

# MINUTES

## AGENDA FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT 5:00 P.M., THURSDAY EVENING, JUNE 28, 2007 CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR

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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  
                                  Mosher, Fran  
                                  Ruck, Lance – Chair  
                                  Scott, Valerie

MEMBERS ABSENT:        Brannon, Edith  
                                  Graham, Elijah  
                                  Reynolds, Thurman

The meeting convened at 5:08 p.m. with four commissioners present and Chair Ruck presiding. Chair Ruck explained that meeting was taking place one hour earlier to accommodate discussions of CSC Rule Changes. Chair Ruck asked if there were any changes to the agenda. Commissioner Mosher requested that Item 3 be moved to the regular agenda.

**MOTION TO APPROVE THE CONSENT AGENDA MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

### CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

June 14, 2007

2. Notice of Promulgation of Eligible Lists:

- A. Accounting/Payroll Clerk – Promulgated 6/6/07 (O-15) (CR-7) (P-1)
- B. Building Inspector – Promulgated 6/12/07 (P-3) (CR-3) (O-4)
- C. Building Plans Examiner – Promulgated 6/19/07 (O-1)
- D. Cultural Funding & Technical Assistance Coordinator – Promulgated 6/13/07 (CR-1) (P-1) (O-11)
- E. Electrical Engineer – Promulgated 6/6/07 (O-2)
- F. Engineering Associate – Promulgated 6/12/07 (O-6)
- G. Engineering Senior Technician – Promulgated 6/12/07 (P-4) (O-7)
- H. Landscape Inspector – Promulgated 6/12/07 (P-1) (O-1)
- I. Landscape Plans Examiner – Promulgated 6/13/07 (P-1) (O-1)
- J. Mechanical Engineer – Promulgated 6/12/07 (O-2)
- K. Police Records Specialist – Promulgated 6/6/07 (P-6) (CR-5) (O-72)
- L. Property Control Officer – Promulgated 6/13/07 (P-6)
- M. Public Services Senior Librarian – Promulgated 6/13/07 (P-1) (O-6)
- N. Senior Cashier – Promulgated 6/19/07 (P-7) (CR-8) (O-21)
- O. Senior Human Resources Specialist – Promulgated 6/13/07 (P-20) (O-7)

- P. Toll Collector – Promulgated 6/6/07 (CR-3) (O-83)
- Q. Water Lead Service Worker – Promulgated 6/12/07 (P-2) (CR-1)
- R. Water Production Assistant Superintendent – Promulgated 6/13/07 (P-3)

3. Discussion and Action on request to have name placed on Transfer List:

Leila Del Rosario – Human Resource Specialist – Human Resources

Commissioner Mosher expressed concern that transfer requests were not fully completed outlining employees reason they are requesting a transfer.

**MOTION TO APPROVE ITEM THREE MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

**REGULAR AGENDA**

4. Discussion and Action on Proposed Changes to Civil Service Rules:

Commissioner Boureslan requested that Item 4 be moved to the end of the agenda.

**MOTION TO MOVE ITEM #4 TO END OF AGENDA MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

5. Discussion and Action on Appeal from Termination:

Segura, Rafael – Termination – Sun Metro (tabled from 4/12/07 & 4/26/07)

City Attorney, John Batoon explained that the parties had reached a full and complete settlement on the matter and requested that this item be deleted. Mr. Batoon added that when the settlement papers were completed, he would forward a copy to the Commission.

**MOTION TO DELETE ITEM #5 MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

**MOTION TO MOVE TO EXECUTIVE SESSION MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER SCOTT AND UNANIMOUSLY PASSED.**

**MOVED TO EXECUTIVE SESSION AT 5:12 P.M.**

**MOTION TO RECONVENE FROM EXECUTIVE SESSION MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.**

**RECONVENED TO OPEN SESSION AT 5:25 P.M.**

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

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

A. Rafael Garza – Termination – Fire Department

**MOTION MADE BY COMMISSIONER MOSHER TO REMAND THIS ITEM TO THE HEARING OFFICER FOR THE MODIFICATION OF HIS DECISION TO EXCLUDE THE ACTIONS THAT OCCURRED AFTER THE DAY OF THE HEARING AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

B. Leon Armstrong – Termination – Sun Metro

Assistant City Attorney Michele Daly confirmed that the City was in agreement with the hearing officer recommendation to reverse the termination of Mr. Leon Armstrong.

**MOTION TO ACCEPT THE RECOMMENDATION OF THE HEARING OFFICER MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.**

C. Raymundo Vera – Suspension – Sun Metro

Mr. Arballo spoke on hearing officer’s decision to sustain 1 day suspension. Mr. Arballo felt that the written reprimand should not have been used as a justification of the suspension. (Discussion)

**MOTION TO ACCEPT HEARING OFFICER’S RECOMMENDATION TO SUSTAIN SUSPENSION WITH MODIFICATION TO THE HEARING OFFICER’S REPORT TO EXCLUDE “CONSISTENT WITH PROGRESSIVE DICIPLINE” MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

7. Discussion and Action on using the provisions of the City Charter, Article VI, Sections 6.1-5B and 6.1-7 to investigate the William Dearen, III and Joe Reza Grievances to ensure classified employees are being treated fair and equitable in the hiring of contract positions. (tabled from 5/24/07 CSC Meeting)

Chair Ruck requested an explanation from the City of the recent memo outlining a resolution to this matter. Linda Thomas explained that they have not cancelled the contract as of yet, but did readvertise the position as a civil service position. The person that currently has the contract must apply for that position as well. Selection for that position will be made after completion of the Civil Service process. Joyce Wilson added that going forward the city would just recruit as civil service positions, and if there is a change in the future, those employees hired will be informed of change. The transition process may take longer than we anticipated.

(Discussion)

**MOTION TO DELETE ITEM 7 MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

8. Discussion and Action on Grievances filed by: (tabled from 5/24/07 CSC Meeting)

A. William Dearen, III – Zoo

B. Joe Reza – Zoo

Chair Ruck explained that the position was not filled in accordance with Civil Service procedures and should not have been filed with a contract position due to no signed agreement being in place. We will not be redoing the entire process. There will be a new test administered.

(Discussion)

**MOTION TO DELETE ITEM 8 MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

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

Albert Rodriguez – Sun Metro

Mr. Arballo spoke requesting the item be tabled until the next meeting so that the Commissioners could evaluate rebuttal to the sub-committee's findings.

(Discussion)

**MOTION TO ACCEPT AND APPROVE THE SUB-COMMITTEE RECOMMENDATION TO DENY APPEAL MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

*(MOVED ON AND BACK TO ITEM #4)*

Commissioner Ruck made opening statement regarding Rule Change discussion and 60 day time limit. Commissioner Ruck further commented that his concern was that throughout the Charter review process, everyone cooperated as we were told many times to bely fears of the employees that we were just taking items out of the Charter and they would be put back in the Rules and there would only be minor modifications. In reviewing some of the proposed rule changes, there are some serious modifications that we are going to have to work through. In many instances we are taking the review ability, the actual ability of the Commission and replacing it with the Human Resources Director. In some instances we are even taking away the approval and review of the commission and the council and giving that to the Human Resources Director.

(Discussion)

Rule One – Civil Service Commission:

**MOTION TO ACCEPT RULE 1 AS AMMENDED MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

Joyce Wilson stated that corrected language would be brought back to the Commission so they can reaffirm.

Rule Two – Definitions and Rules of Construction:

Elaine Hengen commented that they were not ready to review rule two due to language changes still being necessary. She assured the Commission that this would be “cleaned up” and brought back for review.

**MOTION TO TABLE THIS ITEM MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

Rule Three – Department Heads:

Elaine Hengen stated that this pertained to Department Head and that they were proposing to strike the entire rule, because Department Heads are now Unclassified.

**MOTION TO APPROVE DELETION OF RULE 3 MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.**

Rule Four - Classification:

Elaine Hengen explained that they are just replacing the language with the same language of the Charter in 6.4-1.

(Discussion)

**MOTION TO ACCEPT RULE 4 WITH CHANGES MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER SCOTT AND PASSED 3 TO 2**

**Ayes: Gezelius, Mosher, Ruck  
Nays: Boureslan, Scott**

**MOTION TO ADJOURN FOR 10 MINUTE RECESS MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.**

**MOTION TO RECONVENE MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER SCOTT AND UNANIMOUSLY PASSED.**

Reconvened to open session at 6:36 p.m.

Rule Five - Compensation:

(Discussion)

**MOTION TO APPROVE RULE 5 AS AMENDED MADE BY COMMISSIONER BOURESLAN AND SECOND BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.**

Rule Six – Certification:

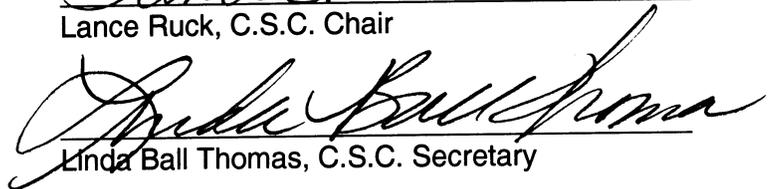
(Discussion)

**MOTION TO ADJOURN MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.**

Meeting Adjourned at 8:10 p.m.



Lance Ruck, C.S.C. Chair



Linda Ball Thomas, C.S.C. Secretary

Date Approved

7/12/07