MINUTES

FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT 6:00 P.M., THURSDAY EVENING, APRIL 9, 2015, CITY COUNCIL CHAMBERS 300 NORTH CAMPBELL – 1ST 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: Hernandez, Edward – Chair
Bowling IV, Robert
Dominguez, Ricardo
Palmer, Joyce
Ware-Asbury, Theresa
Williams, Antonio

Members Absent: Viescas, Cora

Early Departure: Dominguez, Ricardo (8:00 p.m.)

Meeting convened at 6:05 p.m. with five Commissioners present and Chair Hernandez presiding.

Chair Hernandez introduces newly appointed Commissioner Robert "Bobby" Bowling IV for District 5 and re-appointment of Commissioner Joyce Palmer for District 4.

CSC Secretary Linda Ball Thomas states that there are no changes to Agenda.

CSC Secretary Ms. Thomas requests to move Item 5 from Regular Agenda and Item 6 from Executive Session to forefront after Consent Agenda. Commissioner Williams ratifies motion, which is unanimously approved.

Chair Hernandez recognizes Commissioner Dominguez's request to leave at 8:00 p.m.

CONSENT AGENDA

1. Approval of Minutes:

February 12, 2015 Civil Service Commission Meeting

MOTION MADE BY COMMISSIONER WARE-ASBURY AND SECONDED BY COMMISSIONER WILLIAMS TO APPROVE CONSENT AGENDA; MOTION PASSED, WITH COMMISSIONERS DOMINGUEZ, PALMER, AND BOWLING ABSTAINING.

REGULAR AGENDA

2. Discussion on the parameters, scope and authority of the Civil Service Commission in conducting investigations and issuing subpoenas. (Per Commissioner Hernandez)

Discussion by Chair Hernandez, Commissioners Bowling, Williams, Dominguez, Palmer and CSC Assistant City Attorney Elizabeth Ruhmann.
DISCUSSION ONLY-(CIVIL SERVICE COMMISSION ATTORNEY TO DRAFT A POLICY FOR CONSIDERATION AND ACTION BY COMMISSION AT A LATER MEETING)

3. Discussion and Action on Items Denied or Delayed Submission to the Civil Service Commission by the Human Resources Director approved to be heard by the Commission:
   Enrique Perez – Sun Metro Department

Discussion by Appellant's Representative Jaime A. Arellano, Jr., Commissioners Williams, Ware-Asbury, Bowling, Palmer, Chair Hernandez, Appellant Enrique Perez, CSC Assistant City Attorney Elizabeth Ruhmann, Sun Metro Director Jay Banasiak, Sun Metro Safety Nick Ferriola, and HR Director/CSC Secretary Linda Ball Thomas.

MOTION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER WARE-ASBURY TO GRANT APPEAL AND TO ACCEPT THE DEPARTMENT HEAD'S AGREEMENT TO RESCIND THE FORMAL COUNSELING AND TO REINSTATE THE ACCIDENT REVIEW BOARD'S FINDING OF NON-PREVENTABLE ACCIDENT; MOTION PASSED UNANIMOUSLY. COMMISSIONER DOMINGUEZ NOT PRESENT.

Commissioner Dominguez departs meeting at 8:00 p.m.

4. Discussion and Action on Approval of Hearing Officer's Report and Recommendation:

   A. Benjamin Contreras-EPWU-Termination

Discussion by Appellant Benjamin Contreras.

MOTION TO MOVE TO EXECUTIVE SESSION FOR ITEM 4A MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER WILLIAMS AND UNANIMOUSLY PASSED.
Executive session convened at 9:45 p.m.

MOTION TO RECONVENE TO OPEN SESSION MADE BY COMMISSIONER BOWLING AND SECONDED WILLIAMS AND UNANIMOUSLY PASSED.
Reconvened to open session at 10:21 p.m.

MOTION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER WILLIAMS TO DENY APPEAL AND UPHOLD HEARING OFFICER'S RECOMMENDATION TO TERMINATE; MOTION PASSED UNANIMOUSLY.

   B. Robert Frias-Transportation-Termination

APPELLANT'S REPRESENTATIVE REQUESTED THAT ITEM BE TAKEN TO EXECUTIVE SESSION. MOTION TO REMAIN IN OPEN SESSION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER WILLIAMS AND UNANIMOUSLY PASSED.

Discussion by Appellant's Representative David Guzman, Commissioners Williams, Bowling, Ware-Asbury, Chair Hernandez, Assistant City Attorney Linda Samples, and Appellant Robert Frias.

MOTION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER WARE-ASBURY TO DENY APPEAL AND UPHOLD HEARING OFFICER'S RECOMMENDATION TO TERMINATE; MOTION PASSED BY A VOTE OF 3 TO 1.

AYES: WARE-ASBURY, PALMER, BOWLING
NAYES: WILLIAMS

COMMISSIONER WILLIAMS REQUESTED A MOTION TO RECONSIDER.

MOTION MADE BY COMMISSIONER WARE-ASBURY AND SECONDED BY COMMISSIONER WILLIAMS TO RECONSIDER MOTION TO DENY APPEAL; MOTION TIED, CHAIR HERNANDEZ BREAKS TIE BY VOTING AYE.

AYES: WARE-ASBURY, WILLIAMS, HERNANDEZ
NAYES: PALMER, BOWLING

Further discussion by Commissioners Williams, Ware-Asbury, Bowling, Chair Hernandez, CSC Assistant City Attorney Elizabeth Ruhmann, Assistant City Attorney Linda Samples, Appellant's Representative David Guzman, and Appellant Robert Frias.

MOTION MADE BY COMMISSIONER WILLIAMS AND SECONDED BY COMMISSIONER PALMER TO REVERSE HEARING OFFICER'S RECOMMENDATION TO TERMINATE AND TO REDUCE DISCIPLINE TO A 10-DAY SUSPENSION;MOTION PASSED BY A VOTE OF 3 TO 1.

AYES: WARE-ASBURY, PALMER, WILLIAMS
NAYES: BOWLING

C. Gilbert Medrano- Sun Metro- Termination

MOTION MADE BY COMMISSIONER WILLIAMS AND SECONDED BY COMMISSIONER PALMER TO POSTPONE ITEM 4C TO NEXT CIVIL SERVICE COMMISSION MEETING OF MAY 14, 2015; MOTION PASSED UNANIMOUSLY.

5. 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 5.1.(a) and City's Application Policy:

A. Rafael Moy – Community Center Supervisor

Discussion by Appellant Rafael Moy, Commissioners Ware-Asbury, Williams, Dominguez, Bowling, Senior HR Analyst Dave Rogers, Parks & Recreation Director Tracy Novak, HR Director/CSC Secretary Linda Ball Thomas, and HR Departmental Manager Ada Hatten.

1ST MOTION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER WARE-ASBURY TO DENY APPEAL; MOTION FAILED BY A VOTE OF 2 TO 3.

AYES: WARE-ASBURY, BOWLING
NAYES: DOMINGUEZ, PALMER, WILLIAMS

2ND MOTION MADE BY COMMISSIONER WILLIAMS AND SECONDED BY COMMISSIONER DOMINGUEZ TO APPROVE APPEAL; MOTION PASSED BY A VOTE OF 3 TO 2.

AYES: PALMER, DOMINGUEZ, WILLIAMS
NAYES: WARE-ASBURY, BOWLING

B. Carlos Rodriguez- Community Center Supervisor

Discussion by Appellant Carlos Rodriguez, Commissioners Williams, Bowling, Ware-Asbury, Dominguez, Palmer, Chair Hernandez, HR Director Linda Ball Thomas, Parks & Recreation Director Tracy Novak and CSC Assistant City Attorney Elizabeth Ruhmann.

MOTION MADE BY COMMISSIONER WILLIAMS AND SECONDED BY COMMISSIONER DOMINGUEZ TO APPROVE APPEAL; MOTION PASSED BY A VOTE OF 3 TO 2.

AYES: DOMINGUEZ, PALMER, WILLIAMS
NAYES: WARE-ASBURY, BOWLING

EXECUTIVE SESSION

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

MOTION MADE BY COMMISSIONER DOMINGUEZ AND SECONDED BY COMMISSIONER PALMER TO MOVE TO EXECUTIVE SESSION FOR ITEM 6A AND 6B; MOTION PASSED UNANIMOUSLY.

Executive session convened at 7:10 p.m.

MOTION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER DOMINGUEZ TO RECONVENE TO OPEN SESSION; MOTION PASSED UNANIMOUSLY.

Reconvened to open session at 7:25 p.m.

6. 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 5.1.(c) and City's Application Policy:

A. Sifuentes, Manuel G. – General Services Lead Worker

MOTION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER WILLIAMS TO APPROVE APPEAL; MOTION PASSED BY A VOTE OF 4 TO 1.

AYES: DOMINGUEZ, PALMER, BOWLING, WILLIAMS
NAYES: WARE-ASBURY

B. Sifuentes, Manuel G. - Groundskeeper

MOTION MADE BY COMMISSIONER DOMINGUEZ AND SECONDED BY COMMISSIONER BOWLING TO APPROVE APPEAL; MOTION PASSED BY A VOTE OF 4 TO 1.

AYES: DOMINGUEZ, PALMER, BOWLING, WILLIAMS
NAYES: WARE-ASBURY

MOTION MADE BY COMMISSIONER BOWLING AND SECONDED BY COMMISSIONER PALMER TO ADJOURN; MOTION PASSED UNANIMOUSLY.

MEETING ADJOURNED AT 11:55 P.M.

Edward Hernandez

Edward Hernandez, Chair

Linda Ball Thomas

Linda Ball Thomas, C.S.C. Secretary

May 14, 2015

Date Approved