



City of San Angelo
Minutes of Civil Service Meeting
November 16, 2017

Meeting was called to order at 2:04 p.m. on Thursday, November 16, 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 2:04 p.m. by Mr. Lopez.
2. Approval of the minutes of the previous meeting. Motion to approve was made by Ms. Special and seconded by Mr. Hidalgo. Motion approved unanimously.
3. Approval of the daily action log. Motion to approve was made by Mr. Lopez and seconded by Ms. Special. Motion approved unanimously.
4. Revision/update of the Civil Service Rules & Regulations Local Government Code 143:

- a. Section 34 – Refusal to Examine.

Ms. Marley stated that the Commission was provided with information from the testing company that writes the civil service exams for firefighters' positions, as well as a limited survey from the 13 peer cities in regards to dyslexia accommodations. Ms. Marley highlighted an example from the tester's booklet recommending the disqualification of a dyslexic firefighter applicant who could not read quickly without accommodations readily available. Albeit the example did not refer to the paramedic duties that San Angelo firefighters carry out, Ms. Marley voiced the concern that granting extra time or a reader to a dyslexic firefighter applicant for testing, paramedic school, and on the job might become an issue.

Chief Dunn provided examples of how dyslexia would affect the firefighter's readiness in providing, transposing, or computing the correct dosage of medications given to patients, with potential lethal consequences. He proceeded to explain how this ailment could potentially hinder the teaching pace at the Fire Academy and paramedic school. This instance could result in the dyslexic fire recruit failing to become a certified firefighter, thus causing the City to incur a \$70,000- \$90,000 loss in training expenses. Chief Dunn stated that he would have no problem certifying a dyslexic fire recruit who did not need accommodations as long as he/she met the minimum standards for the position.

Mr. Lopez inquired about past employment applications from dyslexic fire applicants. Chief Dunn replied that there are several dyslexic firefighters currently employed with the City who tested and passed without accommodations. Ms. Marley specified that there is an applicant scheduled to test in the upcoming cycle who self-identified as being dyslexic and inquired about the types of testing accommodations the City offered.

Ms. Special referred to the dyslexia accommodation survey and inquired whether the peer cities provided additional information regarding on-the-job accommodations offered to firefighters. Ms. Marley replied that no additional information was provided. Ms. Special asked Chief Dunn what recommendation he was seeking in regards to the matter at hand. Chief Dunn requested that dyslexic fire applicants not be granted an accommodation for testing, otherwise accommodations might be asked throughout the Fire school, which

would not be feasible with the pace and intensity of the studying required. Mr. Hidalgo echoed Chief Dunn's concern stating that Howard College paramedic instructors stress the difficulty of the studying required and the unfeasibility of accommodations for carrying out paramedic duties.

Mrs. James recommended that the Civil Service Commission define whether or not reading quickly and fluently is an essential function for a firefighter as per the Americans with Disabilities Act (ADA). She also advised the Commission to decide whether or not accommodations should be granted for testing, training, and carrying out duties on the job. Ms. Special pointed out that there is a difference between which accommodations are reasonable per the ADA and which options the City is willing to offer to a dyslexic applicant. Ms. Special hoped to learn which accommodations the 13 comparable cities offered to dyslexic firefighters on the job. She also pointed out that a medication reading mistake could be made by a person who can read well just as it could be made by someone with dyslexia. Ms. Special acknowledged the expenses the City would incur by offering accommodations during training in the Fire school. She also urged the Commission to make an informed financial decision on this matter bearing in mind the financial cost the City incurs while training salaried fire recruits.

Mr. Hidalgo voiced the concern that if reasonable accommodations were to be granted for testing, dyslexic candidates would probably expect them on the job as well, which would not be feasible. Mrs. James urged the Commission to keep in mind that some Fire Academies in the comparable cities do not include paramedic training, thus are in a different situation compared to the San Angelo Fire School. In reference to the reading mistake mentioned earlier, Chief Dunn pointed out that a dyslexic firefighter could systematically misread a number in good faith to the detriment of the patient. Ms. Special claimed that San Angelo should not rule out providing reasonable accommodations if other municipalities have come up with feasible options in a similar instance. Chief Dunn reiterated his concern in regards to providing accommodations during the Fire Academy given the volume of material the recruits have to cram in a short time span, as well as on the job while operating alone or in a small team.

Mr. Hidalgo posed a question as to when reasonable accommodations become unreasonable. Ms. Special felt she could not answer the question until she learned about how other entities are dealing with the issue concerning firefighters who carry out paramedic duties. Mrs. James referred to the tester's booklet, which followed the standard of the Job Accommodation Network (JAN) of allotting time and a half for tests that do not assess speed. Ms. Special asked if the civil service exam assessed speed-related skills. Chief Dunn replied that the paramedic training requires carrying out different tasks in a timely manner and proceeded to give several examples of firefighting duties that warrant speed as an essential skill.

Ms. Special asked Mrs. James' opinion as far as the feasibility of accommodations for dyslexic firefighters. Mrs. James clarified that the issue at hand was whether or not to offer an accommodation for testing, not later in the hiring process. Her recommendation was not to grant an accommodation for testing since further accommodations could not be allowed for the remainder of the process given the nature of the firefighting duties. Mrs. James also indicated that the results of the survey are only instructive on the kind of accommodations that could be offered to dyslexic applicants, bearing in mind that other fire departments do not require the same duties as in San Angelo. Ms. Special asked Mrs. James whether or not her recommendation included listing dyslexia as a disqualifier for testing. Mrs. James replied that she would not add dyslexia as a disqualifier for testing, yet she recommended not to provide accommodation for it. Mrs. James stated she would add language to Section 34 to address the accommodation matter.

Ms. Special made a motion not to add dyslexia as a disqualifier for testing and not to allow accommodation for dyslexia in the event an applicant requested it. Mr. Hidalgo seconded the motion. Motion passed unanimously.

5. Definition of a workday as it applies to leave accruals. Mrs. James prefaced the discussion by stating that the premise of Texas Local Government Code 143 is to have equity among similar civil service positions. She stated the importance of defining a workday for the Police Department since police officers work 3 different shifts and are concerned about the leave accrual rate based on this schedule. Code 143 has 2 provisions regulating leave accruals for police officers and firefighters: 1) sick leave is accumulated at the rate of 1 ¼ working days a month, so as to total 15 working days in a calendar year; 2) vacation leave must be earned at a minimum of 15 working days per year. Mrs. James highlighted that the statute did not mention the definition of a workday, and asked whether or not a workday should be defined regardless of the shift worked. Mrs. James cited a case law that granted a City the freedom to define a workday as it was deemed fit.

Mrs. James advised the Commission to define a workday as 8 hours regardless of the shift worked for police officers, thus making the monthly leave accrual of 10 hours compliant with Code 143. Mrs. James explained that police officers are concerned about their leave accruals changing whenever they switch shifts. Mrs. James handed a chart to the Commission and explained the differences in leave accruals based on shifts versus the 8-hour workday. Mrs. James pointed out that shift-based accruals would not align with the equity premise of Code 143. This provision would only apply to future leave accruals, while leaving current accrued amounts untouched. Mrs. James claimed that applying the 8-hour workday principle would ease leave accrual calculations. She recommended that the same principle be applied to the holiday leave accrual computation.

Chief Carter upheld Mrs. James' recommendation, claiming that it would ease the leave accrual calculation, albeit he pointed out that holiday leave accrual is a point of contention among police officers who work different shifts. Chief Carter hoped for a leave accrual system that was fair across the board.

Mrs. James advised the Commission to define a workday as 12 hours for firefighters since it was not specified in Code 143. Ms. Special deemed reasonable defining an 8-hour workday for police officers and a 12-hour workday for firefighters since the work schedule provides for the same amount of hours in a 2-week period. Mr. Lopez asked how leave accruals were calculated under the current system. Mrs. James explained that police officers earn holiday leave hours based on the shift they worked, but earn 10 hours of vacation and sick leave per month regardless of the shift. Ms. Marley specified that if an officer who worked a 12-hour shift wanted to take a sick day, he/she must use 12 hours of sick leave, albeit only earning 10 hours per month. The Commission discussed the dynamics of the current leave accrual system by exploring different scenarios based on the assigned shifts.

Mr. Hidalgo acknowledged Chief Carter's concern as far as police officers accruing holiday leave based on the shift they worked, yet pointed out that it would ease the computation if holiday leave were accrued at the same rate as vacation and sick leave. Mrs. James explained the findings from the survey of the 13 comparable cities in regards to leave accruals and definition of workdays. The Commission discussed making a motion to define an 8-hour workday for the Police Department, a 12-hour workday for the Fire Department, and establish vacation, sick, and holiday leave accrual at 10 hours for the Police Department. Chief Dunn and Ms. Marley argued the merits of the motion. Chief Carter approved the motion partly, indicating that holiday leave accrual ought to be based on the shift worked.

Ms. Special made a motion to define a workday for the Fire Department as 12 hours, maintain the vacation and sick leave accrual at 15 hours a month, and establish holiday leave accrual rate at 8 hours. Mr. Hidalgo seconded the motion. Motion passed unanimously. The motion was later withdrawn and divided into 2 different motions.

Ms. Marley summarized the discussion for clarification purposes: 1) defining an 8-hour workday, with 10 hours monthly accrual for sick leave and 10 hours monthly accrual for vacation leave, for the Police Department; 2) defining a 12-hour workday, with 15 hours monthly accrual for sick leave and 15 hours monthly accrual for vacation leave, for the Fire Department; 3) establishing holiday leave accrual at 8 hours. Mrs. James suggested making 3 separate motions.

Mrs. James suggested making a motion to define an 8-hour workday for the Police Department. Mr. Hidalgo made the motion, which was seconded by Mr. Lopez. Motion passed unanimously.

Mrs. James suggested making a motion to define a 12-hour workday for the Fire Department. Mr. Lopez made the motion, which was seconded by Ms. Special. Motion passed unanimously.

The Commission discussed the merits of accruing holiday leave based on the shift worked. Chief Carter and Mr. Dane voiced their reasons in favor of this provision. Mr. Dane argued the unfairness of converting the holiday leave hours accrued in the prior shift when switching to a different one.

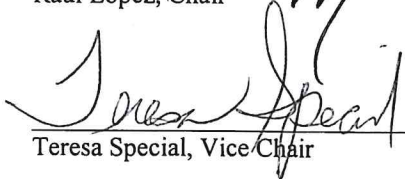
Mrs. James suggested making a motion whereby holiday leave accrual is based on the shift worked. Mr. Hidalgo made the motion, which was seconded by Mr. Lopez. Motion passed unanimously.

6. Meet and Confer update. Ms. Marley informed the Commission that the most recent Meet and Confer agreement expired on September 30, 2017 without renewal. Presently the City has no Meet and Confer contract. Nonetheless, San Angelo remains a Meet and Confer City and it would be up the Police and Fire Department to approach the City to negotiate a new Meet and Confer contract.
7. Adjournment. Mr. Lopez made a motion to adjourn the meeting, which was seconded by Ms. Special. Motion passed unanimously. The meeting adjourned at 3:02 p.m.

APPROVED:



Raul Lopez, Chair



Teresa Special, Vice Chair

ATTEST:



Lisa E. Marley, Civil Service Director