY FOR TIME HE WAS OFF WORK MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER SUSTAITA AND UNANIMOUSLY PASSED.

C. Norma Estrada – Suspension – Fire Department

Discussion by AFSCME Local 59 Bill Arballo, Commissioners Chacon, Brannon, Chair Boureslan, and Assistant City Attorney John Batoon.

MOTION TO TABLE UNTIL NEXT CSC MEETING JUNE 12, 2008 REQUESTING HEARING OFFICER ELLIS SEND TIME LINE REPORT TO COMMISSION MADE BY COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER CHACON AND PASSED BY A SPLIT VOTE OF 4 TO 3.

AYES: BRANNON, SUSTAITA, CHACON, VIESCAS

NAYES: GEZELIUS, PLETTERS, KARLSRUHER

9. Discussion and Action on Performance Evaluation Sub-Committee Report and Recommendation:

Albert Rodriguez – Sun Metro

Discussion by Chair Boureslan, Commissioner Chacon, and AFSCME Local 59 Bill Arballo.

MOTION TO APPROVE SUB-COMMITTEE'S RECOMMENDATION TO RE-EVALUATE SUPERVISORY FACTORS: SAFETY, ECONOMY OF TIMES AND QUALITY OF WORK SECTIONS 4-6, IN ACCORDANCE WITH ADDEDUM AND DISCUSSION BETWEEN ALL PARTIES AND COMMISSIONERS TAKING WORKLOAD AND AVAILABLE PERSONNEL FOR SUPERVISION MADE BY COMMISSIONER CHACON AND SECONDED BY COMMISSIONER SUSTAITA AND UNANIMOUSLY PASSED.

9.5 Discussion and Action on Appeal of Performance Evaluation due July 2005.

Jose D. Acosta – Transit Safety and Safety Coordinator-Sun Metro
(Job title during this time)

Discussion by Appellant Jose D. Acosta, Assistant City Attorney John Batoon.

MOTION FOR DEPARTMENT TO RE-RATE THOSE ITEMS ON THE EVALUATION THAT MAY HAVE BEEN EFFECTED BY THE SUSPENSIONS WHICH WERE REDUCED TO WRITTEN REPRIMANDS MADE BY COMMISSIONER CHACON AND SECONDED BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.

10. 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, Section 1.d.1:

A. Alonso, Yesenia – Utility Laboratory Technician

Discussion by HR Manager Peter Fargo, and Commissioner Brannon.

MOTION TO APPROVE MADE BY COMMISSIONER CHACON AND SECONDED BY COMMISSIONER PLETERS AND UNANIMOUSLY PASSED.

B. Saldana-Fountain, Maria – Utility Laboratory Technician

Discussion by HR Manager Peter Fargo, and Commissioner Brannon.

MOTION TO APPROVE MADE BY COMMISSIONER CHACON AND SECONDED BY COMMISSIONER PLETERS AND UNANIMOUSLY PASSED.

C. Arredondo, Loretta H. – Medical Assistant

Discussion by Appellant Loretta Arredondo, Commissioner Pleters, Chair Boureslan and HR Director Ms. Linda Thomas.

MOTION TO APPROVE WITH PROVISION THAT APPELLANT MUST GET CERTIFICATION FOR MEDICAL ASSISTANT MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER SUSTAITA AND UNANIMOUSLY PASSED.

D. Johnson, Clara L. – Medical Assistant

Discussion by Appellant Clara L. Johnson, HR Manager Peter Fargo, Commissioners Brannon, Boureslan, Gezelius, and HR Director Ms. Linda Thomas.

MOTION TO APPROVE MADE BY COMMISSIONER VIASCAS AND SECONDED BY COMMISSIONER CHACON AND UNANIMOUSLY PASSED.

MOTION TO MOVE TO EXECUTIVE SESSION MADE BY COMMISSIONER GEZELUIS AND SECONDED BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.

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

Executive Session convened at 7:50 p.m.

MOTION TO RECONVENE TO OPEN SESSION MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER SUSTAITA AND UNANIMOUSLY PASSED.

Reconvened to Open Session at 8:02 p.m.

- 11. 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.2

Tribble, Eduardo – Electronics Lead Technician
 Fleet Maintenance Technician
 Mechanical Inspector

MOTION TO DENY MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER CHACON AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN MADE BY COMMISSIONER PLETTERS AND SECONDED BY COMMISSIONER CHACON AND UNANIMOUSLY PASSED.

MEETING ADJOURNED AT 8:04 P.M.

Ali Boureslan

 Ali Boureslan, C.S.C. Chair

Linda Ball Thomas

 Linda Ball Thomas, C.S.C. Secretary

June 12, 2008

 Date Approved