

## Civil Service Commission Minutes

On June 21, 2017, 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	Yes	29	29
David Hurt, Chairman	Yes	37	35
Sally Jennings, Vice- Chairman	Yes	7	7

Also in attendance were the following:

Viola Frausto, Recruitment Coordinator  
Earnie Baten, HR Manager  
Bryan McWilliams, Deputy City Attorney  
David Lehfeldt, Solid Waste Superintendant  
Garrett Jenkins, Transfer Station Operator  
Clay Aufleger, Treatment Plant Operator III  
Doug King, Treatment Plant Operator I

**ITEM 1:** Call to order. David Hurt established a quorum and called the regularly scheduled meeting of the Civil Service commission to order at 8:32 am.

**ITEM 2:** Approval of minutes from the Regular Meeting held on February 22, 2017. Motion was made by Sally Jennings, Vice-Chairman. Motion was made to approve minutes.

**ITEM 3:** Review and consider the approval the list of new employees, step increases, transfers, promotions, demotions, bypasses, temporary assignments and disciplinary actions. No action is required. Approval was made.

**ITEM 3:** Approve the eligibility registers for the position of Fire Lieutenant, Fire Driver, Fire Captain and Police Recruit. Motions were made by David Hurt to approve and seconded by Sally Jennings. Motions passed to approve.

**ITEM 4:** Consider appeal filed by Nathan Qualls. Nathan Qualls was called to the stand and was asked to swear in by David Hurt. It was noted that he was sworn in.

Mr. Qualls then stated his name and address for the record. He proceeded with his statement regarding why he was appealing his termination.

He stated that the reason for termination was true about him falling asleep on the job, but there were factors as to why he fell asleep. As stated on his appeal letter, he has had personal problems; his home was in danger, so he had to stay up late to fix those issues. He overexerted and worked all night and when he got a call to come in to work, he came in because he said he was told he had to come in and work.

He stated that he relented to come in because he was tired, but the supervisor said that his team needed him and he had to come in and work his shift.

He did not have enough rest and when he came to work he drank coffee and energy drinks to help stay awake but they did not work. Gave examples of what he does to cope.

Bryan McWilliams questioned him regarding him understanding what he is here for and what is happening. Confirmed that exhibits were true and correct in order to examine the nature of what was going on. Bryan McWilliams went over items on exhibit pages.

He asked Mr. Qualls to confirm and he was sleeping on the job and he said "yes" he was.

Bryan McWilliams referred to exhibits and asked Mr. Qualls if he understood what the job requirements were, and that he was to be rested and ready for his shift- ready and able. Mr. Qualls agreed.

Bryan McWilliams had to further questions. David Hurt asked Mr. Qualls if he had and further questions, he said "no" and then left the stand and sat down

Bryan McWilliams called Clay Aufleger to the stand. He was sworn in by David Hurt. Mr. Aufleger stated his name and address and job title.

Mr. Aufleger was asked what his relationship was to Mr. Qualls as related to work and asked what the job duties of a Treatment Plant Operator were.

Mr. Aufleger was questioned about the issues with Mr. Qualls was related to him sleeping on the job.

Bryan McWilliams referred to the exhibits and the videos taken of Mr. Qualls sleeping on the job from his phone.

Bryan McWilliams passed witness then David Hurt asked Nathan Qualls if he wanted to ask Mr. Aufleger any questions.

Nathan Qualls stood up and questioned Mr. Aufleger about the phone call made when he was asked to come to work and asked to describe the conversation. Mr. Aufleger responded.

Mr. Qualls had no further questions. David Hurt then asked Mr. Aufleger to step down and have a seat.

Bryan McWilliams called Doug King to the stand. He was sworn in by David Hurt then was asked to state his name, address and job title. Bryan McWilliams questions Mr. King regarding him witnessing Mr. Qualls falling asleep during working hours on several occasions. Doug King said that he had a video on his phone showing Mr. Qualls sleeping on the job. Bryan McWilliams stated that the video was of little importance and there was no need to view them since Mr. Qualls didn't deny that the video based on the testimony. Videos will be submitted as evidence.

Bryan McWilliams passed witness then David Hurt asked Nathan Qualls if he wanted to ask Mr. King any questions. He stated "no" then asked to step down and have a seat.

Bryan McWilliams stated that the City closes and he made the final closing statement and asked to uphold his termination.

David Hurt asked Nathan Qualls if he had a final statement. He went to the stand and stated that he has to provide for a safe home for his family and what he tried to do to cope in order to work was not enough. He started making argumentative statements and Bryan McWilliams stood up and stated that he can't do that on a final statement. David Hurt reminded him that he only needed to make a closing statement.

Mr. Qualls apologized and stepped down.

Lawrence Walker asked how long he was sleeping on the job and Doug King stood up and said that he slept about 45 minutes. Sally Jennings asked Doug King how long rounds take at the plant.

No further questions were asked; David Hurt adjourned the meeting to recess at 9:14 for deliberation.

The meeting was called back to order by David Hurt at 9:35. Lawrence Walker moved to uphold the City's decision to terminate and asked that Mr. Qualls be eligible for rehire in other departments. David Hurt seconded the motion. Motion carried.

ITEM 5: Consider appeal filed by David Fuentes. David Fuentes was called to the stand.

Mr. Fuentes, Mr. Jenkins and Mr. Lehfeltd wee all asked to swear in by David Hurt.

Mr. Fuentes then stated his name and address for the record. Mr. Fuentes thanked everyone for allowing him to be able to speak and working for the City. He proceeded with his statement regarding why he was appealing his termination. He spoke about his religious beliefs and started describing the incident about why he could not stay and work late that day. He stated that he liked his job and has differences with his department.

Bryan McWilliams asked Mr. Fuentes if he had questions regarding the exhibits that were presented to him for review.

Bryan McWilliams asked him to read the 2 letter of appeal and if he had any questions and proceeded to ask Mr. Fuentes to explain what his job duties were.

Mr. Fuentes explained what his daily duties were and stated that he felt he was being singled out because he was a minority and felt he was being treated differently.

Bryan McWilliams asked him what his normal work hours were that Wednesday he worked and left early.

Mr. Fuentes stated that he could not work past 7pm because he had to go to church and that everyone at work knows that he always goes to church on Wednesdays.

Bryan McWilliams referred to exhibit, page 10 and page 14 and went over his performance improvement plan memo, went over the holiday and department rules as related to his past attendance problems.

Mr. Fuentes stated that he did not sign his performance appraisal because he did not agree with it.

Bryan McWilliams referred to exhibit page 6 regarding his contemplated termination document and indefinite suspension document and asked if Mr. Fuentes understood the documents that were given to him and if he had any questions. Mr. Fuentes said "no".

Bryan McWilliams passed witness, David Hurt asked Mr. Fuentes if he has and questions and then was asked to sit down.

Bryan McWilliams called Garrett Jenkins to the stand.

He was asked questions regarding the Wednesday incident and referred to exhibit to confirm that all was

true and correct.

Bryan McWilliams passed witness. David Hurt asked Mr. Fuentes if he wanted to question Mr. Jenkins. Mr. Fuentes questioned him regarding the details of what happened that Wednesday. Mr. Fuentes replied saying that he felt he did his job that day and he would come in to work and do his job but had to leave at 7pm for church. He said everyone knows he goes to church every Wednesday and felt that he did what was needed of him that day before he left.

Around 10:00 there was an outburst from a female member of the audience and voiced her opinion regarding Mr. Fuentes termination and preventing him from going to church. David Hurt stated to the audience that any outburst from the audience is not allowed.

No further questions for Garrett Jenkins and David Lehfeldt took the stand for questioning. Mr Lehfeldt stated his job title and years of service with the City. Bryan McWilliams questioned him regarding the reasoning for termination and paperwork given to Mr. Fuentes. Mr. Lehfeldt was asked he was sure that Mr. Fuentes understood the separation paperwork when it was given to him to sign. There was another outburst from the female member of the audience and kept disrupting the meeting. David Hurt stood up and asked to not disrupt the meeting or she would be escorted to leave the room. She kept arguing back so David Hurt requested a recess at 10:15. The female did leave the room and waited in the lobby. The Police Dept was called to have an officer escort her out of the building.

The meeting was called to order at 10:25 and Bryan McWilliams continued to question Mr. Lehfeldt regarding the policy and workload for that day and confirming that everyone was needed to work that day. He stated the past and current issue with Mr. Fuentes' attendance and tardiness. They went over the exhibits regarding his PIP and job description.

Bryan McWilliams passed witness and Mr. Fuentes was asked if he has any questions to ask Mr. Lehfeldt. Mr. Fuentes referred to exhibit page 17 which was the PIP. Mr. Fuentes wanted to make sure that everyone knew that he did not sign the PIP because he did not agree with it, and stated that he did everything that was told of him that day. He felt that he was not needed for the rest of the day and left. Bryan McWilliams redirected and question back to Mr. Lehfeldt and made sure that he understood testimony and if he felt that Mr. Fuentes understood that he was needed that day. Mr. Lehfeldt stated that Mr. Fuentes knew that he needed to stay and work that day along with everyone else. Mr. Fuentes came back and asked Mr. Lehfeldt "what was the big deal about the department needing him there that day- there was no need to stay"? Mr. Lehfeldt replied back that "everyone was needed to stay and work that day, there was work to do and you didn't stay". Mr. Fuentes had no more questions and Mr. Lehfeldt was asked to step down and take a seat.

Bryan McWilliams made his closing statement. He stated to the board that it was his duty to stay and work that day. Facts have been submitted and asked the commission to uphold his termination. Mr. Fuentes was called to stand for his closing statement. He stated that he does not agree with his termination and that he felt he did his job that day.

With no further questions or comments, David Hurt called a recess at 10:40 to deliberate. The meeting was called to order at 10:50. Lawrence Walker moved to uphold termination and Sally Jennings seconded the motion. Bryan McWilliams interrupted the motion and recommended that Mr. Fuentes be eligible for rehire with the City except for the Solid Waste Collection and Disposal Departments. Lawrence Walker motioned to change his rehire status. David Hurt seconded the motion and was approved.

There, being no further business, David Hurt moved to adjourn the meeting. The motion was seconded by Sally Jennings and the meeting adjourned at 10:55 am. This meeting was recorded and all comments are on file with the City Human Resources Department.

Attest:



Earnie Baten, Interim Civil Service Director



David Hurt, Chairman