Agenda Item Form

Agenda Date: 08/10/04

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: _____

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:
In order to complete the transition to a Council-Manager form of government, it is necessary to amend Ordinance 8065 to reflect the changes to the Chief Administrative Officer and Mayor form of government.

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

Statutory or Citizen Concerns:
None anticipated

Departmental Concerns:
None anticipated

04 AUG -5 PM 1:57

AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, TO CHANGE REFERENCES MADE TO THE CHIEF ADMINISTRATIVE OFFICER AND MAYOR TO THE CITY MANAGER AS NECESSITATED BY THE TRANSITION TO A COUNCIL-MANAGER FORM OF GOVERNMENT

WHEREAS, the Citizens of El Paso held a Charter Election in February 2004 and elected for the City to change from a strong Mayor form of government to a City Council-Manager form of government; and,

WHEREAS, such transition is to be effective on September 1, 2004; and,

WHEREAS, the current Civil Service Rules contain many references to acts and requirements currently being performed by either the Mayor or the Chief Administrative Officer and such acts and requirements, as a result of the transition to a Council-Manager form of government, will, as of September 1, 2004, be performed by the City Manager;

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

1. That Ordinance 8065, Civil Service Rules and Regulations, is amended as follows:

Rule 1 Section 12 Paragraph A Sentence 4

(4) After a period of not less than five days nor more than thirty from the date such charges are filed, the City Council, at a meeting previously announced, will hear the charges.

Rule 1 Section 12 Paragraph D

d. Delete

Rule 2 Section 2 Paragraph A

a. Direct the human resources functions of the City under the supervision of the City Manager.

Rule 2 Section 2 Paragraph J

j. Perform such other and additional duties as may from time to time be prescribed by the City Manager.

Rule 3 Section 1

Section 1. Reinstatement Rights of Department Heads.

If a department head is removed under the provisions of Article VI, Section 6.3-2 of the Charter for reasons which will promote the good of the service or the efficiency of the

department, and that person previously served in the Civil Service of the City, the City Manager will cause the person to be placed on an appropriate reinstatement list.

Rule 4 Section 4 1st paragraph in Paragraph A

a. The Commission or the Human Resources Director may investigate of its own accord or upon the request of a department head, any change in the duties and responsibilities of a position from those upon which it was originally classified. If it is found that the duties and responsibilities of the position have changed so significantly that the former classification is a substantially inaccurate description of the current duties and responsibilities, the Commission will request the City Manager to direct the Human Resources Director to place the position in its proper class and grade.

Rule 5 Section 1 2nd paragraph in Paragraph E

Advancement shall be made on the first day of the pay period following the pay period in which the employee's Competency Anniversary Date as defined in paragraph "f" below falls, upon recommendation of the department head, or City Manager, as applicable, and approval of the Human Resources Director, if funds for competency increases have been budgeted by City Council for the fiscal year in which they are to be received. (Amended 9/15/92 and 2/1/94)

Rule 5 Section 4 Paragraph C & E

c. The starting salary for any person covered under the Plan shall be determined by City Council but shall normally be no greater than the midpoint of the range for the position; however, an applicant or employee may be hired up to the third quartile of the range upon recommendation of the City Manager and approval of Council subject to procedures approved by the Commission and subject to the current pay scale adopted by the City Council for the fiscal year. (Amended 6/5/90 and 3/17/92)

e. Merit increases for employees in the Executive Compensation Plan shall be based on meritorious service in accordance with regularly scheduled performance evaluations as set forth in the Rules. The amount of the merit increase for department heads shall be determined by the City Manager. The amount of the merit increase for all others in the Executive Plan shall be an amount equal to 2½%. Such increase for department heads will be made upon recommendation of the City Manager, and authorization by City Council. Merit increases for all others covered by this plan will be made upon recommendation of the department head and approval of the City Manager, the Human Resources Director and the Civil Service Commission. (Amended 2/1/94)

Rule 5 Section 5 Paragraph C

c. The starting salary for any person covered under the Plan shall normally be at the entry rate; however, in cases where the person is already a permanent employee in the service of the City, or in cases where an applicant with exceptional qualifications, or where recruiting efforts have failed to fill a position at the minimum, the applicant or employee may be started at a higher rate, not to exceed the top of the third quartile of the range. A starting salary above the entry rate must be in accordance with procedures approved by

the Commission and must be approved by the Human Resources Director and City Manager and shall be subject to appeal to the Commission. (Amended 3/17/92, 2/1/94, and11/1/94)

Rule 7 Section 6

Section 6. Reappointment to Temporary Employment.

Any person who has been appointed to a temporary position from an eligible list, being one of the three persons highest on the list willing to accept appointment at this time, may be reappointed to another temporary position, provided such reappointment is requested by the department head and approved by the City Manager.

Rule 13 Section 1 Paragraph A, B, & D

Section 1. Leave of Absence.

a. A request for leave of absence, not to exceed twelve months except for military leave as hereinafter provided, together with the reasons therefore and the period of leave desired, and a full statement as to the desire or intention of the employee to return to the Civil Service, will be made in writing on the forms prescribed, with the department head's recommendation to grant or deny the request. When a leave of absence is necessary because of sudden sickness or injury, the request may be made by the department head without securing the signature of the employee and forwarded to the City Manager. A leave of absence will not be finally effective until approved by the City Manager. In the case of a leave requested as an exception to length-in-service requirement policy, the application must be accompanied by such proof as the City Manager may require. When a leave of absence is requested because of sickness or military service, or acceptance of a position in the exempt class of the City's service, such leave shall be granted and extended for periods of three months but only during the actual sickness or military service to the country or holding of the exempt position. (Amended 11/13/84 & 7/13/85)

b. No employee will be granted a leave until he has been in the Civil Service for at least one year immediately preceding the date of leave except in case of sickness, disability, military service, or urgent necessity. In these cases, an application for a leave will be accompanied by such proof as the City Manager may require.

d. No leave of absence, with or without pay, will be approved or granted when it appears to the City Manager that it is requested for the purpose of enabling the employment of a temporary employee to the same position; or because of political influence, or for cause contrary to the good of the Service. Objections based upon the foregoing may be filed by any citizen with the Commission. The Commission will investigate such objections, and may, if they are sustained upon investigation, report such investigation to the City Manager who must order a revocation of the leave.

Rule 13 Section 2 Paragraph D

d. Application for Sick Leave or Emergency Leave as defined above, will be made to the appropriate department head. When an application for such leave is denied by the

department head, the applicant may appeal to the City Manager who will investigate and uphold or reverse the denial. (Amended 3/31/87)

Rule 14 Section 2

Section 2. Responsibility.

The immediate supervisor of the employee is responsible for rating his or her efficiency. The individual so charged will be designated in writing by the department head. Each report will be reviewed by the rater's supervisor. In the case of Department Heads who report to a Deputy City Manager, the City Manager of the City will be designated reviewer for evaluations. Department heads, not reporting to a Deputy City Manager, shall be evaluated by the City Manager. (Amended 7/5/00)

Rule 23

As of September 1, 1987, the Civil Service Commission will no longer require residency within the City of El Paso as a condition of employment except as set forth herein. All City employees must reside within the United States of America as a condition of employment. All department heads appointed by the City Manager and City Council must reside within the City limits of El Paso. Additionally, all City employees, hired after the effective date of this rule, whose jobs require that they respond to a civil emergency must be able to respond to the emergency within a thirty minute time limit. (Passed 9/8/87)

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

3. This ordinance shall take effect September 1, 2004.

PASSED AND APPROVED this day of _____ August 2004.

THE CITY OF EL PASO

_____
Joe Wardy
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

SIGNATURES CONTINUE ON NEXT PAGE

SIGNATURES CONTINUED ON FOLLOWING PAGE

PASSED AND APPROVED this day of _____ August 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_____, 2004

By: _____
SECRETARY