

## Civil Service Commission Minutes

On January 3, 2018, the Civil Service Commission of the City of Amarillo met at 8:30 am at City Hall, 509 Se 7<sup>th</sup>, Amarillo, TX, 79101, in the City Council Chambers for a Regular Meeting.

	Present	No. Meetings Held Since Appointment	No. of Meetings Attended
Lawrence Walker, Vice Chairman	Yes	32	32
David Hurt	<del>Yes</del> No	39/3	37/0
Sally Jennings, Chairman	Yes	10	10

Also in attendance were the following:

Mitchell Normand, HR Director

Earnie Baten, HR Manager

Viola Frausto, Sr HR Generalist

Leslie Spear-Schmidt, Senior Asst City Attorney

Bettye Lynn, Employment & Labor Attorney

Pete Garcia

Shawn Twing, Attorney

ITEM 1: Call to order. Sally Jennings established a quorum and called the regularly scheduled meeting of the Civil Service commission to order at 2:11 am.

ITEM 2: Approval of minutes from the Regular Meeting held on December 13, 2017. Motion was made by Lawrence Walker, Vice-Chairman. Motion passed to approve minutes.

ITEM 3: Leslie Spear-Schmidt began with reading Govt. Code – Sec. 551.071. Meeting was then adjourned into executive session at 2:13.

At 2:36 the Commission concluded their executive session.

The letter of appeal from Peter Garcia was considered and letter from the City and Pete Garcia's Attorney were also reviewed.

Bettye Lynn stood and started going over the letter submitted from PG Attorney,

She mentioned reasons why the letter submitted was defective.

1. There was no mention of election of remedies
2. The letter was addressed and sent to the Deputy City Attorney not to the CC Commission or Civil Service Director as stated in the Local Govt. Code, 143.010. The City Attorney has no legal duty to turn the letter over to the Commission or Civil Service Director.
3. The appeal did not contain any statement of remedy of charge or action.

Ms. Lynn stated that the Commission has no jurisdiction to hear appeal; the appeal does not meet requirements.

She also presented the letter that Mr. Garcia's Attorney submitted, Exhibit #1, she stated that it was not dated, so this was cause to deny the appeal for failure to meet requirement per Civil Service rules.

Civil Service will admit the document/information for record.

It was Pete Garcia's attorney turn to speak and he stated he was sure they followed the correct procedure to submit appeal letter and feels that the City does not want to hear his appeal.

Ms. Lynn interrupted and stated that the Civil Service Commission can't hear any fights regarding his appeal until the hearing.

Attorney interrupted back stating that it seems that the City does not want to hear anything, and they followed the correct procedure and feels that the City does not want to discuss anything. He allowed the City to speak without interruption and asked that he would appreciate the same courtesy.

Sally Jennings interrupted with an objection stating that the Commission can't hear any facts of the case and Mr. Twing shot back with stating that the City does not want to hear facts in the record.

Sally Jennings objected again stating that they are not here to hear the facts of the case.

Mr. Twing went on to state that he has been a labor employment specialist for 25 years and its sounds like a very interesting way to fire somebody without having the backbone to say your are fired.

He stated that he sent Bryan McWilliams letters and talked on the phone regarding rules and following the City's procedure. He said he did not hear back from Bryan McWilliams regarding how and who to send his file to.

Sally Jennings stated that they can't hear any more facts of the case. Mr Twing stated that he was sorry but this is all very upsetting.

He also stated that if the letter is insufficient, then it's insufficient, and they will simply file for a civil lawsuit on a charge that is already on file.

Sally Jennings moved to adjourn for Executive Session again at 2:47.

Leslie Schmidt stated the Govt Code.

At 2:55, the Commission was called back into session

Sally Jennings stated that Pete Garcia's letter from the Attorney was reviewed.

Motion was made to reject the appeal of termination by Lawrence Walker in reference to Chapter 143.

Sally Jennings seconded the motion.

Mr. Twing stood and apologized to the board regarding his actions and outburst.

There, being no further business, Sally Jennings moved to adjourn the meeting. The motion was seconded by Lawrence Walker and the meeting adjourned 2:57pm. This meeting was recorded and all comments are on file with the City Human Resources Department.

Attest:

  
\_\_\_\_\_  
Mitchell Normand, Civil Service Director

  
\_\_\_\_\_  
Sally Jennings, Chairman