

**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
TO BE HELD AT 6:00 P.M., THURSDAY EVENING, JULY 27, 2006
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 - Chair
 Gezelius, Ken
 Graham, Elijah
 Mosher, Fran
 Reynolds, Thurman
 Ruck, Lance
 Schwartz, Elma
 Brannon, Edith

MEMBERS ABSENT: Scott, Valerie

The meeting convened at 6:07 p.m. with 8 Commissioners and Chair Boureslan presiding.

Chair Boureslan began the meeting by identifying additional backup to the Commissioners that was given to them before the meeting for Item 12.1, Item 9. Ms. Thomas requested that Item 11A be deleted, applicant failed to show up for the exam and Item 12B, applicant failed the exam. Lupe Cuellar, City Attorney also requested that Item 10 be deleted at the request Bill Ellis, Attorney for the Appellant. Commissioner Brannon also requested that the minutes be amended to reflect two abstentions regarding the selection of the Civil Service Commissioner Recorder. She requested that it be noted that both herself and Commissioner Scott abstained from voting on that issue.

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

July 13, 2006

MOTION TO APPROVE ITEM I AS AMENDED MADE BY COMMISSIONER SCHWARTZ,
SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

2. Action and Discussion on Approval of Contract:

Personal Services Contract with Laura L. Acosta to perform the duties of Civil Service Recorder for the Human Resources Department.

3. Notice of Promulgation of Eligible Lists:

- A. Business & Customer Service Asst. Manager = Promulgated 07/12/06 (P-16) (O-5)
- B. Coach Maintenance Chief = Promulgated 07/10/06 (P-3)
- C. Traffic Signal Technician = Promulgated 07/10/06 (P-4)

- 4. For Notation and if appropriate, assignment of Hearing Examiner: Request(s) to have appeal(s) heard in accordance with Article 21 of the Collective Bargaining Agreement between the City and the El Paso Municipal Police Officers Association.

Weaver, Sylvia – Suspension – Police Dept. (CP06-026)

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

- A. Mena, Rodolfo – Electronic Technician – Street
- B. Esquivel, Yolanda – Accounting Technician – OMB/Insurance & Benefits

- 6. Discussion and Action on Request for Temporary Promotion:

Avila, Enedina – Environmental Services Department
 From: Laborer
 To: Customer Relations Clerk

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

Welder..... Extended through 02/03/07

- 8. Discussion and Action on Approval of Hearing Officer's Invoice:

Palafox, Patricia – Invoices for June 2006 – Dated 07/17/06

MOTION TO APPROVE CONSENT AGENDA MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.

REGULAR AGENDA

- 9. Discussion and Action on Subcommittee's recommendations on employee appeals regarding new classifications and compensation for positions within the General Services Plan pursuant to the Classification and Compensation Study completed by the Human Resources Department.

The following employees were present for this item:

Martha Cubillos
 Teresa Salas
 Javier Olmeda
 Hector Garcia
 Araceli Mendoza

Maria Almanzan
 Debbie McFadden
 James Peterson
 Janice Williams
 Lupe Salsa

Gloria Parra
Myrna Gallegos

Edna Diaz

Commissioner Gezelius, Chair, of the Special Subcommittee Appeals Meeting began the discussion by telling the Commission that the meeting on Monday, July 24th, had started at 10:00 a.m. and had continued on until 4:45 p.m. He also told the Commission that he was not going to read the list appeals of all the people that came before the subcommittee requesting that their positions be adjusted, but had distributed a memorandum to the Commission summarizing their findings. He told the Commission that most of the appellants they heard were asking that they be granted promotion or be promoted and in most of those cases they had denied those requests with one exception. They had approved one appeal or recommended that one appeal be approved and that was for the Senior Court Secretaries, who had presented the Committee with a well documented case and had their Department Head, Richarda Duffy Momsen, Municipal Clerk and three of the five of the Municipal Judges at the hearing supporting their cases. There were some cases where the Department Heads agreed that in some of those cases it would necessitate a staffing table change and they had agreed to get together with Human Resources and work out those changes. Those were deleted as well. He also told the Commission that there was one final case where they thought the entire Commission should hear that particular one since there was no one from the department that could agree or contest the claims that were been made by the appellant. That appeal was being presented by Gloria Parra of the El Paso Water Utilities. Commissioner Gezelius asked the Commission if they would like to proceed with that appeal. Lupe Cuellar, Assistant City Attorney suggested that before they began to hear that appeal for Ms. Parra that she would like to read the list of appeals by positions so as to clarify to the employees that were present what the recommendation of the Subcommittee had been but Ms. Joyce Wilson, City Manager made the suggestion that Ms. Cuellar read the list by the names and the recommendation of the Subcommittee. After the list was read Chair Boureslan told the Commission unless they wanted to discuss anything else he would like the Commission to make a motion to approve the recommendations of the Subcommittee and hear the appeal of Ms. Parra by itself. Commissioner Mosher made the motion to approve the recommendations with the exception of Gloria Parra. There was a motion to second made by Commissioner Schwartz but before a vote could be taken a motion for discussion was made by Commissioner Graham. Commissioner Graham asked what the procedure was for addressing and hearing those employees present. Chair Boureslan told the Commission that it was the will of the Commission to hear whatever they wanted to but the motion to approve the recommendation had already been made and that was what they were going to vote on. Commissioner Graham told the Commission that they had invited the employees to come before the Commission to present their cases before they took a vote on the recommendations of the Subcommittee. Commissioner Ruck told the Commission that he thought that what Commissioner Graham was trying to tell the Commission was that on Monday, Commissioner Gezelius, Chair, had told the employees that the final decision would be made by the whole Commission on Thursday and if they wished to appear and argue their cases that they could do so at that time. He also told the Commission that before they make a decision to approve the recommendations of the Subcommittee that they should give the employees present a chance to present arguments. Lupe Cuellar, told the Commissioners that they could open the item for discussion and hear the employees who were present but that rather than hear from each employee regarding the same position it was recommended by Joyce Wilson that each group ask one employee to speak for all of them.

The following groups had their representative speak on their behalf:

Secretary II – Police Department
Transit Information Dispatcher – Sun Metro
Personnel and Payroll Clerk – Police Department
Police Record Specialist III – Police Department

Discussion.

MOTION MADE TO AMEND PREVIOUS MOTION TO APPROVE SUBCOMMITTEE'S RECOMMENDATION MADE BY COMMISSIONER MOSHER AMENDED TO APPROVE THE SUBCOMMITTEE'S RECOMMENDATION WITH THE RECOMMENDATION TO DEFER THE SECRETARY II'S POSITIONS IN THE POLICE DEPARTMENT TO HUMAN RESOURCES AND THE DEPARTMENT HEAD FOR FURTHER REVIEW AND DEFERRING MS. PARRA'S APPEAL TO BE HEARD SEPARATELY MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

The motion made the Commission proceeded to hear Ms. Parra's appeal. Ms. Parra spoke before the Commission and told them that she did not agree with her reclassifications because she was doing supervisory duties. Fred Loweree, Personnel Manager of the El Paso Water Utilities got up and advised the Commission that Ms. Parra's duties were not at a supervisory level.

Commissioner Mosher asked Ms. Parra if what she had detailed in her PDQ was correct and if she was only assisting the supervisor five (5%) of the time. Ms. Parra answered that it was. Commissioner Brannon also asked Ms. Parra if what she listed was to the best of her knowledge accurate. Ms. Parra answered yes.

MOTION TO DENY MS. PARRA'S APPEAL MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER BRANNON PASSED BY A VOTE OF 5 TO 2.

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

Nays: Commissioners Graham, Ruck

10. Discussion and Action on request filed by William J. Ellis on behalf of Lilia Hernandez, Notice of Appeal from Suspension dated March 3, 2006 and contends that the Notice of Suspension was not in compliance with the provision of Rule 15, Sec. 3d.
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.1.:
 - A. Hernandez, Jessica R. – Chemist
 - B. Flores, Rafael – EPWU Well Production Field Operator
 - C. Leija, Jorge – EPWU Water Conservation Technician
 - D. Chacon, David – EPWU Water Conservation Technician

Mr. Flores was present and stated that he was currently working as a temporary employee for the Water Department as a Field Operator. He told the Commission that he had been disqualified because he failed to list some mechanical experience he had obtained in California in 1972-1975.

Discussion.

MOTION TO APPROVE ITEM 11B MOTION MADE BY COMMISSIONER GRAHAM AND SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Graham, Reynolds, Schwartz, Ruck

Nays: Commissioners Brannon, Mosher, Gezelius

Mr. Leija not being present.

MOTION TO DENY ITEM 11C MADE BY COMMISSIONER REYNOLDS AND SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

Mr. Chacon was present and stated that he has worked for the City for almost 33 years and was doing the duties of the Water Conservation Technician until the Water Utilities took over in 1992. He stated that he would like to continue to do the job since he had been doing it until the Water Utilities took over it. He stated that he had taken the test in 2001 and had passed, but that since he did not have a degree he had been turn down to take the test.

Discussion.

MOTION TO DENY ITEM 11D MADE BY COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER MOSHER AND PASSED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Brannon, Gezelius, Mosher, Schwartz

Nays: Commissioners Graham, Reynolds, Ruck

12. 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 9.1.c:

A. Najera, Nahum – Chemist

B. Quiroz, Maria Graciela – Chemist

Mr. Najera being present explained that he was more than qualified and presented the Commission a copy of his job evaluation. Chair Boureslan asked Mr. Najera if he had a degree and Mr. Najera said he did. Commissioner Graham asked Ms. Thomas what her opinion was on this item and Ms. Thomas told the Commission that the requirement was that Mr. Najera should have a degree which Mr. Najera did have.

MOTION TO APPROVE ITEM 12B MADE BY COMMISSIONER GRAHAM AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

12.1 Discussion and Action on Appeal of removal from the Business & Customer Service Assistant promotional eligible list submitted by Ernie J. Fiocca.

Mr. Fiocca being present told the Commission that he did not feel that he should be taken off the list through no fault of his own. He told the Commission that he had been approved and sent a letter stating that he was number two on the eligible list and that later he had been sent another letter notifying him that he had been removed from the list because he did not have the required degree. He told the Commission that he felt that Rule 12, Section 5 didn't apply to him and that Human Resources should not penalize him for a mistake they had made and although he did not have a degree he did have some college hours but that due to different personal circumstances he could not pursue his degree.

Discussion.

MOTION TO APPROVE ITEM 12.1 MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM FAILED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Graham, Reynolds, Ruck
Nays: Commissioners Brannon, Gezelius, Schwartz, Mosher

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

13. 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. Simpson, Dwight – Automotive Shop Helper (8.1.d.4)

Item 13 was addressed at the Regular Agenda per the consensus of the Commission.

Mr. Simpson being present and Commissioner Ruck acknowledging that Mr. Simpson had been approved before a motion was made to approve Mr. Simpson's appeal.

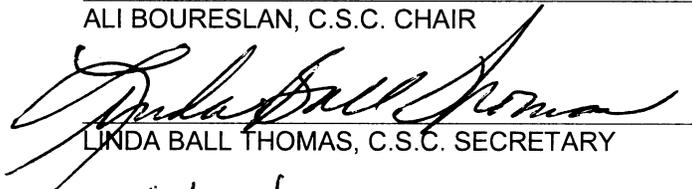
MOTION TO APPROVE ITEM 13 MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 8:18 P.M.



ALI BOURESLAN, C.S.C. CHAIR



LINDA BALL THOMAS, C.S.C. SECRETARY

8/10/06

DATE APPROVED