

MINUTES
AGENDA FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
TO BE HELD AT 6:00 P.M., THURSDAY EVENING, OCTOBER 12, 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
 Brannon, Edith
 Gezelius, Ken
 Graham, Elijah
 Mosher, Fran
 Reynolds, Thurman
 Ruck, Lance
 Scott, Valerie

MEMBERS ABSENT: Schwartz, Elma

CONSENT AGENDA

The meeting convened at 6:00 p.m. with seven Commissioners and Chair Boureslan presiding. Chair Boureslan began the meeting by asking if there were any changes to the agenda. Human Resources Director Linda Ball Thomas informed the Commissioners that the back up provided to them for Item 9 was instead the backup for Item 10 and vice-versa. Teresa Quezada asked the Commission to move item 2G to the regular agenda because she wanted to ask for a postponement. Commissioner Ruck requested that item 2.5 be moved to the regular agenda and Commissioner Gezelius requested that Item 6B also be moved to the regular agenda.

1. Discussion and Action on Approval of Minutes:

September 28, 2006

2. Notice of Promulgation of Eligible Lists:

- A. Maintenance Service Ticket Writer = Promulgated 10/03/06 (P-2) (O-23)
- B. Fixed Route Assistant Superintendent = Promulgated 10/02/06 (P-2) (O-2)
- C. Electrical Engineer = Promulgated 09/29/06 (O-1)
- D. Utility Field Customer Service Worker = Promulgated 09/27/06 (P-6) (CR-1)
- E. Utility Security Coordinator = Promulgated 09/27/06 (O-3)
- F. Police Trainee = Promulgated 09/25/06 (O-183)
- G. Deputy Director - Planning = Promulgated 09/20/06 (O-5)

Teresa Quezada spoke regarding Item 2G. She said she appeared before the Commission last month regarding qualification for the Deputy Director – Planning position. She said since then she received the results of the examination and had asked human resources questions regarding the administration of the examination. She said to date she has not received any responses. She said she would like some time to review those responses and look at what options she had as far as her score. She said for that reason she asked the Commission not to

promulgate that list until the questions she had had been answered. Chair Boureslan asked if there would be a problem with Ms. Quezada's request. Ms. Thomas said the Commission qualified Ms. Quezada for the position however, Ms. Quezada failed the exam. She said Ms. Quezada was on the list as failing the exam. Chair Boureslan asked Ms. Thomas if there would be a problem if the Commission postponed promulgating the list. Ms. Thomas said yes because the list had been promulgated, and interviews for the position had already been conducted. She said they were in negotiations with an applicant for the position and they needed to move forward for the appointment of Deputy Director – Planning. Assistant City Attorney John Batoon said that applicants sign a waiver that they won't challenge the exam's results when they take the exam and Ms. Quezada signed the waiver. He said the City had a necessity to go forward to hire someone for the position and he did not think there was any basis for delay.

MOTION TO PROMULGATE THE LIST MADE BY COMMISSIONER BRANNON AND SECONDED BY COMMISSIONER MOSHER AND PASSED BY A VOTE OF SIX TO ONE.

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

2.5 Action and Discussion on Approval of Contract:

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

Commissioner Ruck asked if the amount on the contract was the same amount as on the previous contract. Ms. Thomas said this contract was four percent higher than the last contract because Ms. Brown was on an eligible list for another position within the City that would pay four percent more. She said they matched the amount.

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

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

- A. Ontiveros, Eduardo Jr. – Accident With Pay (AWP) (DOI 08/27/06) - Fire
- B. Solarza, Sergio – Termination – El Paso Zoo

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

Estrada, Jorge – Suspension – Police Dept. (IA06-045)

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

- A. Sandiego, Martin – Equipment Operator – Environmental Services
- B. Lujan, Magdalena – Communication Dispatcher - Mass Transit
- C. Zamora, Grace – Senior Office Assistant – Street Department
- D. Collazo, Diana – Senior Office Assistant – Financial Services (Purchasing)
- E. Gonzalez, Eliseo – General Service Worker – Environmental Services
- F. Espino, Raul – General Service Worker – Environmental Services

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

- A. Borunda, Chris – Invoices 38070 and 38071 – Dated 08/31/06
- B. Palafox, Patricia L. – July 2006, August 2006, September 2006 – Dated 10/01/06

Patricia Palafox was present. Commissioner Gezelius had a question regarding an item on Ms. Palafox's invoice from 09/14/06. He asked if the Commission was being charged for getting a report from the hearing officers on the status of cases. Ms. Palafox said if that was the only concern with that invoice then she had no problem taking it off. Chair Boureslan asked for input from Assistant City Attorney Lupe Cuellar. Ms. Cuellar said she no longer reviewed the hearing officer's invoices since the Commission determined that they did not want the City Attorney's office to do that. She said if Ms. Palafox put in the time to provide an update and she was doing work related to the cases she was entitled to compensation. Chair Boureslan said if the Commission requests something from the hearing officer, then the hearing officer should be paid.

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

- 6.5 For Notation: Hearing Officer Patricia Palafox's request for an extension on Report and Recommendation for Sandra Ortiz's Suspension Appeal (06-18PD-PP).

MOTION TO APPROVE CONSENT AGENDA AND MOVE ITEM 2G FROM THE CONSENT AGENDA TO THE REGULAR AGENDA MADE BY COMMISSIONER GEZELIUS AND SECONDED BY COMMISSIONER MOSHER AND UNANIMOUSLY PASSED.

REGULAR AGENDA

7. Discussion on the proper use of CSC committees for the following:
- A. Disciplinary appeals
 - B. Grievances
 - C. Equal Employment Opportunity Complaints
 - D. Evaluation appeals when employee receives a competent or above evaluation

Commissioner Gezelius said he put this item on the agenda because the CSC meeting was the only place the Commission could talk about its rules and procedures and he wanted to get the Commissioner's input on what they want to consider doing or changing regarding committees. Commissioner Ruck said in view of how the item was posted there was no proper use for CSC Committees for Disciplinary appeals. He said either a hearing officer hears it or a majority of the Commission hears it. He said 7A was mute. Commissioner Ruck said the Commission had already dealt with evaluation appeals and he agrees that if someone feels that they are better than competent then they should have the opportunity to appeal it. He said he did not see anything in the charter or rules that allow or prohibit committees for 7B and C. He said generally grievances and EEO complaints are heard before the whole Commission. Commissioner Mosher asked if a sexual harassment complaint would be heard in an open session before the Commission. Chair Boureslan said no the case could go to executive session. He said only the petitioner or employee could put it in open session. Chair Boureslan said the committees, subcommittees and grievances are all addressed in the rules and the Commission has not violated the rules.

MOTION TO DELIETE MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM.

Discussion.

Commissioner Mosher asked Commissioner Gezelius if he had some specific concerns regarding the committees. Commissioner Gezelius said in competent employee evaluation appeals the Commission is asked to substitute their judgment for the judgment of a supervisor and a chain of command who has spent a year with the employee. He said in a case of competent or above there is no monetary penalty. He said employees qualify for competency raises and probably won't get a merit raise regardless of what the final performance review is changed too because it is not automatic. Commissioner Mosher said that having done the last two performance evaluation hearings, what the committee considers is an allegation of prejudice within the context of the evaluation or items that were not considered during the initial evaluation. She said there could be items that the supervisor failed to consider that would impact the rating. She said that many employees rely upon their history in their personnel file as a statement about their work. She said when she calls an employer to get a reference, she is asking the employer to tell them what is in the employees file. Commissioner Graham said performance evaluation appeals improve the moral of the labor force. Commissioner Gezelius said performance evaluation appeals may take all afternoon and in some cases involve the department head and the chain of command and an entire section may be disrupted for half a day. He said sometimes appeals are a cover for a grievance. He said an employee may use the appeals process to bring out their grievance. He said in these cases a lot of time is investment but not much comes out of it. He said cases involving one day suspension may be improved by having those cases heard by the full Commission as opposed to a hearing officer and may save time and money. Commissioner Reynolds said sometimes the Commission is the intermediary between the employee and the boss and gives the employees a feeling of security that they have someone else they can talk too. Chair Boureslan said Items 7A through D are the Commissions responsibility under Section 6.1-1 in the City's Charter. Ms. Cuellar said her understanding of what Commissioner Gezelius was trying to accomplish on Items 7A, B and C was that it was his thoughts that it would be more efficient and economical use of the Commission's time to use subcommittees to hear grievances and EEO complaints and it would also be an efficient and economic use of time if the full Commission heard disciplinary appeals of a certain level. Chair Boureslan said to appoint the subcommittees was the Chair's decision as long as there were enough volunteers among the Commissioners. He said the Commission is adhering to the City Charter and the CSC rules. Commissioner Gezelius said any organization and any system can be improved and if the Commission does not look at it or talk about it then no changes will be made. He said he wanted it to be known that the Commission does look at its rules, policies and the Charter and if the Commission sees a way they can improve then they will. Chair Boureslan said the Commission just went through hours of meetings and discussions changing the rules and voting on it. He said once a rule is adopted it becomes what the Commission goes by. He said the Commission cannot be constantly trying to change its rules or trying to infringe on the charter. Commissioner Gezelius said looking at rules and procedures was an attempt to improve.

MOTION TO DELIETE MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY APPROVED.

8. *Item Not Used*

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

The Commission retired into Executive Session at 6:47 p.m. to discuss Items 9 and 10 and reconvened for Open Session at 6:58 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

- 9. 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.2:

Johns, Joseph David – Public Information Specialist

- 10. 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.:

Delgado, Cynthia – Project Compliance Specialist

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

MOTION TO APPROVE ITEM 9 MADE BY COMMISSIONER RUCK AND SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

MOTION TO APPROVE ITEM 10 MADE BY COMMISSIONER REYNOLDS AND SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 7: 00 P.M.

Ali Boureslan

 ALI BOURESLAN, C.S.C. CHAIR

Linda Ball Thomas

 LINDA BALL THOMAS, C.S.C. SECRETARY

10 26 06

 DATE APPROVED