



Department of Human Resources

MAYOR
Renard U. Johnson

TO: Jose Ramirez, New City of El Paso Applicant
FROM: Mary Wiggins, Chief Human Resources Officer *MW*
DATE: February 4, 2025

CITY COUNCIL

District 1
Alejandra Chávez

SUBJECT: Discussion and Action on Disqualification Appeal to take Examination and/or Removal of Names from Eligible List for the Environmental Services Department, in accordance with C.S.C. Rule 5.1.(A) and City’s Application and Appeals Policy

District 2
Dr. Josh Acevedo

Your appeal has been placed on the Civil Service Commission Agenda as Item #11 for their meeting to be held on **Thursday evening, February 13, 2025**. The meeting will be at **6:00 P.M.**, in the **Main Conference Room, 2nd Floor, City Hall (300 N. Campbell)**. Please attend the meeting to answer any questions the Commission may have regarding this matter. Failure to attend the meeting to address the Commission may result in your appeal being deemed withdrawn.

District 3
Deanna M. Rocha

Please call Claudia Cancellare, Employee Relations Officer, at (915) 212-1498 or Cecy Mungaray, Employee Relations Officer at (915) 212-1430 if you have any questions.

District 4
Cynthia Boyar Trejo

If you have any questions, please call Symone Menchaca at (915) 212-1242.

District 5
Ivan Niño

District 6
Art Fierro

District 7
Lily Limón

District 8
Chris Canales

CITY MANAGER
Dionne Mack

Signature: *Mary Wiggins*

Email: WigginsML@elpasotexas.gov

Mary Wiggins PHR, SHRM-CP – Chief Human Resources Officer
Department of Human Resources | 300 N. Campbell | El Paso, TX 79901
O: (915) 212-0045 | Email: WigginsML@elpasotexas.gov





Civil Service Commission Appeal

Applicant Name: Jose Ramirez
Current Position and Grade: N/A
Position and Grade Applying For: Solid Waste Service Worker GS 045
Exam Plan: 18565-1224

Reason for Disqualification:
 Misdemeanor/felony conviction within 7 years

Minimum Qualifications:

One (1) year of general work experience.

Applicant Qualifications:

Education: GED

Experience: Apprentice	12/2019 - Present	5 yrs.
Apprentice	1/2018 – 12/2019	1 yr. 11 mos.
Apprentice	11/2016 – 10/2018	1 yr. 2 mos.
Apprentice	12/2015 – 10/2016	0 yrs. 11 mos
Baker (General Services)	03/2013 – 10/2015	2 yrs. 7 mos.

Comments:

The applicant specified a misdemeanor/felony conviction in 2018 on his application. He provided the court documents from the county website, and a Texas Department of Criminal Justice Pardons and Parole Division Certificate of Mandatory Supervision. Mr. Ramirez stated that the documents show that he completed everything required for the conviction. Upon review, we could not confirm if his obligations had been satisfied. We received additional documentation from the County of El Paso. A determination still could not be made regarding Mr. Ramirez's legal status in regards to the charges and required legal obligations.

Applicable City Rules and Policies:

Ordinance 8065 – Civil Service Commission Rule 5, Section 1
 Application and Appeals Policy

(Please refer to Attachment A)
 (Please refer to Attachment B)

Prepared By: Jennifer Fulmer
Reviewed By: Karla Mora

HR-HCM Review: Erica Salamanca

Date: 02/03/2025



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Civil Service Commission Appeal

Recruitment Factsheet

Exam Plan Title: Solid Waste Service Worker

Recruiting Department: Environmental Services

Total Applications
Rec'd/took the Exam: 75

of Internal Applicants: 7

of External Applicants: 68

Total # of Applicants who
Failed the Exam
(supplemental questions): 1

Lacked Education: 0

Lacked Experience: 1

Lacked Ed & Exp: 0

Other: 0

Total # of Applicants who
failed the application
review: 23

Lacked Education 0

Lacked Experience: 4

Lacked Ed & Exp: 0

Other: 19

Total # of Applicants who
passed the Application
Review: 51

Qualified City Employees: 6

Qualified External Applicants: 46



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Appeal Form

To Whom It May Concern:

I, JOS [Signature], hereby appeal my disqualification to take the examination for: [Redacted]

Date notified of disqualification: [Redacted]

Disqualified Under CIVIL SERVICE RULE (C.S.C.) and/or HUMAN RESOURCES (HR) POLICY:
Check all boxes that are applicable.

Lacks Minimum Qualification - Rule 5.1.(a) Convicted of a felony, or a misdemeanor - Rule 5.1.(b)

Human Resources Policy: Dismissed from Public Service Dismissed from City Employment

OTHER (write specific C.S.C. Rule or HR Policy you are appealing)

C.S.C. Rule 5.1.(a) Applicant Does Not Meet Minimum Qualification	YES	NO
Do you meet the educational requirements as stated in the job specification for this position?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Can you provide official proof of Education or other requirements, official transcripts, original or certified copies of diplomas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do you meet the minimum required experience as stated in the job specification for this position?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you list your education and/or experience on your application?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Detail your qualifying experience (use additional paper if necessary)

C.S.C. Rule 5.1.(b) Conviction of Felony or Misdemeanor	YES	NO
Is your conviction job related to the position sought?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the conviction hinder your ability to perform the duties of this position?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please detail why your conviction will not affect your job performance. Please submit any supporting documentation regarding this issue.

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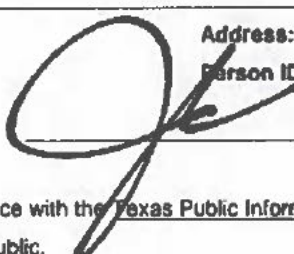
CIVIL SERVICE COMMISSION

HR Policy: Dismissed from Public Service	YES	<input checked="" type="checkbox"/>
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HR Policy: Dismissed from Public Service	YES	NO
HR Policy: Dismissed from City Employment		
Are the circumstances of your dismissal related to the duties of the position being sought?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Please detail the circumstances involving your dismissal from public service. Please provide any supporting documentation regarding this issue.		
Other	(cite specific Rule or HR Policy you are appealing).	
Please explain what you are appealing		

Name: _____ Address: _____ City/State/Zip _____

Telephone: _____ Person ID #: _____ (Neogov) _____

Applicant Signature:  _____

Stamp
Received by CSC

Please note: In accordance with the Texas Public Information Act, information from your application and/or résumé is subject to release to the public.

The electronic transmission of this appeal form via e-mail will constitute a signature:

Check signifies electronic signature

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8:24

Case # 2018004914 | Search | Home | Register of Actions | Case No. 2018004914

REGISTER OF ACTIONS
Case No. 2018004914

State of Texas vs JOSE GUADALUPE RAMIREZ

2018004914

RELATED CASE INFORMATION	
Related Cases	20130005585 (Related Case) 2019DCV1736 (Related to Criminal Matter)
PARTY INFORMATION	
Defendant	RAMIREZ, JOSE GUADALUPE
State	State of Texas

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

- 10/29/2018 **Plea** (Judicial Officer: Moody, William E.)
1 DRIVING WHILE INTOXICATED 3RD OR MORE
Guilty
- 10/29/2018 **Disposition** (Judicial Officer: Moody, William E.)
1 DRIVING WHILE INTOXICATED 3RD OR MORE
Convicted
- 12/29/2018 **Sentenced - Probation/ Community Supervision** (Judicial Officer: Moody, William E.)
1 DRIVING WHILE INTOXICATED 3RD OR MORE
Confinement to Commence 10/29/2018
10 Years - Institutional Division - TDCJ, Texas Department of Criminal Justice
Suspended 10 Years
Consent with Prior Sentence
20130005585
CSCD 10 Years with Community Service of 120 Hours
Fee Totals

Base Criminal Fees	\$224.00
District Clerk - Felony	
Fee	\$500.00
EMS Trauma Fund	\$100.00
DWI Drug Court	\$10.00
DWI Evaluation	\$10.00
Fee Totals \$	\$894.00

Amended Plea (Judicial Officer: Moody, William E.) Reason: Judicial Order
1 DRIVING WHILE INTOXICATED 3RD OR MORE
Guilty

Amended Disposition (Judicial Officer: Moody, William E.) Reason: Judicial Order
1 DRIVING WHILE INTOXICATED 3RD OR MORE
Probation Revocation

Amended Sentenced - Prison (Judicial Officer: Moody, William E.) Reason: Judicial Order
1 DRIVING WHILE INTOXICATED 3RD OR MORE
Confinement to Commence 01/06/2025
2 Years - Institutional Division - TDCJ, Texas Department of Criminal Justice
Jail Credit 470 Days
Consent with Prior Sentence
20130005585

OTHER EVENTS AND HEARINGS

- 01/06/2019 P R Bond
- 01/06/2019 Certificate of Magistrate
- 01/14/2019 COJ - Fel Order Appointing Attorney
- 01/16/2019 Application for Appointment of Counsel
- 01/26/2019 Bond Hearing (9:00 AM) (1)
- Result: Denied
- 01/26/2019 Order Denying Index # 2
- 06/11/2019 Examining Trial
- 06/25/2019 Indictment (OCA)
- 10/03/2019 Precept to Serve
- 10/04/2019 Examining Trial (10:00 AM) (1)
- 09/11/2019 Order of Court Setting
- 10/11/2019 Discovery and Pre-Trial Order
- 12/18/2019 Arraignment (9:00 AM) (Judicial Officer: Moody, William E.)
- 10/18/2019 Order of Court Setting
- 10/26/2019 Status Hearing (10:00 AM) (Judicial Officer: Moody, William E.)
- 10/28/2019 Order of Court Setting
- 10/29/2019 Plea Hearing (9:00 AM) (Judicial Officer: Moody, William E.)
- 10/29/2019 Notice of Rights/ Admonishments/ Court's Approval
- 10/29/2019 Trial Courts Certification/ Defendants Right of Appeal
- 10/29/2019 Article 39.14 Disclosure Form
- 10/29/2019 Terms/ Condition of Community Supervision
- 10/29/2019 Bill of Cost Index # 4
- 10/29/2019 Order for Release/ Detainer
- 10/29/2019 Capias Pro Fine Issued (OCA)

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REGISTER OF ACTIONS
CASE No. 20240D04650

ITEM #11

State of Texas vs JOSE GUADALUPE RAMIREZ

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Case Type: Adult Felony
Date Filed: 08/07/2024
Location: 168th District Court

RELATED CASE INFORMATION

Related Cases
20240C05508 (Related Case)

PARTY INFORMATION

Defendant RAMIREZ, JOSE GUADALUPE

Lead Attorneys
PUBLIC DEFENDER
Court Appointed
915-273-3536(W)

State State of Texas

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

- 07/29/2024 Bond Order
- 07/29/2024 Certificate of Magistrate
- 07/30/2024 Application for Court Appointed Attorney and Financial Affid
- 07/30/2024 Financial Instructions Information
- 07/31/2024 Bond Hearing (8:30 AM) (Judicial Officer Acosta, Humberto)
Result: Denied
- 07/31/2024 Order Denying Index # 1
- 07/31/2024 Order Appointing Attorney Index # 2
- 08/07/2024 Indictment (OCA)
- 08/08/2024 Motion Index # 4
- 08/09/2024 Order of Court Setting
- 08/13/2024 Precept to Serve
- 08/14/2024 Bond Hearing (1:30 PM) (Judicial Officer Acosta, Humberto)
Result: Waived
- 08/14/2024 Motion Reducing Bond
- 08/16/2024 Order Referring Cause Index # 5
- 08/16/2024 Order of Court Setting
- 08/16/2024 Order Referring Cause Index # 9
- 08/19/2024 Objection to Use of Certificate of Analysis Index # 6
- 08/19/2024 Request for Notice of Extrinsic Offenses or Convictions
- 08/19/2024 Formal Request for Compliance with Art. 39.14 of the Tx. CCP Index # 8
- 08/19/2024 Request for Notice of Discovery & Compliance Art. 2.1397
- 08/19/2024 Request to Disclose Expert Witnesses
- 08/21/2024 Bond Hearing (1:30 PM) (Judicial Officer Acosta, Humberto)
Result: Granted
- 08/21/2024 Bond Order
- 08/22/2024 CANCELED Examining Trial (11:00 AM) (Judicial Officer Acosta, Humberto)
Court Coordinator Discretionary Cancellation
- 08/22/2024 Notice of Self Authenticated Business Records Index # 10
- 08/26/2024 Arraignment/Discovery (9:00 AM) (Judicial Officer Lizarraga, Marcos)
- 08/30/2024 Precept Return
- 10/17/2024 Motion in Limine Index # 12
- 10/17/2024 Election of Punishment
- 10/17/2024 Motion for Daubert/ Kelly Hearing
- 10/17/2024 Motion to Suppress Evidence Index # 14
- 10/21/2024 Pretrial/28.01 Motions Hearing (10:00 AM) (Judicial Officer Lizarraga, Marcos)
- 11/14/2024 Notice Index # 15
- 12/23/2024 Motion Index # 16
- 12/23/2024 Notice Index # 17
- 01/15/2025 Jury Docket Call (10:00 AM) (Judicial Officer Lizarraga, Marcos)
01/14/2025 Reser by Court to 01/15/2025
- 01/16/2025 Jury Trial (9:00 AM) (Judicial Officer Lizarraga, Marcos)
01/15/2025 Reser by Court to 01/16/2025
- 01/16/2025 Jury Docket Call (10:00 AM) (Judicial Officer Lizarraga, Marcos)
- 01/16/2025 Jury Trial (9:00 AM) (Judicial Officer Lizarraga, Marcos)



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State of Texas
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLES AND PAROLE DIVISION
Certificate of Mandatory Supervision

Date of issuance: 01/30/2023
Name: RAMIREZ, JOSE GUADALUPE
Legal county of residence: EL PASO
Cause #: 2014000414

TDCJ# 02428947
Approved county of release: EL PASO

SID: 0058688
LOCATION: SANCHEZ

The Texas Department of Criminal Justice Institutional Division (TDCJ-ID) at the State of Texas has determined that said offender is eligible for Mandatory Supervision under the provisions of Chapter 505, Texas Code of Criminal Justice. THEREFORE, the Texas Board of Parole and Pardon (Board) hereby orders that said offender be released under Mandatory Supervision, and shall immediately report to the office indicated below for supervision:

EL PASO DPO 2
15801 HERZOG BLVD
HERZOG CITY, TX 79029-0003
Phone: (915)53-7219

Go directly to your approved residential plan. Report to your Parole Officer by 8 A.M. the first working day after release date. Failure to do so will cancel further gains money & result in the issuance of arrest warrant.

and shall be permitted to be at liberty in the legal custody of the State of Texas subject to the orders of the Board and the Texas Department of Criminal Justice Parole Division, and under the rules and conditions of Mandatory Supervision herein. The period of Mandatory Supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced but shall not exceed the term of the sentence. The time to be served under Mandatory Supervision is also established on a calendar year. The certificate shall become effective when eligibility requirements for Mandatory Supervision under Chapter 505, Texas Code of Criminal Justice have been met or when Mandatory Supervision is ordered by the Board of Parole and Pardon.

STATUTORILY MANDATED CONDITIONS

- Unless otherwise provided, I shall reside in the county in which I resided at the time I committed the offense for which I was sentenced to the Institutional Division, or the county of the offense for which I was sentenced to the Institutional Division if I was not a resident of the State of Texas.
- I shall demonstrate an educational skill level that is equal to or greater than the average skill level of students who have completed the same grade in a public school in the State of Texas.
- I shall submit to testing for alcohol or controlled substances.
- I shall reimburse the State of Texas for the costs of any Post Secondary Education Programs in which I participated while in TDCJ.
- I shall not communicate directly or indirectly with the victim, go to or near the residence, place of employment, or business of the victim, or go to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.
- I shall not intentionally or knowingly communicate directly or indirectly with a victim of the offense(s) for which I was sentenced to the Institutional Division, not intentionally or knowingly communicate or cause communication in person, by telephone, correspondence, video or audio device, text message, or by any electronic means with the victim, a guardian of the victim, or a business of the victim of the offense(s) for which I was sentenced to the Institutional Division, not intentionally or knowingly go to or near a residence, school, place of employment or a where a dependent child of the victim of the offense(s) for which I was sentenced to the Institutional Division is in attendance.
- I shall obtain instructions from my supervising officer.
- I shall participate in a drug or alcohol treatment program.
- I shall register as a sex offender under Chapter 62, Code of Criminal Procedure.
- I shall not go in, on or within a distance specified by a court order, if a person whose children commonly gather.
- I shall not consume or participate in any program that includes or purports to include, persons who are 17 year of age or younger.
- I shall attend psychological counseling as specified by my supervising officer.
- I shall perform not less than 200 hours of community service at a private sector approved by a parole panel.

SPECIAL CONDITIONS

- I shall be assigned to the maximum level of supervision or supervision deemed most appropriate level of supervision a letter established by objective assessment instrument and supervision case classification.
- 0.11 I shall not operate a motor vehicle without prior approval of parole officer.
- 0.22 I shall actively seek and maintain gainful employment.
- 0.43 I shall submit to weekly urinalysis monitoring (or less if) needed.
- 0.44 I shall participate in substance abuse support group meetings. Three (3) times a week for 180 days.



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State of Texas
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLES AND PARDON DIVISION
Certificate of Mandatory Supervision

Name
RAMIREZ, JOSE GUADALUPE

YOC#
6048947

SD#
8582604

6 I shall adhere to a substance abuse (psychochemical) treatment program, when one exists, which includes monitoring, attendance at scheduled counseling sessions, drug testing or any of the related components as directed by the supervising parole officer
17 I shall not intentionally or knowingly communicate directly or indirectly with a victim of the offense(s) for which I was sentenced to the Institutional Division, not intentionally or knowingly communicate or cause communication in person, by telephone, correspondence, memo or email device, text message, email, or by any electronic means with the victim, a guardian of the victim, or a close relative of the deceased victim of the offense(s) for which I was sentenced to the Institutional Division, not intentionally or knowingly go near a residence, school, place of employment or a business of the victim of the offense(s) for which I was sentenced to the Institutional Division, not intentionally or knowingly go to or visit a school, day-care facility, or similar facility where a dependent child of the victim of the offense(s) for which I was sentenced to the Institutional Division is or attends

ISSUED BY ORDER OF THE BOARD OF PAROLES AND PARDONS AT AUSTIN, TEXAS ON THE 6TH DAY OF FEBRUARY 2023

DAVID S. SUTERLEY
BOARD OF PAROLES AND PARDONS

If mandatory supervision is successfully completed,
maximum expiration date will be: 06/23/2023



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CASE NO. 20180D04914 COUNT I OF I
INCIDENT NO./TRN: 9054507578

THE STATE OF TEXAS

IN THE 34TH DISTRICT COURT

V.

JOSE GUADALUPE RAMIREZ

EL PASO COUNTY, TEXAS

STATE ID No.: TX-05586958

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. WILLIAM E. MOODY	Date Judgment Entered:	10/29/2018
Attorney for State:	ARIF ABRAR	Attorney for Defendant:	JENARO F. WELSH

Offense for which Defendant Convicted:

DRIVING WHILE INTOXICATED 3RD OR MORE

Charging Instrument:	Statute for Offense:
INDICTMENT	49.09 (b) PC

Date of Offense:
07/08/2018

Degree of Offense:	Plea to Offense:	Findings on Deadly Weapon:
3RD DEGREE FELONY	GUILTY	N/A

Terms of Plea Bargain:
STATE'S RECOMMENDATION

Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A

Date Sentence Imposed:	10/29/2018	Date Sentence to Commence:	10/29/2018
Punishment and Place of Confinement:	TEN (10) YEARS CONFINEMENT TO THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION		

THIS SENTENCE SHALL RUN CONCURRENT WITH 20130D05585

[X] SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR TEN (10) YEARS

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ 4,000.00 (PROBATED \$ 3,500.00)	\$ 394.00	N/A	<input type="checkbox"/> VICTIM <input type="checkbox"/> AGENCY/AGENT

Sex Offender Registration Requirements DO NOT APPLY to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited: From N/A to N/A

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in El Paso County, Texas. The State appeared by her District Attorney Counsel / Waiver of Counsel

Defendant appeared in person with Counsel.

Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.



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Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options

Confinement in State Jail or Institutional Division. The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the Institutional Division, TDCJ. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

County Jail—Confinement / Confinement in Lieu of Payment. The Court ORDERS Defendant immediately committed to the custody of the Sheriff of El Paso County, Texas on the date the sentence is to commence. Defendant shall be confined in the El Paso County Detention Facility for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the El Paso County Detention Facility. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

Fine Only Payment. The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the El Paso County Collections Department. Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence

The Court ORDERS Defendant's sentence EXECUTED.

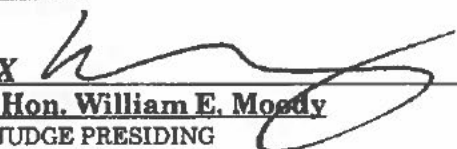
The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

DEFENDANT IS TO SERVE TEN (10) DAYS IN THE EL PASO COUNTY DETENTION FACILITY AS A CONDITION OF PROBATION.

Signed and entered on 10, 30, 2018

X 
Hon. William E. Moody
JUDGE PRESIDING

Clerk: Samuel Castaneda

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COMMISSION

10/29/2018

IN THE 34TH DISTRICT COURT
OF EL PASO COUNTY, TEXAS

ITEM #11

THE STATE OF TEXAS

v.

CAUSE NO. 20180D04914

JOSE GUADALUPE RAMIREZ

STATE'S MOTION TO REVOKE PROBATION

TO THE ABOVE NAMED HONORABLE COURT:

Now comes the State of Texas by her undersigned Assistant District Attorney and would show the Court as follows:

I.

That on October 29, 2018, the Defendant entered a plea of guilty to the offense of Driving While Intoxicated 3rd or More, in the above-styled cause, the Court entered a finding of Guilt, assessed a term of Ten (10) years confinement to the Texas Department of Criminal Justice Institutional Division, suspended the sentence and placed the Defendant on Community Supervision for Ten (10) years under the terms and conditions outlined in the attached Terms and Conditions of Community Supervision.

II.

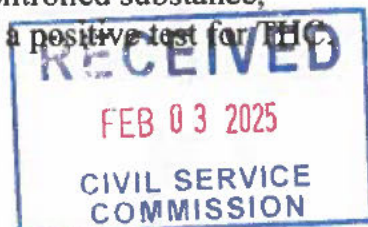
That on or about June 04, 2020, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about July 24, 2020, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about September 18, 2020, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.



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That on or about December 15, 2020, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about February 12, 2021, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about April 13, 2021 in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about August 24, 2021, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about December 21, 2021, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about April 20, 2022, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That on or about May 06, 2022, in El Paso County, Texas, the Defendant violated Condition B(1) by purchasing, selling, consuming, possessing, or transporting an alcoholic beverage, dangerous drug, or controlled substance, without a prescription. To Wit: The Defendant submitted a positive test for THC.

That during the period of May 31, 2022 through August 2022, in El Paso County, Texas, the Defendant violated Condition D(1) by failing to report to the El Paso Community Supervision and Corrections Department.



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That during the month(s) of August 2022, in El Paso County, Texas, the Defendant violated Condition P(2) by failing to participate in the Treatment Alternatives to Incarceration Program as directed by the Supervision Officer.

That during the month(s) of April 2022 through August 2022, in El Paso County, Texas, the Defendant violated Condition R by operating a motor vehicle without a deep-lung breath analysis mechanism. To Wit: The Defendant failed to equip his motor vehicle with a mobile device to be able to operate it as designated by the court.

III.

Therefore, the Defendant's probation should be revoked in the above-styled cause.

WHEREFORE, the State prays that the Court revoke the Defendant's probation and sentence the Defendant to serve the original sentence assessed.

Signed on November 17, 2022.

RESPECTFULLY SUBMITTED,

/s/ Evelyn Espinoza
Evelyn Espinoza
Assistant District Attorney
SBOT No.: 24069683
500 E. San Antonio, Room 201
El Paso, TX 79901
Phone: 915-546-2059
Fax: 915-533-5520
Ev.Espinoza@epcounty.com



COPY



IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
34TH JUDICIAL DISTRICT COURT

THE STATE OF TEXAS

CAUSE NO. 20180004914
TRN/TRS: 9054507578

VS. Jose Guadalupe Ramirez
Offense: DWI 3rd or more
Probated Offense: DWI 3rd or more

Degree: 23
Degree: 23

Adjudicated Deferred

TERMS AND CONDITIONS OF COMMUNITY SUPERVISION

On the 29th day of October, A.D., 2018, you were placed on community supervision for the period of one year on the following terms and conditions as checked below:

- a. Commit no offense against the laws of this state or of any other state (including municipal ordinances), or of the United States of America.
 - b. Avoid injurious or vicious habits, to wit:
 - (1) You shall not purchase, sell, consume, possess, or transport any alcoholic beverage, or any dangerous drug or controlled substance as set out in the laws of this state, except upon prescription of a person licensed to prescribe the same.
 - (2) You shall not introduce into your body by any means any substance for the purpose of intoxication, including, but not limited to, glue, paint, paint thinner, gasoline, cement, lacquer, or commercial solvents.
 - (3) You shall not enter into any package liquor store or any establishment where any alcoholic beverage is served or sold for on-premises consumption, except for the sole purpose of eating in a restaurant where alcoholic beverages are sold incidental to the restaurant business.
 - c. Avoid persons or places of disreputable or harmful character; specifically, you shall avoid associating with all persons who are on community supervision or parole, except with permission of your Supervision Officer, or with any person while he is engaged in any unlawful activity whatsoever. You shall avoid associating with: _____
 - d. (1) Report to your assigned Supervision Officer as directed by the Judge or Supervision Officer and obey all rules and regulations of the Community Supervision and Corrections Department.
 - (a) Report to the offices of the El Paso County Community Supervision and Corrections Department, El Paso, Texas, or its satellite offices as follows: CSO Linda Potts, 500 E. San Antonio, 7th Floor, El Paso, Texas, once every Monday or Tuesday or as instructed by your CSO.
 - (b) Report to the offices of _____
- Additionally, each and every time you report to the Supervision Officer or Community Supervision and Corrections Department you shall sign the Community Supervision and Corrections Department registry and wait for your assigned officer. If your assigned Officer is not present, you will report to the Community Supervision and Corrections Department personnel assigned to interview you in your Supervision Officer's absence.
- (2) Report to CSO _____ at 800 E. Overland, Suite 100, El Paso, Texas, 79901 within 72 hours for transfer instructions.
 - (3) Authority to reside in _____ (county/state) is contingent upon acceptance from the receiving County/State. If your case is rejected by the receiving County or State, you must contact your Supervision Officer, _____, in El Paso, Texas for reporting instructions.
 - e. Permit the Supervision Officer to visit you at your home or elsewhere.
 - f. Work faithfully at suitable employment as far as possible. You shall immediately, and from time to time as it changes, designate to your Supervision Officer in writing your place of employment. You shall not terminate your employment without the permission of your Supervision Officer. You shall notify your Supervision Officer immediately if you are laid off or terminated from your employment.
 - g. (1) You shall submit to testing to determine your educational skill level, and if determined to be needed, you shall participate in an educational program or vocational training program as directed by your Supervision Officer.
 - (2) _____
 - h. Remain within:
 - (1) El Paso County, Texas.
 - (2) _____

Further, in this connection:

- (3) Transfer to any other jurisdiction without the prior written permission of this Court is prohibited.
- (4) If your community supervision is transferred to another county or state, you will abide by any additional supervision conditions required by that county or state.
- (5) You shall immediately designate your current place of residence to your Supervision Officer.
- (6) You shall not move therefrom without receiving the prior written permission of your Supervision Officer.
- (7) You shall be subject to curfew and be within your place of residence, as previously designated, between the hours of 8:00 p.m. and 6:00 a.m. each and every day, unless suitably employed during those same hours.

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Cause No. 20180004914

- i. Pay the following, in one or several sums, and make restitution in any sum that the court shall determine to the El Paso County Community Supervision and Corrections Department:
 - (a) Supervision Fee of \$60.00 per month.
 - (b) Sex Offender Supervision fee of \$5.00 per month.
 - (c) \$140.00 to DPS for Lab Analysis or to EPPD for Lab Analysis.
 - (d) \$284.00 Shock/Boot Camp expenses (for transportation to and from the Institutional Division)
 - (e) Restitution : CCR2 DWI DRUG COURT FEE: \$500.00
 - (f) \$300.00 Transfer Fee each time you transfer to another jurisdiction, a Supervision Fee of \$60.00 per month during any period of time that you are not supervised by another department outside the State of Texas.
 - (g) \$100.00 Intrastate Transfer Fee each time you transfer to another jurisdiction within Texas.
 - (h) El Paso Crime Stoppers Program (not to exceed \$50.00): \$2.00
 - (i) Court Appointed Counsel: \$
- j. You shall abide by the Bill of Costs as assessed and which are a part of the Judgment in this case.
- k. Support your dependent(s) and/or if as a result of said offense your dependent(s) are being cared for by a government or private agency, you shall pay a portion of your income for their care to that agency.
- l. Work 120 hours at a community service project(s) for an organization(s) and/or may pay up to % in lieu of community service hours to an approved food bank, pantry or an organization engaged in performing charitable functions for veterans that is on a list approved by the Council of Judges. *In accordance with Art. 43.09(k), 8 hours of community service work shall be credited for every \$100 donated.*
- m. Remain under custodial supervision in a community corrections facility, obey all rules and regulations of such facility, and pay a percentage of your income to the facility for room and board. You shall reside at the _____ and remain there until satisfactorily discharged from said program. You shall participate in all programs deemed appropriate, and shall neither voluntarily terminate participation in said programs nor voluntarily depart from the premises of said facility without the specific written permission of a duly authorized staff member of the facility
- n. Attend, participate fully, and successfully complete psychological and/or psychiatric treatment, or any other outpatient or inpatient mental health treatment, at the direction of the Supervision Officer and at your own expense, as follows: _____
- o. Submit to a period of detention in the El Paso County Detention Facility for a period of 30 / 90 / 180 days or any portion thereof at the Court's discretion.
 - (1) Submit to a period of detention of 10 days as a condition of probation.
- p. Submit to the following tests for alcohol or controlled substances as ordered by the Court or as directed by your Supervision Officer:
 - (1) Breath analysis
 - (2) Urinalysis
- q. Alcohol and Drug Education/Treatment Program:
 - (1) Report immediately to a program licensed by the Texas Commission on Alcohol and Drug Abuse, register and pay the required tuition fee, and attend all classes of said programs to which you are assigned by your Supervision Officer.
 - (a) Alcohol Education/Traffic Safety classes (DWI School).
 - (b) Drug Offender Education classes.
 - (c) Educational program for repeat offenders.
 - (d) Drug/Alcohol Counseling.
 - (2) Participate in the Treatment Alternatives to Incarceration Program (TAIP).
 - (3) Participate in Alcoholics Anonymous and Narcotics Anonymous as directed by your Supervision Officer. If deemed necessary.
 - (4) Comply with medically-approved antabuse as prescribed by a licensed physician and as directed by your Supervision Officer.
 - (5) Submit to a period of confinement at a Substance Abuse Felony Punishment Facility (SAFPF) as per attached Supplement/Addendum to Community Supervision.
- r. You shall not operate a motor vehicle unless the vehicle is equipped with a device that uses a deep-lung breath analysis mechanism. You shall be responsible for the cost of obtaining and maintaining such mechanism. *mobile device*
- s. You shall give your true and correct name when questioned by any law enforcement representative or Community Supervision and Corrections Department personnel.
- t. If you return to El Paso County and/or the United States, you will immediately report to the El Paso County Community Supervision and Corrections Department at 800 E. Overland, El Paso, Texas 79901, for further instructions.
- u. You shall not possess or transport any type of firearm, prohibited weapon, or body armor.

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Cause No. 20180004914

- v. You shall participate fully and attend the following treatment program as directed by your Supervision Officer and until successfully completed or otherwise ordered by the Court:
 - (1) Participate in the I.P.P. _____ Caseload.
 - (2) You shall participate in the EPCSCD Intensive Supervision Sex Offender Program.
 - (a) You shall not supervise or participate in any program that includes as participants or recipient persons who are 17 years of age or younger and that regularly provides athletic, civic or cultural activities.
 - (b) You shall not go in, on, or within _____ feet of premises where children commonly gather including a school, daycare facility, playground, public or private youth center, public swimming pool, or video arcade.
 - (c) You shall register or verify registration with the Sex Offender registration program.
 - (3) You shall abide by the attached supplement/addendum to these conditions of probation.
 - (4) Provide a DNA sample to the Texas DPS for the purpose of creating your DNA record. (applies to sex offender registrants).
 - (5) Provide a DNA sample to the Texas DPS for the purpose of creating your DNA record. (applies to all felony convictions).
 - (6) VIP
- w. Avoid all direct and indirect communication with the victim and maintain a minimum distance of _____ feet from the victim's residence, place of employment, or daycare or similar facility where a dependent child of the victim may be found.
- x. You shall participate in the CCR2 DWJ Drug Court Program and abide by the attached contract.

YOU ARE HEREBY ADVISED THAT UNDER THE LAWS OF THIS STATE, THE COURT HAS THE AUTHORITY AT ANY TIME DURING THE PERIOD OF YOUR COMMUNITY SUPERVISION TO ALTER OR MODIFY THE CONDITIONS OF YOUR COMMUNITY SUPERVISION. ANY VIOLATION OF THE CONDITIONS SET OUT ABOVE WHICH ARE MARKED COULD RESULT IN YOUR IMMEDIATE ARREST AND MAY RESULT IN REVOCATION OF YOUR COMMUNITY SUPERVISION.

Signed this the 29th day of October, A.D., 2018

[Signature]
PRESIDING JUDGE

I, the Defendant in the above styled and numbered cause, acknowledge receipt of these terms and conditions of Community Supervision and understand all terms and conditions and the same has been translated to me in the Spanish language, if necessary, and I fully understand the same.

Defendant: [Signature] Date: 10-29-18

DOB: 11-09-1970 SSN: XXX-XX-[REDACTED] Phone Number: [REDACTED]

Address: [REDACTED]

ATTEST:
 Norma L. Favela
 District Clerk
 By: [Signature]
 Deputy

FINGERPRINTS



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IN THE 34th JUDICIAL DISTRICT COURT OF EL PASO COUNTY

ITEM #11

THE STATE OF TEXAS

• CAUSE NO: 20180D04914
• OFFENSE: DWI 3rd or More
• DEGREE: F3

VS.

• [X] Straight [] State Jail Felon [] Deferred
• Dates of all previous modifications:
•

Jose Guadalupe Ramirez

TRN: 0054507628

DOB: [REDACTED]

ORDER MODIFYING
TERMS AND CONDITIONS OF COMMUNITY SUPERVISION

On the 29th day of October, A.D., 2018, you were placed on community supervision under Original Terms and Conditions for a period of Ten (10) Years. In accordance with Article 42.12, Section 11, T.C.C.P., your original terms and conditions and any previous modifications currently in effect are modified as ordered below. All currently effective terms and conditions, whether original or modified and not modified herein, are continued in full force and effect. **YOU ARE ORDERED TO:**

- [X] d. [X] (1) Report to your assigned Supervision Officer as directed by the Judge or Supervision Officer and obey all rules and regulations of the Community Supervision and Corrections Department. Report to the offices of the El Paso County Community Supervision and Corrections Department, El Paso, Texas, or its satellite offices as follows: CSO Lucinda Guerra as instructed by Probation Officer to 9521 Socorro Rd, Bldg A-2, El Paso, Texas, 79927, (915) 771-8500. Additionally, each and every time you report to the Supervision Officer or Community Supervision and Corrections Department you shall sign the Community Supervision and Corrections Department registry and wait for your assigned officer. If your assigned Officer is not present, you will report to the Community Supervision and Corrections Department personnel assigned to interview you in your Supervision Officer's absence.
- [X] h. Remain within:
 - [X] (5) You shall be subject to curfew and be within your place of residence, as previously designated, between the hours of 8:00pm p.m. and 6:00 a.m. each and every day, unless suitably employed during those same hours.
- [X] m. Attend, participate fully, and successfully complete psychological and/or psychiatric treatment, or any other outpatient or inpatient mental health treatment, at the direction of the Supervision Officer and at your own expense, as follows: Emergency Health Network or any other treatment provider as directed by your Community Supervision Officer. You shall take prescribed medication as prescribed by physician. You shall attend, participate, and complete any program as directed by your Emergency Health Network Case worker or Community Supervision Officer.
- [X] v. You shall participate and attend the Special Programs Mental Health Initiative Caseload until released by the Court. You shall sign all releases of confidential information to the E.P.C.C.S.C.D.

Signed this 30 day of MARCH A.D. 2022



PRESIDING JUDGE

I, the Defendant in the above styled and numbered cause, acknowledge receipt of this order modifying my terms and conditions of community supervision. I acknowledge that I understand this order and that it has been translated to me in the language of my choice. Furthermore, I understand that my failure to sign this acknowledgement of receipt does not invalidate or postpone the Court's modification of my terms and conditions of community supervision nor does it in any way exempt me from compliance with this order.

Defendant _____

- I, the subscribed Deputy Community Supervision Officer, attest that the defendant in this case received a copy of this Order modifying his Terms and Conditions of community supervision. I further attest that this order and all of the defendant's subsequent existing terms and conditions of community supervision were explained to the defendant in the language of his choice.
- I, the subscribed Deputy Community Supervision Officer, further attest that the defendant refused to sign for the receipt of this document.

Brittany Willis
Deputy Community Supervision Officer

Page ____ of ____

DEFENDANT'S RIGHT THUMBPRINT

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Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 63184972
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
JENARO FWELSH		JFW.ESQ@ME.COM	4/1/2022 11:51:11 AM	SENT



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IN THE 34th JUDICIAL DISTRICT COURT
IN THE COUNTY COURT AT LAW NUMBER _____
OF EL PASO COUNTY, TEXAS

ITEM #11

THE STATE OF TEXAS

VS.

JOSE GUADALUPE RAMIREZ
DOB: _____

• CAUSE NO.: 20180D04914
• OFFENSE: DWI 3RD OR MORE
• DEGREE: F3
• () Deferred Straight
• Dates of all previous modifications: _____

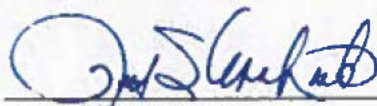
**ORDER MODIFYING
TERMS AND CONDITIONS OF COMMUNITY SUPERVISION**

On the 29TH day of OCTOBER, 2018, you were placed on community supervision under Original Terms and Conditions for a period of Ten (10) years. In accordance with Article 42.12, Section 11, T.C.C.P., your original terms and conditions and any previous modifications currently in effect are modified as ordered below. All currently effective terms and conditions, whether original or modified and not modified herein, are continued in full force and effect.

YOU ARE ORDERED TO:

- d. (1) Report to your assigned probation officer as directed by the Judge or probation officer and obey all rules and regulations of the Community Supervision and Corrections Department. Report to the offices of the West Texas Community Supervision and Corrections Department, El Paso, Texas, or its satellite offices as follows: You shall report to your Community Supervision Officer Brittany Willis at 9521 Socorro Rd. Ste. A-2, El Paso, Texas 79927 no less than three times each and every month OR as instructed by your CSO. Additionally, each and every time you report to the probation officer or probation office, you will sign the probation office registry. If your assigned probation officer is not present, you will report to the Community Supervision and Corrections Department personnel assigned to interview you in your probation officer's absence.
- h. Remain within:
 - (3) You shall be subject to curfew and be within your place of residence, as previously designated, between the hours of 8:00 p.m. and 6:00 a.m. each and every day, unless suitably employed during those same hours.
- p. Alcohol and Drug Education/Treatment Program:
 - (2) Participate in Treatment Alternative to Incarceration Program (T.A.I.P.) or equivalent Outpatient Substance Abuse Treatment Program covered by your insurance until successful completion.
- t. You shall participate fully and attend the following treatment program as directed by your Supervision Officer and until successfully completed or otherwise ordered by the Court:
 - (1) You shall participate and attend the EPCCSCD Special Programs Substance Abuse Caseload until released by the Court. You shall sign all releases of confidential information to the E.P.C.C.S.C.D.

Signed this the 22 day of February, 2022.



PRESIDING JUDGE

I, the Defendant in the above styled and numbered cause, acknowledge receipt of this order modifying my terms and conditions of community supervision. I acknowledge that I understand this order and that it has been translated to me in the language of my choice. Furthermore, I understand that my failure to sign this acknowledgement of receipt does not invalidate or postpone the Court's modification of my terms and conditions of community supervision nor does it in any way exempt me from compliance with this order.

DEFENDANT

- I, the subscribed Deputy Community Supervision Officer, attest that the defendant in this case received a copy of this Order modifying his Terms and Conditions of community supervision. I further attest that this order and all of the defendant's subsequently existing terms and conditions of community supervision were explained to the defendant in the language of his choice.
- I, the subscribed Deputy Community Supervision Officer, further attest that the defendant refused to sign for the receipt of this document.



DEPUTY COMMUNITY SUPERVISION OFFICER

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DEFENDANT'S RIGHT THUMBPRINT

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
34TH JUDICIAL DISTRICT COURT

THE STATE OF TEXAS

() NO. 20180D04914

VS.

() OFFENSE: DWI 3RD OR MORE

ITEM #11

JOSE GUADALUPE RAMIREZ

MODIFICATIONS OF TERMS AND CONDITIONS OF PROBATION

On the 29th day of October A.D., 2018 you were placed on probation for a period of ten (10) years. In accordance with Article 42.12, Section 10(d), your terms and conditions are hereby modified indicated below, to wit:

- d. (1) Report to your assigned probation officer as directed by the Judge or probation officer and obey all rules and regulations of the Community Supervision and Corrections Department. Report to the offices of the West Texas Community Supervision and Corrections Department, El Paso, Texas, or its satellite offices as follows: You shall report to your probation officer, CSO Susie Calvo at 800 E. Overland, Suite 100, El Paso, TX 79901, (915) 546-8120 every month between the 21st and 30th of each month between the hours of 8:00 a.m. and 6:00 p.m. or as otherwise instructed by your CSO, effective immediately. Additionally, each and every time you report to the probation officer or probation office, you will sign the probation office registry. If your assigned probation officer is not present, you will report to the Community Supervision and Corrections Department personnel assigned to interview you in your probation officer's absence.
- (2) Report to _____ at 800 E. Overland #100, El Paso, Texas, within 72 hours for transfer instructions. Authority to reside in _____ (County, State) is contingent upon acceptance from the receiving County/State. If you are rejected, you must immediately return to El Paso, Texas, for reporting instructions.
- x. Your participation in the CCR2 DWI Drug Court program is hereby rescinded due to successful completion of program and graduation. As per Standing Order, you are modified to the R.I.S.E PROGRAM as a continuation of the Intervention and Treatment Program

This modification alters the noted condition and no other terms and conditions of your probation as previously ordered by the Court, nor does it waive any other action pending or that may be pending at this time.

Signed 30 day of April, A.D., 20 20



Judge Presiding

I hereby acknowledge and agree by my signature below that condition "d" and "z" of my Terms and Conditions of Probation is changed effective the date indicated above, and that same has been translated to me in Spanish, if necessary.

SIGNATURE OF PROBATIONER
L. Lopez

SIGNATURE WITNESS/PROBATION OFFICER

DATE
04/30/20

DATE

RIGHT THUMB PRINT (ORIGINAL ONLY)

Distribution Original - District Clerk
Copy - Probationer



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CASE NO. 20180D04914 COUNT I OF I
INCIDENT NO./TRN: 9054507578

THE STATE OF TEXAS § IN THE 34TH DISTRICT COURT
 §
 V. §
 §
 JOSE GUADALUPE RAMIREZ § EL PASO COUNTY, TEXAS
 §
 STATE ID NO.: TX-05586958 §

JUDGMENT REVOKING COMMUNITY SUPERVISION

Judge Presiding:	William E. Moody	Date Sentence Imposed:	01/06/2023
Attorney for State:	EVELYN ESPINOZA	Attorney for Defendant:	RAFAEL C. MORALES
Date of Original Community Supervision Order:	10/29/2018	Statute for Offense:	49.09 (b) PC
Offense for which Defendant Convicted: DRIVING WHILE INTOXICATED 3RD OR MORE			
Date of Offense: 07/08/2018			
Degree of Offense:	3RD DEGREE FELONY	Plea to Motion to Revoke:	TRUE
		Findings on Deadly Weapon:	N/A
Original Punishment Assessed: TEN (10) YEARS CONFINEMENT TO THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION PROBATED TEN (10) YEARS COMMUNITY SUPERVISION FINE: \$ 4,000.00 (PROBATED \$3,500.00)			
Shock Community Supervision: FINE: \$N/A			
Date Sentence Commences: 01/06/2023			
Punishment and Place of Confinement:	TWO (2) YEARS TEXAS DEPARTMENT OF CRIMINAL JUSTICE		
	THIS SENTENCE SHALL RUN CONCURRENT WITH 20130D05585		
Fines	Court Costs:	Reimbursement Fees:	
\$N/A	\$394.00	\$N/A	
Restitution:	Restitution Payable to:		
\$ N/A	(See special finding or order of restitution which is incorporated herein by this reference.)		
IS ORIGINAL JUDGMENT / SENTENCE REFORMED? YES			
<input type="checkbox"/> Defendant is required to register as sex offender in accordance with Chapter 62, CCP. (For sex offender registration purposes only) The age of the victim at the time of the offense was DO NOT APPLY.			
Total Jail Time Credit:	If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.		
470 DAYS	N/A DAYS NOTES: N/A		
Was the victim impact statement returned to the attorney representing the State? N/A (FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? N/A			

The Court previously suspended confinement in this cause and placed Defendant on community supervision. Subsequently,



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the State filed a motion to revoke Defendant's community supervision. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

Defendant appeared with Counsel.

Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

After hearing the State's motion, Defendant's plea, the evidence submitted, and reviewing the record, the Court GRANTS the State's motion and FINDS Defendant violated the following conditions of community supervision:

b(1), b(1), b(1), b(1), b(1), b(1), b(1), b(1), b(1), d(1), p(2), r.

Accordingly, the Court's previous Order suspending imposition of the sentence of confinement and placing Defendant on community supervision is REVOKED.

Having been convicted of the offense designated above, the Court ORDERS Defendant punished as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court Orders Defendant to pay the fine, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

Punishment Options (select one)

Confinement in State Jail or Institutional Division. The Court ORDERS the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, reimbursements fees, and restitution due.

County Jail—Confinement / Confinement in Lieu of Payment. The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, reimbursements fees, and restitution due.

County Jail—State Jail Felony Conviction. Pursuant to §12.44(a), Tex. Penal Code, the Court FINDS that the ends of justice are best served by imposing confinement permissible as punishment for a Class A misdemeanor instead of a state jail felony. Accordingly, Defendant will serve punishment in the county jail as indicated above. The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, reimbursements fees, and restitution due.

Fine Only Payment. The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, reimbursements fees, and restitution ordered by the Court in this cause.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) \$ (not to exceed \$10,000)
- Add'l Monthly Fine for Sex Offenders (Art. 42A.653, Code Crim. Proc.) \$ (\$5.00/per month of community supervision)
- Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$ (\$100)
- EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$ (\$100)
- Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) \$ (\$100)
- Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$ (\$50)
- State Traffic Fine (§ 542.4031, Transp. Code) \$ (\$50)
- Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ (not to exceed \$50)
- Repayment of Reward Fine (Art. 37.073/42.152, Code Crim. Proc.) \$ (To Be Determined by the Court)
- Repayment of Reward Fine - as Cond of CS (Art. 42A.301 (b) (20), Code Crim. Proc.) \$ (not to exceed \$50)
- DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§ 709.001, Transp. Code) \$ (not to exceed \$6,000)

Execution of Sentence

The Court ORDERS Defendant's sentence EXECUTED. The Court FINDS that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.



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Furthermore, the following special findings or orders apply:

The El Paso Sheriff's Office is Ordered to remove any conditions of bond associated with this case from the Texas Crime Information Center database maintained by the Department of Public Safety.

PER ORDER OF THE COURT, DEFENDANT WAS GRANTED AN ADDITIONAL ONE HUNDRED SIXTY-NINE (169) DAYS FROM TIME IN RESIDENTIAL TREATMENT (SAFPF) FROM 09/11/2017 - 02/26/2018 AND ADDITIONAL SIXTY-ONE (61) DAYS FROM TIME TRANSITION TREATMENT CENTER FROM 02/26/2018 - 04/27/2018.

Date Judgment Entered: 01/ 10 /2023

X William E. Moody
William E. Moody
JUDGE PRESIDING

Clerk: Guadalupe Escalante

1/10/2023

Right Thumbprint



(Print) Name: JOSE GUADALUPE RAMIREZ

Signature: [Handwritten Signature]

Cause Number: 20180D04914

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18565-1224 - Solid Waste Service Worker

Contact Information -- Person ID: 43822553

Name: Jose G Ramirez Address: [REDACTED] US
Home Phone: [REDACTED] Alternate Phone:
Text Messaging Mobile No: [REDACTED] Email: [REDACTED]
Former Last Name: Month and Day of Birth: 09/

Personal Information

Driver's License: No
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? High School

Preferences

Are you willing to relocate? Yes
Types of positions you will accept: Regular , Internship
Types of work you will accept: Full Time , Part Time , Per Diem
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

Objective

Education

High School
Bowie High School
1/1998 - 5/1998
El Paso, Texas
Did you graduate: No
Highest Level Completed: 11
Did you receive a GED? Yes
Degree Received: High School Diploma

Work Experience

Apprentice
12/2019 - Present
Hours worked per week: 40
Monthly Salary: \$0.00
May we contact this employer?
Stainless Fabricators Inc
El Paso, Texas

Duties

Responsible for installing stainless steel cable railing, aluminum railing, glass railing, perforated/mesh railing, smoke baffle/draft curtain systems. Work closely with custom laser cut products. Complete each turnkey project in a timely manner. Specialize in custom fabrication involving CNC machine water jet and laser cutting as well as mandrel tube and pipe bending for agriculture, residential, and institutional hand and guardrail applications. Our team currently works with the latest version of Autocad.

Apprentice
1/2018 - 12/2019
Hours worked per week: 40
Monthly Salary: \$0.00
May we contact this employer?
Flynn Group Of Companies
El Paso, Texas

Duties

Responsible for installing Architectural Sheet Metal applications, including Steel Wall finishes, Composite Aluminium Wall finishes, Composite Aluminium Wall panels and Custom Zinc or Copper applications. Fabricate or alter parts at construction sites, using shears, hammers,



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punches, or drills. Installing and handling rigging and hoisting equipment wall panel products according to specifications and building codes. Drilling, punching holes in metal, for screws, bolts, and rivets. Maneuver units into position for installation, anchor the units. Secure metal panels in place. Interlock and fasten grooved panel edges. Fasten seams or joints together with welds, bolts, cement, rivets, solder, caulks, metal drive clips, or bonds to assemble components to repair sheet metal items.

Apprentice
11/2016 - 10/2018

Hours worked per week: 40
Monthly Salary: \$0.00
May we contact this employer?

Sundt Construction
El Paso, Texas

Duties

Learn to safely and effectively use and operate work related tools and equipment. Look for opportunities for improvement in all tasks. Willing to learn from others. Produce high quality work, safely and productively at all times. Provide feedback to ensure all materials, tools, equipment and information is available for the work day. If unsure about any aspect of the work or issues regarding safety practice, I immediately self advocate to ensure I am complying to safety practices. Completed regular compliance training. Maintain positive working relationships with all members of the crew. Maintained a clean and safe work environment. Fasten timbers or lumber with glue, screws, pegs, or nails and install hardware. Perform tie spacing layout and measure, mark, drill or cut. Select tools, equipment, or materials from storage and transport items to the work site. Drill holes in timbers or lumber

Apprentice
12/2015 - 10/2016

Hours worked per week: 40
Monthly Salary: \$0.00
May we contact this employer?

Metro Mechanical
El Paso, Texas

Duties

Metro Mechanical El Paso, TX -----
Plumbing Apprentices provided assistance to full-fledged Plumbers. Common responsibility was cutting and assembling pipes, cleaning water supply and disposal systems, handing in tools, cleaning job sites, and answering customer inquiries. Assembled pipe sections, tubing, or fittings, using couplings, clamps, screws, bolts, plastic solvent, caulking, or soldering, brazing, or welding equipment. Install pipe assemblies, fittings, valves, appliances such as dishwashers or water heaters, or fixtures such as sinks or toilets, using hand or power tools. Maintain records for work assignments. Fill pipes plumbing fixtures with water or air and observe pressure gauges to detect and locate leaks.

Baker
3/2013 - 10/2015

Hours worked per week: 40
Monthly Salary: \$0.00
Name of Supervisor: Jay allen - Apprentice
May we contact this employer? Yes

Baker concrete
4710 elwood st
Phoenix, Arizona 85040
6022692050

Duties

Responsible for installing rebar templates and anchor bolts. In charge of Installation of water stop systems with proper alignment, braces. Stabilize and align wall forms. Install anchors embed miscellaneous metals in correct locations. Frame ledges, openings, block-outs and sleeves in correct locations. Strips vertical formwork. Install various elements of the structural deck systems including but not limited to beam bottoms, beam sides, pans, and life-line systems. Install and remove post shoring, reshoring systems, and scaffolding. Frame ledges, construction joints, openings, block-outs and sleeves in the correct location. Set handrails. Set grades for horizontal decking systems. Properly rig loads and materials to be moved by hoisting equipment. Accurately set, position and stabilize expansion joints. Set high tolerance



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edge forms. Provide layout for control and construction joints. Dismantles floor forms. Set high tolerance edge forms, chambers and reveal strips. Prep forms for casting (i.e. filling joint and sanding). Work with control lines and offset. Measure and mark cutting lines on shape or cut materials to specified measurements, using hand tools, machines, or power saws.

Certificates and Licenses

Skills

Office Skills

Typing: 25

Data Entry: 0

Languages

English - Speak, Read, Write

Additional Information

References

City of El Paso has chosen not to collect this information for this job posting.

Resume

Text Resume

Attachments

Supplemental Questions

1. Q: Required supplemental questions and answers are considered an examination component and will generate a score.

A: I understand my answers to the supplemental questions will generate a score.



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Job Code	Current Job Title	Type of Position	Current Grade	FLSA Status	Education Requirement	Experience Requirement	Lead or Supervisory Experience Requirement
	General Services Group						
18510	General Services Supervisor	Classified	GS 52	Non-Exempt	0	4	1
18520	Facilities Maintenance Lead Worker	Classified	GS 50	Non-Exempt	HS/GED	3	0
18522	Groundskeeper Crew Leader	Classified	GS 52	Non-Exempt	HS/GED	2	0
18525	Solid Waste Lead Service Worker	Classified	GS 48	Non-Exempt	0	3	0
18530	Facilities Maintenance Worker	Classified	GS 47	Non-Exempt	HS/GED	2	0
18535	General Services Lead Worker	Classified	GS 46	Non-Exempt	0	2	0
U8560	Facilities Maintenance Worker Trainee	Classified	GS 45	Non-Exempt	HS/GED	0	0
18540	Trades Helper	Classified	GS 45	Non-Exempt	0	1	0
18550	Groundskeeper	Classified	GS 45	Non-Exempt	0	1	0
18555	Service & Security Worker	Classified	GS 43	Non-Exempt	0	1	0
18565	Solid Waste Service Worker	Classified	GS 45	Non-Exempt	0	1	0
18570	General Service Worker	Classified	GS 43	Non-Exempt	0	0	0



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City of El Paso
Solid Waste Service Worker

CLASS CODE	18565 GS 045	SALARY	\$14.42 - \$23.07 Hourly \$1,153.46 - \$1,845.77 Biweekly \$2,499.17 - \$3,999.17 Monthly \$29,990.00 - \$47,990.00 Annually
ESTABLISHED DATE	March 23, 2022	REVISION DATE	September 08, 2024

Minimum Qualifications

Education and Experience: One (1) year of general work experience.

Licenses and Certificates: Some positions may require a Texas Class "C" Driver's License or Commercial Driver's License or equivalent from another state.

General Purpose

Under immediate supervision, perform a variety of tasks providing unskilled or semi-skilled tasks supporting the collection and disposal of solid waste or other work in support of operations and delivery of City services.

Typical Duties

Provide and perform general or specific semi-skilled or unskilled manual labor, and other work. Involves: Collection of solid waste materials for disposal, reuse and recycling, container management, property clean up. Rides on back of a garbage or recycling collection truck and collect solid waste materials on a designated route. Lift garbage or recycling bin by hand and empty into truck, or operate crane to lift bins. Operate packer machinery on vehicle to pack refuse. Directs driver when pulling out in traffic and backing up garbage or recycling collection truck, stake bed, roll-off, pick-up trucks and heavy equipment. Utilize tools, materials, equipment, instruments or supplies associated with the area of assignment.

May perform other duties as assigned. Involves: Direct and assist landfill customers to proper dumping areas. Sort recyclables. Distribute informational pamphlets to departments, customers and the public. Assemble and distribute waste/recycling containers. Clean windblown trash from along roadsides and within a two-mile radius of public landfill. Clean vehicle interiors and exteriors. Collect and lift dead animals for disposal purposes. Read maps and plan routes throughout the City. Identify and/or perform basic service and repair work. Prepare and present daily documentation logs, work orders and reports, as assigned. Perform manual labor as required by work assignment. Work in crews or work independently when assigned to do so. Perform duties of other personnel as necessary to provide continuity of operations during absences.

Knowledge, Skills, and Abilities

- Use and handle a variety of tools, equipment, cleaning supplies, chemicals and materials, building and grounds maintenance procedures, hazardous materials, waste and chemical handling and disposal



- Understand and follow oral instructions, City and departmental policies and procedures of occupational safety and health regulations, guidelines and precautions related to area(s) of assignment.
- Establish and maintain effective working relationships with vendors, contractors, customers, city officials, employees, department heads, regulatory entities and the general public.
- Safely operate City vehicles, equipment and tools, and work in potentially hazardous areas, around moving equipment and in a variety of work areas.

Other Job Characteristics

- Some positions may require frequent exposure to inclement weather conditions, infectious diseases, physical harm, dust, insects, reptiles, vermin, hazardous or contaminated materials, and moving machinery, equipment and vehicles.
- Frequent exposure to heights, working or standing on ladders, uneven or unstable terrain, handle hazardous materials, lift and/or carry heavy, bulky items, material and/or supplies weighing 50 to 100 pounds.
- Depending on area of assignment, shift work including nights, weekend and holidays may be required.
- Subject to call during off working hours.
- Depending on area of assignment, may be required to operate motor and/or other equipment in and through City traffic and/or work in heavy traffic conditions.

Classification Status

(Ord. 016439 08/22/06), (HR 03/23/22), (HR 05/22/22), (HR 09/11/22), (HR 03/12/23), (HR 09/10/2023), (HR 09/08/2024)

As provided under Classification and Compensation Ordinance 8064, Section 2.2, General purpose and typical duties summarized are only illustrative of work customarily assigned and performed. Typical requirements shown may be more specifically defined by additional job analysis. Equivalencies for education or experience shown may be more specifically defined by CSC approved guidelines.



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Attachment A



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RULE 5

Application and Promotional Process and Lateral Transfer Process

Section 1. Filing of Applications.

Except as otherwise provided for herein, applicants for all positions, must file an application with the Human Resource Department not later than the date specified in the job posting and in the manner prescribed in the job posting.

The Human Resources Director, subject to appeal to the Commission, will refuse to examine an applicant, or after examination to certify him as eligible and will remove his name from the eligible list for any of the following reasons, in each case to be fully documented:

- (a) He is found to lack any of the minimum requirements established in the classification for the position and grade for which he applies; or
- (b) He has been convicted of a felony, or a misdemeanor within seven (7) years from date of conviction, end of parole, or release from prison, which is determined to be job related to the position sought; or (Amended 8/25/09,11/2/10)
- (c) He is found by the Commission to have committed any act, either while in the service of the City or otherwise, or to have any deficiency or disqualification which, in the judgment of the Commission, would be sufficient to constitute a just cause for discharge from the Civil Service as defined in Article VI, Section 6.13-3 of the Charter.

Section 2. Appeals from Disqualification from Examination.

a. Applicants who are disqualified from taking an examination may appeal to the Civil Service Commission provided they appeal within three (3) working days from the date of the notice. The three (3) working day period begins the date the notice was emailed. Individuals who appeal must file a written rebuttal in a format prescribed by the Human Resources Director. If the applicant fails to update their contact information or respond within the timelines set, no further action will be taken. (Amended 8/21/07, 8/25/09, 9/17/13)

b. Untimely appeals will not be accepted.

c. If the examination is held before the appeal is heard and determined by the Commission, the Human Resources Director may allow the applicant to take the examination conditionally pending the Commission's determination. If a conditional applicant fails to achieve a passing grade on an examination, the appeal shall be administratively dismissed and the appeal will not be forwarded to the Commission and no further action will be taken. (Amended 8/25/09)

Section 3. Frequency and Examination.

Examinations will be given whenever needed to fill a vacancy for which an adequate list does not exist. (Amended 12/11/84, 1/24/89, 8/21/07)

Section 4. Eligibility.

A person is eligible to take promotional examinations after actual service in a regular position for six months and when he fully meets the qualifications for the class as specified in the job description. The six months of actual service will be deemed to have been met if the employee successfully completes the six months of service by the date the first component of the examination is administered, and the employee is recommended for regular status. (Amended 10/21/97, 8/21/07, 8/25/09, 9/17/13)

REVISED 1/20/15; 11/15/16; 3/7/17; 9/19/17; 11/28/17



Section 5. Seniority and Efficiency Points

Seniority points will be awarded to the score of City Employees provided that the minimum passing grade is achieved on the examination or evaluation. City Employees may receive a maximum of five additional points that can be added to their score for seniority points. (Amended 3/6/12, 3/7/17)

Section 6. Special Credit

Ratings for Veterans

A veteran, who has obtained a passing score, shall have his rating on an original entrance examination advanced five points. A veteran is defined as any person who has served on active duty in the Armed Forces of the United States, or any division thereof, including the Coast Guard, for a period of 180 days and presents a DD 214 indicating an honorable discharge from said service. (Amended 8/21/07, 8/25/09)

- a. To qualify for an additional five-point increment based on disability, such disability must be at least 30 percent, certified by the most recent letter from the Veteran's Administration. (Amended 8/21/07)
- b. Nothing in this provision will be construed to authorize or direct the placing of the name of any person on any eligible list who does not meet the physical standards set by the Human Resources Director for the position for which the eligible list has been created.

Section 7. Penalty for Deceit in Examination.

Where deceit in an examination is alleged, and the examinee denies the fact of deceit, or if the examiner in charge of the examination believes extenuating circumstances to exist, the examinee will be permitted to finish the examination, and a full report shall be submitted immediately to the Human Resources Director, who will conduct an appropriate investigation. Should the Director find that the applicant engaged in deceitful conduct in connection with the examination, the applicant will be disqualified. (Amended 8/21/07, 9/17/13)

Section 8. Duration of Eligible Lists.

The Human Resources Director will compile lists of eligible promotional candidates for job classifications and maintain them as necessary and appropriate. Eligible lists other than reinstatement and transfer lists will normally expire 6 months from the date they are certified unless extended by the Human Resources Director.. (Amended 1/24/89, 8/21/07, 9/17/13)

Section 9. Removal from the Promotional List of Persons Permanently Separated from Service.

The names of persons permanently separated from the service on account of resignation, discharge or other cause, will be removed from all promotional applicant lists by the Human Resources Director.

Section 10. Removal from Lower List if Appointed from Higher List.

Regular employees whose names are on promotional eligible lists of different grades or lists with different salary schedules will be removed from the lower grade promotional eligible lists or promotional lists with a lower salary schedule upon promotion to a higher grade position or one with a higher salary schedule. (Passed 3/28/91 and Amended 8/21/07)

Section 11. Required Licenses or Certificates

All employees who are required to have a license or certificate as a condition of employment shall maintain such licenses or certificates in a current status as long as their job specification requires it. Failure to maintain or obtain such license or certificate as required by the employee's job specification shall constitute just cause for disciplinary action as described in Rule 8. (Passed 8/25/09)

REVISED 1/20/15; 11/15/16; 3/7/17; 9/19/17; 11/28/17

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Section 12. Transfer to Same Class and Grade.

Whenever an employee in any department of the City wishes to transfer to a position in another department, the employee must be recommended by the transferring department and must have not been disciplined or placed on a performance improvement plan in the last 12 months. Employee shall retain his grade and pay rate, provided: (Amended 7/31/07, 8/25/09, 9/17/13)

- a. The position is in the same class and grade as the one from which transfer is made; or
- b. The employee has been performing services substantially similar in nature and having similar requirements as to education and experience to those of the new position, as determined by the Human Resources Director. Seniority credit where applicable will be given to the employee for the number of years he has been performing similar work in the former department. (Amended 2/1/94 and 7/31/07)

Section 13. Transfer During Probationary Period.

- a. In order to have a request for a transfer approved, a person must have completed a probationary period in the class to which transfer is being requested, except as provided in paragraph b.
- b. In cases where a position is abolished, a transfer request may be made by either the employee or the City. In such cases, a transfer may be approved while the employee is still serving in a probationary period for the class to which transfer is requested, provided that the balance of the employee's probationary period not yet served be retained by the employee in the new department, and that the rules regarding transfer and the order of certification and all provisions regarding transfers are met. (Passed 1/2/85) (Amended 9/13/05)



Attachment B

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ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Applications and Appeals Policy
Creation Date: October 18, 2011
Revision Date: August 5, 2013; May 30, 2015
Prepared By: HR Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

DESCRIPTION: APPLICATIONS AND APPEALS POLICY

I. POLICY

It is the City's policy to allow all interested job seekers to apply for available positions and to provide a method for appealing a disqualification determination, pursuant to the procedures set forth in this policy.

II. PROCEDURES

A. Acceptance of Applications

1. The Human Resources Director or Designee will establish a filing period to accept applications for a particular position
 - a. All job seekers must complete an application for a particular position through the City's online application system.
 - b. A filing period with a specific closing date may be established for a job posting.
 - c. When the need exists for a limited number of applicants, the filing period will only remain open until an adequate number of applications have been received.
 - d. When necessary to fill positions for which there is a constant need for qualified applicants, or for hard to fill positions, the Human Resources Director may establish an open filing period and accept applications for employment on a continuous basis until all anticipated vacancies are filled, or the need for accepting and processing of applications no longer exists.



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B. Review of Applications

1. **Human Resources Director:** As required, the Human Resources Director or designee will review applications and identify candidates based solely on qualifications.

The Human Resources Director will permit education to substitute for experience as stated in the Equivalency Guidelines. Experience will be counted from the first day of entry into a qualifying job, to the day of the first component of the examination for which they have applied.

2. **Hiring Official:** When requested and as appropriate, applications may be referred to the hiring official to pre-screen.

C. Disqualification:

1. The Human Resources Director will refuse to examine an applicant, or after examination refuse to certify the applicant as eligible and will remove the name from the eligible list, for any of the following reasons, in each case to be fully documented:

- a) **Lacks Minimum Qualifications:** The applicant lacks the minimum qualifications established in the classification for the position:

- Applicants lacking three (3) months or less of the required job related work experience at the time of list promulgation may be placed on the eligible list. However, applicants lacking the required experience will not be certified for the appointment until after it is determined by the Human Resources Director that they have met the minimum experience required. Applicants may be asked to provide additional details concerning current or past work experience.

- b) **Criminal History:** The applicant has a criminal history within the seven (7) years preceding the date the application was submitted, which is determined to be job related to the position sought. For purposes of this subsection, criminal history includes conviction of a felony or misdemeanor. Additionally, the dates of release from prison, probation and/or parole for the relevant convictions will be evaluated and factored into the determination. *All applicants for Public Safety positions may be subject to more stringent criminal history standards deemed to be job related by the respective department or as required by regulatory agencies, or;*



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- c) Dismissed from Public Service: The applicant has been dismissed from public service (to include City employment) for delinquency or misconduct, which is determined to be job-related to the position sought.

D. False Statement on Application

- 1. Any false statement knowingly made by an applicant in an application for admission to an examination or any other fraudulent conduct related to the application process will cause the Human Resources Director to:
 - a) Exclude the applicant from such examination;
 - b) Remove the applicant's name from any eligible list;
 - c) Remove the applicant permanently from the position if the applicant has secured appointment from such examination; and/or
 - d) Exclude the applicant from consideration for any City position for a period of two (2) years from the date the falsified application was submitted or discovered, whichever is later.

E. Appeals from Disqualification:

- 1. Appeals for disqualification from taking an examination, or from not being certified after examination, or from being removed from an eligible list, may be submitted as follows:
 - a) Regular Employee: A regular employee may file a written appeal to the Civil Service Commission. The appeal must be filed within three (3) working days on a form prescribed by the Human Resources Director. The three (3) working days period begins the date the notice was emailed to the applicant. Late appeals will not be accepted.
 - b) Original Applicant: With the exception of C.1.(b) above, Criminal History, which applicants may file a written appeal to the Civil Service Commission in the form and manner described, original applicants who are not regular employees may file a written appeal to the Human Resources Director. The appeal must be filed within three (3) working days on a form prescribed by the Human Resources Director. The three (3) working days period begins the date the notice was emailed. Late appeals will not be accepted.
 - c) Appeal Form: Applicants may obtain an appeal form by visiting the Human Resources Department website or office.



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- d) **Timeline:** Untimely appeals will not be accepted. If the employee or applicant fails to update their contact information or respond within the timelines set, no further action will be taken.

- e) **Administrative Dismissal:** If the examination is held before the appeal is reviewed, the Human Resources Director may allow the applicant to take the examination pending the disposition of the appeal. If the applicant fails to achieve a passing grade on the examination, the appeal shall be administratively dismissed.

- F. **Application Retention and Reuse:** Applications and/or supporting documentation filed with the City will become the property of the City. Applications for one examination will not be used for any other or later examinations.

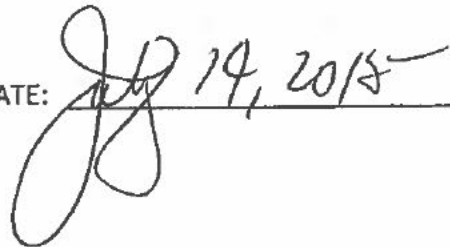
- G. **Contact Information:** An applicant may update contact information by logging onto their Personal Account Profile. All applicants have the responsibility to update their Personal Account Profile through the City's online application system with any changes in their contact information.

- H. **Non-Disclosure of Examinations:** Examination questions, and answers to test questions that do or may reveal examination questions, are exempt from public disclosure under the Texas Public Information Act (the "Act"). Accordingly, requests for a copy of the examinations and/or such examination answers will be denied pursuant to the relevant provisions of the Act.

APPROVED BY:

FOR 
TOMAS GONZALEZ, City Manager

DATE:

 19, 2015



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