Agenda Item Form

Agenda Date: 08/24/04

Districts Affected: All
Dept. Head/Contact Information: Human Resources, Terry A. 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: _____

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 approval by the Civil Service Commission on August 12, 2004. This amendment to Rule 6, would change the procedures for certification and the certification order.

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:
.N/A

Statutory or Citizen Concerns:
None anticipated

Departmental Concerns:
Recommended by the Department, no concerns anticipated.

Human Resources Department

MEMORANDUM

August 19, 2004

To: Mayor & City Council Representatives
From: Terry Bond, Director
Re: Amendments to Civil Service Rule 6, Certification

Amendments to Rule 6, Certification, are recommended from Human Resources. The majority of the changes represent the changes to the Order of Certification, Section 2, that were approved by the 2001 Charter election. These changes will bring the Rules in line with those changes to the Charter.

Additionally, in an effort to reduce the waiting time a department is required to wait after an offer of employment is made, and to recognize that technology has aided in speeding communications, the waiting periods available for an individual to respond in Section 4 are reduced by one day. Telephonic and email notifications are also included as acceptable methods of notification.

In section 5, it is recommended that the option to file a waiver, *after* an interview, be removed. The time spent by hiring officials, or their designees, to interview applicants, only to have them decide they are not interested in a position, is a cost to the City. Applicants can research positions and working conditions prior to interviewing. The sentences from Section 7, are recommended to be moved to Section 5, where they more appropriately fit with the discussion on waivers.

The other changes noted do not significantly change the rule.

AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 6, CERTIFICATION, TO CHANGE CERTIFICATION PROCEDURES AND THE CERTIFICATION ORDER

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 6, Certification, to change the certification procedures and the certification order,

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 6, Certification, is amended as follows:

Section 1. Requisition.

To initiate the employment of any classified employee of the City, the appointing officer will submit a requisition to the Human Resources Director for eligible applicants to fill all vacancies. Requisitions will be submitted as prescribed by the Human Resources Director and will specify the title and number of vacancies, the class, grade, salary, whether permanent or temporary and any other information which will assist the Human Resources Director in making a proper certification.

Section 2. Certification.

The Human Resources Director will certify to the appointing officer upon receipt of a requisition, the names and addresses of eligible applicants in the order outlined below. The five highest names in the proper eligible list will be certified for the first vacancy and one additional name (with the next highest score) for each additional vacancy in all cases except those where a reinstatement under the provisions of Article VI, Section 6.10 of the Charter, is being made. (The term "reinstatement" as here used does not include certification from an examination list even though a person so certified may have been formerly employed, and in every case where certification is made from an original examination list, the ordinary rule of certification of five for one vacancy and one name for each additional vacancy, will be followed.)

The order of certification will be:

a. First, persons who are incapacitated from performing the duties of their position in accordance with 6.11-4 of the Charter;

b. Second, permanent employees who fail to successfully complete the probationary periods for positions to which they promoted, transferred or were competitively reassigned;

c. Third, persons separated without fault or delinquency on their part, from positions in the same department, in which a vacancy exists, excluding those who have resigned. Whenever any position or office is vacant and the name of the former incumbent of that position or office is on a reinstatement list, excluding those who have resigned, the name of the former incumbent only will be certified for the position or office. The employee or officer so appointed will not be required to pass a probationary test or period of service. He or she will receive the salary fixed for the position or office at the time of reinstatement, and will hold the same seniority status as though he or she had not been separated from the position or office;

d. Fourth, persons separated, without fault or delinquency on their part, excluding those who have resigned, and who are being reinstated to a position of the same job description as their former position, but not in the same department;

e. Fifth, persons on a reinstatement list who were not formerly employed in the same department, and who are being reinstated to a position of a different but similar job description as their former position, excluding those who have resigned;

f. Sixth, persons for whom a transfer from one department to another has been approved under the rules governing transfers;

g. Seventh, permanent part-time employees applying for full-time vacancies within the same classification and in the same department;

h. Eighth, persons on a promotional list;

i. Ninth, persons working permanent part-time in the same classification for which no promotional lists exist;

j. Tenth, Permanent classified employees applying for competitive reassignment to positions at or below their current pay grades;

k. Eleventh, persons on a reinstatement list as the result of resignation in good standing from a permanent classified position, and who are being reinstated to a position of the same job description from which they resigned;

l. Twelfth, persons standing on original entrance lists. When there are no persons eligible under paragraphs "a" through "h" above, names are to be certified from the original entrance list up to the number required by the Charter.

Section 3. Certification to Multiple Vacancies.

If more than one vacancy exists for a given position, the order of certification shall conform to a first choice from the first five certified, a second from the next five eligible for appointment (i.e., the second, third, fourth, fifth and sixth names on the appropriate eligible list), and so on until the complete number of appointments has been made.

Section 4. Failure to Respond to Offer of Appointment.

The failure of an eligible person to report to the appointing officer within five working days

from the date notified of appointment, or within three working days of the date of sending the notice by special messenger to the last home address shown on the records of the Human Resources Director, will be considered sufficient cause for removal of the name of the person from an eligible list. If the person declines or does not respond to telephonic or email messages, certification of the next person eligible in order on the list will be made.

Section 5. Waiver.

Requests for waivers for appointment must be filed with the Human Resources Director by the next working day after having been notified of certification by the Human Resources Department. Eligible applicants may file waivers when they are on an approved leave of absence. Waivers may not be filed after interviewing for a vacancy. A waiver may be filed for appointment to positions containing certain conditions of employment which are unacceptable to the eligible seeking employment. Waivers will be in force only for the duration of the eligible list. The Human Resources Director will permit persons on eligible lists to waive certification or reinstatement five times. The names of persons on eligible lists will be removed after five waivers. Certification for temporary appointment will not count.

Section 6. Objection by Appointing Officer.

The appointing officer will make a selection from the eligible list solely on the basis of merit and fitness. If he or she has information regarding any person certified tending to show that the person is unfit for the position to be filled, he or she will communicate that information, in writing, to the Commission. Such information may relate to disqualifications:

a. Because of which the Commission might have refused to examine the applicant as set forth in Rule 8, Section 1c, below, or

b. Which may have arisen subsequent to the filing of the application and holding of the examination.

In every such case the Commission will enter its findings in the record. The Commission will withdraw from the certification the name of any eligible whom it finds to be not qualified for the position under consideration, and will certify an additional name for each eligible so withdrawn. The Commission will also determine in each such case whether there is sufficient cause to remove the name of the person affected from the eligible list, and if so, withdraw it.

Section 7. Cancellation of Certifications.

At any time after an eligible has been certified by the Commission at the request of an appointing officer, and the appointing officer decides not to fill the vacancy, or decides to fill the vacancy by other methods which meet with the approval of the Commission and are in accordance with the provisions of the Charter, the certification will be cancelled, the eligibles so notified, and an entry made on the record by the Human Resources Director.

Section 8. Notice of Appointment and Separation.

Each appointing officer will immediately notify the Human Resources Director of all appointments in a manner prescribed by the Director, in each case giving the name of the appointee, his or her address, the title of his or her position, the compensation grade, date of

commencement of service, and salary or compensation. He or she will also notify the Human Resources Director immediately of any separation of a person from the service or any other change therein, and such additional information as the Human Resources Director may, from time to time require, in order to maintain the list of employees of the Civil Service.

Section 9. Notice of Certification.

The Human Resources Director will send a notice of certification of a person's name for reinstatement or appointment to him or her at his or her last address that is on file with the Human Resources Department.

Section 10. Nepotism.

It is the duty of every appointing officer to inquire of all prospective appointees whether a relationship as defined in Article VI, Section 6.9-3 of the Charter exists and to report to the Human Resources Director the existence of such a relationship. The Human Resources Director shall refuse to certify the salary of any person appointed without compliance with these provisions.

2. Except as herein amended, all provisions of Ordinance 8065, Civil Service Rules and Regulations, remain the same and are in full force and effect.

PASSED AND APPROVED this day of _____ September 2004.

THE CITY OF EL PASO

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Duffy Momsen
Municipal 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 AUGUST 12, 2004.

By _____
SECRETARY