

## MINUTES

### **AGENDA FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT 6:00 P.M., THURSDAY EVENING, DECEMBER 14, 2006 CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

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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  
                                 Ruck, Lance  
                                 Reynolds, Thurman  
                                 Scott, Valerie  
                                 Schwartz, Elma

MEMBERS ABSENT:        None

### **CONSENT AGENDA**

The meeting convened at 6 p.m. with all Commissioners and Chair Boureslan presiding. Chair Boureslan began the meeting by asking if there were any changes to the agenda. Linda Thomas requested Item #10 be moved with Item #14 in Executive Session. Ms. Thomas also requested Item #11B be postponed until the January 25<sup>th</sup> meeting per request by Mr. Arballo. Ms. Thomas requested that Item #13 be discussed as the first item on the regular agenda because Ms. Wilson would like to speak to the Commission regarding this item.

Commissioner Gezelius requested that Items 3, 4 and 5 be moved to the regular agenda in order to discuss the value of large amount of backup required. Commissioner Ruck requested that Item 2B be moved to the regular agenda. Ms. Thomas requested that Item #8 be heard after the Executive Session. Chair Boureslan requested that Item 7A be moved to the regular agenda.

### **MOTION TO APPROVE CONSENT AGENDA MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BRANNON, AND UNANIMOUSLY PASSED.**

1. Discussion and Action on Approval of Minutes:

November 9, 2006

2. Discussion and Action on Approval of Contracts

- A. Professional services Agreement with William Ellis to perform the duties of Hearing Officer From December 15, 2006, through June 14, 2007, for the Civil Service Commission.
- B. Employment agreement with Andrew Gallardo to perform the duties of Zoo Keeper from December 18, 2006, through December 17, 2007, for the El Paso Zoo.

Commissioner Ruck inquired if there was a current eligible list for Zoo Keeper? Ms. Thomas responded that the entire department would soon be put on contract, but since the last agenda item only recognized contracts for professional positions, she had to bring this one to the Commission. This person was on the current eligible list. Ms. Thomas explained that we would be using the same process... but employees for the zoo will now be put on contract.

**MOTION TO APPROVE ITEM 2B MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GEZELIUS, AND UNANIMOUSLY PASSED.**

3. Notice of Promulgation of Eligible Lists:

- A. Housing Program Manager = Promulgated 12/1/06 (O-2) (P-1)
- B. Recreation & Sports Coordinator = Promulgated 12/1/06 (P-5) (O-9)
- C. General Service Worker = Promulgated 11/06/06 (O-672)
- D. Wastewater Plant Senior Technician = Promulgated 11/16/06 (P-8)
- E. Risk Management Analyst – Promulgated 11/16/06 (O-3)
- F. Recreation Program Supervisor – Promulgated 11/16/06 (P-1) (O-3)
- G. Water Plant Superintendent – Promulgated 11/16/06 (P-2)
- H. Electronic Lead Technician – Promulgated 11/15/06 (P-0) (O-4)
- I. Fleet Service Worker – Promulgated 11/15/06 (CR-1) (O-14)
- J. Legal Contract Secretary – Promulgated 11/15/06 (P-6) (O-3)
- L. Latent Print Examiner – Promulgated 11/15/06 (O-1)
- M. Senior Office Assistant – Promulgated 11/13/06 (CR-5) (O-16)
- N. Street Resurfacing Inspector – Promulgated 11/13/06 (P-1) (CR-1) (O-1)
- O. Deputy Court Clerk – Promulgated 11/9/06 (P-3) (CR-8) (O-14)
- P. Accounting/Payroll Clerk – Promulgated 11/9/06 (P-12) (CR-8)
- Q. Utility Plant Technician – Promulgated 11/03/06 (P-3) (O-29)
- R. Police Officer – Promulgated 11/03/06 (O-5)
- S. Electrical Inspector Supervisor – Promulgated 11/1/06 (NONE)
- T. Fleet Service Assistant – Promulgated 11/1/06 (P-2) (O-14)
- U. Human Resource Specialist – Promulgated 11/1/06 (P-9) (CR-1)
- V. Inventory Coder – Promulgated 11/22/06 (O-16) (CR-3) (P-2)
- W. Museum Education Assistant Curator – Promulgated 11/22/06 (O-5)
- X. Building Inspector – Promulgated 11/27/06 (O-1) (P-6)
- Y. Police Sergeant – Promulgated 11/27/06 (P-24)
- Z. Transit Information Clerk – Promulgated 11/27/06 (O-26) (CR-1) (P-1)

Commissioner Gezelius commented that Item #3 is summarized on the agenda, and he did not believe that all the backup was necessary. He further stated that we receive this backup every meeting and we never really look at it. It is not sensitive information. Commissioner Ruck felt that this information could be and was recently relative.... But that the information in Item #4, the transfer list, may not be necessary.... Because the people are not being transferred... they are just being put on a list. This is something for Management to decide. Commissioner Ruck explained, the only time we need to see it is if Management turns them down and they want to appeal. We only need to see information on those that get denied and want to appeal. Chair Boursian reminded that we now get the information because it is in the rules. The rules would have to be changed.

**MOTION TO APPROVE AND KEEP AS IS PRIOR TO ANY RULE CHANGES, MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER RUCK, AND UNANIMOUSLY PASSED.**

4. Discussion and Action on request to have named placed on Transfer List:
  - A. Nunez, Heriberto – Office Manager – Street Department
  - B. Hurtado, Patricia – Communications Dispatcher – Sun Metro
  - C. Muro, Robert – Fleet Maintenance Lead Technician – Fire Department
  - D. Diaz, Edna – Collectively Bargaining Payroll Clerk – Police Department
  - E. Melendez, Rene – Electronics Lead Technician – Engineering Traffic
  - F. Urias, Melecio – Communications Dispatcher – Sun Metro
  - G. Luna, Dolores – Accounting Clerk – Tax Department
  - H. Hernandez, Gloria – Senior Accounting Payroll Specialist – Financial Services
  - I. Rodriguez, Victor – Facility Maintenance Worker – Airport
  - J. Hernandez, Laura – Accounting/Payroll Clerk – Sun Metro
  - K. Carrizoza, Jurentino – Truck Driver – Environmental Services
  - L. Santillanes, Ruben A. – Customer Relations Clerk – EPWU
  - M. Banda, Juan J. – Heavy Equipment Operator – Environmental Services
  - N. Diaz, Nicolas – Engineering Lead Technician – Engineering
  - O. Tellez, Rodolfo – Heavy Equipment Operator – Environmental Services

**MOTION TO APPROVE AND KEEP PRIOR TO ANY RULE CHANGES, MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER RUCK, AND UNANIMOUSLY PASSED.**

5. Discussion and Action on request to have name placed on Reinstatement List:
  - A. Stoltz, Nancy – Secretary - MPO
  - B. Rosales, Veronica – Chief Urban Planner – Development Services
  - C. Aldridge, Alberto – Labor Foreman – Streets

Commissioner Ruck commented that we already get a recommendation from the department heads if they want an employee reinstated, but we do need to have this on the agenda in the event a department head does not want an employee reinstated which give the employee a change to appeal and be heard.

**MOTION TO APPROVE AND KEEP PRIOR TO ANY RULE CHANGES, MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER GRAHAM, AND UNANIMOUSLY PASSED.**

6. Discussion and Action on Approval of Hearing Officer's Invoice:
  - A. Borunda, Chris – Invoices for Oct. 06 – \$1,694.23
  - B. Palafox, Patricia – Invoice for Oct. 06 - \$855.00
  - C. Palafox, Patricia – Invoice for Nov. 06 – \$1,960.00

7. Discussion and Action on request to assign pending appeal cases:
  - A. Martin Martinez – Performance Evaluation Appeal – Sun Metro

Chair Boureslan advised that he would like to form a sub-committee rather than sending this to a hearing officer.

**MOTION TO HEAR ITEM 7A BY A SUBCOMMITTEE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER GRAHAM, AND UNANIMOUSLY PASSED.**

Chair Boureslan then called for subcommittee volunteers. Commissioner Gezelius, Scott and Schwartz volunteered to serve on subcommittee, with Commissioner Gezelius serving as Chair.

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

Victor Abascal - Suspension - Police

**REGULAR AGENDA**

8. Discussion and Action on EEO Discrimination Complaint

Lilia Fierro – 05/04/06 (Tabled 8/24/06 and 9/14/06)  
(*moved after Executive Session*)

Assistant City Attorney, Lupe Cuellar began by stating that before you hear from the City or the applicant, I do want to point one thing out.... If you look at her EEO Discrimination complaint, she is alleging that she believes she is being discriminated against based upon disability. Then she states what she believes the adverse personnel actions were... how she believes she was discriminated against. Not treated fairly in her transfer..... that there were negative comments related to her absences and sick leave she took. Then she also lists remedies that she wants.

What I want to make the Commission aware of it that this is coming to you so you can make a determination whether or not the proper Charter provisions, the civil service rules were applied. In other words, did the City follow what they were required to follow in dealing with this employee when you are talking about a position that is eliminated. The Charter requires the City to do certain things and the Civil Service Rules require the City to go through certain things, so that is what is really before you. Was she treated the way other employees have been treated or required to be treated under the Charter and under the Civil Service rules, because that is all they are entitled to. Employees are given rights under the Charter; employees are given additional rights under the Civil Service Rules and the City is required to follow the Charter and the Civil Service rules and provisions. But I also want to point out that regardless of how you determine whether the City did nor did not follow these rules, you do not have the authority to grant the remedy that she is requesting.

(*Discussion continued*)

Chair Boureslan called to hear from Employee's attorney and then from the City and then stated he would open up for discussion.

(*Discussion continued for one hour and twelve minutes*)

**MOTION MADE BY COMMISSIONER BRANNON TO DENY THE COMPLAINT FILED BASED UPON THE REASON THAT THE CITY FOLLOWED THE CIVIL SERVICE PROVISIONS AND CHARTER RULES AS THEY RELATE TO THE ABOLISHMENT OF THE POSITION, AND SECOND BY COMMISSIONER RUCK. UNANIMOUSLY PASSED.**

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.1.:
  - A. Campa, Antonio S. – Recreation District Supervisor
  - B. Campa, Antonio S. – Recreation and Sports Coordinator

Mr. Antonio Campa spoke to Commission regarding his 26 years of service which has enabled him to know the workings of the department thoroughly. Mr. Campa continued....I believe that I am the only person in that department that has worked in every segment of the department, and I have been around long enough, that I have trained several of my supervisors. Chair Boureslan reminded that the rules called for this position to require a college degree. Commissioner Gezelius inquired if Mr. Campa had any other education beyond the Associate degree. Chair Boureslan inquired if Mr. Campa was currently enrolled in college. Mr. Campa replied that he was not currently enrolled. Commissioner Graham inquired if Mr. Campa was given responsibility and duties of his supervisors when they were on leave or vacation. Mr. Campa stated that he has filled in for supervisors on too many occasions to count. Commissioner Graham reminded the Commission that he felt it was unfair to deny someone a position due to lack of a degree.... Yet they were asked and able to fill in when supervisors where out. He continued that he has trouble with this issue each time it comes up. (Discussion continued).

**MOTION TO DENY ITEM #9A MADE BY COMMISSIONER RUCK, SECOND BY COMMISSIONER GEZELIUS, AND UNANIMOUSLY PASSED.**

**MOTION TO DENY ITEM #9B MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER MOSHER, AND PASSED.**

**Ayes: Brannon; Gezelius; Mosher; Ruck; Scott; Schwartz**  
**Nays: Graham; Reynolds**

- C. Riley, Lisa-Kay – Senior Budget & Management Analyst

Ms. Riley spoke to the commission outlining her experience and stating she had been an employee with the City for 18 years. Her experience in her current position as well as over 10 years in baking where she performed the same type of duties. Mr. Fargo explained that he had talked with the department and they felt that the professional experience was not at a level for budgetary and fiscal analysis that was required. We listed her experience as non-qualifying and she currently lacking one year of experience. We gave her one year for her MBA, but we believe she does not have the remaining required experience. (discussion continued)

**MOTION TO APPROVE MADE BY COMMISSIONER GRAHAM AND SECOND BY COMMISSIONER SCOTT, AND UNANIMOUSLY PASSED.**

- D. Did not use
- E. Jarvis, Anna M. – Recreation Specialist

**MOTION TO DENY MADE BY COMMISSIONER MOSHER AND SECOND BY COMMISSIONER GEZELIUS AND UNANIMOUSLY PASSED.**

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 8.1.d.3

Hamilton, Garland D. – Certified Police Trainee

**MOTION TO DENY MADE BY COMMISSIONER BRANNON AND SECOND BY COMMIONER SCOTT AND UNANIMOUSLY PASSED.**

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

A. Parsons, Alan – Suspension – FIRE Department (06-FD-15PP)

Donald Merrin of the FIRE Department spoke and advised that the FIRE Department would go along with the Hearing Officer's recommendation and the recommendation of the Commission.

**MOTION TO APPROVE HEARING OFFICER'S REPORT AND RECOMMENDATION MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER BRANNON, AND PASSED.**

**Ayes: Brannon; Gram.; Reynolds; Schwartz; Scott; Mosher; Ruck**

**Nays: None**

**Abstained: Gezelius**

B. Rodríguez, Gerardo – Suspension – Sun Metro (06-SM-22PP)

Postponed until Civil Service Commission Meeting of 1/25/07 per previous discussion

12. Discussion and Action on Approval of Classification Actions:

	<u>Title</u>	<u>Code</u>	<u>Grade</u>
<b>Proposed</b>	Associate Ombudsman	11335	PM 125

**MOTION TO APPROVE MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.**

13. Discussion and action on proposed Charter Amendments. *(moved to first item on the regular agenda)*

City Manager, Joyce Wilson, addressed the Commission in an effort to discuss the process the Mayor and City Council approved to create a Charter Review process for the early part of '07, that would consist of a citizen review panel that would work in conjunction with the City Council Rules Committee. Each of the Council members are appointing an individual citizen representative to that Committee as we speak, and in addition to that at the recommendation of staff, they are also going to have a standing seat on that review committee for the Civil Service Commission, the City Plan Commission, and the City's Neighborhood Council. So Each of those organizations including this one would need to designate an official representative to the citizen review process. We had put forward a draft of staff review and recommendations as a working document to present to the committee and then we will with representative O'Rourke, who is the Chairman of the rules committee who will chair the citizens council review. We have laid out a series of about six meetings throughout the month of January, and tried to work with him on an organization structure for those one of which would include a meeting that would be devoted only to the civil service section of the Charter. It is the one that is the most detailed, and it is the one that has a lot of recommendations that we have put forward.

(Discussion)

**MOTION TO HAVE COMMISSONER RUCK SERVE AS THE CIVIL SERVICE REPRESENTATIVE MADE BY COMMISSIONER GRAHAM AND SECOND BY COMMISSIONER GEZELIUS**

**Ayes: Graham; Reynolds; Gezelius; Schwartz; Scott;**  
**Nays: Brannon; Mosher**  
**Abstain: Ruck**

**MOTION FOR A SPECIAL MEETING TO BE HELD WEDNESDAY, JANUARY 3, 2007, AT 5 P.M. FOR THE ENTIRE COMMISSION TO DISCUSS CHARTER AMENDMENTS MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER GEZELIUS, AND UNANIMOUSLY PASSED.**

## 13.5. Discussion and action on Equivalency Guidelines

Linda Thomas explained that what the commissioners had was two versions of the document... the first with underlined changes and the second.... With those changed made. Item 2.2A & B are underlined because those were added. This is the document you had passed and now we are making some modifications. Linda also reminded that each time a job spec comes up, we are looking at it carefully to make sure the degree required is warranted. If it is not, then we just make an administrative change. Commissioner Brannon asked if there have been any changed as a result of the current ongoing examination. Ms. Thomas replied that yes, there has been some changed currently in the water series. Commissioner Gezelius brought up Item 2.9 Military training for further discussion. He reported that the military does not provide documentation for course content and course hours presented. It is just not part of their system. (Discussion continued.)

**MOTION TO APPROVE AND ACCEPT EQUIVALENCY GUIDELINES AS PRESENTED MADE BY COMMISSIONER RUCK AND SECOND BY COMMISSIONER BRANNON**

Commissioner Mosher added comment that she was not in agreement that experience could not be substituted in lieu of education. Commissioner Mosher commented, my experience would be that disallowing work experience for education would be a disservice to those who have demonstrated skills.

Commissioner Reynolds added that he was still under the opinion that just because you have a college degree, that does not qualify you to be a manager. The fact that you have a degree doesn't qualify you for anything. Management comes from experience, and ability to manage comes through experience.

Commissioner Brannon commented that we should be diligent in looking from where we have jumped way too far on this degree thing. There are some positions where we have made the absolute requirement of a degree when it wasn't necessary. So I would like to ask Human Resources to really look hard and be liberal when looking at those positions where the degree might not be an absolute. If there is a way, I would like to see if there is any way we can review the positions to make sure we have not gone too far on the degree side. I'm not asking for degrees to be abolished, I'm just wondering if we have gone too far.

Prior to the vote, Commission Graham brought up a comment or point of order that he was going to vote for approval of the guidelines because it is better than nothing. Chair Boureslan called for the vote.

**THE COMMISSION VOTED UNANIMOUSLY FOR APPROVAL.**

Commissioner Graham requested that he now be allowed to make a statement. He stated that he Voted for the guidelines because he sees that it is an improvement and in the right direction..... but I am still not satisfied with where we are at with this and for that reason I am going to keep raising this issue every time it comes up. I will try to keep this issue in the sunshine so we will not forget. I will be a fierce opponent against this rule.

**MOTION MADE TO MOVE TO EXECUTIVE SESSION BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER SCOTT AND UNANIMOUSLY APPROVED.**

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 12, Section 11.

Muro, Juan – Trades Helper

**MOTION TO APPROVE MADE BY COMMISSIONER BRANNON AND SECOND BY COMMISSIONER SCOTT**

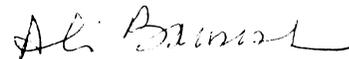
**Ayes: Brannon; Graham; Schwartz; Mösner; Ruck  
Nays: Gezelius; Scott**

**MOTION MADE TO RECONVENE TO OPEN SESSION MADE BY COMMISSIONER GEZELIUS AND SECOND BY COMMISSIONER BRANNON AND UNANIMOUSLY PASSED.**

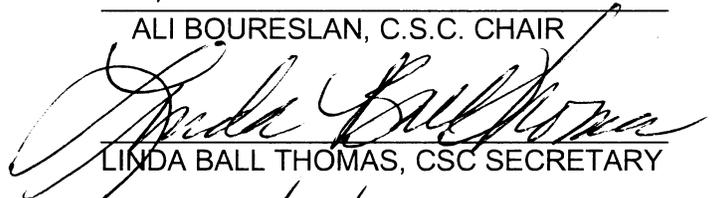
*(Open session began at 8:40 p.m. and began with Item 10, followed by Item 14 and then Item 8.)*

**MOTION MADE TO ADJOURN BY COMMISSIONER GEZELIUS, AND SECOND BY COMMISSIONER MOSHER, AND UNANIMOUSLY PASSED.**

Meeting adjourned at 10:02 p.m.



ALI BOURESLAN, C.S.C. CHAIR



LINDA BALL THOMAS, CSC SECRETARY

1/11/07

DATE APPROVED