

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Human Resources

CITY CLERK DEPT.

AGENDA DATE: November 1, 2016

2016 OCT 26 PM 5:51

CONTACT PERSON NAME AND PHONE NUMBER: Linda Ball Thomas, Director (915) 212-0045

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Strategic Goal 6: Set the Standard for Sound Governance and Fiscal Management

SUBJECT:

An Ordinance amending Ordinance 8065 (Civil Service Rules and Regulations), to amend Rule No. 8 to revise Section 8 addressing Formal Counseling.

BACKGROUND / DISCUSSION:

The Civil Service Commission met on Thursday, October 13, 2016 and are recommending approval of changes to Rule 8, Section 8 of Ordinance 8065

PRIOR COUNCIL ACTION:

January 20, 2015

AMOUNT AND SOURCE OF FUNDING:

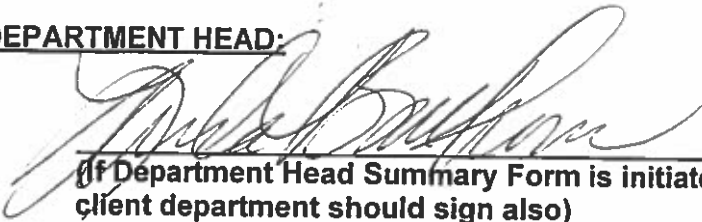
N/A

BOARD/COMMISSION ACTION:

October 13, 2016

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 8065 (CIVIL SERVICE RULES AND REGULATIONS), TO AMEND RULE NO. 8 TO REVISE SECTION 8 ADDRESSING FORMAL COUNSELING.

WHEREAS, Rule Number 8 (Suspension, Reduction, Discharge), Section 8 (Formal Counseling) of the Civil Service Rules and Regulations currently provides that formal counselings shall remain in an employee's file and be part of the employee's disciplinary history for a period of twenty-four (24) months; and

WHEREAS, on October 13, 2016, the Civil Service Commission (the "Commission") recommended that this retention and look-back period be reduced to a period of twelve (12) months; and

WHEREAS, the Commission also recommended the addition of notice provisions to the formal counseling rule; and

WHEREAS, the Civil Service Commission is given the authority under Section 6.1-6 of the City Charter to make recommendations on amendments to the City's Civil Service Rules; and

WHEREAS, the City Council is the body with the final authority to approve, amend and approved, or deny the Commission's recommended changes to the Civil Service Rules.

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 8, Section 8, is amended as follows:**

Section 8. Formal Counseling.

Formal Counseling is not within the type of disciplinary action specified in Section 6.13-2 of the Charter which may be appealed to the Civil Service Commission. A formal counseling is issued by the Department Head and considered a written counseling to address employee workplace conduct. Employees receiving a formal counseling shall have the right to place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file.

Contemporaneous with the issuance of a formal counseling, the Department Head must provide the employee with written notice containing the reasons for the formal counseling, with sufficient explanation to place the employee fairly upon his defense.

Upon an employee's request, formal counselings shall be removed from an employee's personnel file after the expiration of twelve (12) months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twelve (12) month time period between the request and the last-received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. (Added 8/25/09)(Amended 11/2/10, 3/6/12, 1/20/15, _____)

- 2. Except as herein provided, Rule No. 8 of Ordinance 8065 shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2016.

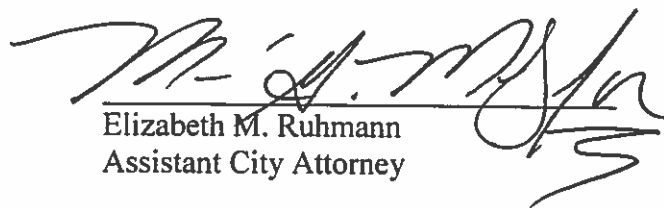
THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

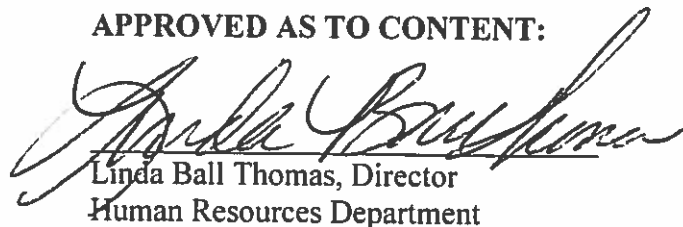
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elizabeth M. Ruhmann
Assistant City Attorney

APPROVED AS TO CONTENT:



Linda Ball Thomas, Director
Human Resources Department

Ordinance 8065
Rule 8, Section 8
with track changes

Red-Lined Version of Proposed Amendments to Rule 8, Section 8

Section 8. Formal Counseling.

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Upon an employee's request, formal counselings shall be removed from an employee's personnel file after the expiration of twelve (12) ~~twenty-four (24)~~ months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twelve (12) ~~twenty-four (24)~~ month time period between the request and the last-received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. ~~If a department-specific policy contains a look-back period for formal counselings that conflicts with this Rule's twenty-four (24) month look-back period, the department-specific policy supersedes this provision of the Rule for purposes of progressive discipline and performance evaluations.~~
(Added 8/25/09)(Amended 11/2/10, 3/6/12, 1/20/15. _____)

**Ordinance 8065
Rule 8, Section 8
with accepted
changes**

Accepted track changes to the proposed amendments to Rule 8, Section 8

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(Added 8/25/09)(Amended 11/2/10, 3/6/12, 1/20/15, _____)