



**CIVIL SERVICE COMMISSION MEETING
CITY COUNCIL CHAMBERS
JULY 10, 2012
5:30 P.M.**

MINUTES

CALL TO ORDER

Chairman Dan Archibeque called the Civil Service Commission Meeting to order.

ROLL CALL

Commission Members Present: Dan Archibeque, Guy Kennedy, Sharon Bonner

Administrative and Civil Service Staff Members Present: Counsel for the Commission Robert Jagger, Human Resources Director Marisa Walker, Finance Director Sam Azad, Fire Chief Chris Riley, Tax Audit Manager Valerie Palumbo, Employee Benefits/Loss Control Manager Dave Anderson, HR Analyst Manual Alcala, HR Analyst Shelly Carrillo, HR Analyst Bella Trujillo, Civil Service Administrator Toni Selman and Secretary Lynne Huskins.

Other Interested Parties: Compliance/Audit Agent Candidate Melvin Faricy, PAGE Union President Betty Aragon.

AMENDMENTS TO AGENDA

Mr. Archibeque asked if there were any amendments to the agenda. None were voiced.

READING AND APPROVAL OF MINUTES

Mr. Kennedy seconded by Ms. Bonner moved to dispense with the reading and approve the minutes of the regular meeting dated Tuesday, June 12, 2012 as distributed.

Roll Call -- Ayes: Archibeque, Kennedy and Bonner. Motion carried unanimously.

CONSENT AGENDA

STATUS REPORT OF CURRENT RECRUITMENTS

The Commission received and filed the following status report on current recruitments:

- a. Park Caretaker, Senior - (Recruitment due to employee voluntary demotion) – The written examination was held on June 29, 2012. All three persons scheduled appeared to take the examination. There were no passing scores.

**CIVIL SERVICE COMMISSION MEETING
JULY 10, 2012
PAGE TWO**

CONSENT AGENDA

STATUS REPORT OF CURRENT RECRUITMENTS

- b. Emergency Services Dispatcher - (Recruitment due to several current vacancies and exhaustion of eligible list) – We received 143 applications for this position, and 46 were accepted. The performance examination will be given on July 9, 2012.
- c. Fire Captain - (Recruitment required every year per Civil Service Rule 29) –The written exam was held June 26, 2012. Nineteen persons were scheduled and 17 appeared to take the exam. Thirteen persons passed the exam and four failed. We are currently in the appeal/review period.
- d. Police Sergeant - (Recruitment required every year per Civil Service Rule 29) - We received 52 applications for this position, and all were approved. The written examination will be given on July 23, 2012.
- e. Police Patrol Officer - (Recruitment due to anticipated October 2012 Police Academy and anticipated exhaustion of the current eligible list) – We received 235 applications for this position. We are currently in the process of screening these applications. The written exam will be held on July 30, 2012.
- f. Wastewater Data Technician- (Recruitment due to anticipated employee promotion) – External recruitment began on June 24, 2012 and ends on July 15, 2012. At the time of this agenda, we had received 13 applications for this position.

COMMUNICATIONS

- 1. Ratify the Commission's letter to Melvin Faricy regarding the removal of his name from the Compliance Audit Agent eligibility list.
- 2. Ratify the Commission's letter to Deandria Martinez regarding the rejection of her objection regarding the removal of her name from the Emergency Services Dispatch Supervisor eligibility list.
- 3. Ratify the Commission's letter to Dawn McFall regarding the rejection of her objection to allow her to take the Emergency Services Dispatcher examination.
- 4. Ratify the Commission's letter to Tiffany Lucero regarding her request for accommodation to take the Emergency Services Dispatcher examination.

Commission Action: Mr. Kennedy seconded by Ms. Bonner, moved to approve all items on the Consent Agenda.

Roll Call -- Ayes: Archibeque, Kennedy and Bonner. Motion carried unanimously.

CIVIL SERVICE COMMISSION MEETING

JULY 10, 2012

PAGE THREE

REGULAR AGENDA

1. The Civil Service Commission reviewed Melvin Faricy's appeal of his removal from the eligibility list for Compliance/Audit Agent. Mr. Faricy was present, and after being sworn in by Mr. Jagger addressed the Commission. Mr. Faricy stated he takes responsibility for the misunderstandings regarding the comments he made during his interview and for not accurately conveying his experience as it relates to this position. He went on to explain how his comments were completely innocent and made without disrespect toward anyone. He also gave an in-depth overview of his experience.

After Mr. Faricy had finished speaking, Mr. Jagger stated that Administration could now make any statements they felt were relevant. Ms. Walker stated she was going to pass this responsibility on to persons who were more familiar with this situation, and said that Valerie Palumbo, Sales Tax Administrator and Manual Alcala, HR Analyst, would be addressing the Commission. She further stated that City Clerk Gina Dutcher had been a member of the committee that interviewed Mr. Faricy and although she had other pressing matters to attend to this evening, had provided a letter for presentation to the Commission regarding her observations. Mr. Jagger stated that for the record the letter would be labeled as "Exhibit A".

After being sworn in by Mr. Jagger, Mr. Alcala addressed the Commission. Mr. Alcala explained that candidates have to convince the interview panel that they are the best for the position they are qualified for. He stated that Mr. Faricy was given ample opportunity to explain how his experience related to this position, and in the opinion of the committee, he failed to do that. Therefore, a request for removal from the list was generated based on two factors. First, he failed to adequately describe to the Committee that he met the requirements of the position. Further, he stated that his experience in auditing was based on himself being the subject of an audit. Beyond that, Mr. Faricy was not able to articulate how he met the requirements of the position. Secondly, Mr. Alcala stated the removal was based on two comments Mr. Faricy made during the interview which the committee deemed as inappropriate. He did not give any other meaning to these comments leaving them open to interpretation.

At this time, Mr. Jagger reminded the Commission that the focus of this removal was that the applicant failed to meet the qualifications as set out in the class specification. One of the issues he felt the Commission was going to have to address is that the minimum qualifications were already met by the applicant prior to the interview process. Mr. Jagger stated he has the obligation to advise the Commission that the whole purpose of the appeal is to consider additional information provided by the candidate and then to decide whether he has sustained his appeal with respect as to whether he meets the minimum qualifications.

After being sworn in by Mr. Jagger, Ms. Palumbo addressed the Commission. She added to Mr. Alcala's statements by saying that Mr. Faricy failed to articulate his experience as it relates to this position. Mr. Palumbo addressed her concerns with the comments he made during his interview by saying that this position deals directly with the business community and taxpayers in discussing complex tax matters. She stated Mr. Faricy's demonstrated communication skills were found weak. She felt his comments did not show that he could address people without taking personal factors into consideration. She stated it was very prudent that they select someone that is going to communicate in very clear and plain English the message they are delivering from her office so that there is no misinterpretation.

CIVIL SERVICE COMMISSION MEETING
JULY 10, 2012
PAGE FOUR

Mr. Archibeque said he had some questions. He asked "During the application process, they determine the minimum qualifications before they even get to the interview, don't they?" Ms. Palumbo said she believed so. Ms. Selman asked for clarification of Mr. Archibeque's question. Mr. Jagger said that he thought the question was that before the hiring process begins, the minimum qualifications are already set forth in the class spec. Ms. Selman said that they were. She elaborated by saying that Human Resources and the involved department set the minimum qualifications. Mr. Jagger asked Ms. Palumbo if that was correct. Ms. Palumbo said yes, they agreed to the qualifications. Mr. Archibeque once again asked: "If the candidates are allowed into the interview process, they have met the minimum qualifications?" Ms. Palumbo said she does not do the review or the acceptance of the applications. Ms. Selman said Mr. Faricy would not have gotten into the testing process unless he met the minimum qualifications. He asked Ms. Selman if she would like to speak directly as to what his application contained.

Ms. Selman stated that when she screened Mr. Faricy's application, she screened very strictly for the minimum qualifications as they were received. In this case, the qualifications were a bachelor's degree in a related field and he had that. The minimum qualifications asked that a year of professional experience in auditing, accounting or financial recording. So she looked for a year in one of those fields. Mr. Jagger asked if Mr. Faricy met the experience qualification. Ms. Selman said he did, and explained that the application indicated some experience in all those things. One year is pretty easy to verify, so she looked to see if those buzz words were in his application. The interview is then conducted to see if the candidates can articulate those skills.

Mr. Archibeque asked if someone is not clear or they don't understand what they are saying during the interview process, do you ask for clarification. Mr. Alcalá said yes, they try to ask at every opportunity however, Mr. Faricy basically talked about being audited. Mr. Archibeque asked since Mr. Faricy's comments were considered inappropriate, was there was any discussion about whether the committee understood a different meaning other than what Mr. Faricy's intent was according to his letter and according to his testimony. Ms. Palumbo said there was not. She stated that during the interview process, she was an observer. There were three other committee members who asked questions and it wasn't asked of him to clarify that. Mr. Archibeque asked if it was normal procedure to question those things in an interview process when you don't understand them or they may have a double meaning? Mr. Alcalá said that depends on the interview. The process is the interview committee asks the questions and then at the end the committee gets together and discusses the interview. In this case, the issue about the inappropriate comment came at that stage at the end of the interview when the interview committee was deliberating and discussing that interview. Mr. Archibeque wondered if since these comments obviously triggered to somebody during the interview process, did those comments come up in the discussion portion? Mr. Alcalá said it was not brought up during the actual questions. It just came up during the discussion with the interview committee at the end, and at that time the interviewee was gone.

Mr. Jagger offered a suggestion to Chairman Archibeque, so as to eliminate confusion. The whole purpose of the appeal process is that Mr. Faricy is being disqualified because he does not meet the qualifications of the job as set in the class specification which is one year of professional level experience in the various fields. The Commission has the obligation to consider only the information provided therein and focus their testimony primarily on what was provided with the appeal. He asked Ms. Palumbo if she had a chance to review the appeal. She indicated she had briefly reviewed it. Mr. Jagger asked if Mr. Faricy set forth his experience in the appeal. Ms. Palumbo said he did. Mr. Jagger stated that the question the Commission wants to know is if this information provided is not qualifying for the one year of required experience and if not why. Ms. Palumbo said she would have to consult with the Director of Finance, Sam Azad on that since he is the hiring authority and he has not had a chance to look over the appeal letter. Mr. Archibeque asked if Mr. Azad would like to comment.

**CIVIL SERVICE COMMISSION MEETING
JULY 10, 2012
PAGE FIVE**

Mr. Jagger told Mr. Azad that what the Commission needs to determine is whether Mr. Faricy has the qualifications or whether he can be removed for not having the qualifications for the job as set forth in the job classification. Mr. Jagger went on to explain that he believed the testimony was, aside from the statements made during the interview, that he did not have the one year of professional experience. Mr. Jagger noted that the second and third page of the appeal identifies his experience.

Mr. Azad addressed the Commission by saying that he had not seen this letter because he was on vacation when it was received. He asked if he could have a few minutes to review it. The Chairman adjourned the meeting briefly to allow Mr. Azad to review the appeal letter.

After a few minutes, Mr. Archibeque called the meeting back to order. Mr. Azad stated that after reviewing the letter Mr. Faricy wrote to the Commission, it appears that he does meet the minimum qualifications of the position.

Mr. Archibeque asked if Mr. Faricy had anything to add at this point. Mr. Faricy wished to add a couple of comments regarding his intentions of the comments he made and his negligence in clearly stating his qualifications for the position during the interview. He stated he had no intention of offending anyone with his comments and was deeply apologetic if he did. He then thanked the Commission for their time.

Commission Action: Mr. Kennedy, seconded by Ms. Bonner, moved to accept Mr. Faricy's appeal.

Roll Call -- Ayes: Archibeque, Kennedy and Bonner. Motion carried unanimously.

ADMINISTRATIVE ITEMS

1. The next regular meeting of the Civil Service Commission was scheduled for August 7, 2012 at 5:30 p.m. The meeting will be held in the interim City Council Chambers, 301 W. "B" Street.

INFORMATIONAL ITEMS

1. The Commission received their handouts

ADJOURN – 6:20 p.m.


Chairman