

CITY OF AMARILLO

On this, the 21st day of August, 2013, the Civil Service Commission of the City of Amarillo convened in a regular session at 8:30 a.m. in the City Commission Chambers of City Hall, 509 S.E. 7th Street, Amarillo, Texas, with the following present:

	Present Today	Number of Meetings Held Since Appointment	Number of Meetings Attended Since Appointment
DeDe Reynolds, Vice-Chairman	Yes	111	103
David Hurt, Commissioner	Yes	20	18
Lawrence Walker, Chairman	Yes	11	11

Also in attendance were the following:

- Viola Frausto, Recruitment Coordinator, City of Amarillo
- Lori James, Director, Civil Service, City of Amarillo
- Alesia Grist, Assistant Director, Human Resources, City of Amarillo

Lawrence Walker -Chairman, called the meeting to order at 8:32 a.m. and a quorum was established.

ITEM I: First on the agenda was review of the previous meeting minutes.

David Hurt, Commissioner asked that the date be corrected to 5/29/13.

DeDe Reynolds, Vice-Chairman, moved to approve the minutes as corrected for the Civil Service Commission meeting held on May 29, 2013. David Hurt, Commissioner, seconded the motion. The minutes were approved as corrected.

ITEM II: The lists of new employees, step increases, transfers, promotions, demotions, bypasses, temporary assignments and disciplinary actions were reviewed.

ITEM III: Registers for Firefighter, Fire District Chief and Police Recruit were approved following a motion by DeDe Reynolds and a second by David Hurt.

ITEM IV: Firefighter Jason Griffin asked to withdraw the appeal he had filed regarding testing material used for the Fire Driver examination given on July 23, 2013.

DeDe Reynolds, Vice-Chairman, moved to accept the withdrawal. David Hurt, Commissioner, seconded the motion. The appeal has been withdrawn.

Viola Frausto, Recruitment Coordinator, produced the register for the Fire Driver test and it was approved.

ITEM V: Police Office Marcus Bettag appealed questions 5,20,21,32,43,71,82,91 and 97 on the Police Corporal examination given on June 18, 2013.

Officer Bettag presented his appeal on each of the individual appealed questions. Other officers spoke regarding the validity of the questions as well. In that number was Officer Luke Nelson, Officer, Caleb Sanderson, Officer Shane Chadwick and Officer Aaron Huddleston. In his summary Officer Bettag pointed out that the majority of the questions he was appealing dealt with Police Theory and his years of experience had given him a better idea of Police Practice which is what he relied on to take the test.

At 9:13 a.m., the commission took a recess to deliberate on the matter. Upon their return, the Civil Service Commission was called back to order at 9:46 a.m.

The Commission's decision was as follows:
#82- eliminate the question entirely

The remainder of the questions will stand as originally given and keyed. Lawrence Walker, Chairman, addressed Officer Bettag by reminding him that the test was academic in nature and that the texts published as reference material were the only acceptable source and that while sometimes practice differs from academic guidelines, it is understood that the test is to focus solely on the written materials and not on practice as neither the testmaker nor the Civil Service Commission would know the correct practice in the Amarillo Police Department.

At 9:50 a.m., the commission took a recess to allow for the register to be updated based on the question's elimination and also for the Assistant City Attorney to set up for the next agenda item. Civil Service Commission was called back to order at 10:00 a.m.

ITEM VI: Consider appeal of termination filed by Micah Flanagan (Street Department)

Assistant City Attorney, Courtney Goodman-Morris represented the City of Amarillo in the case. Mr. Flanagan represented himself.

Civil Service Commission Chairman Lawrence Walker swore in the following:

Mr. Micah Flanagan
Mr. Chris Mitchell of the Street Department
Mr. John Galaviz of the Street Department

Mr. Galaviz was called to the stand. It was noted that he had been previously sworn in. Mr. Galaviz is a Utility Worker in the Street Department so he does different tasks based on the day's assigned job. He knows Micah Flanagan from working together in the Street Department. On July 1, he had been working with Flanagan. After 5pm Mr. Galaviz was parked in the Service Center parking lot. 6290 was parked. Mr. Galaviz testified that he saw Mr. Flanagan get into 6290 and drive through the parking lot to his personal vehicle. He put a yellow can into 6290 from his personal vehicle. He then went to the diesel fuel line. There was a bus in the way at first but when it moved, the yellow can was on the ground and Mr. Flanagan was filling it up with diesel. Then he put the can back into 6290 and drove it back to his personal vehicle. 6290 runs on gasoline.

On July 9, Mr. Galaviz testified, he was again parked in a vehicle after 5pm. The distributor truck, which shoots gravel, came through the lot. It runs on diesel. Mr. Tavarez was with Mr. Galaviz in the other truck. The distributor truck parked in the diesel line with the passenger side door open. Mr. Galaviz then drove and parked so that he could see the yellow can. He did not notice which side the distributor truck's fuel tank was on.

Mr. Flanagan had no questions for Mr. Galaviz. Mr. Galaviz was excused.

Chris Mitchell took the stand – again, he had been sworn in earlier. Mr. Mitchell has been with the City of Amarillo for 14 years and has served as the Street Superintendent for the past 8. Mr. Mitchell's responsibilities include employee management, determine and staff various work tasks to be done, plan and execute daily activities of the Street Department. Mr. Flanagan was Mr. Mitchell's employee. He was working on July 9 and received a call from Mr. Galaviz. Mr. Mitchell then directly observed Mr. Flanagan South of the main building drive up to his own vehicle. He took the yellow can from the passenger side of the distributor truck (6219) to place into his own vehicle. When Mr. Mitchell questioned him, Mr. Flanagan indicated that he had purchased the diesel fuel at the Toot N Totem at 34th and Western. Mr. Mitchell realized the next day that the store is actually a Pac a Sac.

Mr. Mitchell asked Mr. Flanagan how he paid for the fuel and was told it was a cash transaction. Later he presented a receipt time stamped 18:24:42 which is 6:24pm. He had confronted Mr. Flanagan at 5:10pm. Flanagan said he'd gotten diesel fuel earlier in the day and went back to they could look up the transaction and give him the receipt to prove he had paid for the diesel.

Mr. Mitchell contacted the store's manager, Glenda J_____. She pulled up the video from 6:24 pm on that day. Mr. Flanagan paid cash and got a receipt and left. It did not appear on the video that Mr. Flanagan had asked the clerk to look up an earlier purchase. She did indicate that the time stamp would print as the actual time of the purchase and not the time of the reprint. However, the register has a limited capacity and it is unlikely at that busy time of day for them to be able to pull up a receipt for more than an hour earlier.

Mr. Flanagan had no questions and Mr. Mitchell was excused.

Mr. Flanagan took the stand and had been sworn in earlier.

Mr. Flanagan indicates that Mr. Mitchell is the only person to question him. The jug in question holds 5 gallons and the receipt presented is for 15.4 gallons. He is frustrated that he admitted to stopping to get diesel for home use and there is no proof where it actually came from.

No further questions.

Courtney Goodman-Morris's Closing statement centered on the two occasions when Mr. Galaviz saw the can being filled or being put into the truck at the pump. Additionally, the receipt presented was clearly for a different purchase.

At 10:30 a.m., the commission took a recess to deliberate on the matter. Upon their return, the Civil Service Commission was called back to order at 10:48 a.m.

The Commissioners had more questions.

Mr. Mitchell was called back to the stand and reminded he was under oath.

He was asked how much fuel was typically added to the truck. He said it depended on what it may need that day. It likely holds 50 gallons. Mr. Flanagan drove this truck regularly and they were working then at 34th and Coulter doing chip sealing.

Each vehicle has a fuel key. At the pump, you put in the vehicle number and the fuel key for the vehicle. To get diesel into a different container, you would do it the same way.

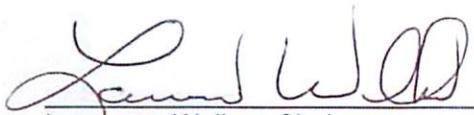
Mr. Michael Rice, Director of the Public Works Division, was called to the stand and sworn in.

He said the municipal garage can run reports telling what the fuel history is for each vehicle. He will get the information for the next meeting.

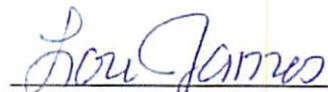
At 11:05 am, it was determined that the Civil Service Commission would postpone the final decision on this matter until more detail can be obtained on the fuel situation.

The Police Corporal register was approved as amended.

There being no further business, DeDe Reynolds, Vice-Chairman moved to adjourn at 11:08 am. The motion was seconded by David Hurt, Commissioner.



Lawrence Walker, Chairman



Lori James, Director, Civil Service