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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, JULY 28, 2005
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Ellis, William - Chair
Gezelius, Ken
Graham, Elijah
Peña, Andrew
Ruck, Lance
Schwartz, Elma
Scott, Valerie

MEMBERS ABSENT: Boureslan, Ali
Martinez, Ramy

ALSO PRESENT:
Arballo, Bill – AFSCME
Bond, Terry – CSC Secretary/HR Director
Buening, Rosy – CSC Recorder
Fargo, Peter - Human Resources
Hengen, Elain – City Attorney's Office
Opdyke, Robert
Thomas, Linda – HR Asst. Director
Wilson, Joyce – City Manager

The meeting convened at 6:11 p.m. with a quorum of 7 Commissioners present and Chair Ellis presiding.

CONSENT AGENDA

Commissioner Ruck requested Item 2B be moved to the Regular Agenda.

Chair Ellis requested that Item 13 be moved to the end of the Regular Agenda and Item 16 to the front of the Regular Agenda.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:
July 14, 2005
2. Discussion and Action on Approval of Contracts:
 - A. Personal Services Contract with Julie Fonseca de Borges to perform the duties of School Services Coordinator from August 5, 2005 through August 4, 2006, for the Museums.
 - B. Personal Services Contract with Steve Coleman to perform the duties of Transportation Special Projects Planner from August 3, 2005 through August 2, 2007 for the Metropolitan Planning Organization.

This item was addressed at the beginning of the Regular Agenda.

Commissioner Ruck asked if Mr. Coleman was currently working for the City and if he was retiring or what the circumstance was. He noted that the contract was for \$64,000 and was wondering if that was \$32,000 per year and if he would get paid even if he didn't work.

Ricardo Dominguez from the MPO stated that Mr. Coleman was working for them and that he was retiring due to medical reasons and he was no longer able to work 40 hours per week. Mr. Dominguez stated that this employee had worked for 20 years and his experience was very valuable to them and that is why they were offering him this contract at a biweekly rate of pay of \$1240. Mr. Dominguez stated that he would only get paid for the hours worked and that this position was grant-funded.

MOTION TO APPROVE ITEM 2B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

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

- A. Armendariz - Paul - Police
- B. Coronado - Ramon - Solid Waste Management
- C. Garcia - Sylvia - Police
- D. Gutierrez - Antonio - Police
- E. Gutierrez - Nancy - E.P.W.U.
- F. Guzman - Ruben - Police
- G. Happy - Luz - Police
- H. Kinder - Dean - Police
- I. Leos - Antonio - E.P.W.U.
- J. Martinez - Daniel - E.P.W.U.
- K. Medina - David - Police
- L. Sagredo - Carlos - Police
- M. Wilson - Walter - Police

4. Notice of Promulgation of Eligible Lists:

- A. Planning Technician III = Promulgated 07/18/05 (O-2)
- B. Safety Specialist = Promulgated 07/18/05 (P-2)(O-4)
- C. Collections Supervisor = Promulgated 07/20/05 (P-6)(O-2)

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

Rosales, Araceli – Suspension – Police Dept. (IA05-011)

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

Gurrola, Carlos – Coach Mechanic II – Fire Dept.

7. Discussion and Action on Approval of Merit Increases in accordance with C.S.C. Guidelines:

- A. Airport - Griffy, Ottis - Airport Labor Supervisor
- B. Airport - Holguin, Victor - Electrician
- C. Airport - Perez, Daniel - Custodial Foreman
- D. Airport - Brockmoller, Rebecca - Accounting Clerk
- E. Airport - Davis, Steven - Accountant IV
- F. Airport - Gutierrez, Hilda - Accounting Clerk
- G. Airport - Saenz, Jose - Comm. Dispatcher II
- H. Airport - Threadgill, JoAnn - Comm. Dispatcher II
- I. Airport - Vislar, Abel - Building Maint. Worker I
- J. City Attorney - Dunsavage, Sandra - Secretary III
- K. OMB - Hernandez, Irene - Asst Director of OMB
- L. Parks & Recreation - Ochoa, David - Park Area Supervisor
- M. Parks & Recreation - Sandoval, Enrique - Recreation Leader II
- N. Purchasing - Bustamante, Roberto - Contract Compliance Spec.
- O. Purchasing - Crumley, Barbara - Procurement Analyst
- P. Purchasing - Florres, Sylvia - Buyer
- Q. Purchasing - Henson, Jay - Contract Compliance Spec.
- R. Purchasing - Gonzales, Carolina - Information Processor Oper.
- S. Streets - Delgado, Oscar - Electronics Technician
- T. Streets - Gonzalez, Alberto - Laborer

U. Streets - Gonzalez, Carlos - Laborer
 V. Streets - Gutierrez, Roberto - Equipment Operator II
 W. Streets - Jacquez, Martin - Engineering Tech IV
 X. Streets - Leyva, Hector - Traf Signal Maint Spvr
 Y. Streets - Love, Tony - Labor Foreman I
 Z. Streets - Melendez, Maria - Accounting Clerk
 AA. Streets - Ramirez, Lazaro - Equipment Operator II
 BB. Streets - Rivera, Robert - Labor Foreman I
 CC. Streets - Rodriguez, Roberto - Toll Collector
 DD. Streets - Sanchez, Joaquin - Electrician
 EE. Streets - Sigala, Tomas - Equipment Operator II
 FF. Streets - Silva, Reymundo - Laborer
 GG. Streets - Thick, Robert - Toll Collection Spvr
 HH. Streets - Uvina, Omar - Electronics Technician
 II. Streets - Villarreal, Amador - Street Resurfacing Insp
 JJ. Streets - Zamora, Grace - Information Entry Oper.

8. Discussion and Action on Request for Temporary Promotion:

Chacon, Maria - Engineering Dept.
 From: Information Processor Operator
 To: Personnel and Accounting Clerk

9. 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:

Carrillo, Isidro – Carpenter – Airport

REGULAR AGENDA

Item 2B was addressed here.

Item 16 was addressed here.

10. Discussion and Action on the employment of outside legal counsel for the Commission.

Chair Ellis believed that the candidates who had come in for interviews should be notified that a determination will not be made at this point and asked the Commissioners if it would be okay for him to send them such correspondence.

Commissioner Ruck requested that the two candidates who were not able to attend the interviews be invited to the next meeting so the Commissioners could interview them as well.

The Commission agreed with Commissioners Ellis and Ruck.

MOTION TO DELETE ITEM 10 MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

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 9.1.c.:

A. Barrow, Billy – Police Trainee

Mr. Barrow was present and commented on a questionnaire in the application reference drug usage.

Assistant City Attorney Lupe Cuellar stated that the reason he was disqualified was because he had failed the test within the last year.

Chair Ellis read the specifics of Mr. Barrow's disqualification.

Officer Brockhoff from the El Paso Police Department stated that Mr. Barrow had failed one of the examination components, the background examination.

Assistant City Attorney Lupe Cuellar recommended discussing the item in Executive Session.

MOTION TO ADDRESS ITEM 11A IN EXECUTIVE SESSION AFTER ITEM 13 MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO DENY ITEM 11A MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER GEZELIUS AND PASSED BY A VOTE OF 5 TO 1.

Ayes: Commissioners Peña, Gezelius, Schwartz, Scott, Ruck

Nays: Commissioner Graham

B. Collins, Daisy – Police Trainee

Ms. Collins was present and stated that she has done several things to improve to be able to pass the test this time. She stated that she purchased a police exam prep book, she speaks with a commissioned police officer on a daily basis, a relative of hers. They discuss job situations and how to handle them. She also went on a ride-along with a female police officer from the Mission Valley Regional Command Center and was able to see first-hand how they handle different situations. She has learned about guidelines, policies and procedures, computer systems/report-writing. She asked the Commission to consider all the information she provided and to approve her appeal.

MOTION TO APPROVE ITEM 11B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

C. Morales, Mark – Police Trainee

Mr. Morales was present and stated that he has been working to improve his knowledge in order to pass the test. He stated that he has been attending El Paso Community College and he also speaks to his brother who is a police officer. Mr. Morales said his brother gave him some books which he studied and he also talks with his brother about all the aspects of his job as a police officer and has learned from this as well.

MOTION TO APPROVE ITEM 11C MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 5 WITH 1 ABSTENTION.

Ayes: Commissioners Peña, Graham, Gezelius, Scott, Ruck

Abstain: Commissioner Schwartz

D. Rivera, Albert – Police Trainee

Mr. Rivera was present and stated that he did some research as he has attended El Paso Community College for three years. He said he went back and studied his notes from Criminal Justice in order to pass this test. Mr. Rivera also said that his father who is a sergeant in the crime scene unit has also helped him be better prepared by giving him different scenarios, reviewing the penal codes and by helping him with report-writing. He stated that he also went to an internet site called PoliceQuiz.com and did research at the library that has helped him in his preparation for passing this test.

MOTION TO APPROVE ITEM 11D MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

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 8.1.d.1.:

Smith, Travis – Senior Zoo Keeper

Mr. Smith was present and told the Commission that he was disqualified because he neglected to put some qualifying information on his application. He stated he was qualified and had copies of his qualifications. He also stated that he was allowed to take this test two years ago and he assumed that because of that he would automatically qualify this time.

Commissioner Ruck asked Mr. Smith how long he had been working at the Zoo.

Mr. Smith said he had been working at the Zoo as a permanent employee for 2 years and 9 months and as a temporary employee for 1 year. He said this was the information he neglected to include in his application.

MOTION TO APPROVE ITEM 12 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 6:45 p.m. to discuss Items 13 and 11A, and reconvened for Open Session at 7:14 p.m.

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

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:

Moore, Tonya – Certified Police Trainee (8.1.d.4.)

The matter was discussed in Executive Session. The following action was taken in Open Session.

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

14. Discussion and Action on Promulgation of Rule Regulating Working Classified Employees Out of Class.

Chair Ellis stated that there was a matter as to form on this item.

Assistant City Attorney Lupe Cuellar said she only saw two changes needed, the first was moving the title to the center, and the second was adding "approved by the Civil Service Commission."

Elaine Hengen, Assistant City Attorney, stated that the form she prepared was the ordinance form for the City Council, it would not be how the final rule would appear once the Commission puts it in the rulebook.

Chair Ellis asked if the substance of the document was okay.

Assistant City Attorney Lupe Cuellar said it conformed to the conclusions and recommendations that the subcommittee made.

Chair Ellis advised that the primary issues were mainly in Section 1 and a little in Section 2 and Section 5. He told the Commission that the backup for this item was the result of the CSC Committee and Council Legislative Review Committee meeting. He briefly reviewed the changes.

Bill Arballo, AFSCME, wanted to make sure the document that the Chair was referring to was the same document issued to him this very afternoon by the Commission secretary and it was.

MOTION TO APPROVE THE PROPOSED RULE 30 MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

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

Rivera, Daniel – Termination – Mass Transit (05-SM-04PP)

MOTION TO APPROVE THE HEARING OFFICER'S RECOMMENDATION WHICH WAS TO SUSTAIN THE TERMINATION MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

16. Discussion and Action on Request from AFSCME Local 59 on behalf of Robert Opdyke reference case number 05-SM-03BY.

This item was addressed at the beginning of the Regular Agenda.

Chair Ellis advised that he didn't believe this item was posted properly as to be able to address it. He believed it was posted too broadly and didn't think the Commission could consider it, he stated it needed to be more specific.

Bill Arballo from AFSCME said it was an unusual request but stated that in looking at the CSC Rules there is the implied consent that the Commission may opt to take it upon themselves to hear the matter.

Chair Ellis again told Mr. Arballo they couldn't discuss the matter due to the posting.

Commissioner Ruck believed they could refer the case to a Hearing Officer or hear the case themselves. He asked legal counsel if the Commission could make a motion to dismiss.

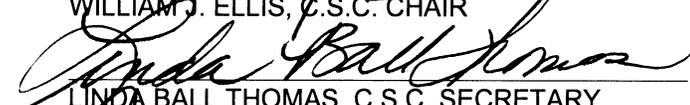
Assistant City Attorney Lupe Cuellar stated that no matter what action they wanted to take, she agreed with the Chair that it was not properly posted; therefore, they couldn't take any action at all. She stated the Commission does have authority to hear a case but they have to give a full hearing to both the City and the employee.

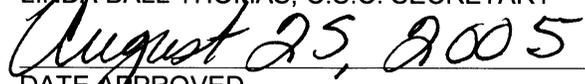
MOTION TO DELETE ITEM 16 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 7:15 P.M.


 WILLIAM J. ELLIS, C.S.C. CHAIR


 LINDA BALL THOMAS, C.S.C. SECRETARY


 DATE APPROVED