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**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
HELD AT 6:00 P.M., THURSDAY EVENING, OCTOBER 13, 2005
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

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

MEMBERS ABSENT: Graham, Elijah
Peña, Andrew
Ruck, Lance

ALSO PRESENT:

Apodaca, Andrew	Mendoza, Elizabeth
Apodaca, Corina	Mendoza, Ray Jr.
Arballo, Bill – AFSCME	Opdyke, Robert
Baker, Richard	Parson, Alan – Fire Dept.
Batoon, John – Asst. City Attorney	Pearson, Anthony – District I
Buening, Rosy – CSC Recorder	Przepasniak, Jim – Library
Ceniceros, Leo - Human Resources	Puga, Monica - Human Resources
Cordova, Art	Rios, David – Fire Dept.
Cuellar, Lupe – Asst. City Attorney	Salina, Bertha - El Paso Water Utilities
Gilyard, Roy – MPO	Sanchez, Ruben
Gomez, Jaime	Smyth, Ellen – Environmental Services
Hutchinson, L. R. – El Paso Zoo	Stokes, Lowell - El Paso Water Utilities
Kilgore, Dinah	Sweeney, Will
Kitka, Dan – Street Dept.	Thomas, Linda Ball – CSC Secretary/Interim HR Director
Lara, Christy	Wiles, Richard – Chief of Police
Loweree, Fred - El Paso Water Utilities	Zeiger, David – Fire Dept.
Marquez, Ricardo – Solid Waste Mgmt.	
Medina, Jesus	

The meeting convened at 6:03 p.m. with a quorum of 6 Commissioners present and Chair Ellis presiding.

Chair Ellis commented that during the past week there were six Commissioners who considered evaluation appeals. He said that the members of the Commission contribute their time and effort so freely and diligently and often go unnoticed so he wanted to take this opportunity to thank them for their contributions.

CONSENT AGENDA

Ms. Thomas requested that Items 2C, 2H, 5, 10D and 17B be deleted. She also requested a correction to Item 3H to Equipment Operator III instead of II, Item 13B should read “Erik” instead of “Erika.” She advised that the appellant in Item 14B requested his item tabled to 11/10/05, and the appellant in Item 14C requested his item be tabled to the next meeting. She said the City Manager requested that Item 19 be moved to the beginning of the Regular Agenda.

Commissioner Gezelius requested Items 6C and 6E be moved to the Regular Agenda.

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

CONSENT AGENDA

1. Discussion and Action on Approval of Minutes:
 - A. August 25, 2005 (Tabled 090805 & 09/22/05)

- B. September 8, 2005 (Tabled 09/22/05)
 - C. September 22, 2005
2. A. Two (2) Undergraduate Intern Contracts for Juliana Baldwin from October 17, 2005 through April 17, 2006 and Emma Beall from October 17, 2005 through January 16, 2006 for the Airport.
- B. Two (2) Personal Services Contract with Michael Medina to perform the duties of Transportation Special Projects Planner Assistant and Christina Stokes to perform the duties of Secretary from October 17, 2005 through October 16, 2006, for the Metropolitan Planning Organization.
 - C. Independent Services Contract with Patricia Hernandez to perform the duties of Court Interpreter from October 17, 2005 through August 31, 2006 for the Municipal Clerk.

This item was deleted concurrent with the approval of the Consent Agenda.

- D. Graduate Intern Contract for Phillip Boyd from October 17, 2005 through May 12, 2006, for the Office of Management and Budget.
- E. *Item Not Used*
- F. Personal Services Contract with Anna Luisa Benegas to perform the duties of Daycare Supervisor from October 17, 2005 through August 31, 2006, for Parks and Recreation.
- G. Cooperative Education Contract with Roberto Arcelus to perform the duties of Industrial Engineer Technician I from October 17, 2005 through October 16, 2006, for Environmental Services.
- H. Personal Services Contract with Jane Brunton to perform the duties of Tax Customer Accounts Tax Clerk II from October 14, 2005 through October 14, 2006, for the Tax Office.

This item was deleted concurrent with the approval of the Consent Agenda.

- I. Independent Services Contract with Peter Koplos to perform the duties of On-Call Veterinarian from October 15, 2005 through October 14, 2006, for the El Paso Zoo.
 - J. Personal Services Contract with Nancy Melendez-Forbes to perform the duties of Social Services Project Coordinator from October 14, 2005 through July 31, 2006, for Community & Human Development.
3. Notice of Promulgation of Eligible Lists:
- A. Electrician Supervisor = Promulgated 09/15/05 (P-1)
 - B. Maintenance Mechanic I = Promulgated 09/15/05 (P-5)(O-8)(CR-1)
 - C. Licensed Coach Operator Trainee = Promulgated 09/19/05 (O-12)
 - D. Paratransit Coach Operator = Promulgated 09/19/05 (P-2)(CR-0)(O-26)
 - E. Clerk Typist II = Promulgated 09/26/05 (O-36)
 - F. Municipal Court Sentencing Coordinator = Promulgated 09/26/05 (O-8)
 - G. Aviation Operations & Security Assistant = Promulgated 09/27/05 (P-1)(O-2)
 - H. Equipment Operator II = Promulgated 09/27/05 (P-12)(CR-1)
 - I. Police Alarm Monitor = Promulgated 09/28/05 (CR-2)(O-15)
 - J. Accountant I = Promulgated 09/30/05 (P-1)(O-9)
 - K. Customer Accounts Tax Clerk = Promulgated 09/30/05 (O-3)
 - L. Police Records Specialist II = Promulgated 09/30/05 (P-5)(CR-1)(O-18)

4. For Notation: Request to have appeal heard by Arbitrator:
- A. Casillas, Jeremiah – Suspension – Police Dept. (CP05-066)
 - B. Johnson, Louis – Suspension – Police Dept. (IA05-059)
 - C. Zamudio, Sandra – Suspension – Police Dept. (IA05-059)

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

Flores, Albert – Suspension – Police Dept.

This item was deleted concurrent with the approval of the Consent Agenda.

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

- A. Candelaria, Antonio – Maintenance Mechanic I – Airport
- B. Dominguez, Rocio – Engineering Technician III – Engineering
- C. Fonseca, Mario – Laborer – Street Dept.

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

Commissioner Gezelius asked if it was allowable for employees with a “meets minimum standards” on their performance evaluation to apply for a transfer.

Chair Ellis stated that historically he recalled the Commission denying a transfer request because the employee had deficiencies in performance. However, there were also times when they had approved such requests.

Ms. Thomas stated that the employee was requesting to be placed on the transfer list. She stated that once the name is on the transfer list there is no guarantee that the employee will actually transfer.

Assistant City Attorney Lupe Cuellar stated that the Department Head had to select an individual off a list.

MOTION TO APPROVE ITEM 6C MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

- D. Herrera, Maria – Customer Relations Clerk – Environmental Services
- E. Mendoza, Elizabeth – Clerical Assistant – El Paso Zoo

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

Commissioner Gezelius said this evaluation was a little more questionable because it was marginal and it didn't recommend permanent status.

Dr. Hutchinson, Zoo Director, clarified that the individual did not pass a probation on a promotion therefore was sent back to her previous position of Clerical Assistant, a position that she was competent in.

MOTION TO APPROVE ITEM 6E MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

- F. Nelson, Deborah – Information Processor Operator - Engineering

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

Marquez, Ricardo – Automated Refuse Collection Operator – Environmental Services

8. Discussion and Action on Request for Temporary Promotion:

Parra, Abraham – Street Dept.
From: Laborer
To: Street Resurfacing Inspector

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

Palafox, Patricia – Dated 10/04/05 – for services performed September 2005

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

- A. Budget Management Analyst II – Extended through April 16, 2006
- B. Customer Service Supervisor II – Extended through April 26, 2006
- C. Deputy Court Clerk II – Extended through April 27, 2006
- D. Engineering Division Manager – Extended through April 27, 2006

This item was deleted concurrent with the approval of the Consent Agenda.

- E. Latent Print Examiner – Extended through April 22, 2006
- F. Personnel & Accounting Clerk – Extended through April 27, 2006
- G. Recreation Specialist – Extended through April 21, 2006

REGULAR AGENDA

Items 19, 6C and 6E were addressed here.

- 11. A. Discussion and Action on amending Rule 15, Suspension, Reduction, Discharge, to allow written reprimands to be appealed to the Commission.
- B. Discussion and Action on revising the current policy of the Commission regarding the appeal of written reprimands

MOTION TO CONSIDER ITEMS 11A AND 11B TOGETHER MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

Bill Arballo, AFSCME representative, requested that written reprimands be included in items that are appealable to the Commission. He stated that right now written reprimands place employees at a disadvantage for future promotions and for merit increase recommendations. He said that various departments were now utilizing this tool with the understanding that the only alternative an employee currently has to a written reprimand is to write a rebuttal to it, but the reprimand is placed in the employee's file and lives with them forever. He requested the Commission consider allowing written reprimands to be appealed.

Chair Ellis requested the item be tabled until the first meeting in November, he said he wanted to give the issue some more thought.

MOTION TO TABLE ITEMS 11A AND 11B TO THE 11/10/05 CSC MEETING MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER BOURESLAN AND UNANIMOUSLY PASSED.

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

Chair Ellis advised that the study of this rule commenced on August 12, 2004 and there have been several lengthy meetings since then and they have the proposed amendments ready for the Commission to review.

Assistant City Attorney Lupe Cuellar asked the Commission to address their concerns on the proposed amendments at this meeting so that they could possibly take action at the next meeting.

Elaine Hengen, Assistant City Attorney, reviewed the proposals with the Commission. The following changes were requested which Ms. Hengen said would be done and presented for approval at the next meeting.

Page 3, Section 2.c., under item 2, first sentence, the comma after the word "partner" will be deleted.

Page 4, Section 2.c., under item 3, first sentence, the semicolon after the word "relationship" will be changed to a period, then capitalize the "I" on the word "Leave" to start a new sentence.

Page 5, Section 3.c., add the words "minimum of" before the word "four"; add the words "or multiples thereof." at the end of that sentence.

Page 5, Section 4.b., language will be inserted here which relates to the maximum vacation accrual of 50 days (Ms. Hengen stated that they had inserted the language but this was one of those instances where the computer "ate" the language and it didn't appear.)

Page 6, Section 5.b., the comma after the word "and" will be deleted.

Page 6, Section 5.e., the underscore between the words "of resignation" will be deleted.

13. Discussion and Action on Report from Committee regarding Performance Evaluation of:

A. Juarez, Rebeca – Customer Relations Clerk – Building Permits & Inspections

This item was addressed concurrent with Item 19.

Commissioner Schwartz read the committee's recommendation to the Commission, which was to remand the performance evaluation to the Department Head for further review.

Chair Ellis asked how untimely this evaluation was.

Assistant City Attorney Lupe Cuellar stated it was three months late.

Commissioner Boureslan stated that this employee had gotten more than one evaluation in an untimely manner. He believed administration needed to assure that evaluations are given out on a timely basis and that the evaluation process needed to be taken more seriously.

Alan Shubert, Building Permits and Inspections Director, agreed that they do have a problem with timely evaluations which he said would be cleaned up before the next meeting of the Commission. He told the Commission that the rater on this evaluation had supervised Ms. Juarez for part of the year but the reviewer has supervised her for the entire time.

Chair Ellis asked if there would be any merit in asking for an unscheduled evaluation to be prepared when for some reason the rater on an evaluation is changing.

Assistant City Attorney Lupe Cuellar suggested amending the policy.

Joyce Wilson, City Manager, agreed and said that departments should be doing that procedurally. If employees change locations and raters, the previous rater should be preparing an unscheduled evaluation so that the entire rating period is covered. She said it was becoming more and more important for the City to prepare evaluations on a timely basis for various reasons. One reason was that now employees could receive an annual competency increase when their anniversary date comes around so they will be very sensitive about receiving their performance evaluations on a timely basis. She advised that Human Resources will be notifying all departments on a monthly basis of the evaluations due for that month and to notify her office for any evaluations that are outstanding for the preceding month.

MOTION TO APPROVE THE RECOMMENDATION OF THE COMMITTEE MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

B. Nealis, Erik – Library Information Specialist II – El Paso Public Library

Chair Ellis read the recommendation to the Commission in which the committee was recommending approval of his PE appeal with specific changes as indicated in the report.

MOTION TO APPROVE THE COMMITTEE'S RECOMMENDATION MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

14. Discussion and Action on Appeal of Denial of Reinstatement:

A. Gomez, Jaime – Coach Mechanic II – Public Transit

Mr. Gomez told the Commission that his license was in order now as well as the other matters which were the reasons for the denial of his request by the Department Head.

Terry Lee Scott, Director of Mass Transit, stated that Mr. Gomez resigned on June 1st and immediately went on vacation on June 2nd. On June 2nd Sun Metro was notified that a random driver's license check by the City found that Mr. Gomez' license had been suspended. Mr. Gomez as a mechanic drives maintenance vehicles and buses on the streets for road tests and is therefore required to have a driver's license. Mr. Scott said that Mr. Gomez put the City at liability when he drove vehicles with a suspended license. Mr. Gomez went on vacation on June 2nd for 22 days through June 30th and was not available for any kind of disciplinary action for the entire month. Mr. Scott said that his comment would be to not reinstate Mr. Gomez.

Mr. Gomez added that he was not aware that his license had been suspended, he said he had never gotten any kind of notification on it.

MOTION TO DENY ITEM 14A MADE BY COMMISSIONER BOURES LAND, SECONDED BY COMMISSIONER SCOTT AND PASSED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Martinez, Boureslan, Scott

Nays: Commissioner Gezelius, Schwartz

B. Rubalcava, Martin – Toll Collector – Street Department

This item was tabled to November 10, 2005 concurrent with approval of the Consent Agenda.

C. Serrano, Antonio – Police Officer – Police Department

This item was tabled to October 27, 2005 concurrent with approval of the Consent Agenda.

D. Vallejo, Mark – Police Officer – Police Department

Mr. Vallejo was not present.

MOTION TO DENY ITEM 14D MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

The Commission recessed for ten minutes.

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

A. Opdyke, Robert – Termination – Public Transit (05-SM-03BY)

Bill Arballo, AFSCME Representative, requested that the Commission approve the Hearing Officer's recommendation and said Mr. Opdyke was present to answer any questions the Commission might have.

Terry Lee Scott, Director of Sun Metro, asked the Commission to review some portions of the recommendation where the Hearing Officer found that a sale did take place on a City parking lot. He asked the Commission if he should tell his employees that it is not the duty of the City to protect them on the City's public parking lots? He told the Commission that he found the Hearing Officer's finding "I do not agree that the specific conduct cited in

this termination is any in which the City has any interest in regulating," very troubling. He asked how he was going to tell his over 650 employees that the City of El Paso has no interest in the sale of adult videos on City property and asked the Commission to uphold the termination.

John Batoon, Asst. City Attorney, said there were a couple of items in the Hearing Officer's recommendation that were erroneous and inconsistent. He told the Commission that if they uphold the Hearing Officer's findings they were setting a troubling precedent for the ability of the City to control its own premises and its employees. He asked the Commission to modify the recommendation with respect to both the finding of a violation with respect to the use of city property and to the imposition of appropriate punishment.

Chair Ellis asked Mr. Batoon if a mitigation of the penalty would be appropriate.

Mr. Batoon said it was the Commission's authority to do so.

Assistant City Attorney Lupe Cuellar said it was her legal opinion that the City had the right to discipline their employees for any type of misconduct that in their parking lots.

Mr. Arballo said there were double standards being applied here because other employees have sold other items on City property as well.

There was lengthy discussion, review and various opinions on the Hearing Officer's recommendation.

MOTION TO DENY THE HEARING OFFICER'S RECOMMENDATION AND UPHOLD THE TERMINATION ON ITEM 15A MADE BY COMMISSIONER BOURES LAN BUT FAILED FOR LACK OF A SECOND.

Chair Ellis said they would be well advised to consult with legal counsel on their authority under the rules.

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

The Commission retired into Executive Session at 8:03 p.m. to receive legal counsel on Item 15A, and reconvened for Open Session at 8:07 p.m.

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

Chair Ellis said that they had been advised that they could not retire into Executive Session because it wasn't posted. He said he disagreed with that opinion because he believed that a public body could retire into Executive Session for the purpose of receiving legal advice whenever it felt it needed to do so. He believed their action was appropriate under the law. He believed the responsible thing to do was to table the item and requested it be tabled to the first meeting in November.

MOTION TO TABLE ITEM 15A TO THE NOVEMBER 10TH MEETING MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER GEZELIUS AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Martinez, Gezelius, Schwartz, Scott

Nays: Commissioner Boureslan

- B. Granados, Irene – Suspension & Termination – Environmental Services (05-SW-01BY & 05-SW-11RC)

Francisco Dominguez, Attorney representing Ms. Granados, stated one of the things that was particularly disturbing about the hearing was that at the same time that there was some sort of acknowledgement that there was some sort of sex discrimination, Ms. Granados was the only female driver in Solid Waste Management at the time of her termination. This is the same department that has a history of EEOC findings against them for its treatment of women. He was very disturbed that when he tried to raise these

issues at this hearing. He said that he has had federal judges allow him more latitude when getting into evidentiary issues than he was allowed at this hearing. One of the key issues that the Hearing Officer acknowledges is that there were males who damaged City property in excess of \$30,000 and were never terminated. Mr. Dominguez gave his opinions of the Hearing Officer's recommendation and requested that the Commission not uphold the Hearing Officer's recommendation and reinstate Ms. Granados.

John Batoon, Asst. City Attorney, said that a review of the Hearing Officer's recommendation clearly shows that she considered the issues that Mr. Dominguez is raising.

Ellen Smyth, Environmental Services Director, stated that Ms. Granados had been in her office twice before this, once for a 3-day suspension for walking off the job, and another for a 5-day suspension for not picking up dead dogs. In January Ms. Granados was in Ms. Smyth's office again for damaging the truck she was driving. She told the Commission that she didn't discipline Ms. Granados immediately, she sent the documentation to Fleet Services and waited for a report from them on the damages. Ms. Smyth stated that at that time she reviewed Ms. Granados' file to find that she had several missed swipes also. She said that the comment from Mr. Dominguez that she would use a different level of discipline for Ms. Granados as opposed to a male employee is not true. At the time this happened she (Ms. Smyth) was a fairly new Director and didn't know if her employees were male or female and she certainly didn't know Ms. Granados was her only female driver if that was the case. Ms. Smyth stated that she has over 300 employees, many of them women, but she doesn't know what each one's specific title is – male or female.

MOTION TO APPROVE THE HEARING OFFICER'S RECOMMENDATION TO SUSTAIN MS. GRANADOS' SUSPENSION AND TERMINATION MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND PASSED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Gezelius, Schwartz, Scott

Nays: Commissioner Martinez, Boureslan

C. Sweeney, Wilberto – Termination – EPWU (05-PS-12PP) to 11/10/05

Bill Arballo, AFSCME Local 59, reminded the Commission that at the beginning of this meeting he requested the item be tabled until the first meeting in November in order for him to file formal objections to the Hearing Officer's findings and conclusions. Chair Ellis asked him to hold his request until they got to the item, therefore, he is reissuing his request. He said the reason for doing this in this case is because the Hearing Officer grossly misrepresented or misunderstood or mischaracterized the testimony that was given during the course of the hearing. He said she failed to address the issues that were raised, one example was progressive discipline. He said he was going to request copies of the tapes from the hearing.

Assistant City Attorney Lowell Stokes, said he objected to Mr. Arballo's request for delay because he has already gotten one which the Hearing Officer granted. He urged the Commission to uphold the Hearing Officer's decision.

MOTION TO TABLE ITEM 15C TO THE NOVEMBER 10, 2005 MEETING MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER BOURESAN BUT FAILED BY A VOTE OF 3 TO 2.

Ayes: Commissioners Martinez, Boureslan

Nays: Commissioner Gezelius, Schwartz, Scott

Mr. Arballo reviewed the Hearing Officer's report. He told the Commission that there were substantive changes to the Notice of Separation after his client was served with it and after the pre-termination hearing.

Chair Ellis agreed that would defeat the purpose of having a pre-termination hearing if the notice is changed without the appellant having the opportunity to respond in a pre-termination context.

Mr. Arballo said that issue was raised diligently but the Hearing Officer basically said it "didn't hold any water." Mr. Arballo said that Mr. Loweree from EPWU testified that the only deletion or change that

caused him to amend the specification was the following, "they also noted that you were argumentative and you were operating a forklift in an unsafe manner that morning." Mr. Arballo said the quoted language was deleted from the amended specification.

Chair Ellis said he was concerned about the intent of the rule being defeated if the notice was changed.

MOTION TO TABLE TO THE NOVEMBER 10, 2005 MEETING MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER BOURESLAN AND PASSED BY A VOTE OF 4 TO 1.

Ayes: Commissioners Martinez, Gezelius, Boureslan, Scott

Nays: Commissioner Schwartz

16. 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 9.8.f.:

Cordova, Arturo – Certified Firefighter Trainee

Chief Donald Marron, Fire Department, told the Commission the Fire Academy had conducted the fire skills examination for certified firefighters trainees. Prior to that those same candidates took a written examination and were given a handout noting what would be covered during the skills examination. On the date of the test the candidates were also given a document stating they must pass all five fire skills in order to be successful. If only four were passed the candidates were given the opportunity to retake the one they didn't pass. Mr. Cordova protested the PPE which is the protective clothing equipment and the time slated to do that is 60 seconds. He failed the first test and was allowed to retest but failed it also. Chief Marron explained that another opportunity was given to 16 candidates to retest after that but Mr. Cordova opted not to retest. Chief Marron stated that his staff will verify that all the candidates were given the same opportunity to pass all these skills. No one candidate is ever given preferential treatment. Mr. Cordova has some issues with the testing process.

Mr. Cordova stated he was a certified firefighter from the State of Texas, he had just graduated from the Fire Technology course from EPCC. He said he didn't want to point fingers or step on any toes, he just wanted an equal opportunity on the test. He wanted to know what the Fire Department's testing guidelines were because he felt he did not receive an equal opportunity on the test. He said that he wore a mask on skills 3, 4 and 5 and later found out that others did not wear a mask. He felt this was not equal treatment because other test takers were given hints to pass the various tests. Mr. Cordova explained that he was taught for safety first instead of completing the test during a time period.

Discussion.

Monica Puga, Human Resources Analyst, explained the testing process to the Commission, she also told them how many people tested and how many people failed.

MOTION TO DENY ITEM 16 MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

17. 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. Valdez, Hilda – Cashier Clerk

Chair Ellis read the specifics of the appellant's disqualification.

Leo Cenicerros, Human Resources Analyst, said they disqualified her because she submitted her experience after submitting her application. He told the Commission that the application clearly states that any experience not noted on the application will not be considered.

MOTION TO APPROVE ITEM 17A MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

B. Ramos, Maria Guadalupe – Executive Secretary

This item was deleted concurrent with the approval of the Consent Agenda.

Assistant City Attorney Lupe Cuellar said these matters are normally discussed in Executive Session and an Executive Session was not properly posted, therefore, they cannot be addressed in Executive Session. She suggested asking the appellants if they would like to discuss their item in Open Session, this was allowable if the appellants chose to do so.

18. 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. Lozano, Salvador – Cashier Clerk (8.1.d.4.)

Ms. Thomas said Mr. Lozano had called right before the meeting to withdraw his appeal.

MOTION TO DELETE ITEM 18A MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

B. Sanchez, Ruben – Customer Relations Representative (11.3.g.)

Peter Fargo, Human Resources, said he had spoken to the appellants in Items 18B, 18C and 18D and they all wanted to have their cases heard in Open Session.

Commissioner Boureslan said that the Commission would like to hear directly from the appellants.

Mr. Sanchez was present and said he would like to proceed in Open Session. Chair Ellis read the specifics of the appellant's disqualification.

MOTION TO APPROVE ITEM 18B MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

C. Salinas, Bertha – Engineering Technician II (11.3.g.)

Ms. Salinas was present and said she would like to proceed in Open Session. Chair Ellis read the specifics of the appellant's disqualification. She believed she qualified for this job because she had been performing the duties of Engineering Technician II at the El Paso Water Utilities when she was promoted to an Engineering Technician III, therefore not completing her probation on the Engineering Technician II job.

MOTION TO APPROVE ITEM 18C MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.

D. Medina, Jesus – Senior Toll Collector (11.3.g.)

Mr. Medina was present and said he would like to proceed in Open Session. Chair Ellis read the specifics of the appellant's disqualification. Mr. Medina said he was currently a part-time toll collector, a position he has been at for four years and one where all his evaluations are Exceeds Performance Standards. He requested to have an opportunity to interview for Senior Toll Collector as he has already taken the examination on a conditional basis.

MOTION TO APPROVE ITEM 18D MADE BY COMMISSIONER GEZELIUS, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

19. Discussion and Action on City Departments' timeliness in completing employee performance evaluations.

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

Assistant City Attorney Lupe Cuellar said this item was placed on the agenda based on a performance evaluation hearing they had and the committee members were concerned that Departments need to be timely in submitting their performance evaluations.

MOTION TO CONSIDER ITEM 13A IN CONJUNCTION WITH THIS ITEM MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER SCHWARTZ AND UNANIMOUSLY PASSED.

Item 13A was addressed here.

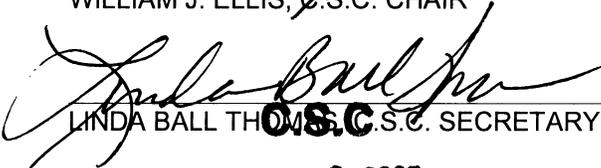
MOTION TO DELETE ITEM 19 MADE BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

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

THE MEETING ADJOURNED AT 9:30 P.M.



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



LINDA BALL THOMAS, C.S.C. SECRETARY

NOV 10 2005

DATE APPROVED