

MINUTES
AGENDA FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
TO BE HELD AT 6:00 P.M., THURSDAY EVENING, SEPTEMBER 14, 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
 Reynolds, Thurman
 Mosher, Fran
 Schwartz, Elma
 Scott, Valerie

MEMBERS ABSENT: Brannon, Edith
 Ruck, Lance

The meeting convened at 6:03 p.m. with 6 Commissioners and Chair Boureslan presiding. Chair Boureslan began by calling the meeting to order. Human Resources Director Linda Ball Thomas informed the Commission that she had changes to the agenda. She asked that Item 11 on the regular agenda be tabled at the request of Ms. Fierro's attorney until the 9/28/06 CSC meeting. She also requested that Item 13A be deleted because the applicant had been changed to qualified and that Item 13C also be deleted because the applicant failed the exam. Commissioner Gezelius asked that Items 3A and 3B be moved to the regular agenda.

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:
 - A. August 24, 2006
 - B. July 24, 2006 (Tabled 8/24/06)

2. Notice of Promulgation of Eligible Lists:
 - A. Marketing & Customer Relations Coordinator = Promulgated 09/05/06 (CR -1) (P-0) (O-3)
 - B. Firefighter Trainee = Promulgated 09/01/06 (O-144)
 - C. Police Officer = Promulgated 08/30/06 (O-7)
 - D. Senior Human Resources Analyst = Promulgated 08/28/06 (P-1)
 - E. Zookeeper = Promulgated 08/23/06 (O-10)
 - F. Chemist = Promulgated 08/22/06 (P-2) (O-6)
 - G. Water Conservation Technician = Promulgated 08/22/06 (P-1) (O-1)
 - H. Electronic Control Specialist = Promulgated 08/21/06 (P-1) (O-1)
 - I. Community & Human Development Deputy Director = Promulgated 08/21/06 (O-4)
 - J. Stores Supervisor = Promulgated 08/21/06 (P-10) (O-7)
 - K. Water Distribution System Manager = Promulgated 08/17/06 (P-1)
 - L. Certified Firefighter Trainee = Promulgated 09/06/06 (O-29)

3. Discussion and Action on request to assign pending appeal cases:
 - A. Rodriguez, Gerardo – Suspension – Sun Metro
 - B. Seidan, Allan Jon – Termination – El Paso Zoo

Commissioner Gezelius requested this item be moved to the regular agenda because the Commission as a whole was already going to hear Item 10 on the regular agenda that evening. He suggested these appeals not automatically be assigned to a hearing officer. Chair Boureslan said the Commission could always bring back the appeals if there were any changes. Commissioner Gezelius said that just like the case that the Commission was going to hear that evening, the Commission could also hear these appeals. Chair Boureslan said not necessarily and asked if Commissioner Gezelius was going to make a motion on the issue. Commissioner Gezelius said no. Chair Boureslan asked for a motion.

MOTION TO ASSIGN THESE CASES TO A HEARING OFFICER MADE BY COMMISSIONER MOSHER AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

4. Discussion and Action on request to have named placed on Transfer List:
 - A. Monreal, Manuel Arturo – Senior Office Assistant – Human Resources
5. Discussion and Action on request to have name placed on Reinstatement List:
 - A. Keaton, Michael – Firefighter – Fire Department
 - B. Ocampo, Ruben – Recreation Specialist – Parks and Recreation
 - C. Alvarez, Pedro – Assistant Route Foreman – Environmental Services
6. Discussion and Action on Request for Temporary Promotion:

Rosales, Martin – El Paso International Airport (Extension)
From: Custodial Worker
To: Shuttle Bus Operator
7. Discussion and Action on Approval of Hearing Officer's Invoice:

Borunda, Chris – Invoice 37782 – Dated 08/17/06

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

REGULAR AGENDA

8. Discussion and Action on status of Hearing Officer Cases.

Commissioner Gezelius said that sometimes the cases the Commission routinely assigns to hearing officers disappear. He said when both parties agree to settle, the case is closed. Commissioner Gezelius said he would like to know when that happens. He said the only way to check if a case is worked on is when the hearing officer submits an invoice. He said some of these cases take years. Chair Boureslan asked Ms. Thomas if the three cases listed on the corrected backup for Chris Borunda meant that all of the other cases that were assigned to her

were finished. Ms. Thomas said that all of the other cases that Ms. Borunda had assigned had been settled and she was sending her invoices. She said the cases Ms. Borunda had left were listed on the backup. Commissioner Gezelius asked if it was possible to get a list like the one provided at the meeting once a month to track where the cases were going and spot those cases that were languishing.

MOTION TO DIRECT THE HR DIRECTOR TO PROVIDE HEARING OFFICER CASE DATA FIRST MEETING OF EACH MONTH MADE BY COMMISSIONER GEZELIUS.

MOTION FOR DISCUSSION MADE BY COMMISSIONER MOSHER.

Commissioner Mosher said reviewing such a list every month was too often. She said she thought there should be some review and was more concerned with the cases from 2004. Commissioner Mosher asked if the caseload was too heavy for the hearing officers. Ms. Thomas said that at the last meeting, hearing officer, Bruce Yetter explained the status of his cases. Mr. Yetter said they had asked for continuances on behalf of the person appealing the action and that was why those cases were taking so long. Assistant City Attorney Lupe Cuellar said the Commissioners had approved Rule 16, Section 2 which required the hearing officer to conduct a hearing within 45 days once it's referred to them. Ms. Cuellar said however, continuances can be granted to either side if either side requests it and they have a good cause. She said the rule also states that in no event should a hearing be scheduled so as to commence more than 90 days after the date it's been referred to the hearing officers unless they get permission from the Commission to extend it beyond 90 days. Ms. Cuellar said once the hearing officer actually hears the case under his/her contract she believes they have 30 days to provide the Commission with an opinion. If the hearing officer can't then he/she has to get approval from the chair to extend the 30 day requirement. Chair Boureslan said the cases that were assigned before Rule 16 was amended were not retroacted. He said they were doing better and the Commission would see speedy recovery in this department. Commissioner Mosher asked if the Commission's intent was that the hearing officers comply with the rules and if they can't do it within 90 days they would let the Commissioners know and request additional time. Chair Boureslan said that the Commission would know because the hearing officer would need to ask for an extension.

MOTION TO DIRECT THE HR DIRECTOR TO PROVIDE HEARING OFFICER CASE DATA FIRST MEETING OF EACH MONTH MADE BY COMMISSIONER GEZELIUS WITH A SECONDED MOTION FOR DISCUSSION MADE BY COMMISSIONER MOSHER FAILED BY A VOTE OF FOUR TO TWO.

Ayes: Commissioners Graham, Reynolds, Schwartz, Mosher

Nays: Commissioners Gezelius, Scott

9. Discussion and Action on Appeal of Performance Evaluation of:

- A. Binkley, Margaret T. – Fire Dept.
- B. Castor, Cecilia – Cashier Clerk

Commissioner Gezelius said since both 9A and 9B received competent evaluations, he moved to deny.

MOTION TO DENY MADE BY COMMISSIONER GEZELIUS AND NOT SECONDED.

Chair Boureslan assigned a subcommittee consisting of Commissioners Mosher (Chair), Graham and Scott to hear both Ms. Binkley's and Ms. Castor's appeals at separate dates and times.

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

- 10. Discussion and action on employment status of Rafael Segura (Mass Transit) and appropriate remedial action.

Assistant City Attorney John Batoon informed the Commission that the City and the employee had reached a settlement regarding employment that allows the Commission to delete the item because the hearing would not be necessary.

MOTION TO DELETE ITEM 10 MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER MOSHER AND SCOTT AND UNANIMOUSLY PASSED.

- 11. Discussion and Action on EEO Discrimination Complaint

Lilia Fierro – 05/04/06 (Tabled 8/24/06)

ITEM 11 WAS TABLED AT THE REQUEST OF MS. FIERRO'S ATTORNEY WHO WAS OUT OF TOWN.

- 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. Votta, Oswaldo – Police Trainee
- B. Castillo, Manuel – Police Trainee
- C. Flores, Jose – Police Trainee
- D. Contreras, Jesus – Police Trainee
- E. Haro, Ernesto – Police Trainee
- F. Montano, Danny – Police Trainee
- G. Aguilar, Daniel – Police Trainee
- H. Quinones, Cristina – Police Trainee
- I. Gomez, Jeana – Police Trainee
- J. Ledezma, Martin – Police Trainee
- K. Alegre, Anthony – Police Trainee
- L. Salinas, Michael – Police Trainee
- M. Mendoza, Christina – Police Trainee

MOTION TO APPROVE ALL OF ITEM 12 MADE BY COMMISSIONER REYNOLDS AND SECONDED BY COMMISSIONER GRAHAM.

Discussion.

Commissioner Mosher asked Ms. Thomas what criteria were used to determine if someone had met the requirement after they failed the written portion of the test. Ms. Thomas said they look to see if the person had studied or taken a course to improve whatever area he/she had a deficit in when he/she took the test. Ms. Thomas said the demonstration was seen when the applicants retook the exam because Human Resources would expect to see improvement on the exam. Commissioner Gezelius asked Ms. Thomas what would be the applicants effective date if the Commission approved the appeals and Ms. Thomas answered it would be the date the eligible list was generated. Ms. Thomas said people can take the exam on a conditional basis on whether or not they are approved by the Commission. Commissioner Mosher said she had some problems because people stated that they had taken courses yet there was no evidence that they did that in the back up that was provided to the Commissioners. She said the transcripts did not show any courses. Commissioner Graham said the applicants can always study on their own with the assistance of a librarian or a tutor. He said there were several ways people could get training without having to verify through a college or formal setting. Chair Boureslan verified with Ms. Thomas that before anyone would be put on the eligible list, they still had to meet the requirements and pass the test. He also said the eligible list in question is a list for qualifiers to join the academy. Ms. Thomas said it was to take the test for police training so the applicants could go to the police academy. Chair Boureslan said what the Commission was approving that evening did not necessarily mean that the applicants would qualify for the eligible list. Commissioner Graham said once HR recommends the approval he takes it that HR has taken the necessary steps to ensure that the candidates have gotten the additional training. Assistant City Attorney Lupe Cuellar said the factual determination whether or not the applicants had acquired new skills or knowledge related to the class for which the examination was given and whether or not that requirement had been met was up to the Commission as a whole whether or not to approve. Ms. Cuellar said if the Commission needed additional information they could certainly request it by asking the applicants questions. She said it was up to the Commission's factual determination of whether or not the Commission believed they had acquired new skills and knowledge.

MOTION TO APPROVE ALL OF ITEM 12 MADE BY COMMISSIONER REYNOLDS AND SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF FIVE TO ONE.

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

Nays: Commissioners Mosher

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. Rule 8.1.d.1.:

The Commission decided to discuss each item individually.

A. Garduque, Kathrine – Police Trainee

PER THE REQUEST OF MS. THOMAS THE ITEM WAS DELETED BECAUSE THE CANDIDATE WAS CHANGED TO QUALIFIED.

B. Quaney, Carl – Police Trainee

Mr. Quaney was present. Minnie Holguin with Police Human Resources said Mr. Quaney had not provided any additional documentation that he had met the educational requirement. Commissioner Graham asked Ms. Holguin what procedure she used to verify that Mr. Quaney received credit for his military service. Ms. Holguin said that when Mr. Quaney applied, they did not have any equivalencies in place to allow for military experience to offset the 12 college credit hours. She said he was given credit for his experience but he lacked education and at the time there was nothing that could offset the education. Commissioner Graham asked what it

was Mr. Quaney received credit for, how much and did Mr. Quaney feel comfortable with the assessment. Ms. Holguin said that because at that time they did not allow for military experience to offset for the 12 college credit hours, the procedure they used was to have the experience assessed by a college/university. She said since then they have changed the job specification to allow military experience to offset the 12 college credit hours. Mr. Quaney told the Commission he did not have the 12 college credit hours but he did have six and a half years in the U.S. Marine Corps., a combat tour and six years related experience dealing with security on Fort Bliss where he is currently employed. He said he believes that all of his experience should be equivalent to the two college credits that he is short. Mr. Quaney said he had gone through field artillery training, motor transport school, and military police school. Ms. Cuellar said the Commission's guidelines did not allow experience to substitute for education but sometimes there were certain courses with military training that colleges would allow to substitute for college credit. She said the fact that Mr. Quaney's experience could not substitute for the college credit requirement. She said the school had already given him credit for the types of courses that were similar to college courses that he could have taken. Commissioner Graham said that based on his own 20 years of military experience, he believed Mr. Quaney should have gotten at least 30 college credit hours. Ms. Thomas said Community College gave Mr. Quaney three credit hours for his military experience and he also took a 1 credit course and a three credit course so Mr. Quaney had seven college credit hours. Mr. Quaney said he attended the first half of Community College's 2006 Summer mini-mester and got three college credit hours which would bring his total to 10 hours. Mr. Quaney asked the Commission to allow him to substitute his military experience for education based on the recent change that allows that. Ms. Thomas said TCLEOSE would accept that substitution so it would be up to the Commission. She said the standard for TCLEOSE for a police officer was that they had to have a minimum 12 hours college credit. She said the TCLEOSE standard states that education can be substituted for military experience. She said Human Resources had since changed the job specs that candidates have to have 12 hours credit or the military experience. She said Mr. Quaney applied prior to this standard. Ms. Thomas said if Mr. Quaney applied now his military experience would count and his appeal would not be before the commission. Ms. Cuellar said the reason the Commission was able to approve the appeal was because the job specification now allowed that substitution and that takes precedence over the policy.

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

C. Delgado, Israel – Police Trainee

PER THE REQUEST OF MS. THOMAS THE ITEM WAS DELETED BECAUSE THE CANDIDATE FAILED THE EXAM.

D. Quezada, Teresa – Deputy Director of Planning

Ms. Quezada was present. Ms. Quezada said her disqualification was based on experience and she said she believed she did have the experience as far as comprehensive planning in her current position as Capital Improvement Programs Administrator (CIP) Administrator and in her past positions as Municipal Services Assistant Director for Administration and Program Manager for the Public Works Department. She asked the Commission to look at the job descriptions for the Capital Improvement Programs Administrator (CIP) and the Deputy Director of Planning. She said there were more similarities than differences in the two job descriptions. She said the two positions are on different levels but everything she does in her current job has an inherent planning component. She said she had also served as co-chair on the staff implementation committee for the subdivision ordinance rewrite that occurred in 1997. She said she had had experience with boards and commissions and advisory committees. She said she took the exam for the position on a conditional basis pending the appeal and she said that out of the

seven questions only one dealt with planning and the others dealt with public involvement which is something she has extensive experience in. Ms. Thomas said Ms. Quezada has supervisory experience but she had not supervised a planning department or a planning division and that is where the deficit was. Mr. Alan Shubert, Development Services Director, they are looking for someone who has urban or regional planning experience to fill the Deputy Director of Planning position. He said they are looking for someone who knows the actions that are required from a planned commission and a zoning board. He said this person needs to have experience supervising people who have overseen the zoning board of adjustment or a city planning commission. Commissioner Mosher asked what type of position could promote to the Director of Planning Position and Mr. Shubert said chief urban planners would be able to promote. Mr. Shubert said the position requires some technical knowledge and the person needs to understand the statutes and municipal codes with regards to planning and land use. Ms. Quezada said she deals with engineers on a daily basis so technical information is not foreign to her. Commissioner Graham said Ms. Quezada was very close to a discipline that is required because she has the education and the supervisory experience but does not have the specific supervisory experience that the department requires. Commissioner Graham asked Mr. Shubert who came up with the requirements for this position and Mr. Shubert said the requirements were developed by both the Human resources department and the Development Department.

MOTION TO APPROVE MADE BY COMMISSIONER GRAHAM AND SECONDED BY COMMISSIONER MOSHER AND PASSED BY A VOTE OF FIVE TO ONE.

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

E. Nava, Jesus Jose – Maintenance Service Ticket Writer

Mr. Nava was present and told the Commission that he worked in automotive sales and also worked closely with service tech writers. He said he is very familiar with the duties in the job description. Commissioner Graham asked if the only deficit that he had was that he lacked one year of automotive service work and Ms. Thomas said that was correct.

MOTION TO APPROVE MADE BY COMMISSIONER GRAHAM AND SECONDED BY COMMISSIONER REYNOLDS AND PASSED BY A VOTE OF FOUR TO THREE WITH A VOTE TO APPROVE BY CHAIR BOURESLAN.

Ayes: Commissioners Graham, Reynolds, Scott, Chair Boureslan
Nays: Commissioners Gezelius, Schwartz, Mosher

F. Acosta, Jose – Transit Operations Superintendent

Mr. Acosta was present and said when he spoke with Human Resources he was told the only thing he lacked was six years transit operations experience. He said he has been working in the capacity of Services for Transportation as a whole and did not understand why he did not qualify because he deals with transit operations. He said he was given credit for his previous employment as a branch operations manager and was also given credit for education. Kevin Bunce, Sun Metro Assistant General Manager for Operations and Maintenance, said Mr. Acosta's experience was in safety and training but that did not involve working with the operators on a daily basis or interacting with the operations that make service happen every day. He said Mr. Acosta interacts with operators and dispatchers in a different capacity than the superintendent. Commissioner Graham asked Mr. Bunce how much of a difference there was in Mr. Acosta's current position and the Superintendent's position he was applying for. Mr. Bunce said Mr. Acosta interacts in safety and training with the operators but in the

superintendent position he would be dealing with the operators as far as schedule adherence or with the dispatchers as far as getting the service out. He also said he would be dealing with all the issues that come up with the operators whether it be with the grievance process or the promotion discipline. Mr. Buntz said the safety and training operation is different in the interaction with the operators, dispatchers and transit supervisors. Commissioner Graham asked if Mr. Acosta supervised a staff and if all managers receive supervisory training and Mr. Bunce answered yes to both questions. Commissioner Graham asked Mr. Bunce if the department had input when developing the job specification and Mr. Bunce said he would imagine when it comes to revising the job specification otherwise Human Resources drafts it. Ms. Cuellar said the job specifications are drafted by human resources with input from the department. Commissioner Graham said he was trying to determine the validity of the four year requirement on the job specification and that was why he wanted to hear from the department head. Chair Boureslan said the department head could not add or subtract requirements to the job specification once it was approved. Ms. Thomas said this job specification was approved by the Commission March 06. Ms. Thomas said the department head may recommend 10 years experience for a position but human resources may recommend four years instead. She said Human Resources does a study to see what experience is needed for a particular field. Commissioner Graham asked Mr. Bunce if based on the four years required on the job specification, did he think that Mr. Acosta would not be able to do the job and Mr. Bunce answered that's correct.

MOTION TO DENY MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER MOSHER AND PASSED BY A VOTE OF FOUR TO TWO.

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

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER SCOTT AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 7:34 p.m. to discuss Items 14 and 15A and B, 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

14. 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 11.3.g:

Martinez, Eulalio – EPWU Water Plant Technician II

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

MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER GRAHAM 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.3:

A. Rivera, Daniel – Coach Operator Trainee/Licensed Coach Operator Trainee

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

MOTION TO DENY MADE BY COMMISSIONER SCHWARTZ AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

C. Gandara, Carlos – Equipment Operator II

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

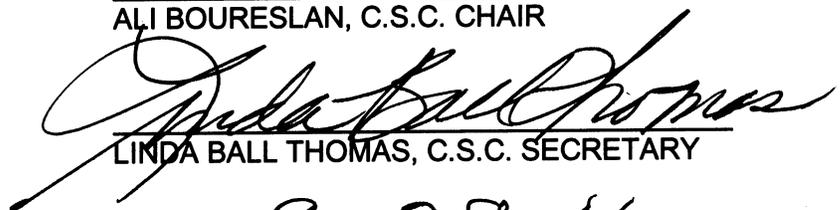
MOTION TO DENY MADE BY COMMISSIONER SCHWARTZ AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER GEZELIUS SECONDED BY COMMISSIONER REYNOLDS AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 7:46 P.M.


ALI BOURESLAN, C.S.C. CHAIR


LINDA BALL THOMAS, C.S.C. SECRETARY

9-28-06
DATE APPROVED