

**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
TO BE HELD AT 6:00 P.M., THURSDAY EVENING, JULY 13, 2006
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Boureslan, Ali – Chair
 Gezelius, Ken
 Graham, Elijah
 Mosher, Fran
 Reynolds, Thurman
 Ruck, Lance
 Schwartz, Elma
 Scott, Valerie

MEMBERS ABSENT: Brannon, Edith

The meeting convened at 6:00 p.m. with 7 Commissioners present and Chair Boureslan presiding.

CONSENT AGENDA

Ms. Thomas requested that the following changes be made on Item 5A, that the title be corrected to read Automotive Technician II, on Item 6A, that the department name be corrected to read Street Department, on Item 7 the expiration date should be corrected to read January 15, 2007 and on the memo regarding Item 5B the year of resignation should be corrected to read 01/05/06.

1. Discussion and Action on Approval of Minutes:

June 22, 2006

2. Notice of Promulgation of Eligible Lists:

- A. EPWU Materials Control Technician = Promulgated 06/30/06 (P-4) (O-3)
- B. Fire Paramedic = Promulgated 6/30/06 (P-0)
- C. Fire Medical Lieutenant = Promulgated 6/30/06 (P-4)
- D. Museum Education Curator = Promulgated 6/30/06 (O-6)
- E. Civil Engineer = Promulgated 6/28/06 (P-1) (O-4)
- F. Utility Engineer = Promulgated 6/28/06 (O-2)
- G. Regional Library Branch Manager = Promulgated 6/19/06 (P-2)
- H. Well Production Field Operator = Promulgated 6/13/06 (P-1)
- I. Museum Facilities Operations Supervisor = Promulgated 6/13/06 (P-0)
- J. Airport Operations Support Supervisor = Promulgated 6/13/06 (P-3) (O-1)
- K. Engineering Technician II = Promulgated 6/13/06 (P-0) (O-3)
- L. Buyer = Promulgated 6/13/06 (P-5) (O-5)

3. For Notation: Request to have appeal heard by Arbitrator:

Castenada, Jaime – Termination – Police Dept. (CP06-089)

4. Discussion and Action on request to have named placed on Transfer List:

- A. Reta, Mary – Clerk Typist III – Police
- B. Trujillo, Carl H. – Automotive Technician I – El Paso Water Utilities
- C. Parada, Leandro – Welder – El Paso Water Utilities

- D. Seanez, John Pierre – Equipment Operator II - Street
- 5. Discussion and Action on request to have name placed on Reinstatement List:
 - A. Radell, Larry – Automotive Technician II– General Services
 - B. Guerrero, Jr., Alfonso P. - Buyer
- 6. Discussion and Action on Request for Temporary Promotion:
 - A. Grajeda, Adolfo – Street Department
 - From: Engineering Technician III
 - To: Engineering Technician IV
 - B. Perez, Raul – Police Department
 - From: Police Sergeant
 - To: Police Lieutenant
 - C. Torres, Damian – Mass Transit (Extension)
 - From: Coach Maintenance Supervisor
 - To: Coach Maintenance Chief
- 7. Discussion and Action on Request for Extension of Eligible Lists for an additional six months:
 - Toll Collector..... Extended through 01/15/07
- 8. 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:
 - A. Rodriguez, Fabian – Coach Mechanic II – Mass Transit
 - B. Herrera, Miguel – Trades Helper
- 9. Discussion and Action on Approval of Hearing Officer’s Invoice:
 - A-D. Borunda, Chris – Invoices 37362, 37363, 37364, 37365 – Dated 06/29/06

MOTION TO APPROVE CONSENT AGENDA WITH CORRECTIONS MADE BY COMMISSIONER REYNOLDS AND SECONDED BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.

REGULAR AGENDA

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

Chair Boureslan asked if Ms. Laura Brown was present. Ms. Brown being present the Commission proceeded to go into Executive Session.

10. Discussion and Action on Selection of Commission Recorder.

The Commission retired into Executive Session at 6:08 p.m. to discuss Item 10, and reconvened for Open Session at 6:34 p.m.

A. Interviews for Commission Recorder position. (551.074 Personnel Matters)

Laura R. Brown

B. Deliberations on selection of Commission Recorder. (551.074 Personnel Matters)

Return to Open Session

C. Discussion and Action on Selection of Commission Recorder

MOTION MADE BY COMMISSIONER RUCK TO MAKE LAURA ACOSTA THE PRIMARY CANDIDATE FOR CIVIL SERVICE RECORDER SUBJECT TO A BACKGROUND CHECK SECONDED BY COMMISSIONER REYNOLDS AND PASSED BY A VOTE OF 5 WITH 2 ABSTENTIONS.

Ayes: Commissioners Graham, Reynolds, Gezelius, Mosher, Ruck
Abstained: Commissioner Schwartz, Scott

MOTION MADE BY COMMISSIONER MOSHER TO MAKE LAURA BROWN THE SECONDARY CANDIDATE AND SECONDED BY COMMISSIONER RUCK BY A VOTE OF 5 WITH 2 ABSTENTIONS.

Ayes: Commissioners Graham, Reynolds, Gezelius, Mosher, Ruck
Abstained: Commissioner Schwartz, Scott

Lupe Cuellar, Assistant City Attorney asked Chair Boureslan if the Commission wanted her to draw up a one year contract for Ms. Laura Acosta pending the outcome of the background check. Chair Boureslan responded by saying yes.

11. Discussion and Action regarding new classifications and compensation for all positions within the General Services Compensation Plan pursuant to the Classification and Compensation Study completed by the Human Resources Department.

Linda Ball Thomas, Human Resources Director presented a PowerPoint presentation on the results of the General Services (GS) Study. She stated that the completed study combined elements from the original study by Public Sector Personnel Consultants (PSPC) in 2001 and updated or aged data gathered in the last year. She stated that as of the June 2006 database there were 3020 affected employees, and that all but 12 job class appeals had been resolved. Ms Thomas provided an excel spreadsheet that listed the employees and their new job class and salary. She also provided copies of the new job specifications. There was a concern brought forward by an employee with the Parks & Recreation Department regarding his job

brought forward by an employee with the Parks & Recreation Department regarding his job specification. Ms Thomas asked that a committee be appointed to hear appeals. Commissioners Gezelius (Chair), Graham and Ruck were appointed.

Discussion:

MOTION TO APPROVE THE COMMITTEE CONSISTING OF COMMISSIONER GEZELIUS (CHAIR), COMMISSIONER GRAHAM AND COMMISSIONER RUCK TO HEAR APPEALS MADE BY COMMISSIONER REYNOLDS AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

12. *Item Not Used*

13. Discussion and Action on Hearing Officer's Report and Recommendation:

Viescas, Marta – Suspension – Fire (06-FD-03PP)

Chief Surface presented his concerns and asked that the Commission table this item until the recommendation from the first suspension assigned to Hearing Officer, Bruce Yetter, was presented to the Commission. He said that if the recommendation for the second appeal was upheld to give Ms. Viescas a written reprimand instead of a suspension then he was unsure as to what to do concerning Ms. Viescas' first appeal if the recommendation from Bruce Yetter would be to uphold the suspension. He also said that Ms. Patricia Palafox, Hearing Officer had made her recommendation without getting the outcome from the first suspension. Commissioner Ruck said that as far as he was concerned he didn't need to hear the recommendation from the first suspension in other for him to make a determination on the recommendation from Ms. Palafox.

Discussion:

MOTION TO TABLE ITEM 13 MADE BY COMMISSIONER GEZELIUS FAILED.

MOTION TO APPROVE HEARING OFFICER'S RECOMMENDATION MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM PASSED BY A VOTE OF 4 TO 3.

Ayes: Commissioners : Ruck, Graham, Reynolds, Schwartz

Nays: Commissioners: Scott, Mosher, Gezelius

14. Discussion and Action on EEO Discrimination Complaint dated 06/13/05 submitted by Raymundo Ceballos, Sr. (Tabled 06/22/06)

Commissioner Ruck made a request for information from Lupe Cuellar, Assistant City Attorney, regarding Mr. Ceballos' EEO complaint. Lupe Cuellar, said that based on his complaint she felt that there was no classes for his discrimination complaint. Commissioner Ruck said he could not make out what Mr. Ceballos' complaint was about and since Mr. Ceballos was not present he moved to deny the complaint.

MOTION TO DENY ITEM 14 MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

15. 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. Flores, Silvia – Procurement Analyst
 - B. Gutierrez, Jr., Ramon – Procurement Analyst

Both Ms. Flores and Mr. Gutierrez were present and spoke together concerning their appeal. There was a concern over the wording regarding the required education. Commissioner Graham and Commissioner Reynolds made the motion to approve both Item 15A and 15B together. Both, Lupe Cuellar, Assistant City Attorney and Chair Boureslan cautioned the Commission that they had passed and approved a policy concerning the minimum qualifications. Lupe Cuellar also cautioned the Commission that they could not bend this policy and that the Commission had no authority to stray from that policy.

Discussion:

MOTION TO APPROVE ITEM 15A AND 15B MADE BY COMMISSIONER GRAHAM AND SECONDED BY COMMISSIONER REYNOLDS FAILED BY A VOTE OF 6 TO 2.

Ayes: Commissioners Graham and Reynolds

Nays: Commissioners Ruck, Gezelius, Scott, Mosher, Brannon, Schwartz

Discussion:

MOTION TO DENY BOTH ITEM 15A AND 15B MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER MOSHER AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Ruck, Gezelius, Scott, Mosher, Brannon, Schwartz, Reynolds

Nays: Commissioners Graham

16. Discussion and Action on Appeal to be allowed to take a later exam than the scheduled July 10, 2006 for Secretary II dated 6/30/06 submitted by Misty Monteros.

Lupe Cuellar, Assistant Attorney informed the Commission that there is no right of appeal for this item.

Discussion:

MOTION TO DENY ITEM 16 MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER MOSHER AND PASSED BY A VOTE OF 7 WITH 1 ABSTENTION.

Ayes: Commissioners Brannon, Gezelius, Scott, Mosher, Graham, Reynolds, Schwartz

Abstained: Commissioner Ruck

17. Discussion and Action on the proposed Policies and Procedures Relating to Hearing Officers.

Commissioner Ruck asked who had written the policy and said that he was not aware of any of the Commissioners asking for a policy. John Batoon, Assistant City Attorney, said that he had written the policy because based on his experience as a Hearing Officer and as an attorney in private practice he felt that this was not an unusual practice and that he felt that by providing the Commission with this policy he was trying to provide a mechanism that would provide the City with a more efficient way of moving the cases along. He also said that right now there was a

back log in the number of cases and with this policy it would limit the time spent on each individual case and cut down on the cost. Commissioner Mosher asked John Batoon, Assistant City Attorney, if he felt that this was a way of cutting the amount of money spent on cases. John Batoon said that it was. Charlie McNabb, City Attorney, also told the Commission that he had been asked by the Administration after the Commission approved the rate increase, that although City Council agreed with the rate increase they would also like to see a limitation on the time spent and that Hearing Officers be mindful of the cost to the City's budget this is why the City Attorney's Office had been asked to make this recommendation and present the policy to the Commission as a solution for a more efficient and cost effective way in hearing these cases.

Discussion:

MOTION TO APPROVE ITEM 17 MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

Linda Thomas requested that the Commission retire into Executive Session to discuss Item 23B since Mr. Martinez had requested to have his item heard earlier since he was scheduled to go to work at 8:00

MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS ITEMS 23A, 23B AND 23C MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 7:33 p.m. to discuss Item 23A, 23B and 23C, and reconvened for Open Session at 7:46 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

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. Rules and Regulations:

- A. Delgado, Cynthia – Accountant (11.3)
- B. Martinez, Frankie – Guard (8.1.d.4.)
- C. Pina, Bertha – Library Assistant (12.11)

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

Linda Thomas requested that Item 23A be deleted.

MOTION TO DELETE ITEM 23A MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 23B MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 23C MADE BY COMMISSIONER SCHWARTZ AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

Chair Boureslan said the he was asking Vice-Chair Ruck to address item 18 through and Item 22. Chair Boureslan continued to say that he was asking Vice-Chair to addressed these item but wanted to let the Commission know that he had never tried to offend anyone nor did he believe in censorship, but believed in democracy and believed that everyone had a right to put anything on the agenda that they felt needed to be discussed. With that said Vice-Chair Ruck began to address the Commission on these items.

Discussion:

18. Discussion and Action to censure the Chair for blatantly violating Rule One, Section Six. The rule clearly states that the Committee will elect their own Chair not the Commission Chair.

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

19. Discussion and Action to remind the Commission Chair of his/her responsibility to maintain order, to wit: not allowing Commissioners to lecture other Commissioners by name.

Discussion:

MOTION TO DELETE ITEM 19 MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER SCOTT AND UNANIMOUSLY PASSED.

20. Discussion and Action on the matter of Commissioner's email suggestions to the Chair on procedural matters. Releasing/reading these suggestions without specific permission of the Commissioner should be prohibited. Discussion should be limited to the agenda item under discussion.

Discussion:

MOTION TO DELETE ITEM 20 MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER SCOTT AND UNANIMOUSLY PASSED.

21. Discussion and Action on the use of single member Committees to hear Performance Evaluation Appeals.

Discussion:

MOTION TO DELETE ITEM 21 MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

22. Discussion and Action of the Chair's ability to appoint committee members but his/her lack of authority to compel attendance.

Discussion

MOTION TO DELETE ITEM 22 MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER REYNOLDS AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 8:02 P.M.



ALI BOURES LAN, C.S.C. CHAIR



LINDA BALL THOMAS, C.S.C. SECRETARY

7-27-06

DATE APPROVED