I would ask that you review tonight's meeting and discuss with me on Monday or Tuesday. I believe you will concur that Mr Batista cannot fulfill his responsibilities on the Commission. He refuses to hear any action against any employee or support any management effort.

It makes no sense to have to endure these meetings like this.

Sent from my iPad
Thanks Joyce - I am fully supportive.

-----Original Message-----
From: Wilson, Joyce A.
Sent: Wednesday, February 22, 2012 10:48 AM
To: Mayor and Council and Staff
Cc: Deputies; Firth, Sylvia B.; Thomas, Linda B.
Subject: FW: CSC Rule Changes

At their January and February meetings, the Civil Service Commission adopted changes to Ordinance 8064 and 8065 as proposed by the Human Resources Director with slight modifications. These ordinances will be introduced on February 28, with Council action on March 6. This culminates a nearly two year process commencing in Summer 2010 as part of the FY 2011 budget process where we were asked to better align the CSC rules with the City Charter.

The process included a 41-member employee committee with representation from all city departments, police and firemen's labor associations, AFSCME and the El Paso Municipal Employees Associations – to assure broad representation. The review process also included Mr. Bill Ellis, whom we asked to participate, in order to ensure that the rights and protections of city employees were not unduly compromised as a part of this process and proposed changes. Mr. Ellis is a respected labor attorney, former member and Chairman of the Civil Service Commission, and a current hearing officer. He has been an advocate for streamlining and clarifying rules, policies and procedures to minimize ambiguity and ensure clarity and simplicity where possible.

The changes merge 30 rules into 15 by consolidating and re-ordering some so that they flow better and are grouped most logically. The changes also remove some of the prescriptive language that represents processes and procedures and should be addressed through administrative policies and not be codified in an ordinance. A detailed breakdown of those changes is attached for your information and review. We have provided a red-lined version as well as the final ordinance so you can specifically see the changes.

This has been one of the most grueling undertakings in my seven plus years of service to this organization and community. Numerous employee meetings were held from August through February. Most meetings went for several hours. The rules were broken into two groups to make the reviews manageable. Rules 1-12 were tackled first. Once the committee met and discussed and/or amended the proposed changes, they were posted electronically for 30 days to allow for employee comments. Department representatives were responsible for ensuring all department employees were familiar with the changes and had an opportunity to comment. At the conclusion of the 30-day posting period, amendments were made based on feedback and then sent forward to the Civil Service Commission for their independent review and action. The second group Rules 13-30 and Ordinance 8064 went through a similar internal process as outlined for the first group. In summary these were vetted for nearly one year prior to bringing forward to City Council for final action.

While on first review, these changes may seem substantial; in reality they are not significant and in no way reduce or eliminate employee rights or protections in those situations where their status may be adversely affected. As you read the new ordinance and compare with current, you should agree that it provides for a better framework to govern the
civil service system. I would also suggest that you view the CSC meetings on January and February to see the public vetting process, should you feel the need to assure yourselves that employees had ample opportunity for input.

My staff and I will be available to discuss these recommendations with you either individually or at the public hearing. I have specifically requested that Linda Thomas, Human Resources Director, schedule meetings with each district office to go over the changes and answer any questions you might have. I’ve also asked her to provide you a summary of the general employee feedback we compiled as part of this overall process.

Per Sec. 6.1-6 of the City Charter, failure by Council to approval, amend and approve, or deny the Commission’s changes within 60 days after Council’s receipt shall result in their automatic adoption. In event of disagreement, Council may deny or amend the Commission’s changes, additions or deletions only by a two-thirds majority of the Council.

Also per Sec. 5.5 of the City Charter, City Council is restricted in its direct dealings with city employees on personnel matters. This is the basis for the process as outlined above in Sec. 6.1-6. I’m sharing this provision with you as I am aware that some of you have been contacted by city employees and it is important that you and your staff understand these distances in order to avoid any conflicts or charter violations. I’ve also copied the City Attorney so you can confer with her in the event you wish clarification beyond what I have provided relative to these charter provisions.

Thank you for your attention to the above.

Joyce Wilson
City Manager
Jacque Meissner

From: Wilson, Joyce A.
Sent: Wednesday, February 29, 2012 12:54 PM
To: Mayor and Council and Staff
Cc: Thomas, Linda B.
Subject: FW: CSC Rule Changes
Attachments: Ord. 8065 Rules 1-30 Amended (1-12-12)(2-16-12) WITH Track Changes.doc; Ord. 8065 Rules 1-15 with ACCEPTED Track Changes Amended (2-16-12).doc; Ord 8064 Class Comp-Sec 1-8 WITH Track Changes-Synopsis Section (Rev(10-11-11))(2-8-12).doc; Ord 8064 Class Comp-Sec 1-8 WITH ACCEPTED Track Changes 2-16-12.doc

Here is the original email I had sent two weeks ago outlining the process for vetting these rule changes internally. I asked Ms. Thomas to make sure your staffs downloaded these for you in advance of your discussion next Tuesday if you needed hard copies prior to agenda posting. I also have asked her to make sure that we have a list of all employee committee participants available for that meeting.

City Manager

-----Original Message-----
From: Wilson, Joyce A.
Sent: Wednesday, February 22, 2012 10:48 AM
To: Mayor and Council and Staff
Cc: Deputies; Firth, Sylvia B.; Thomas, Linda B.
Subject: FW: CSC Rule Changes

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Thank you for your attention to the above.

Joyce Wilson
City Manager
Jacque Meissner

From: Lilly, Ann Morgan
Sent: Monday, March 05, 2012 10:58 AM
To: Niland, Cortney; Byrd, Susannah M.; Robinson, Carl L.; Ortega, Steve; Noe, Mike; Holguin, Eddie; Acosta, Emma; Cook, John F.
Subject: FW: Civil Service Commission

**PLEASE DO NOT RESPOND AS IT WOULD BE A VIOLATION OF THE OPEN MEETINGS ACT

FYI

From: Marcia Turner [mailto:marciaturner@elp.rr.com]
Sent: Wednesday, February 29, 2012 2:47 PM
To: District #1
Subject: Civil Service Commission

Dear Dr. Noe,

I have served on the Civil Service Commission for nearly 3 years. In those three years I have witnessed various improprieties by individual members of the commission, but nothing that rises to the level of your appointee, Jesus Bautista.

Mr. Bautista has, on a regular basis, disrupted our meetings with inappropriate comments and demands. These outbursts result in meetings filled with hostility and a total disrespect for the process.

As Commissioners our responsibility is to objectively judge disputes between the City and City Employees. It is clear to all present that Mr. Bautista is neither fair nor impartial.

From my observations the past several years, it appears that approximately 95% of City Employees are satisfied with their jobs and very happy to be working for the City of El Paso. Joyce Wilson and her staff have made extraordinary efforts to assure that everyone is treated fairly. If there is a rare oversight in this regard, Ms. Wilson immediately recognizes it and makes an appropriate adjustment. I have never before seen an organization which gives employees so many opportunities to appeal any perceived or real injustices.

The remaining 5% of the employees are those who are dissatisfied with their jobs, and are generally those who appear at our meetings. These employees take great joy in disrupting meetings with disrespectful comments about Joyce Wilson and Linda Thomas. They are encouraged by Mr. Bautista. They are not only disrespectful to City Staff, but through their behavior, are disrespectful to the process itself.

I urge you to review the 4 hour meeting from last Thursday. The second half of the meeting is the most revealing....at one point Mr. Bautista proudly stated that he would never believe anything the City Attorney or Linda Thomas said. This is on record.

One purpose of this meeting was to approve the changes made to the Civil Service Rules. This is a process which takes portions of the current rules out of the "Rule" section, and places them in the "policy" portion. "Rules" are those items which are directed to us in the City Charter. The Rules are strictly from the Charter. The procedure to implement those rules are "policy". Until now, the bulk of the process and the Rules have been in one document. For the purpose of clarity, the process procedure should be in "policy". This should have been a simple process. No benefits/appeals, etc. were being taken from the employees. The process for accomplishing these benefits were merely being moved to "policy", since that's where the process belongs. It's very possible that Mr. Bautista did not understand the purpose of these changes. In the tape you can see clearly that Mr. Bautista took great pleasure in voting "no" for every single change, and made it clear that he wanted his vote in the record. His "fans" in the audience were very pleased with him.

45

10-1234
Although I cannot prove it, I believe Mr. Bautista has communicated with the employees, even though this is strictly prohibited.

Mr. Bautista has made it clear to us all that he is incapable of being objective in matters concerning the City and its employees.

In my opinion, Mr. Bautista's behavior during our meetings is a disgrace to the Commission, to the City, and to the many employees who are proud to be working for our City. There are certain "rules of decorum" which are expected in these meetings, and Mr. Bautista, either knowingly or unknowingly, has absolutely no regard for them.

Remaining totally objective in our decisions is paramount to this commission. Mr. Bautista has shown that he is incapable of the necessary objectivity. Please review the meeting. I'm in hopes that you will appoint someone else to represent you on the Commission.

Thank you for your service to our community!
Marcia Turner (District #1)
Okay - we'll get it done tomorrow.

Typical BS from Ron. I can handle tomorrow if need be.

Sent from my iPad

On Mar 5, 2012, at 7:17 PM, "Ortega, Steve" <OrtegaSX2@elpasotexas.gov> wrote:

Fyi.

From: Martin, Ron
Sent: Monday, March 05, 2012 03:01 PM
To: Mayor and Council
Subject: FW: Legal opinion relating to the consideration of the Rules

Dear Mayor and Council,

Please take a moment to read my email before deleting. When I address you as the President of the EPMOA, I do so as the elected leader of just over 2,000 active and retired police officers and their families, 15,000 strong. The EPMOA has been asked by the civilian workforce to stand alongside them in voicing their concerns over the Civil Service Rules changes. Our civilian counterparts are worried that the little job security that they do have will be even future reduced with the rules being removed from the watchful oversight of the commission and changed to policies under the City Manager. The word is "TRUST", which the City Manager has failed to instill in a large number of City Employees. They do not trust the changes that are going to take affect and fear that they will have no recourse if their jobs are threatened. They look to the commission as a third party independent entity that will hear both sides of an incident and rule totally impartial. We fear that a policy will be changed whenever the City Manager wishes to accomplish what she desires and the employees will have to no say so in what is happening. That is the entire issue in a very simple nutshell. Please take your time to hear all concerns before voting on an item that will affect all employees except elected officials.

I also find it necessary to clarify one topic that the City Manager listed below:

Also per Sec. 5.5 of the City Charter, City Council is restricted in its direct dealings with city employees on personnel matters. This is the basis for the process as outlined above in Sec. 6.1-6. I'm sharing this provision with you as I am aware that some of you have been contacted by city employees and it is important that you and your staff understand these distances in order to avoid any conflicts or charter violations.
The rule states, "

Except for the purposes of investigations under Section 3.8 and inquiries, the members of the Council shall deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor any of its members shall give orders to any such employee, either publicly or privately. Neither the Council nor any of its members shall in any manner control or demand the appointment or removal of any City employee whom the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such employees.

This is not a personnel matter with a city employee. This is a change in our jobs and a massive change of Civil Service Rules that takes a vote by council. I address you as the President of all El Paso Municipal Police Officers Association, a 45 year citizen of El Paso and a proud business owner, NOT AS AN EMPLOYEE.

Thank you,

Ron Martin
EPMPOA President

From: Wilson, Joyce A.
Sent: Thursday, March 01, 2012 11:39 AM
To: Tellez, Joseph A.; Martin, Ron; AFSCME Local 59
Subject: FW: Legal opinion relating to the consideration of the Rules

Even though I was not provided a copy by you of the letter you sent regarding the proposed changes to the civil service rules, I am providing you with my response to the Mayor and Council as a professional courtesy. I’m also sending you the original transmittal which will be posted with the agenda items for next week.

Joyce Wilson

City Manager
-----Original Message-----

From: Wilson, Joyce A.

Sent: Wednesday, February 22, 2012 10:48 AM

To: Mayor and Council and Staff

Cc: Deputies; Firth, Sylvia B.; Thomas, Linda B.

Subject: FW: CSC Rule Changes

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My staff and I will be available to discuss these recommendations with you either individually or at the public hearing. I have specifically requested that Linda Thomas, Human Resources Director, schedule meetings with each district office to go over the changes and answer any questions you might have. I’ve also asked her to provide you a summary of the general employee feedback we compiled as part of this overall process.

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Thank you for your attention to the above.

Joyce Wilson
City Manager

From: Wilson, Joyce A.
Sent: Wednesday, February 29, 2012 11:51 AM
To: Mayor and Council
Cc: Thomas, Linda B.; Hengen, Elaine S.; Firth, Sylvia B.
Subject: FW: Legal opinion relating to the consideration of the Rules
I received a copy from the Human Resources Director of a letter sent to you from the three employee associations – police, fire, and AFSCME. I am resending you my earlier email outlining our process because this letter infers that these entities were not aware nor involved in this extensive process and that is literally not true. I have asked Ms. Thomas to provide a list of all employee participants prior to the discussion next Tuesday. Furthermore, the inference that rule changes somehow violate the terms of the collective bargaining agreements is also not correct, as outlined in the attached legal opinion. When a collective bargaining agreement is executed, the CSC rules in effect at the time of that agreement remain in effect until the new contract. Therefore, both police and fire will continue to operate until the old rules until their contracts expire and are renewed. This has been the practice for as long as we have had collective bargaining and it has not impeded our ability to amend the rules periodically throughout the years. The concerns about suppressing the voice or any democratic process are also baseless as the process extensively engaged the organization and solicited input. Simply ‘not wanting any changes’ is not sufficient to stop internal process improvements that do not limit employee due process. As I stated earlier in my initial transmittal, anyone who reasonable looks at the new rules vs. the current rules should be able to draw that conclusion.

Also, I want to note that the City does not recognize any organization for purposes of representation or collective bargaining other than the police and firefighters associations, as it is prohibited by state law – excluding police and fire. We do, however, permit employees to have representation of their choice during any disciplinary action or grievance procedure. There presently are less than 140 dues paying members to AFSCME; and 290 dues-paying members of the EPMEA (Municipal Employees Association) – out of a total 3500 non-sworn work force.

Again our purpose was to address those areas that are codified in an ordinance that are in fact procedures and applications of the policy that should be addressed as such and then reorganize the rules so they are simpler and flow more readily. Also, because of our sensitivity about any changes to these rules, we retained Mr. Bill Ellis to assist with the committee review. Mr. Ellis has been a member of the CSC and is presently a hearing officer and can attest at the meeting next week that the process was extensive, inclusive and reasonable. Otherwise he would not have publicly supported the outcome.

Finally I want to re-emphasize that the City Charter lays out the process by which Council can adopt, amend or reject the rules.

Per Sec. 6.1-6 of the City Charter, failure by Council to approval, amend and approve, or deny the Commission’s changes within 60 days after Council’s receipt shall result in their automatic adoption. In event of disagreement, Council may deny or amend the Commission’s changes, additions or deletions only by a two-thirds majority of the Council. The attached legal opinion also outlines the timeline upon which Council action must occur.
Also per Sec. 5.5 of the City Charter, City Council is restricted in its direct dealings with city employees on personnel matters. This is the basis for the process as outlined above in Sec. 6.1-6.

Thank you for your attention to the above.

City Manager

From: Hegen, Elaine S.
Sent: Tuesday, February 28, 2012 6:59 PM
To: Wilson, Joyce A.
Cc: Firth, Sylvia B.; Martinez, Lupe (Legal); Ruhmann, Elizabeth M.
Subject: Legal opinion relating to the consideration of the Rules

Joyce;

As you requested, attached please find my opinion on issues pertaining to the consideration of the CSC Rules.

Elaine S. Hegen
Senior Assistant City Attorney
#2 Civic Center Plaza, El Paso, TX

phone (915) 541-4714
fax (915) 541-4710

City Hall hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m.

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Jacque Meissner

From: Wilson, Joyce A.
Sent: Tuesday, March 06, 2012 11:52 AM
To: Ortega, Steve
Subject: FW: CSC Rules

See below. If this happens I'm really going to be upset. It's more onerous than the current rules.

From: Wilson, Joyce A.
Sent: Tuesday, March 06, 2012 10:37 AM
To: Mayor Cook
Subject: RE: CSC Rules

It is a broad brush statement. If it relates only to these current rules and policies now in the ordinance I understand but I will have to have every department head stand up and testify as to how difficult you will make it for them to do their jobs. This is not affecting me personally one way or another but the depts are affected by your action and they need a voice too.

From: Mayor Cook
Sent: Tuesday, March 06, 2012 10:36 AM
To: Wilson, Joyce A.
Subject: RE: CSC Rules

In that case I will object. Did you miss the word "subsequent"? Our job as the legislative branch is that of policy makers. I don't think that taking subsequent action is designed to hamstring staff.

From: Wilson, Joyce A.
Sent: Tuesday, March 06, 2012 10:32 AM
To: Mayor Cook
Subject: RE: CSC Rules

I will object to that. That defeats the process. I have no problem posting for notation but if both bodies are going to comment and then amend then we are back to where we are to begin with. If you don't support this then just say so but don't try to continue to hamstring management and expect us to be held accountable.

We promulgate policies and regulations all the time so you are only increasing the bureaucracy and making things more difficult and expensive.

From: Mayor Cook
Sent: Tuesday, March 06, 2012 10:28 AM
To: Wilson, Joyce A.
Subject: RE: CSC Rules

Joyce:

Per our conversation yesterday and to assure we have both transparency and protect our employees I will be asking for the following amendment:

"No policy will be amended, added, or deleted without posting such amendment, addition or deletion on the Civil Service Commission and City Council agendas for notation, comment and possible subsequent action."

John
From: Wilson, Joyce A.
Sent: Tuesday, March 06, 2012 10:15 AM
To: Mayor Cook
Subject: CSC Rules

I would like to be able to introduce these items relative to process, concerns about erosion of rights and protections and to specifically introduce Bill Ellis who will assist Linda with presentation.
Look at these, and then some time to Michael Pieters and ask him his opinion of current status of CSC  You will hear an interesting perspective
These are the reports we now have to make to CSC for items we refuse to forward to them because of jurisdiction  However I can assure you some will want to hear them and I plan to flat out refuse so we can put a stop to this mess

City Manager

Good afternoon Ms. Wilson,

Please find attachments for items 5 A, B, C per your request.

Thank you,

Thank you,
Mary Holguin

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