Agenda Item Form

Agenda Date: 06/08/04

Districts Affected: All
Dept. Head/Contact Information: Human Resources, Terry Bond, (915) 541-4509

Type of Agenda Item:

- ☐ Resolution
- ☐ Tax Installment Agreements
- ☐ RFP/ BID/ Best Value Procurement
- ☐ Application for Facility Use
- ☐ Interlocal Agreements
- ☐ Other _____
- ☐ Staffing Table Changes
- ☐ Tax Refunds
- ☐ Budget Transfer
- ☐ Bldg. Permits/Inspection
- ☐ Contract/Lease Agreement
- ☐ Board Appointments
- ☐ Donations
- ☐ Item Placed by Citizen
- ☒ Introduction of Ordinance
- ☐ Grant Application

Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: _____ Months)
- ☒ Other Source: N/A

Legal:

☒ Legal Review Required Attorney Assigned (please scroll down): Lupe Cuellar ☒ Approved ☐ Denied

Timeline Priority: ☒ High ☐ Medium ☐ Low # of days:_____

Why is this item necessary:
After review by the Civil Service Commission and approval on 5/13/04, this amendment would more adequately describe the practice applied in placing employees laid-off, and puts in place a probationary period for employees placed in positions that are different from the ones they previously held.

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:
None

Statutory or Citizen Concerns:
None Anticipated

Departmental Concerns:
None Anticipated

CITY CLERK DEPARTMENT
2004 JUN 3 PM 1 03

AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 20, LAY-OFF, JOB RIGHTS, REINSTATEMENT, TO AMEND THE LAY-OFF AND REINSTATEMENT PROCEDURES

WHEREAS, the Civil Service Commission is given the authority under Section 6.1-5(A) of the City Charter to recommend amendments to the City's Civil Service Rules; and,

WHEREAS, the City Council is the approving authority for amendments to the Civil Service Rules; therefore, the Civil Service Commission presented their recommended changes to City Council; and,

WHEREAS, both the Civil Service Commission and the City Council have determined that Civil Service Rules should be amended by changing Rule 20, Civil Service Commission,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Ordinance 8065, Civil Service Rules and Regulations, Rule 20, Lay-offs, Job Rights, Reinstatement, is amended as follows:

Section 1. Lay-offs.

a. When a lay-off of employees is necessary in accordance with Article VI, Section 6.10-1 of the Charter, notice of such proposed lay-off will be provided to the Human Resources Director immediately. The Human Resources Director will certify to the appropriate department head the names of the employees to be laid off, and will coordinate all procedures to effect the lay-off.

b. In certifying the names of the employees to be laid off, in the case of a tie in the amount of seniority of permanent, classified employees in the affected positions, the Human Resources Director will certify for lay-off the employees with the lowest regularly scheduled efficiency ratings based on an average of the last three rating periods. If a tie still exists, the Human Resources Director will certify for lay-off the employees with the most recent date of permanent appointment to the current class. If a tie still exists, the Human Resources Director will certify for lay-off by using a system of drawing by lot. (Amended 9/8/87 and 6/3/97)

c. Within thirty calendar days prior to the actual lay-off date, the Human Resources Director will freeze the filling of all City vacancies in the same occupational group at or below the class grade of the affected employees. No such vacancy will be filled without first considering the eligibility of affected employees for the vacant positions. The Human Resources Director will attempt to place affected employees in such vacancies in accordance with Section 2 of this Rule within the thirty day period. This procedure will not affect vacancies which occur after the thirty days.

d. The Human Resources Director will counsel all affected employees to insure that all such employees are aware of their rights and obligations during the lay-off.

e. The Commission may investigate all lay-offs and may order the lay-offs to be made in accordance with its findings.

Section 2. Job Rights.

A permanent employee who is to be removed from a position as the result of abolishment or lay-off, has the right, within the order of certification, to be appointed to a vacant position.

One opportunity to be appointed to a vacant position at or below the employee's class grade at the time of removal will be offered to each employee to be laid off in the order of the employee's seniority with the City. In the event of multiple lay-offs, the Human Resources Director will ensure that the most senior employees receive the greatest rights hereunder.

Any budgeted and authorized vacancy which exists in the Civil Service for which the person meets the minimum qualification requirements as set forth in the job classification that is at or below the current position held at the time of lay off. The Human Resources Director may order a qualifying examination be given to determine if the individual possesses all the minimum qualifications.

The refusal of an employee to accept an offer to fill a vacancy made under this section will result in the employee being laid off and placed on a reinstatement list.

If no vacancy exists in any of the above categories, the employee will have the right to displace a person in a position in a lower class in the same class series in which the employee is currently serving. If no such position exists, then the employee will have the right to displace a person in a class series in which the employee to be laid off has previously served. Displacement rights will be given to employees in order of their seniority. Persons who are displaced as a result of the above procedure shall then have the same right to displace persons serving in positions as outlined above. No person may be displaced in any action if the person holding the position has greater seniority than the employee claiming the right to displace.

If a person accepts a position, either through filling a vacancy or displacement, at a lower grade, the person, if otherwise qualified, may take promotional examinations for any class above the new grade in which he or she is now placed. No person who accepts appointment to a vacant position or displaces another person under this section shall be placed on a reinstatement list for the position from which the person was removed.

Section 3. Reinstatement From Lay-Off.

Individuals on reinstatement lists as a result of a lay-off who are interested in reinstatement to a specific position in any City department must notify the Human Resources Director in writing of such interest. If the Human Resources Director has already certified the names to a vacancy when such notification arrives, that certification will not be canceled, but the individual will be contacted prior to certifying names for future vacancies in which the individual has expressed an interest. If an examination announcement for the vacancy has been posted, the individual must notify the Human Resources Director of his or her interest in the position no later than the last day of the filing period for the examination.

The Human Resources Director will, subject to Commission review, determine whether or not the position in question is of a similar nature, evaluate the individual's qualifications for the position, and determine whether or not the individual must take a qualifying examination or be determined eligible based on his or her possession of the minimum qualifications and similarity of previous job duties.

In cases where persons are being reinstated to a position in the Civil Service, where such person is not the former incumbent of the position to which assignment is being made, the Commission will require such persons to pass a probationary period of six months of actual service.

PASSED AND APPROVED this day of June 22, 2004.

THE CITY OF EL PASO

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Guadalupe Cuellar
Deputy City Attorney

APPROVED AS TO CONTENT:

Terry Bond
Human Resources Director

APPROVED BY THE CIVIL SERVICE COMMISSION ON MAY 13, 2004.

By Terry Bond
SECRETARY