



City of San Angelo  
Minutes of Civil Service Meeting  
January 27, 2017

Meeting was called to order at 9:07 a.m. on Friday, January 27, 2017. Commission members present were Raul Lopez, Chairman; Teresa Special, Vice Chair; Keith Hidalgo, Commission Member; Lisa Marley, Civil Service Director, and Theresa James, City Attorney.

1. Call to order at 9:07 a.m. by Mr. Lopez.
2. Oaths of office were administered to Teresa Special and Keith Hidalgo.
3. Approval of the minutes of the previous meeting. Motion to approve was made by Ms. Special and seconded by Mr. Hidalgo. Motion approved unanimously.
4. Approval of the daily action log. Motion to approve was made by Mr. Lopez and seconded by Mr. Hidalgo. Motion approved unanimously.
5. Revision/Update of the Civil Service Rules & Regulations Local Government Code 143:

a. Section 26 – Consider revision of filing applications options.

Ms. Marley approached the Commission and requested to change the filing of applications from a typewriter format to an electronic one to ease the administrative process. Ms. Special asked whether the correction would take away the handwriting option for filing applications. Ms. Marley asserted that applications would be filed either by handwriting or electronically. Mr. Lopez made a motion to approve the change, which was seconded by Mr. Hidalgo. Motion approved unanimously.

b. Section 34 – Consider update of refusal to examine categories.

Ms. Marley approached the Commission and stated that there is a list of ailments for which the Civil Service Director could refuse to examine applicants. Ms. Marley reported that a person submitted an application with the Fire Department and asked for an accommodation for dyslexia. Both Ms. Marley and Chief Dunn voiced their concerns regarding this ailment's risk of inverting the numbers on medications if the person were to be hired.

Chief Dunn explained that this impairment would affect the firefighter's readiness in providing, transposing, or computing the correct dosage of medications given to patients, with potential lethal consequences. Per his knowledge, people with dyslexia may be trained to read correctly, but this option would not be viable with the pace of fire training classes.

Mr. Lopez asked Chief Dunn whether anyone with dyslexia had attempted to go through the fire recruiting school. Chief Dunn replied that 20 years ago one person with dyslexia could not pass the State exams albeit having received some form of training to correct his reading ability.

Mr. Hidalgo asked whether the applicant had requested an accommodation for applying or for carrying out the job. Ms. Marley replied that the accommodation was requested to take the typing test. Ms. Special inquired about the length of time the test had been part of the

application process. Chief Dunn explained that the typing test was incorporated last year since firefighters were required to submit legible medical reports to the State. Ms. Marley added that the candidate had requested extra time to take the typing test as well as the civil service exam, which allots a specific time frame for each section to all candidates.

Mr. Hidalgo acknowledged the potentially lethal implications of a firefighter needing extra time to carry out his/her duties while in an emergency situation. Chief Dunn asserted that the time sensitivity of the fire academy program warrants the need to disqualify recruits who cannot keep up with the pace of the activities. Chief Dunn also added that the State does not allow extra time for the fire or paramedic exams.

Mr. Hidalgo questioned the fairness of allotting extra time for a candidate compared to the rest of the test takers, arguing that it may establish a precedent for other forms of testing. Chief Dunn agreed, adding that the time-sensitive nature of the fire tasks would not align with this exception.

Ms. Special asked the opinion of the Police Department in regards to the matter, since the same rule would apply to their sector as well. Assistant Chief Fincher claimed that some police recruits with dyslexia had recently completed the academy without requesting any accommodations. Nonetheless, he agreed with Chief Dunn as far as not allotting extra time to complete tasks.

Ms. Special asked if there were any dyslexic police officers currently in the department. Assistant Chief Howard confirmed it, but Assistant Chief Fincher admitted that extra time is required to supervise them and check their work for accuracy. Chief Dunn argued that his concern was about deviating from the standard all firefighters are held to.

Ms. Special requested information about how other entities deal with dyslexia in the workplace on a statewide or nationwide basis. Ms. Special considered granting the exception to the Fire Department but not the Police Department, since the latter encountered minimal issues with it.

Ms. Marley voiced her concern about what type of test and job accommodations to provide to candidates who self-identify with any of the conditions specified in the code. Ms. Marley suggested inquiring with the fire and police test writers about the kind of accommodations given in the past.

Ms. Special reiterated the need to gather additional information about how other entities deal with the issue. Mr. Hidalgo concurred, adding that he was in favor of granting testing but not job accommodations for disabled individuals.

Mr. Lopez made a motion to hold off on a decision until further information was received. Mr. Hidalgo seconded the motion. Motion approved unanimously.

c. Section 45 C. – Consider revision of content of polygraph examination.

Ms. Marley approached the Commission and rectified a typo in the agenda, clarifying that the section at hand was 45, not 35. Ms. Marley requested that the language be edited to require all civil service applicants to undergo polygraph examination, not just rookie police applicants as the section read.

Ms. Special asked how long fire applicants had been undergoing polygraph examination. Chief Dunn replied that this practice had been in place for at least 16 years. Mr. Lopez made a motion to approve the change, which was seconded by Mr. Hidalgo. Motion approved unanimously.

d. Discuss definition of a workday as it applies to leave accruals.

Ms. Marley asserted that State Code 143 requires police officers and firefighters to receive 15 working days of paid vacation leave each year. Ms. Marley asked to concur on a

definition of a working day since police officers have 3 different shifts, with only the 8-hour shift aligning with the State requirement.

Mrs. James claimed that the statute did not specify how many hours make up a working day, and a case law granted cities the freedom to define a working day as they deemed fit. Mrs. James urged the Commission to agree upon a definition of working day for civil service employees.

Ms. Marley asked the Commission whether they preferred to define a working day for each category or concur on one definition for all categories. Mr. Hidalgo and Ms. Special requested feedback from the Police and Fire Departments on the matter.

Assistant Chief Fincher concurred with Ms. Marley in that police officers should accrue leave based on the hours worked in their shifts. He also voiced concerns about converting leave accruals when personnel switched shifts.

Mr. Hidalgo inquired about the possibility of allotting a day of leave as a 24 hour period of time, without specifying the number of hours taken. Ms. Marley replied that it would not be viable as employees may take a partial day, which warrants the need to have a breakdown of the actual hours employees wish to use.

Assistant Chief Fincher reiterated that police officers should accrue leave hours based on their shifts. Ms. Marley suggested leaving accrual balances in their status quo when personnel change shifts. Chief Dunn warned the Commission of the risk of discontent among firefighters, whose shift is 24 hours, if they were to accrue the same amount of leave as police officers who worked far less hours. Mrs. James argued that the issue at hand was about the fairness of all City employees accruing the same amount of hours based on a standard definition of a working day as illustrated in the case law she presented earlier.

Ms. Special felt that there was not enough information provided to reach a consensus on the definition of a working day. Ms. Marley suggested leaving the Fire Department in its status quo, while deferring the matter to Meet and Confer for the Police Department. Mrs. James concurred. Ms. Special disagreed as that might create acrimony in the Fire Department due to differential treatment. Ms. Special requested additional information regarding how other civil service cities handle this matter.


Mr. Lopez made a motion to hold off on a decision until further information was received. Mr. Hidalgo seconded the motion. Motion approved unanimously.

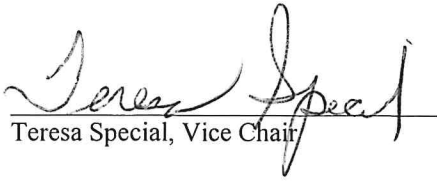
e. Budget Update.

Ms. Marley informed the Commission that the City budget was short in excess of \$300,000 which, if carried forward, would equal \$ 3,000,000 for the fiscal year. Nonetheless, sales tax revenues showed an upward trend in November 2016. These figures will be presented at the next Meet and Confer meeting to discuss pay raises that were postponed to April 2017.

8. Adjournment. Mr. Lopez made a motion to adjourn the meeting at 9:53 a.m. Motion passed unanimously.

APPROVED:

  
Raul Lopez, Chair

  
Teresa Special, Vice Chair

ATTEST:

  
Lisa E. Marley, Civil Service Director