

1c

**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, SEPTEMBER 22, 2005
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

MEMBERS PRESENT: Boureslan, Ali
Ellis, William - Chair
Gezelius, Ken
Graham, Elijah
Martinez, Ramy
Ruck, Lance
Schwartz, Elma
Scott, Valerie

MEMBERS ABSENT: Peña, Andrew

ALSO PRESENT:

Abascal, Ruben	Momsen, Richarda Duffy – Municipal Clerk
Buenning, Rosy – CSC Recorder	Myers, George
DeBruhl, Edward	Pearson, Anthony – District 1
Dowling, Winifred – Community & Human Development	Peña, Armando - Human Resources
Elizondo, Lisa – Attorney at Law	Przepasniak, Jim – El Paso Public Library
Fargo, Peter - Human Resources	Rodriguez, Art
Fonseca de Borges, Julie – Museum	Scott, Terry Lee – Public Transit
Kilgore, Dinah – AFSCME Local 59	Studer, Bill – Deputy City Manager
Lockhart, Bill	Thomas, Linda Ball–CSC Sec/Interim HR Dir.
	Williams, Jerome

The meeting convened at 6:07 p.m. with a quorum of 8 Commissioners present and Chair Ellis presiding.

CONSENT AGENDA

Ms. Thomas requested that Items 1A and 1B be tabled, that a correction be made to Items 10A and 10B on the backup because the ending date should read 03/24/06, not 08/24/06, and that Item 14 be deleted as Mr. Aranda had provided proper documentation which qualified him, therefore, he would remain on the reinstatement list.

Commissioner Gezelius requested that Items 7A and 7B be moved to the Regular Agenda.

Commissioner Boureslan requested that Item 2C be moved to the Regular Agenda.

Chair Ellis said he wanted to move Item 7C to the Regular Agenda.

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

1. Discussion and Action on Approval of Minutes:
 - A. August 25, 2005 (Tabled 090805)
 - B. September 8, 2005

2. A. Two (2) Personal Services Contracts with Nancy Melendez-Forbes to perform the duties of SAMSHSA Focus Project Developer and Gabriela Martinez to perform the duties of SAMSHSA Focus Project Manager from September 30, 2005 through September 29, 2006, for Community & Human Development.
 - B. Cooperative Education Contract with Lidia Vargas to perform the duties of Library Assistant from September 26, 2005 through September 25, 2006, for the El Paso Public Library.

- C. Eight (8) Independent Services Contracts to perform the duties of Teacher Workshop Facilitator from September 26, 2005 through November 30, 2005, for the El Paso Museum of Art.
- | | |
|---------------------------|--------------------|
| 1. Blanco, Anne | 5. Dueñez, Dolores |
| 2. Chavarria Jones, Rosie | 6. Jensen, Coral |
| 3. Clouser, Dorian | 7. Light, Susan |
| 4. Diaz, Rodolfo | 8. Wilson, Gloria |

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

Commissioner Boureslan said that the contract did not match the request by the department. He also questioned why the standard language always had to be included (i.e., not to exceed \$10,000 or \$50,000, etc.). He believed all contracts should match the requests.

Asst. City Attorney John Batoon said that the recitation in the second paragraph was limitation on the contract. He told the Commission that if they wanted the exact hourly amount listed on the request to be placed in the contract it could be done, but the contract was not incorrect.

Discussion.

Asst. City Attorney John Batoon said he could include the specifics they were requesting in future contracts.

MOTION TO APPROVE ITEM 2C WITH THE PROVISIO THAT IN THE FUTURE ALL CONTRACTS MATCH THE CONTRACT REQUESTS MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

- D. Five (5) Personal Services Contracts for the El Paso Police Department:

1. Duran, Cindy – Crisis Response Team Case Manager – 10/01/05 to 06/30/06
2. Petrozza-Meraz, Margaret – Safe Communities Coordinator – 10/01/05 to 09/30/06
3. Piñon, Paul – Human Trafficking Coordinator – 09/28/05 to 11/30/07
4. Rivera, Maria Elena – Crisis Response Team Case Manager – 10/01/05 to 06/30/06
5. Salinas, Julian – Crisis Response Team Case Manager – 09/26/05 to 06/30/06

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

- | | |
|----------------------------|-----------------------------|
| A. Cardenas-Hector-Zoo | E. Menchaca-Ray-Police |
| B. Conner-Rick-Engineering | F. Rodriguez-Victor-Airport |
| C. Gomez-Mando-Police | G. Romo-Charles-Police |
| D. Gonzalez-Jorge-Police | H. Surface-John-Police |

4. Notice of Promulgation of Eligible Lists:

- A. Senior Grants Planner = Promulgated 09/02/05 (P-4)(O-0)
- B. Water Utilities Engineer = Promulgated 09/02/05 (P-1)
- C. Tax Deputy Administrator = Promulgated 09/07/05 (P-5)
- D. Assistant Airport Operations Officer = Promulgated 09/09/05 (P-3)CR-3)(O-4)
- E. Community Development Grants and Program Administrator = Promulgated 09/09/05 (P-3)
- F. Library Assistant = Promulgated 09/09/05 (P-1)(CR-4)(O-142)
- G. Zoo Maintenance Worker = Promulgated 09/09/05 (P-3)(O-11)
- H. Financial Report Manager = Promulgated 09/12/05 (P-1)
- I. Planner I = Promulgated 09/12/05 (P-5)(O-11)
- J. Public Arts Program Coordinator = Promulgated 09/12/05 (P-1)(O-2)
- K. Secretary II = Promulgated 09/13/05 (P-9)(CR-2)(O-5)

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>
Official:	Comptroller	5279	EX B
Proposed:	Financial Services Chief Financial Officer	Same	EX A

5.5 Discussion and Action on Approval of placement of incumbents into reclassified positions:	<u>Title</u>	<u>Code</u>	<u>Grade</u>
Official:	Comptroller	5279	EX B
Proposed:	Financial Services Chief Financial Officer Arrieta-Candelaria, Carmen	Same	EX A

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

Avila, Moises – Termination – Police Dept. (IA05-123)

7. Discussion and Action on request to assign pending appeal cases:

Item 7 was addressed at the beginning of the Regular Agenda.

Commissioner Gezelius asked if appeals of this kind could be heard “on bonk” or if they had to go to a Hearing Officer?

Assistant City Attorney Lupe Cuellar said the Commission could choose to hear the cases if they wanted to.

- A. Lopez, Alfredo – Termination – Mass Transit
- B. Vela, Javier – Termination – Airport

MOTION TO ASSIGN ITEMS 7A AND 7B TO A HEARING OFFICER MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 5 TO 2.

Ayes: Commissioners Graham, Martinez, Schwartz, Scott, Ruck

Nays: Commissioner Gezelius, Boureslan

- C. Bruce, Lucy – Termination – El Paso Zoo

Assistant City Attorney Lupe Cuellar stated that according to how the item was posted the Commission could either assign the case to a Hearing Officer or choose to hear the matter themselves. She didn't believe the item was properly posted to hear the jurisdictional issue or the merits of the case. She stated that if it was a jurisdictional issue, normally those jurisdictional issues were also referred to the Hearing Officer.

Chair Ellis so noted Ms. Cuellar's advice and asked the Zoo representative if he had brought the investigative file with him.

Mr. John Kiseda, Animal Curator, stated that he had brought a few documents with him that he believed constituted the investigation documents in this case.

Chair Ellis asked the Commission Recorder what the request to the Zoo was as far as producing documents.

Rosy Buenning, CSC Recorder, stated she had emailed the department head and his secretary to request that they bring the investigative file with them to this meeting.

Discussion.

Chair Ellis requested that a notation be made to the Hearing Officer assigned the case to inquire as to whether the provisions of Rule 15.3.d. were complied with.

MOTION TO ASSIGN ITEM 7C TO A HEARING OFFICER MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER RUCK AND PASSED BY A VOTE OF 6 TO 1.

Ayes: Commissioners Graham, Martinez, Gezelius, Schwartz, Scott, Ruck
Nays: Commissioner Boureslan

Chair Ellis commented to Mr. Kiseda that the Commission has subpoena power and that when an email went out requesting that certain documents be produced at the meeting, that it should probably be regarded as a very strong suggestion, falling just short of a subpoena. He asked Mr. Kiseda if he would please relay this information to whomever decided not to comply with the request.

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

A. Williamson, Alicia – Accountant I – Police Dept.

9. Discussion and Action on request to have name placed on Reinstatement List:

Item Not Used

10. Discussion and Action on Request for Temporary Promotion:

A. Alvarado, Dolores – Tax Office (correction to backup – through 03/24/06)
From: Accounting Clerk
To: Accounting Technician

B. Guevara, Lilia – Municipal Court (correction to backup – through 03/24/06)
From: Cashier II
To: Collection Supervisor

C. Ramsey, Paul – Police Dept.
From: Police Officer
To: Police Sergeant

D. Spalloni, Marco – Police Dept.
From: Police Sergeant]
To: Police Lieutenant

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

A. Palafox, Patricia – Dated 08/31/05 – August 2005
B. Cross, Roberta – Dated 09/19/05 – August 2005

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

A. 1. Administrative Analyst – Extended through March 26, 2006
2. Equipment Operator I – Extended through March 25, 2006
3. Industrial Engineer Associate II – Extended through March 25, 2006
4. Information Entry Operator – Extended through March 23, 2006
5. Meter Reader – Extended through March 23, 2006
6. Airport Maintenance Worker – Extended through April 12, 2006
7. Water Meter Repairer I – Extended through April 06, 2006

REGULAR AGENDA

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

Nealis, Erik – Library Information Specialist II - Library

Chair Ellis assigned a committee consisting of himself, Commissioners Graham and Scott to hear this appeal.

MOTION TO DELETE ITEM 13 MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

14. Discussion and Action on Miscellaneous Appeal filed by Javier Aranda reference Reinstatement Request for Police Officer (Tabled 09/08/05).

This item was deleted concurrent with approval of the consent agenda.

15. Discussion and Action on Grievance filed by:

Arellano, Jaime – Mass Transit re: The manner in which the Department handles Passenger Complaints.

MOTION TO ADJOURN TO EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

The Commission retired into Executive Session at 6:30 p.m. to discuss Item 15, and reconvened for Open Session at 7:14 p.m.

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

Chair Ellis advised that the Commission agreed that the grievance procedure in this case broke down at paragraph numbered three (3) of Rule 24. They believed that the grievance on its face complies with the provisions of the rule but did not comply with the procedure through Step 3 in that there was no meeting between the department head and the grievant. He said there was also a possibility that this matter could constitute a 13.c. grievance.

Mr. Arellano asked if the Commission had gone over the tangible evidence presented with his grievance.

Chair Ellis advised that there was a procedural problem that needed to be resolved before getting to that point.

Mr. Arellano said all he was looking for was to be treated fairly and equally to other coach operators

Terry Lee Scott, Sun Metro Director, answered several questions from the Commission.

George Myers, President of Amalgamated Transit Union, stated that the grievance procedure that the Commission had now had violated their rights under 13.c.

Assistant City Attorney Lupe Cuellar said they were separate procedures and should be taken up separately.

Edward DeBruhl, Coach Operator, said he has had meetings in the past with Mr. Scott under Step 3 and has always gotten paid for that time.

Discussion.

MOTION THAT THIS GRIEVANCE BE REMANDED BACK TO THE DEPARTMENT HEAD FOR COMPLIANCE WITH RULE 24, SECTION 3, MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

- 16. Discussion on proposed amendments to Rule 13, Leave of Absence, Resignation, Sick Leave and Vacations.

Chair Ellis commented that the next meeting of the committee was on October 11th, right before the Commission's first meeting in October.

Commissioner Ruck said he wanted to discuss an amendment to Rule 13, Section 7 as discussed at the last meeting when they approved Mr. Ortiz' reinstatement after a year because of the special circumstances. Commissioner Ruck said he had the language he wanted to add as an amendment.

Chair Ellis requested the language so that the committee could review it and insert it into the rule.

Assistant City Attorney Lupe Cuellar told the Commission that City Council has also asked that that specific section of the rule be amended and brought to them.

Commissioner Ruck asked if City Council had acted on the Ortiz matter.

Assistant City Attorney Lupe Cuellar advised that City Council had denied the request because it did not comply with that specific provision of the rule.

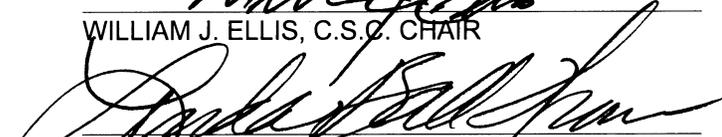
MOTION TO DELETE ITEM 16 MADE BY COMMISSIONER RUCK SECONDED BY COMMISSIONER GRAHAM ND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 7:48 P.M.



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



 LINDA BALL THOMAS, C.S.C. SECRETARY

10-13-05

 DATE APPROVED