

**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION  
HELD AT 6:00 P.M., THURSDAY EVENING, SEPTEMBER 9, 2004  
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA - 2nd FLOOR**

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MEMBERS PRESENT: Berube, Paul  
Ellis, William J.  
Graham, Elijah  
Harris, Alvin Sr.  
Martinez, Ramy  
Peña, Andrew (arrived late, before voting on Item 20)  
Ruck, Lance  
Schwartz, Elma  
Sutherland, Ken

ALSO PRESENT: Almonte, David – OMB  
Arballo, Bill – AFSCME Local 59  
Bond, Terry - C.S.C. Secretary  
Buening, Rosy - C.S.C. Recorder  
Burman, Steve - Human Resources  
Castillo, Norma  
Cuellar, Lupe - Deputy City Attorney  
Delgado, Frank – El Paso Employees' Assoc.  
Esquivel, Yolanda  
Fargo, Peter – Human Resources  
Fierro, Lilia  
Fraser, Jim  
Gallegos, Delfina  
Gavaldon, Ruben  
Harbour, Cori – El Paso Employees' Assoc.  
Holguin, Minnie – Human Resources  
Ledesma, Norma  
Lucero, Isela  
Martinez, Donna  
Mendez, Rosalia  
Mendoza, Francisca  
Mueller, Paul – Human Resources  
Peña, Armando - Human Resources  
Prieto, Rosa  
Pucel, Gerald – Street Dept.  
Puga, Monica – Human Resources  
Reed, Amy – Museum of Art  
Rodriguez, Juan Pablo  
Sanchez, Ana - Human Resources  
Sarabia, Guillermina  
Sienkiewicz, Jim - Human Resources  
Smyth, Ellen – Solid Waste Management  
Surface, Chief Steven – Fire Dept.  
Surface, Steven Chief – Fire Dept.  
Thomas, Linda – Human Resources  
Tobias, Victor  
Van Beek, Diana  
Villanueva, Teresa

The meeting convened at 6:05 p.m. with a quorum of 8 Commissioners present and Chair Ruck presiding.

Ms. Bond requested that Item 2a-1 on Page 1 be corrected by adding an "n" to correctly spell Wendy; on Page 2, Item 2E, the biweekly salary should be \$1700 instead of \$1880; same page on Item 2G, the contract length should be September 14, 2004 through December 13, 2004; Page 4, Item 8R, Mark Alvarado, should be deleted.

Chair Ruck requested that Items 2E and 2G be moved the Regular Agenda.

Commissioner Ellis requested Item 1 be moved to the Regular Agenda.

Bill Arballo requested that Item 2F also be moved to the Regular Agenda.

Cori Harbour requested that Item 15A be moved to the Regular Agenda.

Commissioner Harris pointed out an inconsistency with the code number on Item 6. The code on the agenda is 3220 and the code on the backup memorandum is 3222.

Ms. Smyth, Solid Waste Management Director, stated that the correct code was 3220 as posted on the agenda.

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

*Items 1, 2E, 2F, 2G and 15A were addressed at the beginning of the Regular Agenda.*

### CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:

August 26 2004

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

MOTION TO TABLE ITEM 1 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

2. Discussion and Action on Approval of Contracts:

A. Eighteen (18) Independent Services Contract for the El Paso Museum of Art:

1. Burtz, Wendy
2. Doyle, Miles
3. Fritsch, Ronald, P.
4. Garcia, Martha A.
5. Jones, Rosie
6. Light, Susan
7. Livingston, Marie
8. Livingston, Marie
9. Long, Mary
10. Najera-Macias, Norma
11. Overstreet, Mitsu
12. Parks-Mapes, Jacque
13. Parra, Alice
14. Payan-Heim, Maryalice
15. Rodriguez, George
16. Rudnick, Janine
17. Speaker, Tracy
18. Valenzuela, Miguel

B. Personal Services Contract with Norma P. Becerra to perform the duties of Response Team Case Manager from September 15, 2004 through August 31, 2005, for the El Paso Police Department.

C. Personal Services Contract with Margaret Petrozza-Meraz to perform the duties of Safe Communities Coordinator from October 1, 2004 through September 30, 2005, for the El Paso Police Department.

- D. Cooperative Education Contract with Oscar Sevilla from September 15, 2004 through August 31, 2005, for the Arts and Culture Department.
- E. Personal Services Contract with Gerardo Velazquez to perform the duties of Project Review Coordinator from September 20, 2004 through September 19, 2005, for the Parks & Recreation Department (Tabled 08/26/04).

*This item was discussed during the Regular Agenda.*

Chair Ruck said he had previously requested the difference between this position and the Recreation Services Coordinator position and also asked how this employee has been in this position since 1998 as stated on his resume when he (Chair Ruck) believed this was the second renewal of this contract. This led him to believe that before his first contract this position was in the classified service. He asked when this position went from classified to contract? He asked Ms. Bond if there were any classified employees who were paid from grant money? Chair Ruck said he was concerned because it appeared this employee was getting a 13% hourly pay raise.

David Almonte, OMB Director, said he would have to go back and check.

Dr. Merrifield, Parks & Recreation Director, stated there is no raise, the contract will remain with the same pay.

Ms. Bond reminded the Commission of her correction to \$1700 biweekly which would make it consistent with \$21.50 per hour.

Commissioner Ellis asked who decided when a contract has benefits attached and when it doesn't, and is it true that all of the benefits for salaries that are grant-funded are paid for by the City.

Ms. Bond said that approximately in January 2003 the CAO at that time determined that if a contract employee is working full-time they would receive health benefits.

Jim Sienkiewicz, Classification and Compensation Manager, stated that a Recreation Services Coordinator was in charge of a cluster of recreation facilities. This is not amenable to project work, which is what the nature of the Project Review Coordinator is.

MOTION TO TABLE ITEM 2E MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

*This item was reconsidered after Item 19.*

MOTION TO RECONSIDER ITEM 2E MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Schwartz, Harris

Nay: Commissioner Ellis

Dr. Merrifield told the Commission that he had discovered that this contract is due to expire prior to the next CSC meeting and urged the Commissioners approve it tonight. He stated this position was considerably different from the Recreation Services Coordinator position mentioned earlier and the employee has been with the department for a number of years.

Ms. Bond asked for a few minutes to check on this matter.

*Discussion resumed after addressing Item 21.*

Ms. Bond advised that this employee has been a contract employee since 1999. Also, the spelling should be corrected to Velazquez with a "z" after the "a" instead of an "s."

Commissioner Ellis said he was concerned that this would be a contract position forever.

Chair Ruck said he understood that in this case it was a grant-funded position.

MOTION TO APPROVE ITEM 2E MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER SUTHERLAND AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Schwartz, Harris  
Nay: Commissioner Ellis

- F. Personal Services Contract with Blanca M. Gonzalez to perform the duties of Executive Staff Assistant from September 8, 2004 through March 7, 2005, for the City Manager.

*This item was discussed during the Regular Agenda.*

Chair Ruck said he had concerns with this item until he read the email from Ms. Wilson requesting this position. There is a series of emails between Ms. Wilson and Ms. Bond where Ms. Wilson is requesting this contract temporarily until she makes a final determination as to what she is going to do.

Bill Arballo, AFSCME Local 59, stated that the City email system was not open to the public so he was not privy to that series of emails. He had the same concerns with this item as the Commissioners had with Item E.

Chair Ruck advised that hopefully by the next meeting all backup documentation would be available on the City's website as they are for City Council. He asked Mr. Almonte if this individual was getting a pay raise.

Ms. Bond said she was not.

David Almonte, OMB Director, stated that Ms. Wilson has been working with Ms. Gonzalez by phone and via email and wanted to continue working with her until she decides what she wants to do on that position.

Commissioner Ellis said that in looking at the contract he noticed that it is a 40-hour contract, however, after looking at the email it doesn't appear that the employee is actually working 40 hours.

Ms. Bond said her understanding was that Ms. Gonzalez works up to 40 hours and she does do work at her home. She said she personally receives email from Ms. Gonzalez as early as seven in the morning and sometimes at 4:30 in the afternoon, so even though she isn't on the premises in the building she is on duty.

Commissioner Ellis asked if this was a privilege that was normally extended to Classified employees.

Ms. Bond said it depended on what the supervisor was requesting, it could perhaps be worked out in a particular situation.

Mr. Arballo said it was his understanding that no city employee was allowed to work at home on their own computer.

Norma Ledesma, Fire Department employee, asked if there was a current list for Executive Secretary.

Ms. Bond said there was.

Frank Delgado, Planner with the Planning Department and President of the City Employees' Association, stated that to his knowledge there is no classified employee who has been allowed on a regular basis to work at home. The fact that Ms. Gonzalez has been emailing Ms. Bond doesn't indicate that she has been working 40 hours per week. There is great concern on the question of parity, or that someone would be allowed to show up for work for only 20 hours worth of work and get paid for 40 hours worth. Certainly as a contract employee we would expect that there should be some sort of proof of the actual time spent working as opposed to just sending an email that would take a fraction of a minute.

Linda Thomas, Human Resources Assistant Director, told the Commission that there is a flex-time policy in place that was approved by the City.

MOTION TO APPROVED ITEM 2F MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 4 TO 3.

Ayes: Commissioners Berube, Sutherland, Schwartz, Harris

Nays: Commissioners Graham, Martinez, Ellis

- G. Personal Services Contract with Larry E. Romero to perform the duties of Business Retention and Expansion Manager from September 15, 2004 through September 14, 2005, for the Economic Development Department.

Chair Ruck asked if there was a raise involved in this contract.

Ms. Bond advised that there was no raise, in fact there was a slight reduction in salary.

MOTION TO APPROVE ITEM 2G MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER SUTHERLAND AND UNANIMOUSLY PASSED.

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

A.	Arrieta-Candelaria-Carmen-Comptrollers	EE.	Imai-Andrew-Police
B.	Barnes-Charles E.-Police	FF.	Lara-Luis Jr.-Police
C.	Bowling-Anna-Police	GG.	Lopez-Francisco A.-Mass Transit
D.	Briones-Juan F.-Police	HH.	Lopez-Stella-Police
E.	Bruce-Lucy-Zoo	II.	Maldonado-Horacio-Police
F.	Brucks-Michael-Police	JJ.	Martinez-Javier J.-Police
G.	Butzon-William Scott-Police	KK.	Martinez-Nancy-Police
H.	Campos-Carlos-Police	LL.	Melendez-Gilbert-Police
I.	Candia-Robert-Police	MM.	Mijares-Victor O.-Police
J.	Carrasco-Meza-Gertrudis Julieta-MPO	NN.	Molina-L.Elizabeth-Police
K.	Castillo-Hector-Police	OO.	Montoya-Edmundo-Police
L.	Chaires-Raymon A.-Police	PP.	Nuzzo-Vicenczo-Bldg. Permits & Insp.
M.	Cintron-Jose Andy-Police	QQ.	Ojeda-Michelle Y.-Police
N.	Clark-Daryn-Police	RR.	Ontiveros-Adrian-Police
O.	Cordero-Jessica-Police	SS.	O'Quin-Michaela-Police
P.	Corral-Gabriel G.-Police	TT.	Perez-Victor A.-Police
Q.	Curlee-Aaron-Police	UU.	Pratt-Robert-Police
R.	Diaz-Guadalupe-Police	VV.	Ramirez-David-Police
S.	Ed, Stuart-Police	WW.	Ransom-David-Police
T.	Estrada-Eduardo-Police	XX.	Reta-Luis-Police
U.	Flores-Oscar-Police	YY.	Reta-Manuel-Police
V.	Garcia-Jorge-Police	ZZ.	Ruiz-Adrian-Police
W.	Garcia-Roberto-Police	AAA.	Santa Anna-Alberto-Street
X.	Gardea-Juan C.-Police	BBB.	Sianez-Efrain-Police
Y.	Gonzalez-Enriqueta-Municipal Court	CCC.	Slape-Kevin M.-Fire
Z.	Gonzalez-Ramiro Jr.-Police	DDD.	Varela-Nicolas-Police
AA.	Griego-Efrain-Police	EEE.	Vega-Joe-Police
BB.	Herrera-Jaime-Community Dev.	FFF.	Wade-Ernest-Police
CC.	Hoyer-Joel-Police	GGG.	Walaski-James R.-Police
DD.	Huynh-Kenny-Police	HHH.	Wells-Charles D.-Police

4. Notice of Promulgation of Eligible Lists:

- |    |                             |
|----|-----------------------------|
| A. | Fire Lieutenant (P-55)      |
| B. | Plumber (O-3)               |
| C. | Police Trainee (O-188)      |
| D. | Residential Inspector (P-1) |

5. Discussion and Action on Approval of Classification Actions:

NEW JOB CLASS/REVISED JOB CLASS/REVISED JOB CLASS & GRADE;REVISED JOB CLASS, TITLE & GRADE

	<u>TITLE</u>	<u>CODE</u>	<u>GRADE</u>
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ITEM NOT USED.

6. Approve placement of incumbents into reclassified positions, in accordance with Rule 4, Section 4 and Rule 11, Section 9 and Personnel Department's recommendation:

	<u>TITLE</u>	<u>CODE</u>	<u>GRADE</u>
OFFICIAL:	Equipment Operator II	3220	GS 15
PROPOSED:	Refuse Equipment Operator Piñon, Samuel	3210	Same

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

- A. Flores, David – Suspension – Police Dept. (CP04-149)
- B. Walker, Charles F. – Suspension – Police Dept. (IA04-064)

8. Discussion and Action on Transfer of Incumbents from El Paso Public Library to Purchasing Department in accordance with Civil Service Charter Article VI, Section 6.11-3 and Civil Service Rule 5, Section 3.

	<u>Incumbent</u>	<u>Position</u>	<u>Grade</u>
A.	Mendez, Alizabeth .....	V.O.E. Clerk	
B.	Gonzalez, Yadira Guadalupe.....	V.O.E. Clerk	
C.	Gonzalez, Jesus Francisco .....	Photocopy Operator .....	GS 12
D.	Rios, Nicolas.....	Photocopy Operator .....	GS 12
E.	Vacant .....	Printing Supervisor .....	GS 21

Discussion and Action on Transfer of Incumbents from the Economic Development Department to the Planning Department in accordance with Civil Service Charter Article VI, Section 6.11-3 and Civil Service Rule 5, Section 3.

F.	Castle, Linda June.....	Planner I .....	PM 72
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Discussion and Action on Transfer of Incumbents from the Parks Department to the Engineering Department in accordance with Civil Service Charter Article VI, Section 6.11-3 and Civil Service Rule 5, Section 3.

G.	Jose A. DeLaRosa	Parks Engineering Tech	GS 26
H.	Jose A. Cardoza	Engineering Tech III	GS 24

Discussion and Action on Transfer of Incumbents from Municipal Services to the Engineering Department in accordance with Civil Service Charter Article VI, Section 6.11-3 and Civil Service Rule 5, Section 3.

I.	Gloria Saenz	Architectural Intern	PM 75
J.	Armando Jimarez-Cortez	Chief Architect	EX G
K.	Joel Guzman	Mechanical Engineer III	PM 80
L.	Vacant	Environmental Engineer Assoc. II	PM 78
M.	Octavio Holguin	Environmental Engineer Assoc. II	PM 78
N.	Steve Teran	Environmental Engineering Tech I	GS 24
O.	Vacant	Environmental Engineering Tech II	GS 26
P.	Vacant	Engineering Section Chief	EX G

Discussion and Action on Transfer of Incumbents from the Comptroller Department to the Parks

Department in accordance with Civil Service Charter Article VI, Section 6.11-3 and Civil Service Rule 5, Section 3.

Q. Jeff Tepsick Accountant I PM 72

Discussion and Action on Transfer of Incumbents from the Mayor's Office to the Planning Department in accordance with Civil Service Charter Article VI, Section 6.11-3 and Civil Service Rule 5, Section 3.

R. Mark Alvarado Neighborhood Liaison \$39,999 yearly

9. Discussion and Action on Withdrawal of Appeal of Suspension filed by Anita Hulseley, Police Department, 04-PD-11PP.

10. Discussion and Action on request to have name placed on Transfer list:

*ITEM NOT USED*

11. Discussion and Action on Request to have name placed on Reinstatement List:

Lucero, Isela – Clerk III – El Paso Water Utilities

12. Discussion and Action on Approval of Merit increases in accordance with C.S.C. Guidelines:

- A. EPWU – Gonzalez, Armando Jr. – Engineering Services Manager
- B. EPWU – Loweree, Fred A. – EPWU Human Resources Manager
- C. EPWU – Parker, Karol – EPWU Public Affairs

13. Discussion and Action on Request for Temporary Promotion:

- A. Gadson, Timothy – Airport  
From: Custodial Worker  
To: Shuttle Bus Operator

14. 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. Mefford, Robert – Traffic Signs & Markings Worker II – Airport

15. Discussion and Action on Request to Work Employee Out of Classification:

- A. Villanueva, Terry – Purchasing Department  
From: Administrative Assistant  
To: Accounting Technician

*This item was discussed at the beginning of the Regular Agenda.*

Ms. Villanueva asked how long this transfer was for and asked if it was too much to ask that someone talk to her about these actions. She said that usually any action taken against any employee is discussed with them, she said that no one has had the professional courtesy to talk to her about this. She found out about this by reading the agenda and was wondering what this was about.

Chair Ruck asked Ms. Villanueva if she received a copy of the September 3, 2004 request from Mr. Martinez to the Commission.

Ms. Villanueva said no.

Chair Ruck requested Ms. Villanueva be given a copy of the document. A copy was provided to her.

Commissioner Ellis asked what rule applied in this instance.

Chair Ruck said it was the rule to allow employees to work out of classification.

Ms. Bond stated that when City Council approved the budget, they approved the position in District 5 as an undetermined classification. Meaning that it could be a classified position or a contract position, depending on what the representative will want.

Commissioner Ellis believed that only the Commission was able to change classifications.

Deputy City Attorney Lupe Cuellar said this was not a reclassification, it was a request to work Ms. Villanueva out of classification. In this case, City Council through the budget approval deleted the position but left the option to add it as a classified or contract position when a new representative comes on board if needed.

Chair Ruck asked what was going to happen to Ms. Villanueva after 30 days, he didn't believe this was in her best interest? He believed that after the 30 days Ms. Villanueva might be laid off or placed in another position.

Ms. Bond said she believed it was in her best interest. She said that because of the unique nature of the position approved by council she didn't believe they could say there was a classified position there.

Commissioner Ellis didn't believe they really had a choice but to approve this action.

MOTION TO APPROVE MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

### **REGULAR AGENDA**

*Items 1, 2E, 2F, 2G and 15 were discussed here.*

16. Discussion and Action regarding pending City layoffs.

Chair Ruck said he knew the budget was approved.

David Almonte, OMB Director said the budget was approved and there were some changes to the Mayor's proposed budget. Six of the positions targeted were restored, five of them being Code Compliance Inspectors and the Civil Service Commission Recorder. He said that Ms. Bond was provided with the list of the positions that are being deleted, both vacant and filled.

Commissioner Ellis asked if there was a status report as to what was happening with these positions.

Ms. Bond said yes. She did receive the list late last week and has had staff going through and making sure there will be positions to place these employees in. There were some final discussions with the Interim City Manager and she should start notifying employees perhaps as early as tomorrow but if not tomorrow then next week. At the present time it looks like the list is down to ten filled positions because some of the people in the targeted positions transferred and another employee retired. There are positions for these employees in the classified service that they should be able to perform.

Jim Fraser, Planning Department employee, stated that he had come to the Commission when the individuals were notified of the layoffs. He said he was encouraged by the conversation taking place this evening. He said he was going to speak on behalf of those 31 people and the fact that the count is now down to 10 is good news. He said he just wanted to remind everyone that these are human beings not positions, these are flesh and blood people, and he wanted the Commission to consider possibly placing these 10 people in one of the many contract positions that are being requested at every Commission. He thanked the Commissioners for their efforts and asked them to please support the rules that all employees had to abide by and to ensure fair treatment for those 10 individuals as their continued employment was important to them and to him.

Commissioner Ellis suggested that the Chair of the Commission be provided with copies of the notifications to the employees.

Commissioner Berube believed that it would be micromanagement for the Commission to ask Human Resources to provide copies of the notifications.

Commissioner Ellis didn't believe it was micromanagement, he believed it was responsible oversight that the Commission was charged with doing for the employees of the City.

Chair Ruck told Ms. Bond that when the overall process finished he hoped she would provide the Commission with something detailing how the overall process ended and asked if it was possible.

Ms. Bond said the notification letters would contain that information.

MOTION THAT THE CHAIR BE PROVIDED WITH COPIES OF THE NOTIFICATIONS TO EMPLOYEES MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 5 TO 2.

Ayes: Commissioners Graham, Martinez, Sutherland, Harris, Ellis

Nays: Commissioners Berube, Schwartz

17. Discussion and Action on Rule 14.7 – Efficiency Ratings – Appeals (Tabled 08/12/04 & 08/26/04).

Chair Ruck told the Commission they had received an original document in the backup and then received some more backup tonight. He gave a brief history of the discussions on this rule. He said that the last proposal after determining that the TAMS portion was unworkable was "If the Commission determines the Department Head or his or her designee fail to establish good cause for not following the Commission's recommendation, then the issue of good cause will be referred to a Hearing Officer. The Hearing Officer will be selected on a random basis from the list of Commission Hearing Officers. The Hearing Officer's determination for good cause shall be final. The Hearing Officer will be paid for services rendered at \$100 per hour with a maximum of \$400 per case." He asked Deputy City Attorney Lupe Cuellar if she had any concerns with this language with the Commission making a determination from the Hearing Officer final.

Deputy City Attorney Lupe Cuellar said that if Commission chooses to approve that language it would be legally allowable.

Chair Ruck asked if Commission went that route would it also be up to City Council to go that route?

Deputy City Attorney Lupe Cuellar said if they wanted to make that recommended change then it would require Council approval.

Chair Ruck asked if an evaluation was an appeal under the Charter?

Ms. Cuellar said yes.

He asked if they made it final if it would be in direct conflict with Section 6.1-17 Hearing Officers and Section 6.13-8 Subsequent Action.

She said that if the Commission wants to give the Hearing Officer that authority they could, it was their decision.

Chair Ruck said that if they gave that authority away, how does a rule supercede the Charter? In other words, instead of the Hearing Officer making a recommendation it will be a final determination.

Deputy City Attorney Lupe Cuellar said yes if that is what the Commission wanted.

MOTION TO APPROVE AND FORWARD TO COUNCIL THE AMENDMENT TO RULE 14, SECTION 7, AS SET OUT ON THE BACKUP BEHIND THE EMAIL FROM COMMISSIONER ELLIS DATED MARCH 18, 2004 8:24 P.M. AND WITH A "17" ON THE TOP RIGHT HAND CORNER AND THAT THE WORDS IN BOLD AND BRACKETS AT THE END OF THE FIRST PARAGRAPH ARE NOT PART OF THE

PROPOSED AMENDMENT MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER SUTHERLAND WITH A MINOR CORRECTION TO DELETE THE SMALL "S" ON THE LAST SENTENCE OF STEP 3 BEFORE THE WORD "STEP" AND UNANIMOUSLY PASSED.

18. Discussion and Action on collaboration between Human Resources and Information Technology to make Civil Service Commission agenda and backup available through the City's website (Tabled 08/26/04).

Chair Ruck said he was told by the Commission Recorder that hopefully the next CSC meeting would be available on the City's website along with attachments just like City Council agenda.

Norma Ledesma asked if it would be possible for Information Technology to make it easier to access this agenda as several windows need to be opened to get to it.

Chair Ruck said he knew what Ms. Ledesma was referring to. The City Council agenda is accessible off the City's homepage, yet if you want to access the CSC agenda you have to go into several windows to get to it. He asked if it would be difficult to place the Civil Service Agendas underneath the City Council agendas on the homepage.

Tony Montoya, IT Director, said he could work with any CSC member to find out exactly what they wanted.

Commissioner Schwartz said she was the only Commission who went for training and it wasn't that difficult to access the agenda.

Cori Harbour said that it might be as easy for City employees to access it with a password but it might be harder for the public to access it.

Mr. Montoya advised that the next agenda would be available on the City's website and the portal.

Commissioner Ellis said the most convenient thing would be to train while they are all present for the meeting.

Commissioner Schwartz said it was so simple that she didn't know why the Commissioners couldn't just be given an instruction sheet from Information Technology.

Commissioner Ruck asked IT to schedule the training right before the next meeting, four Commissioners at a time.

MOTION TO DELETE ITEM 18 MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

19. A. Discussion and Action on reconsideration of placement of incumbent into reclassified position in accordance with Rule 4, Section 4 and Rule 11, Section 9 and Personnel Department's recommendation:

Ray Mendoza incumbent to reclassified position of Toll Collection Manager

MOTION TO APPROVE ITEM 19A MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Schwartz, Harris  
Nay: Commissioner Ellis

- B. Discussion and Action on placement of incumbent into reclassified position in accordance with Rule 4, Section 4 and Rule 11, Section 9 and Personnel Department's recommendation:

Ray Mendoza incumbent to reclassified position of Toll Collection Manager

MOTION TO APPROVE ITEM 19B MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Schwartz, Harris  
Nay: Commissioner Ellis

- C. Discussion and Action on Approval of Merit increase for Ray Mendoza in accordance with C.S.C. Guidelines.

MOTION TO APPROVE ITEM 19C MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER HARRIS AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Schwartz, Harris  
Nay: Commissioner Ellis

Commissioner Ellis said that the matter was not concluded because having undone what they previously did which was approve the reclassification, they haven't redone what they just undid. He believed it would have to be placed back on the agenda to reclassify him again.

Deputy City Attorney Lupe Cuellar said one of the things that the Commission needed to do is to now put him back into the reclassified position by reconsidering 19B.

MOTION TO RECONSIDER ITEM 19B MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

MOTION TO MOVE MR. MENDOZA BACK INTO THE RECLASSIFIED POSITION MADE BY COMMISSIONER HARRIS, SECONDED BY COMMISSIONER MARTINEZ AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Schwartz, Harris  
Nay: Commissioner Ellis

*Dr. Merrifield requested that the Commission reconsider Item 2E here. Item 2E was reconsidered here.*

20. Discussion and Action on appeal from Patrick Curry, Fire Department, reference reclassification from Firefighter to Fire Paramedic.

Chair Ruck told Mr. Curry that the Commission had received his documentation and asked him if he had additional information.

Mr. Curry detailed his experience with the Fire Department and reviewed some of the information he had provided the Commission. He explained that he performs very similar duties to those of a Fire Paramedic and urged the Commission to consider reclassifying him.

Commissioner Ellis commended Mr. Curry for the excellent job in preparing something for the Commission that led them by the hands. He believed the relief Mr. Curry sought should be granted. He referred to Rule 4, Section 4 and asked the Commission to refer to it.

Chief Surface told the Commission that the facts given by Mr. Curry were not accurate and gave the Commission a document showing a comparison of duties between a Firefighter and a Fire Paramedic. He also told them that the exact same issue was currently being address with Local 51.

Chair Ruck asked when this grievance could be resolved and if it could be resolved in his favor.

Chair Surface said it absolutely could be resolved in his favor but wasn't in a position to speak for Local 51. If the grievance is won then it would clearly pave the way for a reclassification. He said this type of arbitration could take a couple of years.

Discussion.

Commissioner Sutherland asked why the strong language that was in the documentation that Chief Surface provided wasn't present in the job description. He also inquired about the pay for performing these extra duties.

Chief Surface said the job description for Firefighter hadn't been updated since 1976 even though the job itself had changed significantly.

Michele Locke, Assistant City Attorney, told the Commission that they had directed the Fire Department to allow people to test for this position and that is what they have done and she asked the Commission to continue with the philosophy of fair and equal treatment in this case. She stated that if the Commission chose to reclassify Mr. Curry then the rest of the employees performing these duties would be appearing before the Commission with the same request.

Discussion.

MOTION THAT THE DUTIES AND RESPONSIBILITIES OF FIREFIGHTER AS IT EXTENDS TO THOSE WHO ARE PARAMEDICS HAS CHANGED SO SIGNIFICANTLY THAT THE FORMER CLASSIFICATION AS TO THOSE INDIVIDUALS IS SUBSTANTIALLY INACCURATE AS TO THEIR CURRENT DUTIES AND RESPONSIBILITIES, AND THAT THE COMMISSION REQUEST THE CITY MANAGER TO DIRECT THE HUMAN RESOURCES DIRECTOR TO PLACE THE POSITION IN ITS PROPER CLASS AND GRADE PURSUANT TO THE PROVISIONS OF SECTION 4, PARAGRAPH A, ON A PARAMEDIC PUMPER, MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 7 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Berube, Schwartz, Harris, Ellis

Nay: Commissioners Sutherland

21. Discussion and Action on Appeal of Disqualification to take Examination in accordance with C.S.C. Rule 9.1.c.:

A. Esquivel, Yolanda I. – Accounting Technician

Ms. Esquivel was present. Chair Ruck read the specifics of Ms. Esquivel's disqualification.

Ms. Esquivel detailed for the Commission the additional skills, knowledge or experience she had obtained since she last took this test.

MOTION TO APPROVE ITEM 21A MADE BY COMMISSIONER BERUBE, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

B. Mendez, Rosalia – Accounting Technician

Ms. Mendez was present. Chair Ruck read the specifics of Ms. Mendez' disqualification.

Ms. Mendez detailed for the Commission the additional skills, knowledge or experience she had obtained since she last took this test.

MOTION TO APPROVE ITEM 21B MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 7 TO 1.

Ayes: Commissioners Peña, Graham, Martinez, Berube, Sutherland, Schwartz, Harris

Nay: Commissioners Ellis

C. Peña, Louisa – Accounting Technician

Ms. Peña was not present. Chair Ruck read the specifics of Ms. Peña's disqualification.

MOTION TO APPROVE ITEM 21C MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

## D. Gavaldon, Ruben – Police Trainee

Mr. Gavaldon was present. Chair Ruck read the specifics of Mr. Gavaldon's disqualification.

Mr. Gavaldon detailed for the Commission the additional skills, knowledge or experience he had obtained since he last took this test.

MOTION TO APPROVE ITEM 21D MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 5 TO 3.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Harris

Nays: Commissioners Peña, Schwartz, Ellis

## E. Rodriguez, Juan Pablo – Police Trainee

Mr. Rodriguez was present. Chair Ruck read the specifics of Mr. Rodriguez' disqualification.

Mr. Rodriguez detailed for the Commission the additional skills, knowledge or experience he had obtained since he last took this test. He also told the Commission that he was going through a transition from military to civilian life when he first took this test.

Commissioner Sutherland informed the Commission that historically they've never had a definitive measured system by which to approve these cases as far as how much more studies or knowledge they have obtained.

MOTION TO APPROVE ITEM 21E MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 5 TO 3.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Harris

Nays: Commissioners Peña, Schwartz, Ellis

## F. Theriault, Ryan – Police Trainee

Mr. Theriault was present. Chair Ruck read the specifics of Mr. Theriault's disqualification.

Mr. Theriault detailed for the Commission the additional skills, knowledge or experience he had obtained since he last took this test. He also told the Commission that he was going through a transition from military to civilian life when he first took this test. He also told the Commission that he also passed the State Trooper exam after he took this exam also.

MOTION TO APPROVE ITEM 21F MADE BY COMMISSIONER SUTHERLAND, SECONDED BY COMMISSIONER BERUBE AND PASSED BY A VOTE OF 5 TO 3.

Ayes: Commissioners Graham, Martinez, Berube, Sutherland, Harris

Nays: Commissioners Peña, Schwartz, Ellis

*Item 2E was discussed here.*

22. 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. Alvarado, Jr., Raymundo – Recreation Services Coordinator

Mr. Alvarado was present. Chair Ruck read the specifics of Mr. Alvarado's disqualification.

Mr. Alvarado detailed his experience for the Commission.

MOTION TO DENY ITEM 22A MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER BERUBE AND UNANIMOUSLY PASSED.

B. Gallegos, Delfina V. – Recreation Services Coordinator

Ms. Gallegos was present. Chair Ruck read the specifics of Ms. Gallegos' disqualification.

Ms. Gallegos detailed her experience for the Commission.

MOTION TO DENY ITEM 22B MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

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

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The Commission retired into Executive Session at 8:25 p.m. to discuss Item 23, and reconvened for Open Session at 8:40 p.m.  
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MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER ELLIS, SECONDED BY COMMISSIONER HARRIS AND UNANIMOUSLY PASSED.

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. Martinez, Manuel – Bid Clerk (Ord. 8064, 5.1.b.)

Mr. Martinez was not present. The matter was discussed in Executive Session. The following action was taken in Open Session.

MOTION TO APPROVE ITEM 23A MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER SUTHERLAND AND UNANIMOUSLY PASSED.

B. Mendoza, Michelle – Toll Collector (Ord. 8064, 5.1.b.)

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

MOTION TO APPROVE ITEM 23B MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 8:41 P.M.

  
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LANCE RUCK, C.S.C. CHAIR

  
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TERRY BOND, C.S.C. SECRETARY

  
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DATE APPROVED