

COUNTY OF EL PASO



CIVIL SERVICE COMMISSION

**REGULAR MEETING MINUTES
1:00 P.M., TUESDAY, MARCH 05, 2013
COMMISSIONER'S COURTROOM, ROOM 303
500 E. SAN ANTONIO
EL PASO, TEXAS 79901**

Selena N. Solis, Chair

Grace D. Munoz, Commissioner

Carlos Gomez, Commissioner

OPEN MEETING

The meeting was called to order at 1:10 p.m. Staff present were Kevin McCary and Lee Shapleigh from the County Attorney's Office; Elsie West & Estela Salgado, from the Human Resources Department. A full quorum was established with Commissioner Munoz being absent.

PUBLIC COMMENT

NO PUBLIC COMMENT

APPROVED - CONSENT AGENDA

MARCH 5, 2013

MOTION #1 (ITEM #1)

APPROVE THE MINUTES OF THE REGULARLY SCHEDULED CIVIL SERVICE COMMISSION MEETING OF FEBRUARY 5, 2013.

--Betsy C. Keller, Human Resources

On this day, on motion of Commissioner Gomez, seconded by Chair Solis, it is the order of the Commission to approve Consent Agenda Item #1 of the Civil Service Commission Meeting Minutes of February 05, 2013.

VOTE: YES- Gomez, Solis

NO: NONE

NO ACTION - REGULAR AGENDA

MARCH 5, 2013

(ITEM #2)

DISCUSS AND TAKE APPROPRIATE ACTION REGARDING CHANGES TO EL PASO COUNTY CIVIL SERVICE COMMISSION RULES REGARDING SETTLEMENT NEGOTIATIONS AND FILING REQUIREMENTS AND PROCEDURES.

--Kevin McCary, County Attorney's

On this day, the Commission was presented with the revised language regarding changes to the El Paso County Civil Service Commission Rules regarding Settlement Negotiations and filing requirements and procedures. No action was taken.

**REGULAR AGENDA – DENIED TO RE-OPEN GRIEVANCE
ON BERTHA SANDRA RODRIGUEZ**

MARCH 5, 2013

MOTION #2 (ITEM #3)

DISCUSS AND TAKE APPROPRIATE ACTION ON WHETHER TO RE-OPEN THE GRIEVANCE HEARD BY THE CIVIL SERVICE COMMISSION ON FEBRUARY 5, 2013 REGARDING BERTHA SANDRA RODRIGUEZ, COUNTY CLERK'S OFFICE.

--Bertha Sandra Rodriguez, County Clerk's Office

On this day, on motion of Chair Solis, seconded by Commissioner Gomez, it is the order of the Commission to deny to re-open the grievance heard by the Civil Service Commission on February 5, 2013 regarding Bertha Sandra Rodriguez, County Clerk's Office, due to the fact that information provided by Ms. Rodriguez on March 5, 2013 has no bearing on the decision made by the Civil Service Commission on February 5, 2013.

VOTE: YES- Solis, Gomez

NO: NONE

EXECUTIVE SESSION

EXECUTIVE SESSION: PURSUANT TO TEXAS GOVERNMENT CODE §551.074

On this day, HR staff announced that the Civil Service Commission would recess into executive session at 1:50 p.m. to discuss the following item, pursuant to *Texas Government Code §551.074*. The Court would reconvene to take official action.

MARCH 05, 2013

(ITEM #4)

DISCUSS A GRIEVANCE FILED/DATED FEBRUARY 5, 2013 REGARDING MYRA PONCE PERTAINING TO TERMINATION & RULES 1.01, 2.11, 2.51, 2.53, 2.54, 6.05, 6.08, & 6.09.

-- (Myra Ponce, Deputy Constable – Alyssa Perez, Attorney at Law) (Jeremiah Haggerty, Constable, Constable Pct. #2 – Kathleen Anderson, Senior Trial Attorney)

On this day the Civil Service Commission went into close session to deliberate at 1:54 p.m.

On this day the Civil Service Commission came back from closed session into executive session pursuant to Texas Government Code §551.074 at 2:20 p.m.

On this day the Civil Service Commission reconvened into regular open session at 2:21 p.m.

OPEN SESSION

MARCH 5, 2013

(ITEM #5)

TAKE APPROPRIATE ACTION ON A GRIEVANCE FILED/DATED FEBRUARY 5, 2013 REGARDING MYRA PONCE PERTAINING TO TERMINATION & RULES 1.01, 2.11, 2.51, 2.53, 2.54, 6.05, 6.08, & 6.09.

-- (Myra Ponce, Deputy Constable – Alyssa Perez, Attorney at Law) (Jeremiah Haggerty, Constable, Constable Pct. #2 – Kathleen Anderson, Senior Trial Attorney)

On this day, on motion of Chair Solis, seconded by Commissioner Gomez, it is the order of the Commission to make the following motions pertaining to the grievance filed/dated February 5, 2013 regarding Myra Ponce pertaining to Termination and Rules 1.01, 2.11, 2.51, 2.53, 2.54, 6.05, 6.08, & 6.09.

MOTION #3 (ITEM #5)

On motion of Chair Solis, seconded by Commissioner Gomez, it is the order of the Commission to deny the respondent's motion for a plea to the jurisdiction. However, the Commission will take notice that upon hearing any evidence, it will be limited to the relevant facts, and any testimony found beyond the scope of the determination will be excluded.

VOTE: YES- Solis, Gomez

NO: NONE

MOTION #4 (ITEM #5)

On motion of Chair Solis, seconded by Commissioner Gomez, it is the order of the Commission to deny the respondent's motion for continuance.

VOTE: YES- Solis, Gomez

NO: NONE

MOTION #5 (ITEM #5)

On motion of Chair Solis, seconded by Commissioner Gomez, it is the order of the Commission to continue this matter, sua sponte.

During the time of the continuance, the Chair also provided the following direction to the Parties:

- Verification on whether Ms. Ponce/and or Mr. Norberto Flores shared/received any confidentially information.
- Status or additional information regarding the status of any settlement discussions.
- The Parties will work together to exchange interrogatories and responses regarding Mr. Norberto Flores and Confidentiality issues within a reasonable amount of time.
- Both parties will abide by the seven (7) day deadline to submit documents to the Commission.
- Ms. Ponce will request any alleged missing termination document/letter in writing. If the County has such documentation, it shall disclose it in a timely fashion.

VOTE: YES- Solis, Gomez

NO: NONE

MEETING ADJOURNED

MARCH 05, 2013

MOTION #6 (ITEM #6)

On this day, there being no further business to discuss, Commissioner Gomez moved to adjourn the meeting at 2:29 p.m. seconded by Chair Solis.

VOTE: YES - Solis, Gomez

NO: NONE

EXAMINED AND APPROVED THIS 2ND DAY IN APRIL 2013



SELENA N. SOLIS, CHAIR



ESTELA SALGADO, RECORDING SECRETARY