



AGENDA FOR THE CIVIL SERVICE COMMISSION

March 12, 2026

THORMAN CONFERENCE ROOM, 801 TEXAS AVE – BASEMENT FLOOR

6:00 PM

Notice is hereby given that a meeting of the Civil Service Commission of the City of El Paso will be conducted on the above date and time.

Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>

Via television on City15,

YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with the Civil Service Commission during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll Free Number: 1-833-664-9267

At the prompt please enter the corresponding Conference ID: 237 165 855 572 13

If you wish to sign up to speak please contact Symone Menchaca at MenchacaS@elpasotexas.gov or (915) 212-1242, no later than by the start of the meeting.

The following member(s) of the Civil Service Commission will be present via video conference:

[NONE]

A quorum of five Commissioners must be present and participate in the meeting.

All matters listed under the Consent Agenda below will be considered by the Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless members of the Commission or persons in the audience request specific items be removed from the Consent Agenda to the Regular Agenda for discussion prior to the time the Commission votes on the motion to adopt the Consent Agenda.

CONSENT AGENDA

1. Approval of Minutes:
February 12, 2026, Civil Service Commission Meeting

[BC-1835](#)

REGULAR AGENDA

2. Discussion and Action on Hearing Officer's Report and Recommendation:
Fernando Martinez- El Paso Code Enforcement- Termination
In accordance with the Civil Service Commission, Ordinance 8065 Rules and Regulations - Rule 8, Suspension, Reduction, Discharge. Section 1, Subsection (F) Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner; and (P) For just cause.

[BC-1836](#)

EXECUTIVE SESSION

The Civil Service Commission may retire into Executive Session pursuant to Civil Service Commission Rule 1, Section 11(a) and the Texas Government Code, Section 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Commission may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.). The Commission will return to open session to take any final action.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

ADJOURN

NOTICE TO THE PUBLIC

Sign language interpreters will be provided for this meeting upon request. Requests must be made to Symone Menchaca at MenchacaS@elpasotexas.gov a minimum of 48 hours prior to the date and time of this hearing.

If you need Spanish Translation Services, please email MenchacaS@elpasotexas.gov at least 48 hours in advance of the meeting.

Posted this 6th day of March at 11:15 AM by Symone Menchaca.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: BC-1835, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font.

Approval of Minutes:

February 12, 2026, Civil Service Commission Meeting

MINUTES

**FOR THE REGULAR MEETING OF THE CIVIL SERVICE COMMISSION TO BE HELD AT
6:00 P.M., THURSDAY EVENING FEBRUARY 12, 2026
MAIN CONFERENCE ROOM, 300 NORTH CAMPBELL – 2ND FLOOR**

Members of the public are encouraged to participate virtually by calling:

Teleconference phone number: 1-915-213-4096

Toll-free number: 1-646-647-1558

Conference ID: 289 710 845 123 6

The following members of the Civil Service Commission will be present via video conference:

[NONE]

A quorum of five Commissioners must be present and participate in the meeting.

All matters listed under the Consent Agenda below will be considered routine by the Commission and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless members of the Commission or persons in the audience request specific items be removed from the Consent Agenda to the Regular Agenda for discussion before the time the Commission votes on the motion to adopt the Consent Agenda.

Members Present: District 1: Michael Bester
 District 2- Chairman Victor Vazquez
 District 3- JD Cotham
 District 4- Woodrow Bare
 District 6- Carlos Gonzalez
 District 7- Vice Chairman Homero Lucero
 District 8- Larry John Porras

Members Absent: None

The meeting convened at 6:00 PM with seven commissioners present and Chairman Victor Vazquez presiding. Chairman Vazquez asked if there were any changes made to the Agenda, and CSC Admin Support Specialist, Symone Menchaca stated “No Changes”.

CONSENT AGENDA

1. Approval of Minutes:
January 8, 2026, Civil Service Commission Meeting
2. Notation:
Schedule of the 2026 Civil Service Commission Monthly Meetings
3. Notation:
Assignment of Hearing Officer to Disciplinary Appeals
 - Samantha Sapien – Zoo Department – 3 Day Suspension

- Rosa Montes – Parks & Rec – Termination
- Fernando Martinez- EPPD/ Code Enforcement Bureau- Termination

MOTION TO APPROVE THE CONSENT AGENDA MADE BY COMMISSIONER CARLOS GONZALEZ AND SECONDED BY WOODROW BARE TO APPROVE THE CONSENT AGENDA; MOTION PASSED UNANIMOUSLY.

REGULAR AGENDA

4. Discussion and Action on the Annual Election of Civil Service Commission Chair

MOTION MADE BY COMMISSIONER CARLOS GONZALEZ AND SECONDED BY COMMISSIONER L. JOHN PORRAS TO NOMINATE HOMERO LUCERO AS CHAIRMAN TO THE CIVIL SERVICE COMMISSION. HOMERO LUCERO ACCEPTS DESIGNATION; MOTION PASSED UNANIMOUSLY.

5. Discussion and Action on the Annual Election of Civil Service Commission Vice-Chair

MOTION MADE BY COMMISSIONER VICTOR VAZQUEZ AND SECONDED BY JEFFREY COTHAM TO NOMINATE WOODROW BARE AS VICE CHAIRMAN TO THE CIVIL SERVICE COMMISSION. WOODROW BARE ACCEPTS DESIGNATION; MOTION PASSED UNANIMOUSLY.

6. PowerPoint Presentation on the Civil Service Commission Role and Responsibilities, the City of El Paso Code of Conduct and the Virtual Attendance Policy (Presented by Assistant City Attorney, Roberto Aguinaga)

NO ACTION TAKEN.

7. Discussion and Action on Hearing Officer's Report and Recommendation:
Diego Arias- El Paso Museum and Cultural Affairs Dept- 3 Day Suspension
In accordance with the Civil Service Commission, Ordinance 8065 Rules and Regulations – Rule 8, Suspension, Reduction, Discharge. Section 1, Subsection (F) Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner; (N) Refusal to follow the lawful order of a superior or supervisor; and (P) For just cause.

Patricia Palafox, the hearing officer for the case, opens the discussion by outlining the events that occurred at the museum on the day of the water leak. She describes the incident involving a leaking humidifier and the actions taken by museum employees, including Diego Arias, the appellant, who is appealing a three-day suspension. Palafox explains that the case concerns Arias's alleged insubordination in failing to follow protocols delegated to him by his supervisor. She further notes that, according to the museum's disaster plan, employees are expected to work together to address emergencies and resolve issues as they arise.

In this situation, Arias had been asked to assist with cleaning up water from the leaking humidifier. However, after taking what he believed were the necessary steps to ensure human safety, he returned to his desk and requested a work transfer rather than continuing to assist with the cleanup as instructed.

Following discussion among the commissioners regarding the appropriate actions employees should take during emergencies—including when employees are expected to help rescue artwork and the protective clothing required when dealing with both contaminated and non-contaminated water—it was noted that the museum's employee handbook states that all employees are expected to assist in removing and recovering artwork at risk of damage during an emergency, provided that doing so does not place them in danger.

The managing director, Ben Fyffe, spoke next. He explained that employees are responsible for protecting, preserving, and helping share the artwork entrusted to the museum.

The next speaker was the appellant, Diego Arias. He stated that he does not contest his actions; rather, he is contesting the way he was treated by his supervisor and their reaction to his decision not to assist in the manner they expected. Arias went on to describe the efforts he made to assist with the cleanup and claimed that his supervisor was not aware of those efforts, as the supervisor arrived at work an hour after Arias had already begun addressing the situation. According to Arias, the supervisor assumed that he was unwilling to help the group and approached him without full knowledge of the actions he had already taken.

The next individual to speak was the City Attorney assigned to represent the City in the case, Matthew Marquez. He argued that all other museum employees followed the directions of the action plan supervisor and worked together to assist with the cleanup, while Arias prioritized his own plans rather than following the coordinated response established for the group. Marquez did note that supervisors and staff at the museum described Arias as a good employee; however, he stated that Arias chose to make independent decisions that day that did not align with the directions given to the group.

A motion was then brought forward by Commissioner Vazquez to reduce the suspension from three days to one day. The motion was seconded by Commissioner Gonzalez, but the vote failed with four votes against and two in favor.

A new motion was then introduced to sustain the hearing officer's recommendation and uphold the three-day suspension. The motion was made by Commissioner Cotham and seconded by Commissioner Bester. The motion passed with a vote of four in favor and two opposed.

MOTION MADE BY COMMISSIONER JEFFREY COTHAM AND SECONDED BY COMMISSIONER MICHAEL BESTER TO ACCEPT THE HEARING OFFICERS RECOMMENDATION TO SUSATIN THE SUSPENSION OF THE APPELLANT, MICHAEL BELTRAN; MOTION PASSED WITH A 4 TO 2 VOTE.

EXECUTIVE SESSION

The Civil Service Commission may retire into Executive Session according to Civil Service Commission Rule 1, Section 11(a) and the Texas Government Code, Section 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Commission may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.). The Commission will return to an open session to take any final action.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

MEETING ADJOURNED AT 7:28 P.M.

Civil Service Commission Chair

Mary Wiggins, Secretary to the Civil Service Commission

Date Approved



File #: BC-1836, Version: 1

**CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

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Discussion and Action on Hearing Officer's Report and Recommendation:

Fernando Martinez- El Paso Code Enforcement- Termination

In accordance with the Civil Service Commission, Ordinance 8065 Rules and Regulations - Rule 8, Suspension, Reduction, Discharge. Section 1, Subsection (F) Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner; and (P) For just cause.

BEFORE THE CIVIL SERVICE COMMISSION
FOR THE CITY OF EL PASO, TEXAS

IN RE:

FERNANDO MARTINEZ)
)
) DOCKET NUMBER 25 PD 09 PP

HEARING OFFICER’S RECOMMENDATION

Case Procedural Summary

DATE OF DISCIPLINE: Termination 10-27-25
DATE OF ASSIGNMENT
TO HEARING OFFICER: 10-29-25
DATE OF PRE HEARING: 11-18-25
DATE OF HEARING: 1-14-25
PLACE OF HEARING: Executive Room, Code Enforcement Headquarters
REPRESENTATIVE FOR CITY: Miguel Talamantes, Asst. City Attorney
REPRESENTATIVE FOR EMPLOYEE: David Guzman

WITNESSES CALLED BY THE CITY:

Arthur Steve Alvarado, Department Director
Lisbeth Najera, Code Enforcement Supervisor
Omar Esparza, Code Enforcement Supervisor
Claudia Cancellare, Employee Relations Officer

WITNESSES CALLED BY THE EMPLOYEE:

Fernando Martinez, Code Enforcement Officer

EXHIBITS ENTERED AS EVIDENCE:

City Exhibits C-1 thru C-12
Employee’s Exhibits: A-1 thru A-5

Notice of Separation

Fernando Martinez has worked for the City for ten years. The Notice of Separation in its SPECIFICATIONS outlines the following events of August 12, 2025 which led to the proposed termination of Martinez because of insubordination:

“On August 12, 2025, you were instructed by your supervisor via e mail to obtain a writ of entry

in order to access a backyard related to a complaint. You indicated that the complaint was anonymous and based solely on hearsay, and stated your intent to contact the City Prosecutor for clarification. Despite your supervisor stating it could be done, you continued to question her. You were also clearly directed via e mail that any communication with the City Attorney or City Prosecutor must go through either Code Manager, Danny Soto or code Director, Arthur Alvarado. Nevertheless, you disregarded this directive and contacted the City Attorney office directly.” (Ex.

“This is not the first instance where you have disobeyed an order. This repeated behavior demonstrates a pattern of non-compliance. Failure to Follow directives, follow the chain of command and adhere to established procedures does not align with the City’s Mission, Vision and values.” (Ex. C-1, p. 8).

Martinez’s disciplinary history shows discipline in 2021, 2022, and 2024.(Ex. C-1, p. 9).

The Chronology below, based on exhibits, explains the events of August 12, 2025 which led to Martinez’s proposed termination.

Chronology

8-11-25, 10:21 p.m.: E mail from Frida Nunez to Code Enforcement Supervisors with 311 complaint about 8109 Broadway (Ex.C-5, p.5).

8-12-25, 10:02 a.m.: E mail from Liz Najera to Fernando Martinez assigning the case to him. (Ex. C-5,pp.5-6).

8-12-25, 10:24 a.m.: E mail from Martinez to his supervisor Najera that property has had previous ongoing issues and he cannot see the offending backyard from public right of way. He has call into neighboring property to see if he can see backyard from there. “otherwise we can’t do anything.”(Ex. C-5, p. 4)

8-12-25, 10:49 a.m.: E mail from Najera to Nunez. “We can request a writ of entry to see the backyard if the property owner refuses or does not answer the door. Also, if no neighbor is available , we can do writ.” (Ex. C-5 p. 4).

8-12-25, 11:18 a.m.: E mail from Martinez to Najera. “Writ based on smell, but there is no smell thou [*sic*]. I don’t think we can get writ base on hearsay. PO’s from 7728 Craddock returned my call they’re giving me access to go through their property.” (Exhibit C-5, p. 3).

8-12-25, 11:26 a.m.: E mail from Najera to Martinez. “Not just smell.” She refers Martinez to complaint about “dog feces, general trash, wood, and construction materials.” (Ex. C-5 p. 3).

8-12-25, 11:36 a.m.: E Mail from Martinez to City Attorney: “Would you advise if Code is able to get a writ of entry based on a complaint regarding a backyard. The backyard is not seen from public right away [*sic*], the report person is anonymous and wishes to stay anonymous and

property owner refuse [*sic.*] access. Would a judge sign a writ based on hearsay?" (Ex. A-3).

8-12-25, 11:38 a.m.: E mail from City Attorney Karla Nieman to Dept. Director Alvarado with Martinez's e mail attached: "We received this request in our general email. Can you please reach out to Carlos Armendariz please." (Ex. C-5, p. 1).

8-12-25, 1:35 p.m. : E mail from Martinez to City Attorney: "Would you advise if Code is able to get a writ of entry based on a complaint regarding a backyard. The backyard is not seen from public right away, the report person is anonymous and wishes to stay anonymous and property owner refuse access. Would a judge sign a writ based on hearsay?" (Ex. C-5, p. 1).

8-12-25, 11:40 a.m.: E mail from Martinez to Najera "Right so based on hearsay, I understand they say that but it's not seen from the public eye and reporting person is staying anonymous. We need clarification. I'll send an email to the city prosecutor hopefully we get an answer." (Ex. C-5, p. 2).

8-12-25, 12:18 p.m.: E mail from Najera to Martinez: "We have a legitimate concern, whether it is anonymous of [*sic*] not, we need to investigate. If it turns out to be nothing, then we just close the case as no violation. I don't know what kind of clarification you need if I am telling you it can be done. If it comes back it's on me. Also, when reaching out to City Attorney for something like this, it is done through Danny and/or Mr. Alvarado." (Ex. C-5, p. 2).

8-18 or 19-25: Exact date not certain, but some days after 8-12-25, an employee from another department, and Martinez, and Najera visit the property at 7728 Craddock, from which can be seen the backyard of the offending property at 8109 Broadway. They take photos of the 8109 Broadway back yard. No Writ of Entry was ever applied for or obtained. Owner eventually complied with clean up and the case was closed. s

Insubordination

Department Director Alvarado testified that he decided to terminate Martinez because of Martinez's insubordination on August 12, 2025 with his direct Supervisor Liz Najera, and other prior incidents of insubordination. The August 12, 2025 incident would be considered the second disciplinary incident of insubordination. Although a second incident of insubordination on the Disciplinary Matrix is a ten day suspension, Alvarado felt that the prior direct insubordination of July 15, 2024 was an "aggravating factor" which raised the present discipline to termination, rather than a ten day suspension. He testified that part of his decision to terminate was based on Martinez's not following a direct order by Liz Najera to obtain a writ of entry and to not contact the City Attorney without going through the chain of command. The other part of his decision

was based on Martinez's past disciplinary history.

During the preparations for this hearing, Mr. Martinez produced his original e mail to the City Attorney's office, and it was dated at an earlier time than the one that appeared on the e mail string in the possession of the Assistant City Attorney handling this Civil Service appeal. At the hearing, the City's attorney Mr. Talamantes conceded that the correct e mail from Martinez to the City Attorney was sent on August 12, 2025 at 11:36 a.m. (Ex. A-3). He could not explain the discrepancy in the attachment from City Attorney Karla Nieman where Martinez's e mail is dated August 12, 2025 at 1:35 p.m. (Ex. C-5 p. 1). No one at this Civil Service Appeal hearing could explain the discrepancy. Reading the Chronology above, it is clear that the Specifications of the Notice of Separation were based on the belief that Martinez contacted the City Attorney AFTER he received an e mail from his supervisor at 12:18 p.m. telling him that a writ of entry could be done and instructing him to not contact the City Attorney directly. In fact, at 12:18 p.m., Martinez had already sent his e mail to the City Attorney at 11:36 a.m. When Martinez sent an e mail to his supervisor Najera at 11:40 telling her he was going to contact the City Attorney, he had ALREADY sent an e mail to the City Attorney at 11:36 a.m. At this hearing, Martinez attempted to explain that he should have said "I have already contacted the City Attorney." Instead, he told his supervisor: "We need clarification. I'll send an e mail to the City prosecutor hopefully we will get an answer." (Ex. C-5, p.2).

Although Director Alvarado testified that sometime in the past he had sent out an e mail to all of his team to not reach out to the City Attorney directly, there was no proof of this e mail presented at this Civil Service Hearing. In his incident report statement, Martinez stated that as far as contacting the City Attorney directly, "I was not aware of this nor have I ever been advised not to contact a public servant before." (Exhibit C-3).

Director Alvarado confirmed that after the case at 8109 Broadway was completed, a writ of entry was never applied for as it was not necessary. They had been able to view the offending yard from an adjoining property they were given permission to enter. As had happened in the past, the owner of the property eventually cleaned it up and the case was closed.

Liz Najera, Martinez's supervisor, testified that she considered her e mails to Martinez to be a direct order to him to apply for a writ of entry. However, she also testified that a writ of entry is applied for only as a last resort. She testified that Martinez had requested and obtained writs of entry in the past at least ten times, and he knew what was required. She testified that a

few days after the occurrence, she went to the offending property with Martinez and employee Castillo from another department. Photographs and evidence were able to be taken from an adjacent property owner who allowed entry. The case was eventually closed. No one who testified knew who had closed the case. Najera prepared an Incident Report but incorrectly entered August 15, 2025 as the date of the occurrence, instead of August 12, 2025 when the insubordination allegedly occurred.

“Disobeying a Direct Order (Insubordination)” on the Disciplinary Matrix is a Level 2 violation. (Ex. C-12). “Failure to follow City/Department Rules or Policies” is a lower level 1 violation. In the Notice of Separation, the City Charter and Civil Service Rules cited as having been violated were as follows:

F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner.”

P. For just cause (Exhibit C-1, p.1-2).

The City Charter and the Civil Service Commission also allow as a basis of discipline the following:

N. Refusal to follow the lawful order of a superior or supervisor.

However, this the City Charter and Civil Service Commission rule forbidding insubordination or refusal to follow the lawful order of a supervisor was NOT listed in Martinez’s current Notice of Separation. It was cited in his prior Notice of Suspension of July 15, 2024. This inconsistency was pointed out by Martinez’s representative David Guzman. Guzman also pointed out that the Civilian Separation and Clearance form prepared by Human Resources gave as the reason for termination “Unsatisfactory Performance” rather than insubordination. (Ex. A-5).

Although Supervisor Nunez testified that her emails to Martinez reflected her direct and lawful order that he apply for a writ of entry, the plain reading of the e mails do not support her contention. Before Martinez actually sent the e mail to the City Attorney, Nunez’s e mails state at 10:49 a.m. “We can request a writ of entry to see the backyard if the property owner refuses or does not answer the door. Also, if no neighbor is available, we can do writ.” (Ex. C-5 p. 4).

At 11:18 a.m.: Martinez told Najera that the owners of an adjacent property had given permission to go through their property to see and photograph the offending back yard at 7728 Craddock.

“PO’s from 7728 Craddock returned my call they’re giving me access to go through their property.” Therefore, at 11:18, Martinez had informed Najera that a writ of entry was not necessary since a neighboring property owner (“PO”) would allow him to see the offending property from his lot. A writ of entry from a judge allowing entry to the offending property without the owner’s permission was not necessary.

AFTER he sent the e mail to the City Attorney at 11:36 a.m., which Najera did not see as she was not copied on it, Najera sent Martinez an e mail at 12:18 pm. She stated: “We have a legitimate concern, whether it is anonymous of [sic] not, we need to investigate. If it turns out to be nothing, then we just close the case as no violation. I don’t know what kind of clarification you need if I am telling you it can be done. If it comes back it’s on me. Also, when reaching out to City Attorney for something like this, it is done through Danny and/or Mr. Alvarado.”(Ex. C-5, p . 2). Najera is arguing that the writ “can be done” but is it an order to obtain one after Martinez had told her they could see the offending property from the property of a neighbor? It appears to be more of an intellectual argument about whether a writ can be obtained, rather than an order to obtain it. Najera has testified that a writ of entry is only obtained as a last resort when other options to see offending property are not available.

By 12:18 p.m. when Najera told Martinez to follow the chain of command and not to contact the City Attorney directly, Martinez had already sent an e mail to the City Attorney. He could not have disobeyed an order he had not yet received. Because of the mix up concerning the time of the original e mail, Department Director Alvarado was under the impression that Martinez sent the e mail to the City Attorney after Najera’s direct order to not contact the City Attorney directly. At this Civil Service Hearing, there was no longer any dispute that Martinez sent the e mail to the City Attorney before he was ordered not to on August 12, 2025 by Najera. Whether he had been ordered not to before, the City provided no proof of any e mail to Martinez or anyone concerning not contacting the City Attorney directly. Martinez wrote in his Incident Report on August 18, 2025 that he had never been advised to not directly contact the City Prosecutor. (Ex. C-3). He testified that he had attended prior trainings with the City Attorney’s office in the past and was told to contact them if he had any questions so he thought he could contact them himself rather than going through his chain of command.

Chain of Command

Code Enforcement Bureau Rules and Regulations do state that there is a Chain of

Command.(Exhibit C-4, p.3 of Rules and Regulations). It does not discuss any particular method of following the chain.

Martinez testified that Chain of Command should be followed in all cases but he has had times when it has taken three days for a supervisor to respond to him so in some cases he has gone ahead and tried to handle the situation himself. He did not consider contacting the City Attorney a violation of the chain of command because he did not know he was supposed use the chain of command in order to get legal answers from the City Attorney.

Disciplinary Matrix

Disobeying a Direct Order (Insubordination) on the Disciplinary Matrix is a Level 2 violation. (Ex. C-12). The first violation is a three day suspension. The second is a ten day suspension. The third is termination. "Failure to follow City/Department Rules or Policies" is a lower level 1 violation. This lower level 1 on the Matrix includes a formal counseling for the first violation, then 3 day and 10 day suspensions, followed by termination. Failure to follow the chain of command policy could be a level 1 violation, or level 2 insubordination if there were a previous order. On July 15, 2024, Director Alvarado issued a 10 day suspension to Martinez for insubordination for a first violation on Level 2 as he felt there were aggravating circumstances. This first insubordination violation of July 15, 2024, was lowered to a seven day suspension after settlement with Martinez. (Exhibit C-6). Director Alvarado testified that he raised this second insubordination of August 12, 2025 to a termination based on the aggravating circumstances of the insubordination and Martinez's prior record. Under the City's Disciplinary Matrix, the Department Head has the discretion to exercise his or her judgment on a case by case basis.(Exhibit C-12, p. 3). "Nothing in this policy shall prohibit a Department head from departing from utilizing a higher form of discipline, to include termination if the circumstances warrant such action."(Exhibit C-12, p. 6).

Findings of Fact

Martinez never was given a clear direct order on August 12, 2025 to prepare a writ of entry, and he did not disobey his supervisor's direct order on August 12, 2025 to not contact the City Attorney directly because he had already done so before her direct order. He can be held accountable for telling her in an e mail that he was going to contact the City Attorney, rather than telling her he had already contacted the City Attorney. Supervisor Najera testified that a writ of

entry is a last resort after failing to gain entry some other way. Martinez had gotten permission from the owner of neighboring property to observe the offending property back yard, so he had gained entry, or a way to view the offending property. The Specifications of the Notice of Separation states that “Despite your supervisor stating it could be done, you continued to question her.” Martinez was questioning the “lawfulness” of the writ of entry. Law Enforcement officers, such as Martinez and the other Code Enforcement Officers, entering a person’s private home without the home owner’s permission is an action highly protected by state and federal law. They are required to present facts to a Judge who then signs a legal order allowing them to enter without the owner’s permission. If Martinez had contacted the City Attorney AFTER he had received Najera’s e mail telling him he should not contact the City Attorney directly but should go through the chain of command, there would be no question that he was insubordinate. If there had been proof at the hearing that Martinez had received an e mail from Department Director Alvarez telling code officers to not contact the City Attorney’s office directly but to go through the chain of command, there would be no question that he was insubordinate. However, those are not the facts of this case. Civil Service Commission Rule 8, Section 2 requires that the written notice of discipline given to the employee have specifications of fact sufficient for him to make a defense. (Exhibit C-1, p. 2). The SPECIFICATIONS section of the Notice of Separation is where an employee is given the specifications of fact upon which the discipline is based. In order to sustain a discipline, at the Civil Service Commission hearing the Department Director must prove by a preponderance of the evidence that the facts in the Specifications section of the Notice of Discipline are true that they show a violation of City or department rules or policies.

Conclusions of Hearing Officer

1. Section 6.13 of the City Charter imposes on a department head the burden of proof to prove by a preponderance of the evidence that the employee committed conduct alleged in the specifications and that such conduct violated the rules and regulations of the City. In civil law, preponderance of the evidence means the greater weight of the credible evidence.
2. The Notice of Suspension for Martinez stated that his conduct violated the City Charter Section 6.13-3 and Civil Service Rule 8 in that he demonstrated “incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner.” It did not cite the City Charter and Civil Service Rule prohibiting insubordination.

3. The Department Head has not met his burden of proof and has not proven by a preponderance of the evidence that the employee committed the insubordination conduct alleged in the specifications of the Notice of Separation.

4. The Department Head has not met his burden of proof and proven by a preponderance of the evidence that the employee's conduct warrants termination.

Recommendation of Hearing Officer

I recommend that the termination of Fernando Martinez **not be sustained.**

Respectfully submitted on this 12th day of February, 2026.



Patricia L. Palafox
Hearing Officer

City Attorney Exhibits for Fernando Martinez

**IN THE MATTER OF
FERNANDO MARTINEZ
APPELLANT**

AND

THE CITY OF EL PASO

DOCKET NO. 25-PD-09PP

**BEFORE THE CIVIL SERVICE COMMISSION
FOR THE CITY OF EL PASO, TEXAS**

IN THE MATTER OF

FERNANDO MARTINEZ, APPELLANT

AND

THE CITY OF EL PASO

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DOCKET NO. 25-PD-09PP

CITY OF EL PASO'S EXHIBIT LIST

#	DESCRIPTION	DATE
C-1	Notice of Separation	October 27, 2025
C-2	Proposed Notice of Separation	October 16, 2025
C-3	Fernando Martinez Incident Report	August 18, 2025
C-4	EPPD Information Report	August 18, 2025
C-5	Email Thread	August 11-12, 2025
C-6	Settlement Agreement and Notice of Suspension	July 15, 2024
C-7	Notice of Suspension	February 9, 2022
C-8	Notice of Suspension	October 25, 2021
C-9	Formal Counseling	May 5, 2021
C-10	Code Enforcement Internal Memoranda, Meeting, and Agenda	August 15, 2024
C-11	Email Thread	March 10, 2025

0-12 MATRIX

CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 27, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	
Address: [REDACTED]		

From: Code Enforcement
Subject: Termination of Employment

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY **TERMINATED EFFECTIVE:** October 27, 2025.

THE FOLLOWING ARE THE STATUTORY REASONS OR GROUNDS AND SPECIFICATIONS OF FACTS WHICH HAVE NECESSITATED THIS ACTION:

CHARGES:
YOU HAVE VIOLATED THE FOLLOWING CITY OF EL PASO CIVIL SERVICE COMMISSION CHARTER PROVISIONS, ORDINANCES, RULES AND REGULATIONS:

CITY CHARTER - ARTICLE VI - Civil Service

SECTION 6.13-2. DISCIPLINARY ACTION; REDUCTION
A regular employee may be discharged, suspended or reduced in rank or position as provided in the Charter or further defined in the Rules.

SECTION 6.13-3. CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE
The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:

- F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
- P. For just cause.

<p>I HAVE RECEIVED A COPY OF THIS NOTICE</p> <p><u>[Signature]</u> Employee's Signature</p> <p>Date: <u>10/27/2025</u></p> <p>BY CERTIFIED MAIL NUMBER: <u>[REDACTED]</u></p>	<p><u>[Signature]</u> DEPARTMENT HEAD</p> <p>COPY RECEIVED AND FILED</p> <p>HUMAN RESOURCES</p> <p>BY: _____ DIRECTOR</p>
---	--





CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 27, 2025

CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE 8. SUSPENSION, REDUCTION, DISCHARGE

Section 1. Causes of Suspension, Reduction or Discharge

The following may constitute causes for discharge, suspension or reduction of regular employees: That an officer or employee in the Civil Service:

- f. Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner; or (Amended 8/25/09, 9/17/13)
- p. For just cause. (Added 7/21/07)

Section 2. Disciplinary Notice

Disciplinary actions in the nature of a discharge, involuntary reduction, or suspension taken against a regular employee, other than at the end of a probationary period, will not become effective until the Department Head has first served upon such employee a written notice of discipline. The notice must contain one or more statutory reasons or grounds for discipline, together with such specifications of fact as will enable the employee to make an explanation and place him fairly upon his defense. The specifications of fact shall be of sufficient specificity so as to preclude the possibility of disciplinary action for the same act or omission in the future. Nothing contained herein shall prohibit the Department Head from using an employee's prior acts or omissions resulting in discipline in determining future disciplinary action against the employee. An employee may be disciplined for other acts or omissions not specified in the notice even if such acts arise from the same incident or event. A Department Head may not unilaterally reduce the discipline given once notice of discipline has been provided to the employee, without the employee's consent. A copy of such notice of discipline, together with the employee's explanation, if any, will be filed with the Human Resources Director. (Amended 06/24/03, 7/31/07, 8/25/09)

Section 3. Notice of Proposed Disciplinary Action, Procedure and Limitation of Action

- a. When disciplinary action in the nature of a five (5) day suspension or greater, a reduction, or discharge is being contemplated by the Department Head, the employee must be served with a notice of proposed disciplinary action which shall conform with the notice requirements set forth in Section 2 and Section 3 (b) of this Rule. In addition to the notice of proposed disciplinary action, the employee shall be furnished with the written materials and tangible things in the possession of the Department Head that form the factual and evidentiary basis for the proposed disciplinary action. No matter may be withheld from the employee that is inconsistent with the theory of discipline or that could tend to mitigate the contemplated sanction. (Amended 8/25/09)
- b. Within ten (10) days of receipt of the notice of proposed disciplinary action, the employee may request a conference with the Department Head. Within five (5) working days of receipt of the employee's response, the Department Head shall meet with the employee, provided further that this period may be extended with the mutual consent of the Department Head and the employee. No witnesses may be called to testify as part of the employee's explanation or response. During the conference, the employee, their representative, and the Department Head shall engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action. No part of the discussions that take place during the conference may be offered into evidence at any subsequent hearing, except for the limited purpose of determining compliance or non-compliance with the provisions of this Rule as provided in paragraph "f" and for impeachment purposes. In the event such a consensus is reached, the execution by the employee of documents finalizing the settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission, and the employee shall be so advised in plain language. (Amended 09/09/03, 01/06/04, 8/25/09; 1/20/15)

EMPLOYEE'S INITIALS *Jm*

Page 2 of 9



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 27, 2025

- c. Respecting discharge, those departments currently using a pre-termination hearing shall not be required to have a conference as contemplated hereinabove provided that the time between notification and hearing shall be at least five (5) days and further provided that there shall be no change to current practices regarding violations of applicable federal laws. (Amended 09/09/03, 01/06/04, 08/25/09)
- d. The employee is entitled to have a representative of their choice assist them in the preparation and presentation of their response, provided further that in the event the representative is an employee of the City, he shall use vacation leave or personal days for such time as may be required for the representative to attend the conference. If the employee does not have any accrued vacation or personal days, the employee will be placed on unpaid administrative leave for such time as may be required for the representative to attend the conference. The employee must provide his Department Head with two days' notice of the request to take the above leave. The Department Head may disapprove the request if the leave significantly interferes with the operational needs of the department. (Amended 09/09/03, 01/06/04, 08/25/09)
- e. A proposed written notice of disciplinary action must be served on an employee within 120 calendar days from the date Human Resources is made aware of the occurrence of the incident giving rise to the discipline, provided however that this period of limitation shall be tolled if an investigation is being conducted by a law enforcement authority into criminal charges against the employee arising out of the same incident. Once a Department Head receives notice from the employee that charges have been preferred, through an indictment or information, or that the criminal investigation has been concluded without the preferal of charges, then the time period will resume running. (Amended 09/09/03, 01/06/04, 8/25/09, 09/19/17)
- f. Any issue of non-compliance with these provisions will be considered by the hearing officer and/ or Commission upon the appeal of the disciplinary action. (Amended 01/06/04)
- g. Excluding Section 3 (e), in computing any time periods set forth in this Rule, Saturdays, Sundays, and City Holidays shall not be included. (Amended 01/06/04, 09/19/17)
- h. Nothing in the Rule shall prevent suspension of the employee from service without pay in appropriate circumstances. (Amended 01/06/04)
- i. A copy of this rule shall be attached to each notice of proposed disciplinary action. (Passed 1/6/04)

Section 4. Resignation Before Appeal Decision

The acceptance by Department Head of the resignation of a person discharged before final action on the part of the Commission will be considered a withdrawal of the charges and the separation of the employee concerned will be recorded as a resignation and the preceding will be dismissed without judgment. (Amended 7/31/07)

Section 5. Disqualification for Reappointment

Any employee who is dismissed for cause or who resigns while not in good standing will be disqualified from taking a Civil Service examination for two years thereafter. His name will be removed from all eligible lists, unless, in the judgment of the Commission the cause of his dismissal or resignation under charges will not affect the possibility of his or her usefulness in some other position. (Amended 8/25/09)

Section 6. Non-Certification of Suspended Persons

The names of persons suspended will not be certified from eligible lists during the period of suspension.

Section 7. Election to Forfeit Annual Leave

Regular employees suspended for not more than ten (10) working days may elect to forfeit annual leave for a period equal to the suspension, or to the extent of the employee's annual leave balance, subject to approval of the Department Head. The

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: October 27, 2025

election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission, and the employee shall be so advised in plain English on a suitable form upon which the election shall be made, as developed by the Human Resources Director and appended to the notice of suspension. The Department Head shall not unreasonably withhold approval of the employee's election. (Added 05/11/04. Amended 7/31/07)

Section 8. Formal Counseling

Formal Counseling is not within the type of disciplinary action specified in Section 6.13-2 of the Charter which may be appealed to the Civil Service Commission. A formal counseling is issued by the Department Head and considered a written counseling to address employee workplace conduct. Employees receiving a formal counseling shall have the right to place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file.

Included in, or in conjunction with, the formal counseling document, the Department Head must provide the employee with written notice of the reasons for the formal counseling, with sufficient explanation to place the employee fairly upon his defense.

Upon an employee's request, formal counselings shall be removed from an employee's personnel file after the expiration of twelve (12) months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twelve (12) month time period between the request and the last-received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. (Added 8/25/09) (Amended 11/2/10, 3/6/12, 1/20/15, 11/15/16)

RULE 11, DEPARTMENTAL RULES

Section 1. Any department head shall have the right to promulgate rules and regulations regarding the operation of his department, and the conduct of the employee therein, subject to the consent and approval of the City Manager, provided that such rules do not conflict with the Civil Service Charter or the Rules promulgated thereunder. (Amended 07/11/06)

Section 2. Large departments having various sub departments may, in their rules, have rules and regulations pertaining to said sub departments in addition to general rules and regulations regarding the department. (Amended 7/31/07)

Section 3. The Human Resources Director may promulgate, rules, regulations and policies and procedures, that apply to all or some city departments, as may be specified by the Director, regarding any requirements applicable to the employees of such departments, subject to the consent and approval of the City Manager, provided that such rules, regulations, or policies and procedures do not conflict with the Civil Service Charter or the Rules promulgated hereunder. (Added 3/6/12)

Section 4. Any Department Head may, as provided in the Charter, suspend, discharge or demote any employee for insubordination, for failure to comply with departmental rules and regulations, for failure to comply with the Rules of the Commission or for failure to obey any lawful order of a superior officer. (Amended 07/11/06)

Section 5. The Human Resources Director is authorized to maintain a comprehensive manual of safety procedures and driver safety standards of all employees. Each employee shall receive a link to a copy of the manual. (Added 3/6/12)

EL PASO POLICE DEPARTMENT CODE ENFORCEMENT BUREAU RULES AND REGULATIONS (March 11, 2021)

SAFETY STATEMENT

The Safety Policies and Procedures for the El Paso Police Department Code Enforcement are in place to provide each employee of the Bureau with clear guidance for implementation on a daily basis. A safe work environment, promoted by Management, encourages on-the-job safety for all employees; thus, reducing injuries and vehicular accidents, while delivering the highest level of services to the public.

EMPLOYEE'S INITIALS *Jm*



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 27, 2025

All employees are responsible for knowing and observing all safety policies and procedures of the Department and the City of El Paso.

I. GENERAL RULES & REGULATIONS

A. Purpose: To maintain the highest standards of conduct and services to the public by ensuring that all operations of the El Paso Police Department Code Enforcement are conducted in a professional manner. A copy will be provided to each employee and employee will sign to acknowledge receipt. All Employees will observe these rules and will be strictly enforced by all Division Supervisors. Failure to follow the Rules and Regulations outlined in this manual may be grounds for disciplinary action up to and including termination.

B. Employee Responsibility: Each employee is subject to the lawful orders and directions of their supervisor in addition to the Rules and Regulations contained herein. All Code Enforcement Supervisors are authorized to issue oral instructions as necessary to employees within Code Enforcement. Employees are required to comply with all instructions given by their supervisor, even if they conflict with, or appear to conflict with, a written rule. An employee who believes that an instruction is contrary to a written rule will nevertheless comply with said instruction and may, at a later time, address with employee's chain of command. Where there are conflicting instructions, the instruction given by the Senior Supervisor will be followed. The only exception is an instruction, which would require the employee to commit a clearly unsafe or unlawful act. An unlawful act is one in violation of local, state or federal law.

C. Chain-of-Command: Employees are subject to the lawful order and direction of any Code Enforcement Bureau Supervisor. The Supervisory chain of authority in the Department is demonstrated on the most current organizational chart or as follows:

- El Paso Police Department Chief of Police or designee
- EPPD Assistant Chief/ Code Enforcement Administrator
- Code Enforcement Manager
- Code Field Operations Supervisor
- Your Direct Supervisor

IV. PERSONAL AND PROFESSIONAL CONDUCT

F. Failure to Follow Orders: Failure to promptly follow the lawful order(s) or direction(s) of a Supervisor shall be grounds for disciplinary action up to and including termination.

CITY OF EL PASO EMPLOYEE HANDBOOK (March 2025)
EMPLOYEE CONDUCT

All successful organizations have certain rules which employees must follow. You are expected to become acquainted with the performance criteria for your particular job and with all rules, procedures and standards of conduct established by your department and by the City, as summarized in this handbook. Further, your conduct away from work must not adversely affect the City, its reputation, operational success, or relationship with its employees, customers or citizens. If you do not fulfill the responsibilities set out by such performance standards, rules, procedures and standards of conduct, you may be subject to disciplinary action, the severity of which will depend upon the circumstances. Disciplinary action will be taken when an investigation of the facts shows that the conduct warrants such a result. People work together best in an atmosphere where they are valued as individuals and recognized as key members of a team. It is important that each member of our team understand what is expected. It is impossible to write policies and procedures covering every situation. Be sure you understand what is expected of you, and what you can expect from the City. If you have any question, discuss it with your

EMPLOYEE'S INITIALS

Jr



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 27, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

immediate supervisor. Understanding is the key to teamwork. The following are some examples of employee conduct that are not permitted and that may result in disciplinary action up to and including termination of employment:

- Refusal to follow instructions or to perform designated work or refusal to follow established rules and regulations.

This list is not all inclusive.

It is our practice to ensure that violations of policies or principles of acceptable employee conduct are appropriately addressed with consistent disciplinary action. The following types of corrective or disciplinary action may be taken:

- Verbal counseling
- Formal counseling
- Suspension
- Demotion
- Termination

CITY OF EL PASO'S MISSION, VISION AND VALUES

Mission: Deliver exceptional services to support a high quality of life and place for our community.

Vision: Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.

Values:

- Integrity – Trusted to do the right thing.*
- Respect – Recognize the value and dignity of all individuals.*
- Excellence – Perfect effort*
- Accountability – Passionate and determined.*
- People – Our teams are problem-solvers and collaborate with our customers.*

CITY OF EL PASO – DISCIPLINARY POLICY AND MATRIX (May 30, 2015)

I. POLICY:

The City of El Paso is committed to a goal of high performance by all employees in order to fulfill its mission of outstanding customer service to the citizens of our community. The purpose of this policy and matrix is to provide City leaders and supervisors with a guideline and reference for corrective and disciplinary action. The City of El Paso Human Resources Department accepts and investigates all allegations of employee misconduct and imposes corrective and progressive disciplinary action in a timely and consistent manner, as appropriate. This policy outlines the procedure for investigating allegations of employee misconduct, issuing corrective action, and applying the Matrix to impose discipline.

II. PROCEDURES:

A. Basis for Discipline

1. Employees are subject to discipline for violations of the law, City Charter provisions that constitute cause for discipline, Civil Service Commission Rules and Regulations, City policies, Departmental policies and procedures and verbal or written directives from supervisory personnel.
2. Failure to report a violation of anything listed under II-(A) is considered a basis for discipline.
3. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable federal and state law, local ordinances, administrative directives, El Paso City Charter, and Civil Service Commission Rules and Regulations.

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 27, 2025

B. Information Gathering and Processing

1. It is the duty of all supervisory employees to assist those who express the desire to report allegations of misconduct against any City employee. The informant need not be the aggrieved party, but may be anyone who witnessed or otherwise became aware of an incident of misconduct. Information regarding allegations of misconduct must be immediately reported to the Department Head and/or the Human Resources Director.
3. Employees are required to provide a statement or answer questions during administrative investigations. Employees who withhold information, thwart, impede or fail to cooperate with administrative investigations will be considered insubordinate and subject to disciplinary action up to and including termination. Upon conclusion of the administrative investigation, the DHRM or Human Resources Director, or designee, will advise the Department Head of any findings from the investigation and recommend disciplinary or corrective action as appropriate. However, it is the Department Head's responsibility to make the final determination and defend the discipline to be administered as a result of any review.

IV. DISCIPLINARY MATRIX

The attached disciplinary matrix provides supervisory personnel and Department Heads with the parameters of discipline that shall be imposed on an employee when an infraction occurs that violates the law, a Civil Service rule, policy, or regulation of the department. The purpose of the matrix is to provide notice to employees of the types of conduct that will result in disciplinary action and to serve as a deterrent of such conduct so as to promote efficiency of service by ensuring high standards of City service and maintaining public confidence in the City of El Paso.

The matrix is intended for use as a guide to selecting an appropriate level of discipline for the actionable misconduct. **This matrix does not substitute for supervisory judgment and does not dictate discipline.** Rather, this matrix provides a framework within which supervisors exercise judgment on a case-by-case basis within the parameters provided. The final determination for discipline at the minimum level or higher rests with the Department Head as defined in Civil Service Rule 8 and Rule 11, or as defined in the Civil Service Rules and Regulations.

The offenses listed under each level are not intended to be an exhaustive listing. No attempt has been made to list every possible cause for disciplinary or adverse action. The fact that specific misconduct is not listed as an offense does not mean discipline cannot be imposed. Supervisors should evaluate misconduct not listed to the offenses listed and use a form of discipline that most closely coincides with a comparable, listed offense.

The following are the categories of discipline:

- D. Termination:** A termination is separation of employment and must be completed on an appropriate Notice of Separation form with effective date for dismissal in accordance with Civil Service Commission Rules. The Notice of Separation must:
1. Identify which State or Federal laws, rules, policies, and/or regulations were violated.
 2. Contain narrative specifications (charges) and
 3. Include a record of previous discipline, if any. The Notice of Separation must always be reviewed by the City Attorney's Office before being issued to the employee by the Department Head.

V. APPLICATION OF THE DISCIPLINARY MATRIX

EMPLOYEE'S INITIALS

[Handwritten Signature]



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 27, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

- A. The application of progressive discipline is designed to take into account any instance of corrective action or previous discipline. The Department Head shall choose the appropriate disciplinary action at the appropriate level for each offense.
1. A Department Head has a choice of severity of disciplinary action beginning from the floor for the specific type of offense, at the appropriate level. When significant mitigating or aggravating circumstances exist, the discipline range may be expanded upon in either direction. For example, if the matrix indicates a 10-day suspension, the Department Head may determine that a less severe consequence is more appropriate based on mitigating factors. Likewise, the discipline could be greater than a 10-day suspension if there are significant aggravating factors. Whenever prior violations are used to support a more severe discipline, those offenses shall be cited in the notice of Discipline. When a series of offenses have been committed and action could not have been taken on each before another was committed, a more severe discipline maybe assessed for the combined offenses rather than what would be appropriate for any single offense.
 2. The Department Head in accordance with CSC Rule 11 retains the right to promulgate rules and regulations regarding the operation of his or her department. Similarly, situations may arise that are not written in a rule or policy; in such a circumstance, an appropriate level of discipline will be imposed. Nothing in this policy shall prohibit a Department Head from departing from utilizing a higher form of discipline, to include termination, if the circumstances warrant such action.
 3. These disciplinary guidelines are standard recommendations and not meant to be an all-inclusive list of possible infractions. The Human Resources Director retains the right to modify, or amend this policy and matrix as needed without advance notice.

City of El Paso Disciplinary Matrix (May 30, 2018)

Level 2 Violation: Disobeying a Direct Order (Insubordination) – 2nd Offense: 10-Day Suspension

Date Received by Human Resources: August 25, 2025

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): December 23, 2025

SPECIFICATIONS:

On August 12, 2025, you were instructed by your supervisor via email to obtain a writ of entry in order to access a backyard related to a complaint. You indicated that the complaint was anonymous and based solely on hearsay, and stated your intent to contact the City Prosecutor for clarification. Despite your supervisor stating it could be done, you continued to question her. You were also clearly directed via email that any communication with the City Attorney or City Prosecutor must go through either Code Manager, Danny Soto or Code Director, Arthur Alvarado. Nevertheless, you disregarded this directive and contacted the City Attorney office directly.

This is not the first instance where you have disobeyed an order. This repeated behavior demonstrates a pattern of non-compliance. Failure to follow directives, follow the chain of command, and adhere to established procedures does not align with the City's Mission, Vision and Values.

Your disciplinary history reflects the following:

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 27, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

On July 15, 2024, you received a 7-day **Suspension** for Disobeying a Direct Order (Insubordination). Settlement from 10 day to 7 day.

On February 09, 2022, you received a 5-day **Suspension** for Failure to follow City/Departmental Rules.

On October 27, 2021, you received a 3-day **Suspension** for Failure to follow City/Departmental Rules.

On May 5, 2021, you received a **formal counseling** for Failure to Follow Supervisory Instructions (Insubordination).

The incidents that are the basis of this termination (as detailed in "SPECIFICATIONS" above) constitute your second Level 2 violation of Disobeying a Direct Order (Insubordination) on the Disciplinary Matrix. The City of El Paso Disciplinary Matrix provides that the second Level 2 offense for disobeying a direct order warrants a 10-day suspension. However, based on the nature of your previous disciplines the department considers this to be an aggravating factor and therefore has determined to proceed with a higher discipline resulting in termination.

Based on the above specifications, the City of El Paso Code Enforcement Department has determined that your employment is hereby **terminated**.

You have **thirty (30) days** from the date you receive **this final notice** to appeal this action to the Civil Service Commission. The City reserves the right to amend these charges and/or specifications at a later date.

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 16, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

Address: [REDACTED]

From: Code Enforcement
Subject: Termination of Employment

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY **TERMINATED** EFFECTIVE: _____.

THE FOLLOWING ARE THE STATUTORY REASONS OR GROUNDS AND SPECIFICATIONS OF FACTS WHICH HAVE NECESSITATED THIS ACTION:

CHARGES:

YOU HAVE VIOLATED THE FOLLOWING CITY OF EL PASO CIVIL SERVICE COMMISSION CHARTER PROVISIONS, ORDINANCES, RULES AND REGULATIONS:

CITY CHARTER – ARTICLE VI – Civil Service

SECTION 6.13-2, DISCIPLINARY ACTION; REDUCTION

A regular employee may be discharged, suspended or reduced in rank or position as provided in the Charter or further defined in the Rules.

SECTION 6.13-3, CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE

The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:

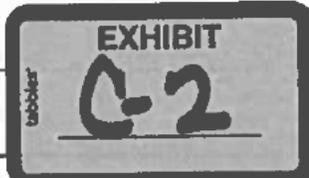
- F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]
Employee's Signature

Date: 10/16/2025

BY CERTIFIED MAIL NUMBER:



[Signature]
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

BY: _____
DIRECTOR

DISTRIBUTION: Original – Human Resources Department, Copy – Department



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 16, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE 8, SUSPENSION, REDUCTION, DISCHARGE

Section 1. Causes of Suspension, Reduction or Discharge

The following may constitute causes for discharge, suspension or reduction of regular employees: That an officer or employee in the Civil Service:

- f. Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner; or (Amended 8/25/09, 9/17/13)

- p. For just cause. (Added 7/21/07)

Section 2. Disciplinary Notice

Disciplinary actions in the nature of a discharge, involuntary reduction, or suspension taken against a regular employee, other than at the end of a probationary period, will not become effective until the Department Head has first served upon such employee a written notice of discipline. The notice must contain one or more statutory reasons or grounds for discipline, together with such specifications of fact as will enable the employee to make an explanation and place him fairly upon his defense. The specifications of fact shall be of sufficient specificity so as to preclude the possibility of disciplinary action for the same act or omission in the future. Nothing contained herein shall prohibit the Department Head from using an employee's prior acts or omissions resulting in discipline in determining future disciplinary action against the employee. An employee may be disciplined for other acts or omissions not specified in the notice even if such acts arise from the same incident or event. A Department Head may not unilaterally reduce the discipline given once notice of discipline has been provided to the employee, without the employee's consent. A copy of such notice of discipline, together with the employee's explanation, if any, will be filed with the Human Resources Director. (Amended 06/24/03, 7/31/07, 8/25/09)

Section 3. Notice of Proposed Disciplinary Action, Procedure and Limitation of Action

- a. When disciplinary action in the nature of a five (5) day suspension or greater, a reduction, or discharge is being contemplated by the Department Head, the employee must be served with a notice of proposed disciplinary action which shall conform with the notice requirements set forth in Section 2 and Section 3 (b) of this Rule. In addition to the notice of proposed disciplinary action, the employee shall be furnished with the written materials and tangible things in the possession of the Department Head that form the factual and evidentiary basis for the proposed disciplinary action. No matter may be withheld from the employee that is inconsistent with the theory of discipline or that could tend to mitigate the contemplated sanction. (Amended 8/25/09)

- b. Within ten (10) days of receipt of the notice of proposed disciplinary action, the employee may request a conference with the Department Head. Within five (5) working days of receipt of the employee's response, the Department Head shall meet with the employee, provided further that this period may be extended with the mutual consent of the Department Head and the employee. No witnesses may be called to testify as part of the employee's explanation or response. During the conference, the employee, their representative, and the Department Head shall engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action. No part of the discussions that take place during the conference may be offered into evidence at any subsequent hearing, except for the limited purpose of determining compliance or non-compliance with the provisions of this Rule as provided in paragraph "f" and for impeachment purposes. In the event such a consensus is reached, the execution by the employee of documents finalizing the settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission, and the employee shall be so advised in plain language. (Amended 09/09/03, 01/06/04, 8/25/09; 1/20/15)

EMPLOYEE'S INITIALS *FM*



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 16, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

- c. Respecting discharge, those departments currently using a pre-termination hearing shall not be required to have a conference as contemplated hereinabove provided that the time between notification and hearing shall be at least five (5) days and further provided that there shall be no change to current practices regarding violations of applicable federal laws. (Amended 09/09/03, 01/06/04, 08/25/09)
- d. The employee is entitled to have a representative of their choice assist them in the preparation and presentation of their response, provided further that in the event the representative is an employee of the City, he shall use vacation leave or personal days for such time as may be required for the representative to attend the conference. If the employee does not have any accrued vacation or personal days, the employee will be placed on unpaid administrative leave for such time as may be required for the representative to attend the conference. The employee must provide his Department Head with two days' notice of the request to take the above leave. The Department Head may disapprove the request if the leave significantly interferes with the operational needs of the department. (Amended 09/09/03, 01/06/04, 08/25/09)
- e. A proposed written notice of disciplinary action must be served on an employee within 120 calendar days from the date Human Resources is made aware of the occurrence of the incident giving rise to the discipline, provided however that this period of limitation shall be tolled if an investigation is being conducted by a law enforcement authority into criminal charges against the employee arising out of the same incident. Once a Department Head receives notice from the employee that charges have been preferred, through an indictment or information, or that the criminal investigation has been concluded without the preferal of charges, then the time period will resume running. (Amended 09/09/03, 01/06/04, 8/25/09, 09/19/17)
- f. Any issue of non-compliance with these provisions will be considered by the hearing officer and/ or Commission upon the appeal of the disciplinary action. (Amended 01/06/04)
- g. Excluding Section 3 (e), in computing any time periods set forth in this Rule, Saturdays, Sundays, and City Holidays shall not be included. (Amended 01/06/04, 09/19/17)
- h. Nothing in the Rule shall prevent suspension of the employee from service without pay in appropriate circumstances. (Amended 01/06/04)
- i. A copy of this rule shall be attached to each notice of proposed disciplinary action. (Passed 1/6/04)

Section 4. Resignation Before Appeal Decision

The acceptance by Department Head of the resignation of a person discharged before final action on the part of the Commission will be considered a withdrawal of the charges and the separation of the employee concerned will be recorded as a resignation and the preceding will be dismissed without judgment. (Amended 7/31/07)

Section 5. Disqualification for Reappointment

Any employee who is dismissed for cause or who resigns while not in good standing will be disqualified from taking a Civil Service examination for two years thereafter. His name will be removed from all eligible lists, unless, in the judgment of the Commission the cause of his dismissal or resignation under charges will not affect the possibility of his or her usefulness in some other position. (Amended 8/25/09)

Section 6. Non-Certification of Suspended Persons

The names of persons suspended will not be certified from eligible lists during the period of suspension.

Section 7. Election to Forfeit Annual Leave

Regular employees suspended for not more than ten (10) working days may elect to forfeit annual leave for a period equal to the suspension, or to the extent of the employee's annual leave balance, subject to approval of the Department Head. The

EMPLOYEE'S INITIALS *fm*



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: October 16, 2025

election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission, and the employee shall be so advised in plain English on a suitable form upon which the election shall be made, as developed by the Human Resources Director and appended to the notice of suspension. The Department Head shall not unreasonably withhold approval of the employee's election. (Added 05/11/04, Amended 7/31/07)

Section 8. Formal Counseling

Formal Counseling is not within the type of disciplinary action specified in Section 6.13-2 of the Charter which may be appealed to the Civil Service Commission. A formal counseling is issued by the Department Head and considered a written counseling to address employee workplace conduct. Employees receiving a formal counseling shall have the right to place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file.

Included in, or in conjunction with, the formal counseling document, the Department Head must provide the employee with written notice of the reasons for the formal counseling, with sufficient explanation to place the employee fairly upon his defense.

Upon an employee's request, formal counselings shall be removed from an employee's personnel file after the expiration of twelve (12) months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twelve (12) month time period between the request and the last-received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. (Added 8/25/09) (Amended 11/2/10, 3/6/12, 1/20/15, 11/15/16)

RULE 11. DEPARTMENTAL RULES

Section 1. Any department head shall have the right to promulgate rules and regulations regarding the operation of his department, and the conduct of the employee therein, subject to the consent and approval of the City Manager, provided that such rules do not conflict with the Civil Service Charter or the Rules promulgated thereunder. (Amended 07/11/06)

Section 2. Large departments having various sub departments may, in their rules, have rules and regulations pertaining to said sub departments in addition to general rules and regulations regarding the department. (Amended 7/31/07)

Section 3. The Human Resources Director may promulgate, rules, regulations and policies and procedures, that apply to all or some city departments, as may be specified by the Director, regarding any requirements applicable to the employees of such departments, subject to the consent and approval of the City Manager, provided that such rules, regulations, or policies and procedures do not conflict with the Civil Service Charter or the Rules promulgated hereunder. (Added 3/6/12)

Section 4. Any Department Head may, as provided in the Charter, suspend, discharge or demote any employee for insubordination, for failure to comply with departmental rules and regulations, for failure to comply with the Rules of the Commission or for failure to obey any lawful order of a superior officer. (Amended 07/11/06)

Section 5. The Human Resources Director is authorized to maintain a comprehensive manual of safety procedures and driver safety standards of all employees. Each employee shall receive a link to a copy of the manual. (Added 3/6/12)

EL PASO POLICE DEPARTMENT CODE ENFORCEMENT BUREAU RULES AND REGULATIONS (March 11, 2021)

SAFETY STATEMENT

The Safety Policies and Procedures for the El Paso Police Department Code Enforcement are in place to provide each employee of the Bureau with clear guidance for implementation on a daily basis. A safe work environment, promoted by Management, encourages on-the-job safety for all employees; thus, reducing injuries and vehicular accidents, while delivering the highest level of services to the public.

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 16, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

All employees are responsible for knowing and observing all safety policies and procedures of the Department and the City of El Paso.

I. GENERAL RULES & REGULATIONS

A. Purpose: To maintain the highest standards of conduct and services to the public by ensuring that all operations of the El Paso Police Department Code Enforcement are conducted in a professional manner. A copy will be provided to each employee and employee will sign to acknowledge receipt. All Employees will observe these rules and will be strictly enforced by all Division Supervisors. Failure to follow the Rules and Regulations outlined in this manual may be grounds for disciplinary action up to and including termination.

B. Employee Responsibility: Each employee is subject to the lawful orders and directions of their supervisor in addition to the Rules and Regulations contained herein. All Code Enforcement Supervisors are authorized to issue oral instructions as necessary to employees within Code Enforcement. Employees are required to comply with all instructions given by their supervisor, even if they conflict with, or appear to conflict with, a written rule. An employee who believes that an instruction is contrary to a written rule will nevertheless comply with said instruction and may, at a later time, address with employee's chain of command. Where there are conflicting instructions, the instruction given by the Senior Supervisor will be followed. The only exception is an instruction, which would require the employee to commit a clearly unsafe or unlawful act. An unlawful act is one in violation of local, state or federal law.

C. Chain-of-Command: Employees are subject to the lawful order and direction of any Code Enforcement Bureau Supervisor. The Supervisory chain of authority in the Department is demonstrated on the most current organizational chart or as follows:

- El Paso Police Department Chief of Police or designee
- EPPD Assistant Chief / Code Enforcement Administrator
- Code Enforcement Manager
- Code Field Operations Supervisor
- Your Direct Supervisor

IV. PERSONAL AND PROFESSIONAL CONDUCT

F. Failure to Follow Orders: Failure to promptly follow the lawful order(s) or direction(s) of a Supervisor shall be grounds for disciplinary action up to and including termination.

CITY OF EL PASO EMPLOYEE HANDBOOK (March 2025)

EMPLOYEE CONDUCT

All successful organizations have certain rules which employees must follow. You are expected to become acquainted with the performance criteria for your particular job and with all rules, procedures and standards of conduct established by your department and by the City, as summarized in this handbook. Further, your conduct away from work must not adversely affect the City, its reputation, operational success, or relationship with its employees, customers or citizens. If you do not fulfill the responsibilities set out by such performance standards, rules, procedures and standards of conduct, you may be subject to disciplinary action, the severity of which will depend upon the circumstances. Disciplinary action will be taken when an investigation of the facts shows that the conduct warrants such a result. People work together best in an atmosphere where they are valued as individuals and recognized as key members of a team. It is important that each member of our team understand what is expected. It is impossible to write policies and procedures covering every situation. Be sure you understand what is expected of you, and what you can expect from the City. If you have any question, discuss it with your

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: October 16, 2025

immediate supervisor. Understanding is the key to teamwork. The following are some examples of employee conduct that are not permitted and that may result in disciplinary action up to and including termination of employment:

- Refusal to follow instructions or to perform designated work or refusal to follow established rules and regulations.

This list is not all inclusive.

It is our practice to ensure that violations of policies or principles of acceptable employee conduct are appropriately addressed with consistent disciplinary action. The following types of corrective or disciplinary action may be taken:

- Verbal counseling
- Formal counseling
- Suspension
- Demotion
- Termination

CITY OF EL PASO'S MISSION, VISION AND VALUES

Mission: Deliver exceptional services to support a high quality of life and place for our community.

Vision: Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.

Values:

- Integrity – Trusted to do the right thing.*
- Respect – Recognize the value and dignity of all individuals.*
- Excellence – Perfect effort.*
- Accountability – Passionate and determined.*
- People – Our teams are problem-solvers and collaborate with our customers.*

CITY OF EL PASO – DISCIPLINARY POLICY AND MATRIX (May 30, 2015)

I. POLICY:

The City of El Paso is committed to a goal of high performance by all employees in order to fulfill its mission of outstanding customer service to the citizens of our community. The purpose of this policy and matrix is to provide City leaders and supervisors with a guideline and reference for corrective and disciplinary action. The City of El Paso Human Resources Department accepts and investigates all allegations of employee misconduct and imposes corrective and progressive disciplinary action in a timely and consistent manner, as appropriate. This policy outlines the procedure for investigating allegations of employee misconduct, issuing corrective action, and applying the Matrix to impose discipline.

II. PROCEDURES:

A. Basis for Discipline

1. Employees are subject to discipline for violations of the law, City Charter provisions that constitute cause for discipline, Civil Service Commission Rules and Regulations, City policies, Departmental policies and procedures and verbal or written directives from supervisory personnel.
2. Failure to report a violation of anything listed under II-(A) is considered a basis for discipline.
3. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable federal and state law, local ordinances, administrative directives, El Paso City Charter, and Civil Service Commission Rules and Regulations.

EMPLOYEE'S INITIALS *Jm*



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 16, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

B. Information Gathering and Processing

1. It is the duty of all supervisory employees to assist those who express the desire to report allegations of misconduct against any City employee. The informant need not be the aggrieved party, but may be anyone who witnessed or otherwise became aware of an incident of misconduct. Information regarding allegations of misconduct must be immediately reported to the Department Head and/or the Human Resources Director.
3. Employees are required to provide a statement or answer questions during administrative investigations. Employees who withhold information, thwart, impede or fail to cooperate with administrative investigations will be considered insubordinate and subject to disciplinary action up to and including termination. Upon conclusion of the administrative investigation, the DHRM or Human Resources Director, or designee, will advise the Department Head of any findings from the investigation and recommend disciplinary or corrective action as appropriate. However, it is the Department Head's responsibility to make the final determination and defend the discipline to be administered as a result of any review.

IV. DISCIPLINARY MATRIX

The attached disciplinary matrix provides supervisory personnel and Department Heads with the parameters of discipline that shall be imposed on an employee when an infraction occurs that violates the law, a Civil Service rule, policy, or regulation of the department. The purpose of the matrix is to provide notice to employees of the types of conduct that will result in disciplinary action and to serve as a deterrent of such conduct so as to promote efficiency of service by ensuring high standards of City service and maintaining public confidence in the City of El Paso.

The matrix is intended for use as a guide to selecting an appropriate level of discipline for the actionable misconduct. **This matrix does not substitute for supervisory judgment and does not dictate discipline.** Rather, this matrix provides a framework within which supervisors exercise judgment on a case-by-case basis within the parameters provided. The final determination for discipline at the minimum level or higher rests with the Department Head as defined in Civil Service Rule 8 and Rule 11, or as defined in the Civil Service Rules and Regulations.

The offenses listed under each level are not intended to be an exhaustive listing. No attempt has been made to list every possible cause for disciplinary or adverse action. The fact that specific misconduct is not listed as an offense does not mean discipline cannot be imposed. Supervisors should evaluate misconduct not listed to the offenses listed and use a form of discipline that most closely coincides with a comparable, listed offense.

The following are the categories of discipline:

D. Termination: A termination is separation of employment and must be completed on an appropriate Notice of Separation form with effective date for dismissal in accordance with Civil Service Commission Rules. The Notice of Separation must:

1. Identify which State or Federal laws, rules, policies, and/or regulations were violated,
2. Contain narrative specifications (charges) and
3. Include a record of previous discipline, if any. The Notice of Separation must always be reviewed by the City Attorney's Office before being issued to the employee by the Department Head.

V. APPLICATION OF THE DISCIPLINARY MATRIX

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: October 16, 2025

- A. The application of progressive discipline is designed to take into account any instance of corrective action or previous discipline. The Department Head shall choose the appropriate disciplinary action at the appropriate level for each offense.
1. A Department Head has a choice of severity of disciplinary action beginning from the floor for the specific type of offense, at the appropriate level. When significant mitigating or aggravating circumstances exist, the discipline range may be expanded upon in either direction. For example, if the matrix indicates a 10-day suspension, the Department Head may determine that a less severe consequence is more appropriate based on mitigating factors. Likewise, the discipline could be greater than a 10-day suspension if there are significant aggravating factors. Whenever prior violations are used to support a more severe discipline, those offenses shall be cited in the notice of Discipline. When a series of offenses have been committed and action could not have been taken on each before another was committed, a more severe discipline maybe assessed for the combined offenses rather than what would be appropriate for any single offense.
 2. The Department Head in accordance with CSC Rule 11 retains the right to promulgate rules and regulations regarding the operation of his or her department. Similarly, situations may arise that are not written in a rule or policy; in such a circumstance, an appropriate level of discipline will be imposed. Nothing in this policy shall prohibit a Department Head from departing from utilizing a higher form of discipline, to include termination, if the circumstances warrant such action.
 3. These disciplinary guidelines are standard recommendations and not meant to be an all-inclusive list of possible infractions. The Human Resources Director retains the right to modify, or amend this policy and matrix as needed without advance notice.

City of El Paso Disciplinary Matrix (May 30, 2018)

Level 2 Violation: Disobeying a Direct Order (Insubordination) – 2nd Offense: 10-Day Suspension

Date Received by Human Resources: August 25, 2025

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): December 23, 2025

SPECIFICATIONS:

On August 12, 2025, you were instructed by your supervisor via email to obtain a writ of entry in order to access a backyard related to a complaint. You indicated that the complaint was anonymous and based solely on hearsay, and stated your intent to contact the City Prosecutor for clarification. Despite your supervisor stating it could be done, you continued to question her. You were also clearly directed via email that any communication with the City Attorney or City Prosecutor must go through either Code Manager, Danny Soto or Code Director, Arthur Alvarado. Nevertheless, you disregarded this directive and contacted the City Attorney office directly.

This is not the first instance where you have disobeyed an order. This repeated behavior demonstrates a pattern of non-compliance. Failure to follow directives, follow the chain of command, and adhere to established procedures does not align with the City's Mission, Vision and Values.

Your disciplinary history reflects the following:

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 16, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

On July 15, 2024, you received a **7-day Suspension** for Disobeying a Direct Order (Insubordination). Settlement from 10 day to 7 day.

On February 09, 2022, you received a **5-day Suspension** for Failure to follow City/Departmental Rules.

On October 27, 2021, you received a **3-day Suspension** for Failure to follow City/Departmental Rules.

On May 5, 2021, you received a **formal counseling** for Failure to Follow Supervisory Instructions (Insubordination).

The incidents that are the basis of this termination (as detailed in "SPECIFICATIONS" above) constitute your second Level 2 violation of Disobeying a Direct Order (Insubordination) on the Disciplinary Matrix. The City of El Paso Disciplinary Matrix provides that the second Level 2 offense for disobeying a direct order warrants a 10-day suspension. However, based on the nature of your previous disciplines the department considers this to be an aggravating factor and therefore has determined to proceed with a higher discipline resulting in termination.

Based on the above specifications, the City of El Paso Code Enforcement Department has determined that your employment is hereby **terminated**.

You have **thirty (30) days** from the date you receive **the final notice** to appeal this action to the Civil Service Commission. The City reserves the right to amend these charges and/or specifications at a later date.

EMPLOYEE'S INITIALS *Jm*



EPPD CODE INCIDENT REPORT

NAME: Fernando Martinez DATE: 08/18/2025 TIME: 7:54

NAME(S) INVOLVED & KRONOS/C#: Fernando Martinez [REDACTED]

NATURE OF INCIDENT: Reaching out to City Prosecutor

ADDRESS/LOCATION: _____

(CHECK ONE ONLY)

FOR INFORMATION

FOR REVIEW

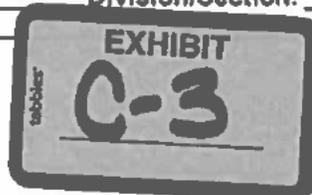
DIVISION MANAGER: Danny Soto

Give a brief description of incident and be specific with details, names, witnesses, locations, agencies, times, etc.:

I was informed I am not allowed to reach out to a City Prosecutor, I was not aware of this nor have I ever been advised not to contact a public servant before.

Signature: [Signature] Date: 08/18/2025

Title: Code Compliance Officer Division/Section: Code



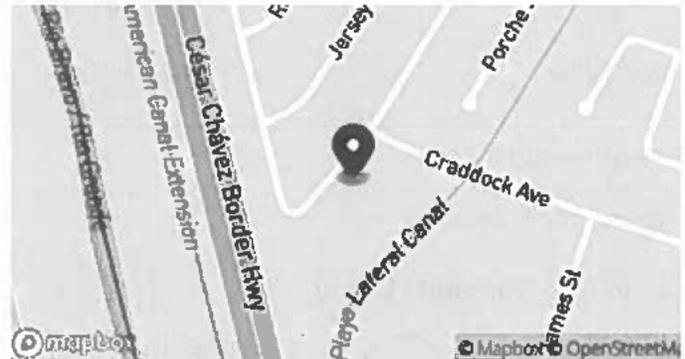
El Paso Police Department Information Report

Incident Details

Date Received 08/18/2025
 Entered By CODE-COMP-SUP
 Lizbeth Najera - [REDACTED]
 Date/Time of Occurrence 08/15/2025 02:00
 Date/Time Entered 08/19/2025 16:02
 Record ID Number 82470
 Case # —
 IA # —

Incident Location

Location of Occurrence MVRC
 8109 Broadway Street
 El Paso, TX, 79915
 -106.37272, 31.72094



Precinct: Mission Valley

Incident Summary

I spoke to Officer Martinez previously about 8109 Broadway in reference to a concern we received about trash on their backyard. We spoke in his unit while investigating some other concerns, and also, we emailed about this. He went out there and was unable to see the backyard.

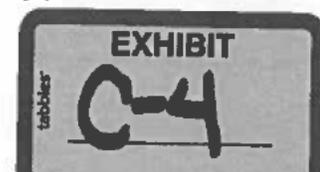
We tried to make contact to gain access, but no one opened the door. We also tried to go to the neighbor's and also there was no response.

I did tell you that we could get a writ of entry and you said that based on hearsay, and that the concern was anonymous, you would reach out to the City Prosecutor for clarification.

I did explain to you that whether a concern comes in as anonymous, we need to investigate it. I also said that I did not understand what kind of clarification you needed since I was telling you it can be done. I also added that if it came back, it would be on me.

In addition, I told you that whenever we need to reach out to the City Attorney/City Prosecutor, we needed to go thru Danny or Mr. Alvarado. Even Supervisors go thru them.

I sent you a blank incident report form that I need for you to please fill out as to why you reached out to the City Prosecutor. You filled it out on Monday because you left early on Friday.



Crisis Details

—

Attachments

Date Attached	Attachment Description	Attachment Type
08/25/2025	Fw_ Writ of entry	msg
08/22/2025	EPPD Code Enforcement Rules and Regulations	pdf
08/19/2025	INCIDENT REPORT - FERNANDO (FERNIE) MARTINEZ 08-15-2025	pdf
08/22/2025	MARTINEZ, F	pdf

Assignment History

No assignment history

Chain of Command History

08/19/2025
16:16



CODE-COMP-SUP Lizbeth Najera → CODE-FIELD-OPS-SUP Danny Soto
Officer Martinez did not follow the chain of command by going directly to City Attorney/Prosecutor rather than CODE Manager Soto and then, CODE Director Alvarado. He also did not follow a directive from Supervisor Najera to obtain a Writ of 'Entry, he rather send email to City Prosecutor for clarification.

08/22/2025
07:56



CODE-FIELD-OPS-SUP Danny Soto
Code Officer Fernando Martinez did not follow the lawful order and direction provided by his Code Supervisor, Lizbeth Najera, concerning the case at 8109 Broadway. Instead of following the established chain of command, Officer Martinez directly contacted the City Attorney/Prosecutor, bypassing both CODE Manager Soto and/or CODE Director Alvarado. Officer Martinez has been reminded of the importance of adhering to lawful orders and direction from the immediate supervisor and following the appropriate chain of command. Please refer to the attachment titled "EPPD Code Enforcement Rules and Regulations", page 3, and the signed acknowledgment receipt labeled "Martinez, F" dated 3/23/2021.

Signature Line

08/22/2025
07:56

DS

CODE-FIELD-OPS-SUP Danny Soto » Code Compliance Director Arthur Alvarado
Code Officer Fernando Martinez did not follow the lawful order and direction provided by his Code Supervisor, Lizbeth Najera, concerning the case at 8109 Broadway. Instead of following the established chain of command, Officer Martinez directly contacted the City Attorney/Prosecutor, bypassing both CODE Manager Soto and/or CODE Director Alvarado. Officer Martinez has been reminded of the importance of adhering to lawful orders and direction from the immediate supervisor and following the appropriate chain of command. Please refer to the attachment titled "EPPD Code Enforcement Rules and Regulations", page 3, and the signed acknowledgment receipt labeled "Martinez, F" dated 3/23/2021.

08/25/2025
08:45

AA

Code Compliance Director Arthur Alvarado
In reviewing this incident with Mr. Martinez, it follows a previous pattern of not following a supervisor's directive. Mr. Martinez was suspended for 7 days in the last incident. I believe that he violates a Level 1 offense of "Failure to follow Department Rules or Policies and a Level 2 offense of Insubordination. I have also attached the email from the City Attorney's office.

Mr. Martinez has shown a long pattern of not following department policies, and it is my recommendation that he be terminated from his employment if these violations are valid.

Signature Line

08/25/2025
08:45

AA

Code Compliance Director Arthur Alvarado » EXECUTIVE ASSISTANT CHIEF Victor Zarur (DEPARTMENTAL HR MANAGER Samantha Soria)
Chief Zarur,

Please find the attached Blue Teams for your review of Mr. Fernando Martinez. Mr. Martinez has shown a long pattern of not following directions and doing what he wants. Please let me know if you have any questions.

Thank you,

Steve Alvarado
EXECUTIVE ASSISTANT CHIEF Victor Zarur

08/25/2025
09:03

VZ

Mrs. S. Soria, please see BT for additional review and handling.

Exec. A/C Victor Zarur

Signature Line

08/25/2025
09:03

VZ

EXECUTIVE ASSISTANT CHIEF Victor Zarur » DEPARTMENTAL HR MANAGER Samantha Soria
Please see comments

Author Signature Line

CODE-COMP-SUP Lizbeth Najera - 018779



**ACKNOWLEDGMENT OF RECEIPT OF THE
EMPLOYEE HANDBOOK**

I have received a link to the City of El Paso "Employee Handbook" which contains a synopsis of the City's policies, procedures and guidelines related to my employment. I understand that I am to read, become familiar with and comply with these policies, procedures and guidelines. If I have a question regarding the interpretation of these policies, procedures and guidelines, I will contact my immediate supervisor or the Human Resources Department for clarification.

I understand that this handbook is not an expressed or implied contract of employment and that it does not create any rights in the nature of an employment contract. Rather, this handbook is an overview of policies related to my employment with the City of El Paso. I or the City can terminate my employment at any time, with or without cause and with or without notice.

I also understand that the City of El Paso reserves the right to modify, revoke, suspend or terminate any of the procedures or guidelines described in this handbook, at any time, with reasonable notice. By accepting or continuing my employment with the City, I agree to comply with any such changes as the City may implement and no further consent from me shall be necessary.

Employee Signature:

[Handwritten Signature]

Printed Name:

FRANCO MARTINEZ

Date:

01-13-2016

Last four of SS#

[Redacted]

**El Paso Police
Department
Code Enforcement
Bureau**

Rules and Regulations

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INTRODUCTION

These rules and regulations apply to all El Paso Police Department Code Enforcement personnel and are intended to supplement other City of El Paso policies and procedures. Employees are responsible to read and familiarize themselves with this handbook and retain it for future reference. The policies stated in this handbook are subject to change at the sole discretion of the Chief of Police, as are all other policies, procedures, benefits, or programs. Employees who fail to follow these rules and regulations shall be subject to disciplinary action to include termination.

SAFETY STATEMENT

The Safety Policies and Procedures for the El Paso Police Department Code Enforcement are in place to provide each employee of the Bureau with clear guidance for implementation on a daily basis. A safe work environment, promoted by Management, encourages on-the-job safety for all employees; thus reducing injuries and vehicular accidents, while delivering the highest level of services to the public.

All employees are responsible for knowing and observing all safety policies and procedures of the Department and the City of El Paso.

I. GENERAL RULES & REGULATIONS

- A. **Purpose:** To maintain the highest standards of conduct and services to the public by ensuring that all operations of the El Paso Police Department Code Enforcement are conducted in a professional manner. A copy will be provided to each employee and employee will sign to acknowledge receipt. All Employees will observe these rules and will be strictly enforced by all Division Supervisors. Failure to follow the Rules and Regulations outlined in this manual may be grounds for disciplinary action up to and including termination.
- B. **Employee Responsibility:** Each employee is subject to the lawful orders and directions of their Supervisor in addition to the Rules and Regulations contained herein. All Code Enforcement Supervisors are authorized to issue oral instructions as necessary to employees within Code Enforcement. Employees are required to comply with all instructions given by their Supervisor, even if they conflict with, or appear to conflict with, a written rule. An employee who believes that an instruction is contrary to a written rule will nevertheless comply with said instruction and may, at a later time, address with employee's chain of command. Where there are conflicting instructions, the instruction given by the Senior Supervisor will be followed. The only exception is an instruction, which would require the employee to commit a clearly unsafe or unlawful act. An unlawful act is one in violation of local, state or federal law.
- C. **Chain-of-Command:** Employees are subject to the lawful order and direction of any Code Enforcement Bureau Supervisor. The Supervisory chain of authority in the Department is demonstrated on the most current organizational chart or as follows:

- El Paso Police Department Chief of Police or designee
- EPPD Assistant Chief / Code Enforcement Administrator
- Code Enforcement Manager
- Code Field Operations Supervisor
- Your Direct Supervisor

- D. **Assignment of Employees:** Supervisors will organize and direct the work of their Divisions to achieve high standards of cooperation and efficiency for the Department. Employees will perform their daily work as assigned, by utilizing available resources in accordance with instructions from Supervisory personnel.
- E. **Cooperation/Courtesy:** Employees will cooperate with each other while conducting Departments business. Refusal to provide requested information or assistance and bickering and pointless assertions of privilege or seniority is not tolerated. Employees must be courteous and treat fellow employees and members of the public, the customer, with respect. Employees with information that might aid another Division of the Department will refer it to the Supervisor in the proper Division.
- F. **Dress:** Employees expected to become familiar with and adhere to both the City and Department Professional Appearance Standard Policy.
1. During working hours, including any overtime hours, employees' clothing and footwear will be clean and in good repair.
 2. Employees will not wear any article of clothing containing advertising material, company emblems, etc., which might give an impression that they are an employee of an organization other than the City of El Paso.
 3. Employees in an office environment that requires contact with the public (i.e., citizens, contractors, governmental representatives, etc.) shall dress in a manner that is in keeping with the accepted standards of professional office attire.
 4. Employee's assigned uniforms are required to wear designated uniform when reporting for and while on duty.
 5. Employees will be required to return old uniforms and footwear prior to the issuance of new uniforms and footwear.

Employees who require an exception to the dress standards or who are in doubt about the appropriateness of a particular mode of dress should consult their Supervisor in advance. Employees not conforming to the City's professional appearance standards will be sent home and placed on leave without pay. An employee may return to work only when he/she is in full compliance with the standards. A copy of the entire City Professional Appearance Standards Policy is found on the City shared computer drive and can be requested from your Supervisor.

- G. **Current Address and Phone Number:** All employees will update Agency Web, LEMs, and PeopleSoft with their listed or unlisted telephone numbers and their correct address. Upon change of address or phone number, it is the Employee's responsibility to update the information as soon as reasonably possible. This information will remain confidential and not released unless authorized by the City Attorney's Office or Chief of Police.

II. ATTENDANCE AND WORK HOURS

- A. **Work Hours:** The daily hours of work and workweek of employees may vary according to the services rendered by the particular Division. Your Supervisor shall establish the work schedule applicable to your job and training. However, working schedules can be modified to meet the needs and/or requirements of the Department. Each immediate Supervisor will provide an advance written schedule of work hours to all employees supervised, to include establishing break and lunch schedules. Lunch shall be one (1) or half (1/2) hour, with supervisor's approval, and designated by your Supervisor. Breaks will be 15 minutes in the morning and 15 minutes in the afternoon. Remember that breaks are paid City time and are considered a privilege and not a benefit required by law.
- B. **Illness or Emergencies:** Employees unable to work due to illness or emergency shall follow the procedures below:
1. Employees will notify their Supervisor thirty (30) minutes before their swipe in time on each day of absence. Anything beyond this requirement will be considered non-notification and will result in an AWOL. However, employees under a doctor's care and who will miss more than one day, will have to notify their Supervisor only once as to how many days they will be out and their date of return to work. Upon returning to work, employee is required to present their Supervisor with a doctor's note covering missed days in accordance with city policies and procedures. Employees are expected to consult their respective Division Standard Operating Procedures for any variations to this procedure that may be more stringent.
 2. Employees must call to report their intentions of being absent. A call from a friend, family member or other person other than the employee is not acceptable, unless employee is incapacitated to call.
 3. Sick leave abuse:
Refer to city of El Paso **SICK LEAVE USE AND INVESTIGATION OF SICK LEAVE ABUSE POLICY**
- C. **Unauthorized Absences:** Employees who are absent without authority from his/her immediate Supervisor or who fails to call in sick within the stated time may be placed on Absent Without Leave status. Employees who have been arrested or are in jail and miss work as a result, will be placed on Absent Without Leave status. Repeated absence without authority will be grounds for disciplinary action up to and including termination of employment.
- D. **Swipe In/Out**
1. Employees, who forget their ID card and/or forget to swipe in/out, must contact a supervisor. Any missed swipes or punches will not be adjusted unless the employee goes through his/her Supervisor with an explanation for the exception and the Request of Payroll Adjustment form completed. Only the Supervisor will authorize exceptions.
 2. No employee is authorized to swipe in/out for another employee.
 3. Non-Exempt employees will swipe in and out at the office in which they report. Employees are not permitted to swipe in at one location and swipe out at another location unless authorized by their Manager or Supervisor.

4. Satelliting, picking up a city vehicle at one location and using it as transportation to an employee's assigned duty location, is expressly prohibited unless Police Chief or designee has given written authorization.

Payroll staff and management, to ensure compliance with policy, will conduct periodic audits of time swipes. Progressive disciplinary action(s) regarding failure to comply and/or enforce this policy will be taken in accordance with department policy.

E. Overtime: Approved by the Police Chief or designee.

1. All employees, as scheduled, are subject to working overtime hours.
2. Supervisors are charged with the designing of work schedules to eliminate the necessity for overtime work. When overtime is required, the request will be made by the appropriate Supervisor and justified to the Manager. Employees are classified as being exempt or non-exempt from overtime pay. Exempt Employees (Executive, Administrative or Professional) are not entitled overtime pay, unless authorized by the City Manager.
3. If the workload allows, employees or Supervisors have the option to request an adjustment to the work schedule during the same Sunday to Saturday work week to take the time off in lieu of overtime paid. Employees will not work overtime unless it is approved in advance as outlined above. Abuse of overtime is subject to disciplinary action up to and including termination.

III. ANNUAL LEAVE AND VACATIONS

A. Authority to Grant: Supervisors must ensure that each respective division has adequate personnel needed to maintain and operate said division.

B. Requesting in Advance: Requests for annual leave will be as follows:

1. Employees should consult their respective division Standard Operating Procedures for more specific guidelines regarding leave requests.

C. Approval/Disapproval: Supervisor (the Police Chief when leave requested by upper Supervisory personnel) shall recommend disapproval of requested leave for reasons such as insufficient accrued annual leave time or the workload of the division. These recommendations shall be noted on Agency Web.

D. Scheduling Vacations:

Refer to City of El Paso **VACATION LEAVE POLICY**

E. Scheduling Personal Day (SPD): Immediate Supervisor must be notified two (2) working days, prior to day requested, unless the immediate Supervisor is able to accept and approve on a shorter time limit.

F. Scheduling Birthday Holiday:

Refer to City of El Paso **BIRTHDAY HOLIDAY POLICY**.

G. Scheduling of Parental Leave:

Refer to City of El Paso **FMLA LEAVE OF ABSENCE**

H. Holidays:

The following are City-observed holidays:

- New Year's Day
- Martin Luther King Holiday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Friday, Day after Thanksgiving
- Christmas Day
- Employee's Birthday

IV. PERSONAL AND PROFESSIONAL CONDUCT

A. Personal Conduct: Employees shall conduct themselves in a professional and businesslike manner at all times. Examples include, but are not limited to:

1. Fighting, scuffling, demeaning, pushing, shoving, brushing or coming into contact with another, congregating around a work area, and threatening gestures (oral or physical) are prohibited. Employees will express differences of opinion quietly, calmly, and in a professional manner. Shouting, threatening and arguing is prohibited.
2. Respect other Employee's personal and city owned property. Keep out of desks or other types of units assigned to other employees except with permission from the employee or in his/her absence, from the immediate Supervisor or the Chief of Police or designee.
3. Employee must not bring offensive or inappropriate material(s) to work including sexually explicit pictures, posters, magazines or other reading materials.
4. Issued City identification must be carried at all times and readily available for inspection when asked.

B. Personal Business During Working Hours: Personal or private business will not be transacted by any employee during working hours including any overtime hours, or while operating a city vehicle.

C. Loitering: Loitering in offices or work areas of other employees, or interfering with the work of other employees hinders service to our clients and constitutes unacceptable behavior. Personal conversations should be held to breaks, lunch periods and after work hours.

D. Verbal Abuse: Employees are not required to take verbal abuse from the public or co-workers. If an individual uses profane or provocative language, the employee is to politely say that the Department rules do not permit him/her to continue the conversation. Notify the immediate Supervisor and initiate a written statement to

document the incident.

- E. **Gifts and Gratuities:** Employees shall not accept any gift or gratuity from anyone whom the Department does business with or from the public.
- F. **Failure to Follow Orders:** Failure to promptly follow the lawful order(s) or direction(s) of a Supervisor shall be grounds for disciplinary action up to and including termination
- G. **Abandonment of Job Site:** No employee shall abandon the job site without proper approval from his/her immediate Supervisor and will fully complete all jobs as assigned.
- H. **Insubordinate Conduct:** Insubordinate conduct may include, but not limited to, disrespect, falsifying records/reports either verbally or in writing, use of Profane language, indecent or threatening gestures towards a Supervisory Employee of this or any other department of the City. Such actions shall be grounds for disciplinary action up to and including termination
- I. **Sexual Harassment:** Sexual Harassment is strictly prohibited. A copy of the City's Sexual Harassment policy is available on the City website or requested from Supervisor.
- J. **No Smoking:** Smoking is prohibited in public buildings owned and occupied by the City and in all City Vehicles. At the landfill smoking is also prohibited and "only" allowed in posted areas.
- K. **Salvaging:** Salvaging items is prohibited.
- L. **Alcohol and Drugs Prohibited**
 - 1. No employee shall purchase, accept, or otherwise be in possession of any alcoholic beverages or illegal drugs while on duty. There shall be no alcoholic beverages or drugs kept, or consumed or possessed in City vehicles or on any other City property including City parking lots, at any time. Employees shall not be under the influence of illegal drugs or alcohol while on duty.
 - 2. Refer to City of El Paso's **DRUG FREE WORK PLACE POLICY.**
- M. **Ethics:** Employees shall follow the guidelines as set forth in the City's Ethic Ordinance Chapter 2.92.
- N. **Political Activity:** All employees shall familiarize themselves with CSC Rule 8, which specifies the political activity in which employees can and cannot engage.
- O. **Radio Communications:** Employees must conduct themselves in a professional manner when transmitting. All radio communication is subject to the rules and regulations as set forth by the Federal Communications Commission. Any employee who violates the FCC regulations shall be subject to discipline up to termination.
- P. **Cellular Phones and Air Cards:** Personnel with an assigned cellular phone must utilize the cellular as prescribed by the Police Chief. The City Policy regarding cell phone personal use states:

"Cell phones and Pocket PC phones are City assets and are issued and intended to be utilized for official use with limited personal use as listed below.

1. If an employee is on City authorized travel, calls to advise family members that an employee has arrived safely or is on his/her way home are authorized.
2. Emergency calls to family are also authorized.

Although cell phones may be used to make the above limited personal calls, the cell phone user must reimburse the City for the costs of such calls. Any other personal calls not adhering to the above criteria are considered unauthorized and are also to be reimbursed to the City. The unauthorized use of the cell phones for personal calls will subject the employee to disciplinary action.

Additionally, any overage, long distance, roaming, texting or other charges realized by the employee for personal calls shall be the financial responsibility of the employee.

Employees in possession of department equipment such as cellular phones, air cards, and radios are expected to protect the equipment from loss, damage or theft. Upon an extended leave (i.e. worker's compensation, FMLA, etc.), resignation, termination of employment, or at any time upon request, the employee may be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within the time period requested (i.e. 24 hours) might be expected to bear the cost of a replacement.

Cellular telephones and other electronic devices will not be used while driving or at times when such use might be distracting to the user or otherwise cause a dangerous situation. The City Wireless Communication Device (Cell Phone) Ordinance (March 9, 2010) states,

Even the temporary or brief use of a hand-held wireless communication device is generally unacceptable and can result in a citation. The use of a hands-free device can still result in a citation if it is used in an unsafe manner which results in driver distraction or unsafe vehicle operation. Composing of, sending and reading of text messages while driving a City vehicle is expressly forbidden.

Individuals can use a wireless communication device:

- While stopped AND off of the roadway.
- When the device is a part of the vehicle or affixed to the vehicle.
- All wireless communication devices must be used solely in a voice-activated or other hands-free mode SAFELY while operating on a public roadway at all times.

Everyone should ensure that use of a cellular phone or other device does not interfere with safe performance of the job task being performed or the operation of any motor vehicle or mobile equipment. As an employee of the City of El Paso and the El Paso Police Department Code Enforcement, you need to understand that failure to comply with this policy could result in corrective action up to and including termination. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities

that result from such actions.

- Q. Laptop Computers:** Employees not permitted to use laptop computers while driving.

V. OUTSIDE EMPLOYMENT

Refer to City of El Paso **OUTSIDE EMPLOYMENT POLICY**.

VI. SAFETY & INJURY RULES AND PROCEDURES

- A. Responsibility to Know and Observe:** Employees are responsible for knowing and complying with both the general safety precautions of the City of El Paso and all special safety precautions of the El Paso Police Department Code Enforcement.

B. Personal Protective Equipment:

1. Employees will always fasten their seat belts when operating or riding in a City vehicle or motorized equipment regardless of the distance of the trip.
2. Vehicle operators are forbidden to operate a City vehicle until all passengers have fastened their seat belts, when seat belts are provided.
3. At swipec in time Employees will have all Personal Protective Equipment (PPE) with them and during actual physical performance of their duties will wear issued PPE at all times.

C. Reporting Injuries:

All injuries will be reported in accordance with Ordinance 8064 Section 4.5, Accident With Pay (AWP). Employees are responsible for following all provisions of the AWP ordinance available for review at El Paso Police Payroll Office. The following shall be considered as specific instructions for employees and are in addition to the provisions of the AWP ordinance.

1. Any employee who is injured in any way, including all injuries such as scratches, will report such injury to their Supervisor immediately, in person if in the office, by radio or telephone if in the field, even if no medical treatment is required or no claim for medical care is made.
2. Failure to make an immediate report will be cause to deny AWP.
3. Supervisors, upon notification, shall immediately investigate the accident and complete the required Supervisor's Investigation Report Form. The completed form shall be filed with Personnel & Payroll and the Director, within 1 business day after the injury was reported.

D. Reporting Vehicle Accidents and Property Damage:

1. All employees having an accident while driving a City-owned vehicle, or causing property damage, will immediately report the accident to the Police and to their Supervisor, giving the exact location of the accident and advising of any personal injuries.

2. Get all pertinent information (Drivers' names, license number of vehicles involved, cause of accident, location, time, insurance info, etc.) including names and addresses of any witnesses.
3. No vehicle will be moved from the scene of the accident until clearance is given by the investigating Police Officer. The vehicle may be moved if it is blocking traffic or presents an unsafe condition.
4. Upon returning to the office, the person or persons involved in the accident will make a full written report of the accident and report to their Supervisors. Make statements only to your Supervisor(s), City Safety Personnel, Police or the City Attorney's Office.
5. Supervisors, upon notification, shall immediately investigate the accident and complete the required Supervisor's Investigation Report Form. The completed form shall be filed with Personnel & Payroll and the Director, within 2 business days for property damage only.
6. Never place blame, start an argument nor falsify reports. As an Employee and Representative of the City of El Paso, always display proper conduct.
7. If the other party involved in an accident refuses to wait for the Police, get his license number, a description of his vehicle and, if possible, names and addresses of witnesses.
8. Employees may be subject to post-accident drug/alcohol testing in accordance with the United States Department of Transportation post-accident testing guidelines.

E. Responsibility for Equipment:

1. Vehicles:

When operating any vehicle, do so in such a manner that you do not cause undue wear and tear on any part of the vehicle.

All Employees assigned City vehicles are responsible for the proper, safe operation of such vehicles to prevent accidents and any damage to private property during the performance of their duties. Employees are also responsible for the cleanliness and completion of both pre and post forms on such vehicles.

Drivers will report breakdowns immediately to dispatchers and to their Supervisor. In the event the Supervisor is not available, the next level Supervisor or the PD Fleet Services Coordinator shall be notified. Give the unit number, your exact location and a description of the problem. Do not leave stalled vehicles unattended/unsecured or blocking streets.

No vehicle will be left running and unattended while conducting business.

All trips will be recorded on the El Paso Code Enforcement Daily Activity Report (DAR). Immediate Supervisor will sign DARs on a weekly basis.

2. Equipment:

- a. Code Enforcement Managers/Supervisors are responsible for all equipment assigned to their staff, including security, cleanliness, proper care, operation and maintenance. This includes, but is not limited to, office equipment, aircards, cameras, laptops, radios, and all field equipment.
- b. All assigned Supervisors are responsible for proper custody, care, operation and maintenance of equipment and supplies assigned to their division.
- c. Employees assigned City Office or Field Equipment will be fully responsible for all equipment and maintaining use of such equipment for official City use only. Employees will use proper care and follow all safety procedures when handling Departmental equipment to prevent any damage to private property during the performance of their duties.
- d. Employees will immediately report any lost or damaged property to their Supervisors. In the event, their Supervisor is not available, the next level Supervisor or the Fleet Services Coordinator shall be notified and a detailed written report submitted. Supervisors will follow up with an investigation and written report.

VII. DRIVING RULES

Refer to City of El Paso **DRIVERS SAFETY STANDARDS POLICY**

VIII. GENERAL SAFETY RULES

The following is a general list of safety rules that must be followed. The list is not exhaustive and is meant to provide a guideline for employees.

1. Fighting, horseplay, or distracting other employees is strictly prohibited.
2. Clean up after yourself and your work area after work is completed or when necessary.
3. Every injury, regardless of its nature or extent, must be reported to your Supervisor.
4. Report unsafe conditions or behavior to your Supervisor. Know what emergency procedures have been established for your jobsite (location of emergency phone, First-Aid kit, evacuation plans, etc.)
5. Observe the "No Smoking" rule around gasoline and other flammable materials, especially when refueling the vehicle.

A. Lifting

1. Always wear Department issued personal protective equipment.
2. If in doubt of lifting an object, obtain assistance.
3. Don't bend your back. Bend your hips and knees.
4. Face the load squarely, place feet firmly for proper balance.

5. Always bend knees to get a good grip on the load.
6. Keep your back straight. Try to create a slight arch in the lower back by pushing your buttocks out and keeping shoulders back.
7. Lift with your legs. Keep load close to the body. Arms and elbows should be tucked into the side of the body. Tuck your chin in.
8. Do not twist your body to change direction. Change direction by shifting your feet.
9. Fingers and toes will be in the clear when setting down materials and equipment. Use your full palm to grip, as fingers alone have little power.
10. Do not lift or carry anything over 60 pounds.

B. Tools, Equipment and Materials

1. Employees will be instructed/trained by their Supervisors on the proper method for working with tools and materials, using the proper tool(s) for the job and assuring that defective tools are replaced at once. Supervisors will also instruct employees on how to carry or transport tools or equipment in a secure, safe manner and returning them to their proper place after use.
2. Materials will be examined for sharp edges, points, sharp objects, signs of weakness, etc. These shall be rendered harmless before proceeding with the operation.
3. Drivers are required to take care of their equipment, to include cleanliness and placing/storing articles in authorized areas "only".

C. Housekeeping

1. Work areas and all walkways will be kept clean and all tools/equipment kept in order, sorted and organized
2. Unsafe equipment shall be reported immediately and corrective action initiated.
3. Always remove electrical plugs by pulling on the plug and not the cord.
4. Clean up soil/sand, oil, or hydraulic fluid immediately.

D. Flammable and Toxic

1. Know the location of and the procedure for using equipment to fight fires.
2. Report defects and broken seals on fire extinguishers to Supervisor.
3. Replace extinguishers that have been used and those with broken seals.
4. Keep heat, flame and sparks away from combustible materials.
5. Turn off all motors and radio communications while refueling.
6. Store fuels only in approved containers and use extreme caution around fuels.

7. Only approved solvents will be used.

IX. RADIO PROCEDURES

The purpose of a radio call sign is to indicate the employee's assignment and function. New call signs are not placed into operation without the approval of the PD Communications Manager.

1. Call signs used by Code Enforcement Officers assigned to regular patrol shifts are loaded into the communications system prior to each shift. The call sign is purged from the system when the Officer goes off duty. Radio call signs and unit information will be loaded into the Computer Aided Dispatch System (CAD) by the Regional Commands, unless prior arrangements are made with the Communications Division. Employees in other types of positions may have call signs permanently assigned through arrangements made with the Communications Manager.
 - A. Unit Information. Unit information must contain the radio call sign, the ID number of each Officer, the hand-held radio number assigned to each Officer, and the equipment number for the vehicle the Officers will be using. If Officers change radio call signs, radio equipment, or vehicles during the course of the shift, the information must be changed in the CAD system as well.
 - B. CAD Format. All identifiers must be entered into the CAD in accordance with the proper format. The safety equipment contained in Officer's radios and MCTs will not operate correctly unless these formats are followed:
 - Officer ID - numbers only
 - Vehicle Number - numbers followed by letters Hand-held Radio - letters followed by numbers
2. Call signs are used to provide basic information about each unit. A detailed format for developing call signs is found in Appendix C. (CALEA 81.2.4 c)
 - A. Regional Command Call Sign Structure. Regional Command call signs use a five-digit format.

1 st Digit	Numerical	Denotes shift assignment
2 nd Digit	Letter	Identifies the type of unit
3 rd Digit	Numeric	Identifies units function in the district
4 th Digit	Numeric	Regional Command designator
5 th Digit	Numeric	District number
 - B. Other Units. Units performing more specialized functions use a two letter acronym followed by numeric digits. These call signs will be developed in cooperation with the Communications Division. Call signs will not be used until they are reviewed by the Communications Manager.
3. The El Paso Police Department uses a phonetic alphabet which will be used when spelling similar sounding, confusing or unusual words, vehicle license plates, and any series of letters. The Department uses the following phonetic alphabet:

A-Adam	B-Boy	C-Charles	D-David	E-Edward	F-Frank	G-George
H-Henry	I-IDA	J-John	K-King	L-Lincoln	M-Mary	N-Nora
O-Ocean	P-Paul	Q-Queen	R-Robert	S-Sam	T-Tom	U-Union
V-Victor	W-William	X-Xray	Z-Zebra			
4. To minimize certain radio communication transmissions, this Department uses a number of radio codes referred to as "TEN CODES."
 - 10-1 Receiving radio transmission poorly

- 10-2 Receiving radio transmission clearly
- 10-4 Message received, OK, acknowledgment
- 10-5 Relay message
- 10-6 Busy-unless urgent
- 10-7 Out of service, lunch
- 10-8 In service, available
- 10-9 Repeat message, say again
- 10-10 Coffee or beverage break - subject to call
- 10-11 Transmitting too fast
- 10-13 Advise on weather conditions
- 10-14 Convoy or escort
- 10-15 Prisoner in custody, arrest
- 10-16 Prisoner transportation
- 10-17 Pick-up papers at, mail run, Paperwork/forms
- 10-20 Location, what is your location?
- 10-22 Cancel last assignment
- 10-24 Trouble at the command center
- 10-27 Subject/vehicle is wanted, are you clear for further information?
- 10-28 Check vehicle registration owner information
- 10-29 Check for wanted or stolen
- 10-30 Does not conform to rules
- 10-36 Correct time
- 10-37 Operator on duty (ID number only)
- 10-42 Officer's home location
- 10-49 Transporting civilian
- 10-50 No traffic
- 10-51 Do not transmit information, subjects near-by
- 10-66 Cancellation
- 10-67 All units and stations copy
- 10-97 On scene
- 10-98 Wanted subject (misdemeanor warrants)
- 10-99 Wanted subject (criminal warrants)

5. ABLE/BAKER codes are additional codes used by the Department to minimize radio communication transmissions. ABLE/BAKER codes provide messages to call or go to a location. The following ABLE/BAKER codes are used by the Department:

Call	Go To	Location
A-1	B-1	Communications
A-2	B-2	Regional Command
A-3	B-3	Traffic Office
A-4	B-4	Detective Office (specify)
A-5	B-5	Internal Affairs Division or (Chief's Office)
A-6	B-6	Property Office
A-7	B-7	County Jail
A-8	B-8	Records
A-10	B-10	Radio Shop
A-11	B-11	Court (Municipal or Other/Specify)
A-13	B-13	Garage (service vehicle)

6. Plain language will generally be used when transmitting information. However, certain situations require the transmission of information in codes that can not be understood by

nearby subjects or the general public. The following SIGNAL CODES will always be used:

SIG 5 Bomb Threat

SIG 6 Explosion

7. While assigned a radio and call sign, employees have the following responsibilities:
 - A. Response. When called, units will respond with their full unit number and location.
 - B. Unit Availability. At the beginning of the shift, units will advise Dispatch when they are in the field and available.
 - C. Calls For Service. Units will proceed immediately to the call for service given to them by Dispatch.
 - D. Unit Status. Units will advise Dispatch when they are en route, on the scene, changing locations, or back in service. This may be done using the MCT or voice communications.
 - E. Voluntary Response to Calls. Units voluntarily responding to a call for service will advise Dispatch of their full call sign, their intention, and their current location.
 - F. "On View" and Traffic Calls. Units will advise Dispatch of their location and status when they will be on an "on view" call or traffic stop. Officers should give the nature of the call, location, and subject or vehicle information. Dispatch will note license plate numbers or descriptive information given. This may be done using voice communication or the MCT.
 - G. Breaks. Units will advise Dispatch when they will be out of service for lunch or breaks. Units will give their location and advise if they will be by the radio or at a particular phone number. Lunches and breaks must be cleared over the air with Dispatch. The MCT may not be used for this purpose.
 - H. Conducting Business at the Station. When advising Dispatch, officers shall not use the term "Not Out of Service (NOS)" while conducting business at the station.
8. Spot broadcasts alert other Officers to crimes, missing or endangered persons, and safety hazards. Officers will request clearance from Dispatch to give a spot broadcast. Officers will advise Dispatch when the spot broadcast is complete. The following information should be provided in order: (CALEA 41.2.Sb)
 - A. Want on a subject or vehicle.
 - B. Location of the offense.
 - C. Direction/mode of travel.
 - D. Vehicle description.
 - E. Weapons involved.
 - F. Subject descriptions including name, sex, race, height, build, and clothing.
9. The Communications Information Channels will be used only while Officers are in the field. Information Channels may not be used at any other time.

I ACKNOWLEDGE RECEIPT OF THE EL PASO POLICE DEPARTMENT CODE ENFORCEMENT RULES AND REGULATIONS.

ANY VIOLATION OF ANY KIND WILL BE SUBJECT TO DISCIPLINARY ACTION TO INCLUDE TERMINATION.

.....
Print Name (employee)

.....
Signature (employee)

.....
Date

.....
Witness

I ACKNOWLEDGE RECEIPT OF THE EL PASO
POLICE DEPARTMENT CODE ENFORCEMENT
RULES AND REGULATIONS.

*ANY VIOLATION OF ANY KIND WILL BE
SUBJECT TO DISCIPLINARY ACTION TO
INCLUDE TERMINATION.*

Fernando Martinez
.....
Print Name (employee)

[Handwritten Signature]
.....
Signature (employee)

3/23/2021
.....
Date

[Handwritten Signature]
.....
Witness

From: Nieman, Karla Mariana
To: Alvarado, Arthur S.; Prosecutor; Estrada, Sergio M.
Subject: Fw: Writ of entry
Date: Tuesday, August 12, 2025 11:38:27 AM

Hello, Steve

We received this request in our general email. Can you please reach out to Carlos Armendariz please.

Karla

Get [Outlook for iOS](#)

From: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Sent: Tuesday, August 12, 2025 1:35:37 PM
To: City Attorney <CityAttorney@elpasotexas.gov>
Subject: Writ of entry

Good afternoon,

Would you advise if Code is able to get a writ of entry based on a complaint regarding a backyard.
The backyard is not seen from public right away, the report person is anonymous and wishes to stay anonymous and property owner refuse access. Would a judge sign a writ based on hearsay?

Fernie Martinez
Code Enforcement Officer
El Paso Police Department
Code Enforcement Bureau
Cell 915.479.7892



From: [Najera, Lizbeth C.](#)
To: [Martinez, Fernie](#)
Cc: [Magdaleno, Magdalena](#)
Subject: RE: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962
Date: Tuesday, August 12, 2025 12:18:51 PM
Attachments: [image001.png](#)

Fernie,

We have a legitimate concern, whether it is anonymous or not, we need to investigate. If it turns out to be nothing, then we just close the case as no violation.

I don't know what kind of clarification you need if I am telling you it can be done.

If it comes back it's on me.

Also, when reaching out to City Attorney for something like this, it is done thru Danny and/or Mr. Alvarado.

Thank you

Lizbeth Najera
Code Enforcement Supervisor
Code Enforcement Department
Office – (915)212-6073
Cell – (915)479-8360

From: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Sent: Tuesday, August 12, 2025 11:40 AM
To: Najera, Lizbeth C. <NajeraLC@elpasotexas.gov>
Cc: Magdaleno, Magdalena <MagdalenoM@elpasotexas.gov>
Subject: Re: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962

Right so based on hearsay, I understand they say that but it's not seen from the public eye and reporting person is staying anonymous. We need clarification I'll send an email to the city prosecutor hopefully we get an answer.

Thank you.

Fernie Martinez
Code Enforcement Officer
Code Enforcement Department
Cell 915.479.7892

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From: Najera, Lizbeth C. <NajeraLC@elpasotexas.gov>
Sent: Tuesday, August 12, 2025 11:26:28 AM
To: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Cc: Magdaleno, Magdalena <MagdalenoM@elpasotexas.gov>
Subject: RE: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962

Not just smell.....

“which appears to be due to the accumulation of dog feces, general trash, wood, and construction materials. These items may be decomposing due to heat and weather exposure, creating potential health and environmental hazards.”

They mentioned the above.

Lizbeth Najera
Code Enforcement Supervisor
Code Enforcement Department
Office – (915)212-6073
Cell – (915)479-8360

From: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Sent: Tuesday, August 12, 2025 11:18 AM
To: Najera, Lizbeth C. <NajeraLC@elpasotexas.gov>
Cc: Magdaleno, Magdalena <MagdalenoM@elpasotexas.gov>
Subject: Re: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962

Writ based on smell, but there is no smell thou. I don't think we can get a writ based on hearsay. PO's from 7728 Craddock returned my call they're giving me access to go thru their property.

Thank you.

Fernie Martinez
Code Enforcement Officer
Code Enforcement Department
Cell 915.479.7892

From: Najera, Lizbeth C. <NajeraLC@elpasotexas.gov>
Sent: Tuesday, August 12, 2025 10:49:57 AM
To: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Cc: Magdaleno, Magdalena <MagdalenoM@elpasotexas.gov>
Subject: RE: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962

Good morning,

Thank you for the information.

We can request a writ of entry to see the backyard if the [property owner refuses or does not answer the door.

Also, if no neighbor is available, we can do writ.

If there are several cases on file, of the same concern, we can also take the property owner to Court and explain to the judge that the violation is repeated constantly but will comply when addressed.

Thank you

Lizbeth Najera
Code Enforcement Supervisor
Code Enforcement Department
Office – (915)212-6073
Cell – (915)479-8360

From: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Sent: Tuesday, August 12, 2025 10:24 AM
To: Najera, Lizbeth C. <NajeraLC@elpasotexas.gov>
Subject: Fw: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962

Good morning,

This is an ongoing issues with this property for years, son of property owner not sure if he has a mental illness but he tends to accumulate and leave out wood and rubbish. We issued a notice, he cleans the property and in a few weeks the same thing. The only issues is they sometimes they won't come to the door, we can't see the backyard from public row and complaints always are anonymous. No access to backyard we can't see the backyard from row. I called the homeowner of Craddock, left her a voicemail see if she lets us in through her property to see the backyard, otherwise we can't do anything.

p. 4

Thank you.

Fernie Martinez

Code Enforcement Officer

Code Enforcement Department

Cell 915.479.7892

From: Najera, Lizbeth C. <NajeraLC@elpasotexas.gov>

Sent: Tuesday, August 12, 2025 10:02:46 AM

To: Martinez, Fernie <MartinezFX3@elpasotexas.gov>

Cc: Magdaleno, Magdalena <MagdalenoM@elpasotexas.gov>

Subject: FW: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962

Good morning,

Please address concern below.

Thank you.

Lizbeth Najera

Code Enforcement Supervisor

Code Enforcement Department

Office – (915)212-6073

Cell – (915)479-8360

From: Nunez, Frida S. <NunezFS@elpasotexas.gov>

Sent: Monday, August 11, 2025 10:21 PM

To: Alvarado, Arthur S. <AlvaradoA@elpasotexas.gov>; Hernandez, Dolores B.

<HernandezDB@elpasotexas.gov>; Jacquez, Maria L. <Maria.L.Jacquez@elpasotexas.gov>; Lopez,

Veronica <LopezVX1@elpasotexas.gov>; Soto, Danny <SotoDY@elpasotexas.gov>; Esparza, Omar A.

<EsparzaOA@elpasotexas.gov>; Rodriguez, Aaron <C1925@elpasotexas.gov>; Leon, Robert

<C1906@elpasotexas.gov>; Najera, Lizbeth C. <NajeraLC@elpasotexas.gov>

Cc: AASR - 311 <AASR-311@elpasotexas.gov>

Subject: Code Enforcement - Address: 8109 Broadway Dr, El Paso, TX 79915 - ID: ENEC25-16962



Code Enforcement

Submission Time: 08-11-2025 06:11 PM

Submitter: Diana Cobian

Portal Comments Read: Yes

Type: Supervisor Call Back

ENEC# (If Applicable): ID: ENEC25-16962

Rocksolid # (If Applicable): 0

Street Address: [REDACTED]

Date Created: 2025-06-09

Caller's Name: Melina Rodriguez

Phone Number: [REDACTED]

Language: Spanish

Escalation to City Manager, City Council, or Media Mentioned: No

Repeated Callback Request: 2 Callbacks

Additional Comments: There is a strong, persistent odor coming from the backyard, which appears to be due to the accumulation of dog feces, general trash, wood, and construction materials. These items may be decomposing due to heat and weather exposure, creating potential health and environmental hazards. The RP is building a house behind 8109 Broadway Dr, El Paso, TX 79915. This property has a bunch of trash and wood, and rocks are all over, and a fence that is part of the listed property is open would like it fixed because it transgresses the new property owners behind the listed and nothing has been done. Would like to speak with the supervisor about this situation since the last time #11356: case was closed and RP would like the city to check all over the property to see that the listed location is a dump and the trash is transpassing to her new address that is still under construction, 7822 Craddock Ave, El Paso, TX 79915

CITY HR JUL 16 '24
0294

In the Matter of:

Fernando Martinez

and

The City of El Paso, Texas.

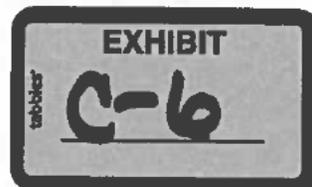
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SETTLEMENT AGREEMENT

This Settlement Agreement is made on July 15, 2024 by and between the City of El Paso, Texas (the "City"), and Fernando Martinez ("Employee") (collectively "Parties"). The City issued a Proposed Notice of Suspension ("Notice") to Employee on June 27, 2024, attached hereto as Exhibit A.

The Parties desire to enter into this Settlement Agreement in order to provide a full and final settlement to the above referenced disciplinary action. As consideration for the mutual promises contained herein, the Parties agree as follows:

1. In exchange for the promises of Employee contained herein, the City agrees to reduce the disciplinary action, as set forth in the Notice originally for ten (10) days to seven (7) days.
2. In exchange for the promises of the City contained herein and as a material inducement to the City to enter into this Settlement Agreement, without which the City would not be willing to enter into this Agreement, Employee acknowledges and agrees as follows:
 - (a) To not revoke Employee's promises contained herein and to waive any and all rights that are granted under the Charter of the City of El Paso, the Civil Service Rules and Regulations, or any ordinance of the City of El Paso to have this Settlement Agreement set aside or reversed.
 - (b) To not appeal the Notice or this Settlement Agreement and if any appeal shall have been previously filed, to withdraw said appeal, immediately with prejudice.
 - (c) To the extent allowed by law, to not litigate in any forum, judicial or administrative, including but not limited to FLRA, EEOC, independent arbitrator, and/or Civil Service Commission, any claims arising from or relating to the matters contained in the Notice or this Settlement Agreement, except for an action to enforce the terms of this Agreement, and if any charge, appeal, and/or lawsuit shall have been previously filed to withdraw said charge, appeal, and/or lawsuit, immediately with prejudice.



✓ 07/16/24

3. **City Does Not Admit Fault or Liability.** The Parties agree that this agreement is not an admission of liability on the part of the City, all of which is expressly denied. This agreement will not serve as a precedent for any current or future personnel action, administrative procedure, grievances, or litigation of any kind. However, the City may refer to this Settlement Agreement should any future disciplinary action be taken against Employee.

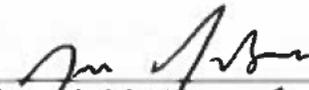
4. **Agreement is Voluntary.** The Parties acknowledge that they enter into this agreement freely and voluntarily and that, other than the contents hereof, no promise or threat of any kind whatsoever has been made by the City or any employee thereof to induce the Employee to enter into this agreement.

5. **Full, Final and Complete Settlement.** This Agreement Constitutes the full, final and complete settlement of the Parties differences arising out of the Notice, and supercedes all other written or oral exchanges, arrangements or negotiations between them concerning the subject matter of this agreement. It is understood and agreed that the terms of the agreement are contractual and not a mere recital and that there are no agreements, understandings or representations made by the Parties or their representatives, agents or employees except those expressly stated herein. This Agreement constitutes the entire understanding and agreement between the Parties and may not be changed or modified in any way except in writing signed by the parties.

6. **Parties Will Take All Action Necessary to Effectuate the Agreement.** The Parties agree to cooperate fully and execute any and all supplementary documents and take additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Settlement Agreement, which are not inconsistent with its terms.

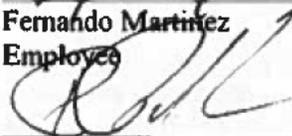
7. **Severability.** No provision of this Agreement which may be deemed unenforceable will in any way invalidate any other provision hereof, all of which will remain in full force and effect.

8. **Agreement Effective Upon Execution.** This Settlement Agreement shall become effective immediately following execution by each of the Parties.



Fernando Martinez
Employee

07/15/2024
Date



Peter F. Pacillas, Chief of Police
Police Department

7/15/2024
Date



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: July 15, 2024

Address: [REDACTED]

From: Police Department
Subject: Notice of Suspension

IT IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY **SUSPENDED FOR 7 WORKDAYS EFFECTIVE: July 16, 2024 TO July 19, 2024 and July 22, 2024 to July 24, 2024.**

THE FOLLOWING ARE THE STATUTORY REASONS OR GROUNDS AND SPECIFICATIONS OF FACTS WHICH HAVE NECESSITATED THIS ACTION:

CHARGES:

YOU HAVE VIOLATED THE FOLLOWING CITY OF EL PASO CIVIL SERVICE COMMISSION CHARTER PROVISIONS, ORDINANCES, RULES AND REGULATIONS:

CITY CHARTER - ARTICLE VI - Civil Service

SECTION 6.13-2. DISCIPLINARY ACTION; REDUCTION

A regular employee may be discharged, suspended or reduced in rank or position as provided in the Charter or further defined in the Rules.

SECTION 6.13-3. CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE

The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:

- F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
- N. Refusal to follow the lawful order of a superior or supervisor;
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]
Employee's Signature

Date: 7/15/2024

BY CERTIFIED MAIL NUMBER: _____

[Signature] 7/15/2024
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

BY: [Signature]
DIRECTOR

DISTRIBUTION: Original - Human Resources Department; Copy - Department



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: July 15, 2024
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE 8. SUSPENSION, REDUCTION, DISCHARGE

Section 1. Causes of Suspension, Reduction or Discharge.

The following may constitute causes for discharge, suspension or reduction of regular employees: That an officer or employee in the Civil Service:

- f. Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner; or (Amended 8/25/09, 9/17/13)
- n. Refusal to follow the lawful order of a superior or supervisor; or (Added 7/31/07)
- p. For just cause. (Added 7/21/07)

Section 2. Disciplinary Notice

Disciplinary actions in the nature of a discharge, involuntary reduction, or suspension taken against a regular employee, other than at the end of a probationary period, will not become effective until the Department Head has first served upon such employee a written notice of discipline. The notice must contain one or more statutory reasons or grounds for discipline, together with such specifications of fact as will enable the employee to make an explanation and place him fairly upon their defense. The specifications of fact shall be of sufficient specificity so as to preclude the possibility of disciplinary action for the same act or omission in the future. Nothing contained herein shall prohibit the Department Head from using an employee's prior acts or omissions resulting in discipline in determining future disciplinary action against the employee. An employee may be disciplined for other acts or omissions not specified in the notice even if such acts arise from the same incident or event. A Department Head may not unilaterally reduce the discipline given once notice of discipline has been provided to the employee, without the employee's consent. A copy of such notice of discipline, together with the employee's explanation, if any, will be filed with the Human Resources Director. (Amended 06/24/03, 7/31/07, 8/25/09)

Section 3. Notice of Proposed Disciplinary Action, Procedure and Limitation of Action

- a. When disciplinary action in the nature of a five (5) day suspension or greater, a reduction, or discharge is being contemplated by the Department Head, the employee must be served with a notice of proposed disciplinary action which shall conform with the notice requirements set forth in Section 2 and Section 3 (b) of this Rule. In addition to the notice of proposed disciplinary action, the employee shall be furnished with the written materials and tangible things in the possession of the Department Head that form the factual and evidentiary basis for the proposed disciplinary action. No matter may be withheld from the employee that is inconsistent with the theory of discipline or that could tend to mitigate the contemplated sanction. (Amended 8/25/09)
- b. Within ten (10) days of receipt of the notice of proposed disciplinary action, the employee may request a conference with the Department Head. Within five (5) working days of receipt of the employee's response, the Department Head shall meet with the employee, provided further that this period may be extended with the mutual consent of the Department Head and the employee. No witnesses may be called to testify as part of the employee's explanation or response. During the conference, the employee, their representative, and the Department Head shall engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action. No part of the discussions that take place during the conference may be offered into evidence at any subsequent hearing, except for the limited purpose of determining compliance or non-compliance with the provisions of this Rule as

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: July 15, 2024
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

provided in paragraph "f" and for impeachment purposes. In the event such a consensus is reached, the execution by the employee of documents finalizing the settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission, and the employee shall be so advised in plain language. (Amended 09/09/03, 01/06/04, 8/25/09; 1/20/15)

- c. Respecting discharge, those departments currently using a pre-termination hearing shall not be required to have a conference as contemplated hereinabove provided that the time between notification and hearing shall be at least five (5) days and further provided that there shall be no change to current practices regarding violations of applicable federal laws. (Amended 09/09/03, 01/06/04, 08/25/09)
- d. The employee is entitled to have a representative of their choice assist them in the preparation and presentation of their response, provided further that in the event the representative is an employee of the City, he shall use vacation leave or personal days for such time as may be required for the representative to attend the conference. If the employee does not have any accrued vacation or personal days, the employee will be placed on unpaid administrative leave for such time as may be required for the representative to attend the conference. The employee must provide their Department Head with two days notice of the request to take the above leave. The Department Head may disapprove the request if the leave significantly interferes with the operational needs of the department. (Amended 09/09/03, 01/06/04, 08/25/09)
- e. A proposed written notice of disciplinary action must be served on an employee within 120 calendar days from the date Human Resources is made aware of the occurrence of the incident giving rise to the discipline, provided however that this period of limitation shall be tolled if an investigation is being conducted by a law enforcement authority into criminal charges against the employee arising out of the same incident. Once a Department Head receives notice from the employee that charges have been preferred, through an indictment or information, or that the criminal investigation has been concluded without the preferral of charges, then the time period will resume running. (Amended 09/09/03, 01/06/04, 8/25/09, 09/19/17)
- f. Any issue of non-compliance with these provisions will be considered by the hearing officer and/ or Commission upon the appeal of the disciplinary action. (Amended 01/06/04)
- g. Excluding Section 3 (e), in computing any time periods set forth in this Rule, Saturdays, Sundays, and City Holidays shall not be included. (Amended 01/06/04, 09/19/17)
- h. Nothing in the Rule shall prevent suspension of the employee from service without pay in appropriate circumstances. (Amended 01/06/04)
- i. A copy of this rule shall be attached to each notice of proposed disciplinary action. (Passed 1/6/04)

Section 4. Resignation Before Appeal Decision

The acceptance by Department Head of the resignation of a person discharged before final action on the part of the Commission will be considered a withdrawal of the charges and the separation of the employee concerned will be recorded as a resignation and the preceding will be dismissed without judgment. (Amended 7/31/07)

Section 5. Disqualification for Reappointment

Any employee who is dismissed for cause or who resigns while not in good standing will be disqualified from taking a Civil Service examination for two years thereafter. Their name will be removed from all eligible lists, unless, in the judgment of the Commission the cause of their dismissal or resignation under charges will not affect the possibility of their or her usefulness in some other position. (Amended 8/25/09)

EMPLOYEE'S INITIALS jm

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CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: July 15, 2024
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

Section 6. Non-Certification of Suspended Persons.

The names of persons suspended will not be certified from eligible lists during the period of suspension.

Section 7. Election to Forfeit Annual Leave

Regular employees suspended for not more than ten (10) working days may elect to forfeit annual leave for a period equal to the suspension, or to the extent of the employee's annual leave balance, subject to approval of the Department Head. The election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission, and the employee shall be so advised in plain English on a suitable form upon which the election shall be made, as developed by the Human Resources Director and appended to the notice of suspension. The Department Head shall not unreasonably withhold approval of the employee's election. (Added 05/11/04, Amended 7/31/07)

Section 8. Formal Counseling

Formal Counseling is not within the type of disciplinary action specified in Section 6.13-2 of the Charter which may be appealed to the Civil Service Commission. A formal counseling is issued by the Department Head and considered a written counseling to address employee workplace conduct. Employees receiving a formal counseling shall have the right to place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file.

Included in, or in conjunction with, the formal counseling document, the Department Head must provide the employee with written notice of the reasons for the formal counseling, with sufficient explanation to place the employee fairly upon their defense.

Upon an employee's request, formal counselings shall be removed from an employee's personnel file after the expiration of twelve (12) months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twelve (12) month time period between the request and the last-received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. (Added 8/25/09) (Amended 11/2/10, 3/6/12, 1/20/15, 11/15/16)

RULE 11. DEPARTMENTAL RULES

Section 1. Any department head shall have the right to promulgate rules and regulations regarding the operation of their department, and the conduct of the employee therein, subject to the consent and approval of the City Manager, provided that such rules do not conflict with the Civil Service Charter or the Rules promulgated thereunder. (Amended 07/11/06)

Section 2. Large departments having various sub departments may, in their rules, have rules and regulations pertaining to said sub departments in addition to general rules and regulations regarding the department. (Amended 7/31/07)

Section 3. The Human Resources Director may promulgate, rules, regulations and policies and procedures, that apply to all or some city departments, as may be specified by the Director, regarding any requirements applicable to the employees of such departments, subject to the consent and approval of the City Manager, provided that such rules, regulations, or policies and procedures do not conflict with the Civil Service Charter or the Rules promulgated hereunder. (Added 3/6/12)

Section 4. Any Department Head may, as provided in the Charter, suspend, discharge or demote any employee for insubordination, for failure to comply with departmental rules and regulations, for failure to comply with the Rules of the Commission or for failure to obey any lawful order of a superior officer. (Amended 07/11/06)

Section 5. The Human Resources Director is authorized to maintain a comprehensive manual of safety procedures and driver safety standards of all employees. Each employee shall receive a link to a copy of the manual. (Added 3/6/12)

DEPARTMENT RULES - EL PASO POLICE DEPARTMENT PROCEDURES MANUAL:

EMPLOYEE'S INITIALS *Jm*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: July 15, 2024
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

RULE 1: FAMILIARIZATION WITH RULES AND REGULATIONS

A. Employees, to include sworn and civilian, will familiarize themselves with the Rules and Regulations, Policies and Procedures, Special Orders, Bureau Orders, Memorandums, Civil Service Rules and Regulations, City policies, and any other directives or policies issued by the chief of police.

B. Employees, to include sworn and civilian, will also familiarize themselves with the Texas Penal Code, Texas Code of Criminal Procedures, the Family Code, the Dangerous Drugs and Controlled Substance Act, Texas Motor Vehicle Laws, City Municipal Ordinances, and any other pertinent material, which deals directly or indirectly with the performance of the employee's duties.

RULE 5: MAJOR VIOLATIONS

The following actions constitute major violations and may require a supervisor to relieve a subordinate from duty:

C. Willful disobedience of any lawful order issued to the employee by any supervisor.

RULE 23: CIVILIAN EMPLOYEES TO COMPLY WITH RULES

Civilian employees of this department will comply with all Rules, Regulations, Policies, Procedures, and any other directives applicable to them or their position

City of El Paso Employee Handbook January 2023

EMPLOYEE CONDUCT

All successful organizations have certain rules which employees must follow. You are expected to become acquainted with the performance criteria for your particular job and with all rules, procedures and standards of conduct established by your department and by the City, as summarized in this handbook. Further, your conduct away from work must not adversely affect the City, its reputation, operational success, or relationship with its employees, customers or citizens.

If you do not fulfill the responsibilities set out by such performance standards, rules, procedures and standards of conduct, you may be subject to disciplinary action, the severity of which will depend upon the circumstances. Disciplinary action will be taken when an investigation of the facts shows that the conduct warrants such a result.

People work together best in an atmosphere where they are valued as individuals and recognized as key members of a team. It is important that each member of our team understand what is expected. It is impossible to write policies and procedures covering every situation. Be sure you understand what is expected of you, and what you can expect from the City. If you have any question, discuss it with your immediate supervisor. Understanding is the key to teamwork.

The following are some examples of employee conduct that are not permitted and that may result in disciplinary action up to and including termination of employment:

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: July 15, 2024

- Failure to cooperate with a supervisor or co-worker, impairment of function of a work unit or disruptive conduct.
- Violation of City ordinances, policies or rules.

This list is not all inclusive

CITY OF EL PASO'S MISSION, VISION AND VALUES

Mission: Deliver exceptional services to support a high quality of life and place for our community.

Vision: Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.

- Values:**
- Integrity – Trusted to do the right thing.*
 - Respect – Recognize the value and dignity of all individuals.*
 - Excellence – Perfect effort.*
 - Accountability- Passionate and determined.*
 - People – Our teams are problem-solvers and collaborate with our customers.*

CITY OF EL PASO – DISCIPLINARY POLICY AND MATRIX (May 30, 2015)

I. POLICY:

The City of El Paso is committed to a goal of high performance by all employees in order to fulfill its mission of outstanding customer service to the citizens of our community. The purpose of this policy and matrix is to provide City leaders and supervisors with a guideline and reference for corrective and disciplinary action. The City of El Paso Human Resources Department accepts and investigates all allegations of employee misconduct and imposes corrective and progressive disciplinary action in a timely and consistent manner, as appropriate. This policy outlines the procedure for investigating allegations of employee misconduct, issuing corrective action, and applying the Matrix to impose discipline.

II. PROCEDURES:

A. Basis for Discipline

1. Employees are subject to discipline for violations of the law, City Charter provisions that constitute cause for discipline, Civil Service Commission Rules and Regulations, City policies, Departmental policies and procedures and verbal or written directives from supervisory personnel.
2. Failure to report a violation of anything listed under II-(A) is considered a basis for discipline.
3. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable federal and state law, local ordinances, administrative directives, El Paso City Charter, and Civil Service Commission Rules and Regulations.

B. Information Gathering and Processing

1. It is the duty of all supervisory employees to assist those who express the desire to report allegations of misconduct against any City employee. The informant need not be the aggrieved party, but may be anyone who witnessed or otherwise became aware of an incident of misconduct. Information regarding allegations of misconduct must be immediately reported to the Department Head and/or the Human Resources Director.
2. Employees are required to provide a statement or answer questions during administrative investigations. Employees who withhold information, thwart, impede or fail to cooperate with administrative investigations will be considered insubordinate and subject to disciplinary action up to and including

EMPLOYEE'S INITIALS Jm



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: July 15, 2024
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

termination. Upon conclusion of the administrative investigation, the DHRM or Human Resources Director, or designee, will advise the Department Head of any findings from the investigation and recommend disciplinary or corrective action as appropriate. However, it is the Department Head's responsibility to make the final determination and defend the discipline to be administered as a result of any review.

IV. DISCIPLINARY MATRIX

The attached disciplinary matrix provides supervisory personnel and Department Heads with the parameters of discipline that shall be imposed on an employee when an infraction occurs that violates the law, a Civil Service rule, policy, or regulation of the department. The purpose of the matrix is to provide notice to employees of the types of conduct that will result in disciplinary action and to serve as a deterrent of such conduct so as to promote efficiency of service by ensuring high standards of City service and maintaining public confidence in the City of El Paso.

The matrix is intended for use as a guide to selecting an appropriate level of discipline for the actionable misconduct. **This matrix does not substitute for supervisory judgment and does not dictate discipline.** Rather, this matrix provides a framework within which supervisors exercise judgment on a case-by-case basis within the parameters provided. The final determination for discipline at the minimum level or higher rests with the Department Head as defined in Civil Service Rule 8 and Rule 11, or as defined in the Civil Service Rules and Regulations.

The offenses listed under each level are not intended to be an exhaustive listing. No attempt has been made to list every possible cause for disciplinary or adverse action. The fact that specific misconduct is not listed as an offense does not mean discipline cannot be imposed. Supervisors should evaluate misconduct not listed to the offenses listed and use a form of discipline that most closely coincides with a comparable, listed offense.

The following are the categories of discipline:

- B. **Suspension:** A suspension without pay for a definite period of time must be completed on an appropriate Notice of Suspension form in accordance with Civil Service Commission Rules. The Notice of Suspension must:
1. Identify which State or Federal laws, rules, policies, and/or regulations were violated,
 2. Contain narrative specifications (charges) and
 3. Include a record of previous discipline, if any. The Notice of Suspension shall be administered by the Department Head. The Department Head, along with supervisors, shall work with the Human Resources Director for specifications. The Notice of Suspension must always be reviewed by the City Attorney's Office before being administered to the employee.

V. APPLICATION OF THE DISCIPLINARY MATRIX

- A. The application of progressive discipline is designed to take into account any instance of corrective action or previous discipline. The Department Head shall choose the appropriate disciplinary action at the appropriate level for each offense.
1. A Department Head has a choice of severity of disciplinary action beginning from the floor for the specific type of offense, at the appropriate level. When significant mitigating or aggravating circumstances exist, the discipline range may be expanded upon in either direction. For example, if the matrix indicates a 10-day suspension, the Department Head may determine that a less severe consequence is more appropriate based on mitigating factors. Likewise, the discipline could be greater than a 10-day suspension if there are significant aggravating factors. Whenever prior violations are used to support a more severe discipline, those offenses shall be cited in the notice of Discipline. When a series of offenses have been committed and action could not

EMPLOYEE'S INITIALS FM

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CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: July 15, 2024

have been taken on each before another was committed, a more severe discipline maybe assessed for the combined offenses rather than what would be appropriate for any single offense.

2. The Department Head in accordance with CSC Rule 11 retains the right to promulgate rules and regulations regarding the operation of their or her department. Similarly, situations may arise that are not written in a rule or policy; in such a circumstance, an appropriate level of discipline will be imposed. Nothing in this policy shall prohibit a Department Head from departing from utilizing a higher form of discipline, to include termination, if the circumstances warrant such action.
3. These disciplinary guidelines are standard recommendations and not meant to be an all-inclusive list of possible infractions. The Human Resources Director retains the right to modify, or amend this policy and matrix as needed without advance notice.

City of El Paso Disciplinary Matrix (May 30, 2018)

Level 2 – Disobeying a Direct Order (Insubordination) – 1st Offense: 3-Day Suspension

Date Received by Human Resources: 03/22/2024

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): 07/20/2024

SPECIFICATIONS:

On March 22, 2024, Police Department Human Resources ("PDHR") received a BlueTeam that was created on March 18, 2024 by Code Compliance Supervisor, Jose Barraza alleging you were insubordinate by failing to obey a direct order when assigned to assist former Associate Code Compliance Officer, Alma Naylor, with her exit process.

During the fact-finding process, PDHR obtained corroborating statements and facts that validate you were insubordinate in refusing to take on the assignment. On March 18, 2024 at approximately 7:40am, you were notified via text message from Jose Barraza that you were being assigned to assist Officer Naylor with her exit process. The text message read as follows, "Good morning sir, u will be assisting Ms Alma today with her exit, thank you." In response to your supervisor, you stated, "Negative Sir I happen spoken to Alma I was not." You then followed this text message with, "Sir Ray will taking my spot." (Exhibit A)

Witness statements revealed that Associate Code Compliance Officer, Raymundo Castillo was never assigned this task by his immediate supervisor, Code Compliance Supervisor Victor Luevano. Additionally, Mr. Castillo was never contacted by you or Jose Barraza to assign him to take Officer Naylor for her exit process. You were then advised verbally by Jose Barraza that same morning that you were assigned the task of taking Officer Naylor for her exit process as you were the only available officer at the time to handle the task. Your supervisor, Jose Barraza, advised you at this time that you would be the one to assist, to which you did not provide a response and walked away. (Exhibit B)

After being instructed for a second time by your immediate supervisor that you were assigned to complete this task, you approached Officer Naylor to advise her that you would not be assisting her. You then proceeded to leave the office and continue your work day. (Exhibit B)

In your administrative statement dated April 10, 2024, you advised the investigator that you misunderstood your supervisors' text and believed Jose Barraza was asking you if you wanted to take on the task. You then stated that in

EMPLOYEE'S INITIALS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Fernando Martinez
Position: Code Compliance Officer

Last 4 #'s of SS # [REDACTED]
Employee ID #: [REDACTED]

Date: July 15, 2024

speaking with Officer Naylor that morning you asked her, "well what about Ray, can he take you?" When Officer Naylor responded that she did not know, you indicated that, "I went to Joe B's office and advised Ray would be taking her" You further confirmed in your statement that when you went to speak with your supervisor, Jose Barraza, he advised you that you would be the one taking Officer Naylor, not Raymundo Castillo. You also indicated that you never got a hold of Ray to ask if he was okay with taking Officer Naylor.

The fact-finding process revealed that you were aware of the task that was being directed of you by your supervisor and you failed to follow through with the task. Your actions displayed willful disobedience when being instructed to take on a task and failing to follow your chain of command when you assigned another officer to this task that you had no supervisory authority over.

The aforementioned does not align with the City's Values of Integrity, Respect, Excellence, Accountability and People. As a City employee, you are expected to cooperate with your supervisor or coworkers and complete assigned tasks.

Your disciplinary history reflects the following:

- 02/09/2022 – 5-day Suspension for Failure to Follow City/Departmental Rules
- 10/27/2021 – 3-day Suspension for Failure to Follow City/Departmental Rules

The incidents that are the basis of this suspension (as detailed in "SPECIFICATIONS" above) constitute your first Level 2 violation of Disobeying a Direct Order on the Disciplinary Matrix. The City of El Paso Disciplinary Matrix provides that the first Level 2 offense for disobeying a direct order warrants a 3-day suspension. However, the El Paso Police Department considers disciplinary history of failing to follow City Departmental Rules on more than one occasion to constitute aggravating circumstances to issue a higher amount of discipline of a 10-day suspension.

You have **thirty (30) days** from the date you receive the final notice to appeal this action to the Civil Service Commission. The City reserves the right to amend these charges and/or specifications at a later date.

EMPLOYEE'S INITIALS *[Signature]*

02-14



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

CITY HR 75530P22

Name: Martinez, Fernando
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: February 9, 2022

Address: [REDACTED]

From: City of El Paso Police Department
Subject: Suspension Without Pay

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY SUSPENDED FOR 5 WORKDAY(S) EFFECTIVE: **February 28 thru March 4, 2022.**

THE FOLLOWING ARE THE STATUTORY REASONS OR GROUNDS AND SPECIFICATIONS OF FACTS WHICH HAVE NECESSITATED THIS ACTION:

CHARGES:

YOU HAVE VIOLATED THE FOLLOWING CITY OF EL PASO CIVIL SERVICE COMMISSION CHARTER PROVISIONS, ORDINANCES, RULES AND REGULATIONS:

CITY CHARTER – ARTICLE VI – Civil Service

SECTION 6.13-2, DISCIPLINARY ACTION; REDUCTION

A regular employee may be discharged, suspended or reduced in rank or position as provided in this Charter or further defined in the Rules.

SECTION 6.13-3, CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE

The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:

- F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
- N. Refusal to follow the lawful order of a superior or supervisor;
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]
Employee's Signature

Date: 02/09/2022

BY CERTIFIED MAIL

[Signature]
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

BY *[Signature]*
DIRECTOR



DISTRIBUTION: Original – Human Resources – Department



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: February 9, 2022

CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE 2, DEFINITIONS AND RULES OF CONSTRUCTION

A. Definitions

Section 22. "Working Days": Means Monday through Friday, but excluding City observed holidays and days in which more than 50% of employees assigned to work at City Hall I are not working. (Added 3/6/12; Amended 11/28/17)

RULE 8, SUSPENSION, REDUCTION, DISCHARGE

Section 1. Causes of Suspension, Reduction or discharge.

The following may constitute causes for discharge, suspension or reduction of permanent employees: That an officer or employee in the civil Service:

- h. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate prompt, competent, or responsible manner;
- n. Refusal to follow the lawful order of a superior or supervisor;
- p. For just cause. (Added 7/21/07)

Section 2. Disciplinary Notice.

Disciplinary actions in the nature of a discharge, involuntary reduction, or suspension taken against a regular employee, other than at the end of a probationary period, will not become effective until the Department Head has first served upon such employee a written notice of discipline. The notice must contain one or more statutory reasons or grounds for discipline, together with such specifications of fact as will enable the employee to make an explanation and place him fairly upon his defense. The specifications of fact shall be of sufficient specificity so as to preclude the possibility of disciplinary action for the same act or omission in the future. Nothing contained herein shall prohibit the Department Head from using an employee's prior acts or omissions resulting in discipline in determining future disciplinary action against the employee. An employee may be disciplined for other acts or omissions not specified in the notice even if such acts arise from the same incident or event. A Department Head may not unilaterally reduce the discipline given once notice of discipline has been provided to the employee, without the employee's consent. A copy of such notice of discipline, together with the employee's explanation, if any, will be filed with the Human Resources Director. (Amended 06/24/03, 7/31/07, 8/25/09)

Section 3. Notice of Proposed Disciplinary Action, Procedure and Limitation of Action.

- a. When disciplinary action in the nature of a five (5) day suspension or greater, a reduction, or discharge is being contemplated by the Department Head, the employee must be served with a notice of proposed disciplinary action which shall conform with the notice requirements set forth in Section 2 and Section 3 (b) of this Rule. In addition to the notice of proposed disciplinary action, the employee shall be furnished with the written materials and tangible things in the possession of the Department Head that form the factual and evidentiary basis for the proposed disciplinary action. No matter may be withheld from the employee that is inconsistent with the theory of discipline or that could tend to mitigate the contemplated sanction. (Amended 8/25/09)
- b. Within ten (10) working days of receipt of the notice of proposed disciplinary action, the employee may request a conference with the Department Head. Within five (5) working days of receipt of the employee's response, the Department Head shall meet with the employee, provided further that this period may be extended with the mutual consent of the Department Head and the employee. No witnesses may be called to testify as part of the employee's explanation or response. During the conference, the employee, their representative, and the Department Head shall

EMPLOYEE'S INITIALS *FM*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: February 9, 2022

engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action. No part of the discussions that take place during the conference may be offered into evidence at any subsequent hearing, except for the limited purpose of determining compliance or non-compliance with the provisions of this Rule as provided in paragraph "f" and for impeachment purposes. In the event such a consensus is reached, the execution by the employee of documents finalizing the settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission, and the employee shall be so advised in plain language. (Amended 09/09/03, 01/06/04, 8/25/09; 1/20/15)

- c. Respecting discharge, those departments currently using a pre-termination hearing shall not be required to have a conference as contemplated hereinabove provided that the time between notification and hearing shall be at least five (5) days and further provided that there shall be no change to current practices regarding violations of applicable federal laws. (Amended 09/09/03, 01/06/04, 8/25/09)
- d. The employee is entitled to have a representative of their choice assist them in the preparation and presentation of their response, provided further that in the event the representative is an employee of the City, he shall use vacation leave or personal days for such time as may be required for the representative to attend the conference. If the employee does not have any accrued vacation or personal days, the employee will be placed on unpaid administrative leave for such time as may be required for the representative to attend the conference. The employee must provide his Department Head with two days notice of the request to take the above leave. The Department Head may disapprove the request if the leave significantly interferes with the operational needs of the department. (Amended 09/09/03, 01/06/04, 8/25/09)
- e. A proposed written notice of disciplinary action must be served on an employee within 120 calendar days from the date Human Resources is made aware of the occurrence of the incident giving rise to the discipline, provided however that this period of limitation shall be tolled if an investigation is being conducted by a law enforcement authority into criminal charges against the employee arising out of the same incident. Once a Department Head receives notice from the employee that charges have been preferred, through an indictment or information, or that the criminal investigation has been concluded without the preferral of charges, then the time period will resume running. (Amended 09/09/03, 01/06/04, 8/25/09, 09/19/17)
- f. Any issue of non-compliance with these provisions will be considered by the hearing officer and/or Commission upon the appeal of the disciplinary action. (Amended 01/06/04)
- g. Excluding Section 3 (e), in computing any time periods set forth in this Rule, Saturdays, Sundays, and City Holidays shall not be included. (Amended 01/06/04, 09/19/17)
- h. Nothing in this Rule shall prevent suspension of the employee from service without pay in appropriate circumstances. (Amended 01/06/04)
- i. A copy of this Rule shall be attached to each notice of proposed disciplinary action. (Passed 1/6/04)

Section 4. Resignation Before Appeal Decision.

The acceptance by Department Head of the resignation of a person discharged before final action on the part of the Commission will be considered a withdrawal of the charges and the separation of the employee concerned will be recorded as a resignation and the preceding will be dismissed without judgment. (Amended 7/31/07)

Section 5. Disqualification for Reappointment.

Any employee who is dismissed for cause or who resigns while not in good standing will be disqualified from taking a Civil Service examination for two years thereafter. His name will be removed from all eligible lists, unless, in the judgment of the Commission the cause of his dismissal or resignation under charges will not affect the possibility of his usefulness in some other position. (Amended 8/25/09)

Section 6. Non-Certification of Suspended Persons.

EMPLOYEE'S INITIALS *fm*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: February 9, 2022

The names of persons suspended will not be certified from eligible lists during the period of suspension.

Section 7. Election to Forfeit Annual Leave.

Regular employees suspended for not more than ten (10) working days may elect to forfeit annual leave for a period equal to the suspension, or to the extent of the employee's annual leave balance, subject to the approval of the Department Head. The election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission, and the employee shall be so advised in plain English on a suitable form upon which the election shall be made, as developed by the Human Resources Director and appended to the notice of suspension. The Department Head shall not unreasonably withhold approval of the employee's election. (Added 05/11/04, Amended 7/31/07)

Section 8. Formal Counseling

Formal Counseling is not within the type of disciplinary action specified in Section 6.13-2 of the Charter which may be appealed to the Civil Service Commission. A formal counseling is issued by the Department Head and considered a written counseling to address employee workplace conduct. Employees receiving a formal counseling shall have the right to place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file.

Included in, or in conjunction with, the formal counseling document, the Department Head must provide the employee with written notice of the reasons for the formal counseling, with sufficient explanation to place the employee fairly upon his defense.

Upon an employee's request, formal counselings shall be removed from an employee's personnel file after the expiration of twelve (12) months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twelve (12) month time period between the request and the last-received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. (Added 8/25/09)(Amended 11/2/10, 3/6/12, 1/20/15, 11/15/16)

RULE 11. DEPARTMENTAL RULES

Section 1. Any Department Head shall have the right to promulgate rules and regulations regarding the operation of his department, and the conduct of the employee therein, subject to the consent and approval of the City Manager, provided that such rules do not conflict with the Civil Service Charter or the Rules promulgated there under. (Amended 07/11/06)

Section 4. Any Department Head may, as provided in the Charter, suspend, discharge or demote any employee for insubordination, for failure to comply with departmental rules and regulations, for failure to comply with the Rules of the Commission or for failure to obey any lawful order of a superior officer. (Amended 07/11/06)

EL PASO POLICE DEPARTMENT PROCEDURES MANUAL – POLICE DEPARTMENT

RULE 1: FAMILIARIZATION WITH RULES AND REGULATIONS:

- A. Employees, to include sworn and civilian, will familiarize themselves with the Rules and Regulations, Policies and Procedures, Special Orders, Bureau Orders Memorandums, Civil Service Rules and Regulations, City Policies, and any other directives or policies issued by the Chief of Police.
- B. Employees, to include sworn and civilian, will also familiarize themselves with the Texas Penal Code, Texas Code of Criminal Procedures, the Family Code, the Dangerous Drugs and Controlled Substance Act, Texas Motor Vehicle Laws, City Municipal Ordinances, and any other pertinent material, which deals directly or indirectly with the performance of the employee's duties.

EMPLOYEE'S INITIALS *JM*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: February 9, 2022

IX. RADIO PROCEDURES

7. While assigned a radio and call sign, employees have the following responsibilities:

- A. Response. When called, units will respond with their full unit number and location.
- B. Unit availability. At the beginning of the shift, units will advise dispatch when they are in the field and available.
- C. Calls for Service. Units will proceed immediately to the call for service given to them by Dispatch.
- D. Unit Status. Units voluntarily responding to a call for service will advise Dispatch of their full call sign, their intention, and their current location.
- E. Voluntary Response to Calls. Units voluntarily responding to a call for service will advise Dispatch of their full call sign, their intention, and their current location.
- F. "On View" and Traffic Calls. Units will advise Dispatch of their location and status when they will be on an "on view" call or traffic stop. Officers should give the nature of the call, location, and subject or vehicle information. Dispatch will note license plate numbers or descriptive information given. This may be done using voice communication or the MCT.
- G. Breaks. Units will advise Dispatch when they will be out of service for lunch or breaks. Units will give their location and advise if they will be by the radio or at a particular phone number. Lunches and breaks must be cleared over the air with dispatch. The MCT may not be used for this purpose.
- H. Conducting Business at the Station. During advising Dispatch, officers shall not use the term "Not out of Service (NOS)" while conducting business at the station.

RULE 5: MAJOR VIOLATIONS

The following actions constitute major violations and may require a supervisor to relieve a subordinate from duty: C. Willful disobedience of any lawful order issued to the employee by any supervisor.

RULE 23: CIVILIAN EMPLOYEES TO COMPLY WITH RULES

Civilian employees of this department will comply with all Rules, Regulations, Policies, Procedures, and any other directives applicable to them or their position.

340 DAILY ACTIVITY REPORT (DAR)

It is the policy of the EPPD that employees accurately and thoroughly document all daily activities performed in order to maintain records of the times and locations of public contacts, actions, dispositions, and any other pertinent information. In addition, a Daily Activity Report (DAR) will include duty times, vehicle mileage, vehicle and equipment status, and statistical recaps.

CITY OF EL PASO EMPLOYEE HANDBOOK, JANUARY 2016

EMPLOYEE CONDUCT

- Failure to cooperate with a supervisor or co-worker, impairment of function of a work unit or disruptive conduct.
- Refusal to follow instructions or to perform designated work or refusal to follow established rules and regulations.

CITY OF EL PASO - DISCIPLINARY POLICY AND MATRIX

I. POLICY:

The City of El Paso is committed to a goal of high performance by all employees in order to fulfill its mission of outstanding customer service to the citizens of our community. The purpose of this policy and matrix is to provide City leaders and supervisors with a guideline and reference for corrective and disciplinary action. The City of El Paso

EMPLOYEE'S INITIALS *FM*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: February 9, 2022

Human Resources Department accepts and investigates all allegations of employee misconduct and imposes corrective and progressive disciplinary action in a timely and consistent manner, as appropriate. This policy outlines the procedure for investigating allegations of employee misconduct, issuing corrective action, and applying the Matrix to impose discipline.

II. PROCEDURES:

A. Basis for Discipline

1. Employees are subject to discipline for violations of the law, City Charter provisions that constitute cause for discipline, Civil Service Commission Rules and Regulations, City policies, Departmental policies and procedures and verbal or written directives from supervisory personnel.
2. Failure to report a violation of anything listed under II-(A) is considered a basis for discipline.
3. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable federal and state law, local ordinances, administrative directives, El Paso City Charter, and Civil Service Commission Rules and Regulations.

IV. DISCIPLINARY MATRIX

The attached disciplinary matrix provides supervisory personnel and Department Heads with the parameters of discipline that shall be imposed on an employee when an infraction occurs that violates the law, a Civil Service rule, policy or regulation of the department. The purpose of the matrix is to provide notice to employees of the types of conduct that will result in disciplinary action and to serve as a deterrent of such conduct so as to promote efficiency of service by ensuring high standards of City service and maintaining public confidence in the City of El Paso.

The matrix is intended for use as a guide to selecting an appropriate level of discipline for the actionable misconduct. **This matrix does not substitute for supervisory judgment and does not dictate discipline.** Rather, this matrix provides a framework within which supervisors exercise judgment on a case-by-case basis within the parameters provided. The final determination for discipline at the minimum level or higher rests with the Department Head as defined in Civil Service Rule 8 and Rule 11, or as defined in the Civil Service Rules and Regulations.

The offenses listed under each level are not intended to be an exhaustive listing. No attempt has been made to list every possible cause for disciplinary or adverse action. The fact that specific misconduct is not listed as an offense does not mean discipline cannot be imposed. Supervisors should evaluate misconduct not listed to the offenses listed and use a form of discipline that most closely coincides with a comparable, listed offense.

The following are the categories of discipline:

B. Suspension: A suspension without pay for a definite period of time must be completed on an appropriate Notice of Suspension from in accordance with Civil Service Commission Rules. The Notice of Suspension must:

1. Identify which State or Federal laws, rules, policies, and/or regulations were violated,
2. Contain narrative specifications (charges) and
3. Include a record of previous discipline, if any. The Notice of Suspension shall be administered by the Department Head. The Department Head, along with supervisors, shall work with the Human Resources Director for specifications. The Notice of Suspension must always be reviewed by the City Attorney's Office before being administered to the employee.

EMPLOYEE'S INITIALS *fm*

Page 6 of 8



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: February 9, 2022

V. APPLICATION OF THE DISCIPLINARY MATRIX

A. The application of progressive discipline is designed to take into account any instance of corrective action or previous discipline. The Department Head shall choose the appropriate disciplinary action at the appropriate level for each offense.

1. A Department Head has a choice of severity of disciplinary action beginning from the floor for the specific type of offense, at the appropriate level. When significant mitigating or aggravating circumstances exist, the discipline range may be expanded upon in either direction. For example, if the matrix indicates a 10-day suspension, the Department Head may determine that a less severe consequence is more appropriate based on mitigating factors. Likewise, the discipline could be greater than a 10-day suspension if there are significant aggravating factors. Whenever prior violations are used to support a more severe discipline, those offenses shall be cited in the notice of Discipline. When a series of offenses have been committed and action could not have been taken on each before another was committed, a more severe discipline maybe assessed for the combined offenses rather than what would be appropriate for any single offense.
2. The Department Head in accordance with CSC Rule 11 retains the right to promulgate rules and regulations regarding the operation of his or her department. Similarly, situations may arise that are not written in a rule or policy; in such a circumstance, an appropriate level of discipline will be imposed. Nothing in this policy shall prohibit a Department Head from departing from utilizing a higher form of discipline, to include termination, if the circumstances warrant such action.
3. These disciplinary guidelines are standard recommendations and not meant to be an all-inclusive list of possible infractions. The Human Resources Director retains the right to modify, or amend this policy and matrix as needed without advance notice.

City of El Paso Disciplinary Matrix

Level 1 Violation: Failure to follow City/Department Rules (3rd Offense Penalty)—10-day Suspension.

Level 1 Violation: Negligent operation of a motor vehicle (non-accident or injury)

SPECIFICATIONS:

On October 24, 2021, you committed two infractions that violated policy: 1) not calling out all day on the radios as required and 2) traveling outside city limits during working hours.

On October 25, 2021, Supervisor Lizbeth Najera met with you to discuss the incidents that occurred the previous day. You told her you had lost your company cell phone sometime on Sunday, October 24th. You told her you had used the "find me app" to locate the phone which turned out to be inside a car at a junkyard (RG Pick-A-Part) located on 8300 Doniphan in Anthony, New Mexico. Once you located the phone thru the app, you went over to the junkyard on Doniphan and dialed the number with your personal cell phone. You heard the company cell phone ringing inside the car in the business parking lot. You asked the owner of the business who the owner of the car was so you could retrieve the phone, you eventually located the owner of the car and got the cell phone back. You gave Ms. Najera the company cell phone in a zip lock bag and she noticed it was completely damaged. Supervisor Najera checked with the other supervisors and found that none of the supervisors had given you permission to go outside the city limits. Supervisor Najera then started looking into the Zonar Report (GPS on your vehicle) and noticed that you were in Anthony, New Mexico for two hours. After you got the cell phone back, you went back to the office where you spent six hours and 32 minutes and admitted to not doing anything work-related for the rest of the shift.

EMPLOYEE'S INITIALS *FN*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: February 9, 2022

Amy Orona, Code Enforcement Manager advised Supervisor Najera that she was going to submit a request to dispatch a radio transmission transcript on you for October 24, 2021. On October 29, 2021, an email from Arisbel Gauldin from 911 Communications to Amy Orona, stated "that nothing was found". "No transmissions were recorded for that radio Id" (C1849) on October 24, 2021. You never called out on the radio for the entire shift on October 24th, making this a safety issue because nobody knew of your whereabouts and what you were doing. You have previously been trained and advised to call out on the radio during your shifts.

In your administrative statement, you indicated, "In the morning after I clocked in I was unable to find my City issued cell phone. I looked for it in the restroom, breakroom and my unit but did find it. I decided to use the "Find my phone App" and try and locate the cell phone that way. I saw the app located the cell phone at a location on Doniphan street. [sic]" You were asked if you received training on the El Paso Police Department Radio Procedures, to which you responded, "No, the training provided at the beginning of the transition to PD was not a formal training needed for our department. [sic]"

Your disciplinary history reflects the following:

On October 27, 2021, you received a **3-Day Suspension** for failure to follow city/Department Rules and Poor Customer Service/Unprofessional Conduct on August 3, 2021 and August 10, 2021, respectively.

On May 10, 2021, you received a **Formal Counseling** for Failure to follow supervisory instructions, which occurred on March 17, 2021.

On January 8, 2020, your received a **Formal Counseling** for an AWOL, due to not having a doctor's note after a holiday, which occurred on December 2, 2019.

On August 14, 2019, you received a **Verbal Counseling** for time and attendance issue from June 10, 2019 to July 2, 2019.

On January 26, 2018, you received a **Verbal Counseling** for a vehicle accident that occurred on January 19, 2018.

Based on the foregoing charges and specifications, the El Paso Police Department has determined that your services should be suspended without pay for **five (5) workdays**. Be advised that a recurrence of this or of a similar type incident will result in more severe disciplinary action, up to and including termination of your employment with the City of El Paso.

You have **thirty (30) days** from the date of receipt of **this notice** of suspension to appeal this action to the Civil Service Commission. The City reserves the right to amend these charges and/or specifications at a later date.

EMPLOYEE'S INITIALS

[Handwritten Signature]

Page 8 of 8

0244



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

CITY HR OCT28'21

Name: Martinez, Fernando
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: October 25, 2021

Address: [REDACTED]

From: City of El Paso Police Department
Subject: Suspension Without Pay

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY SUSPENDED FOR 3 WORKDAY(S) EFFECTIVE: November 1 – November 3, 2021.

THE FOLLOWING ARE THE STATUTORY REASONS OR GROUNDS AND SPECIFICATIONS OF FACTS WHICH HAVE NECESSITATED THIS ACTION:

CHARGES:

YOU HAVE VIOLATED THE FOLLOWING CITY OF EL PASO CIVIL SERVICE COMMISSION CHARTER PROVISIONS, ORDINANCES, RULES AND REGULATIONS:

CITY CHARTER – ARTICLE VI – Civil Service

SECTION 6.13-2. DISCIPLINARY ACTION: REDUCTION

A regular employee may be discharged, suspended or reduced in rank or position as provided in this Charter or further defined in the Rules.

SECTION 6.13-3. CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE

The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:

- F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
- N. Refusal to follow the lawful order of a superior or supervisor;
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]
Employee's Signature

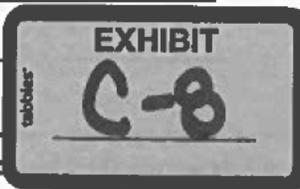
Date: 10/27/2021

BY CERTIFIED MAIL

[Signature]
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES
BY *[Signature]*
DIRECTOR



DISTRIBUTION: Original – Human Resources Department



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 25, 2021

CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE 2, DEFINITIONS AND RULES OF CONSTRUCTION

A. Definitions

Section 22. "Working Days": Means Monday through Friday, but excluding City observed holidays and days in which more than 50% of employees assigned to work at City Hall 1 are not working. (Added 3/6/12; Amended 11/28/17)

RULE 8, SUSPENSION, REDUCTION, DISCHARGE

Section 1. Causes of Suspension, Reduction or discharge.

The following may constitute causes for discharge, suspension or reduction of permanent employees: That an officer or employee in the civil Service:

- h. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate prompt, competent, or responsible manner;
- n. Refusal to follow the lawful order of a superior or supervisor;
- p. For just cause. (Added 7/21/07)

Section 2. Disciplinary Notice.

Disciplinary actions in the nature of a discharge, involuntary reduction, or suspension taken against a regular employee, other than at the end of a probationary period, will not become effective until the Department Head has first served upon such employee a written notice of discipline. The notice must contain one or more statutory reasons or grounds for discipline, together with such specifications of fact as will enable the employee to make an explanation and place him fairly upon his defense. The specifications of fact shall be of sufficient specificity so as to preclude the possibility of disciplinary action for the same act or omission in the future. Nothing contained herein shall prohibit the Department Head from using an employee's prior acts or omissions resulting in discipline in determining future disciplinary action against the employee. An employee may be disciplined for other acts or omissions not specified in the notice even if such acts arise from the same incident or event. A Department Head may not unilaterally reduce the discipline given once notice of discipline has been provided to the employee, without the employee's consent. A copy of such notice of discipline, together with the employee's explanation, if any, will be filed with the Human Resources Director. (Amended 06/24/03, 7/31/07, 8/25/09)

Section 3. Notice of Proposed Disciplinary Action, Procedure and Limitation of Action.

- a. When disciplinary action in the nature of a five (5) day suspension or greater, a reduction, or discharge is being contemplated by the Department Head, the employee must be served with a notice of proposed disciplinary action which shall conform with the notice requirements set forth in Section 2 and Section 3 (b) of this Rule. In addition to the notice of proposed disciplinary action, the employee shall be furnished with the written materials and tangible things in the possession of the Department Head that form the factual and evidentiary basis for the proposed disciplinary action. No matter may be withheld from the employee that is inconsistent with the theory of discipline or that could tend to mitigate the contemplated sanction. (Amended 8/25/09)
- b. Within ten (10) working days of receipt of the notice of proposed disciplinary action, the employee may request a conference with the Department Head. Within five (5) working days of receipt of the employee's response, the Department Head shall meet with the employee, provided further that this period may be extended with the mutual consent of the Department Head and the employee. No witnesses may be called to testify as part of the employee's explanation or response. During the conference, the employee, their representative, and the Department Head shall

EMPLOYEE'S INITIALS *fm*

Page 2 of 9



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 25, 2021

engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action. No part of the discussions that take place during the conference may be offered into evidence at any subsequent hearing, except for the limited purpose of determining compliance or non-compliance with the provisions of this Rule as provided in paragraph "f" and for impeachment purposes. In the event such a consensus is reached, the execution by the employee of documents finalizing the settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission, and the employee shall be so advised in plain language. (Amended 09/09/03, 01/06/04, 8/25/09; 1/20/15)

- c. Respecting discharge, those departments currently using a pre-termination hearing shall not be required to have a conference as contemplated hereinabove provided that the time between notification and hearing shall be at least five (5) days and further provided that there shall be no change to current practices regarding violations of applicable federal laws. (Amended 09/09/03, 01/06/04, 8/25/09)
- d. The employee is entitled to have a representative of their choice assist them in the preparation and presentation of their response, provided further that in the event the representative is an employee of the City, he shall use vacation leave or personal days for such time as may be required for the representative to attend the conference. If the employee does not have any accrued vacation or personal days, the employee will be placed on unpaid administrative leave for such time as may be required for the representative to attend the conference. The employee must provide his Department Head with two days notice of the request to take the above leave. The Department Head may disapprove the request if the leave significantly interferes with the operational needs of the department. (Amended 09/09/03, 01/06/04, 8/25/09)
- e. A proposed written notice of disciplinary action must be served on an employee within 120 calendar days from the date Human Resources is made aware of the occurrence of the incident giving rise to the discipline, provided however that this period of limitation shall be tolled if an investigation is being conducted by a law enforcement authority into criminal charges against the employee arising out of the same incident. Once a Department Head receives notice from the employee that charges have been preferred, through an indictment or information, or that the criminal investigation has been concluded without the preferral of charges, then the time period will resume running. (Amended 09/09/03, 01/06/04, 8/25/09, 09/19/17)
- f. Any issue of non-compliance with these provisions will be considered by the hearing officer and/or Commission upon the appeal of the disciplinary action. (Amended 01/06/04)
- g. Excluding Section 3 (e), in computing any time periods set forth in this Rule, Saturdays, Sundays, and City Holidays shall not be included. (Amended 01/06/04, 09/19/17)
- h. Nothing in this Rule shall prevent suspension of the employee from service without pay in appropriate circumstances. (Amended 01/06/04)
- i. A copy of this Rule shall be attached to each notice of proposed disciplinary action. (Passed 1/6/04)

Section 4. Resignation Before Appeal Decision.

The acceptance by Department Head of the resignation of a person discharged before final action on the part of the Commission will be considered a withdrawal of the charges and the separation of the employee concerned will be recorded as a resignation and the preceding will be dismissed without judgment. (Amended 7/31/07)

Section 5. Disqualification for Reappointment.

Any employee who is dismissed for cause or who resigns while not in good standing will be disqualified from taking a Civil Service examination for two years thereafter. His name will be removed from all eligible lists, unless, in the judgment of the Commission the cause of his dismissal or resignation under charges will not affect the possibility of his usefulness in some other position. (Amended 8/25/09)

Section 6. Non-Certification of Suspended Persons.

EMPLOYEE'S INITIALS FM



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: October 25, 2021

The names of persons suspended will not be certified from eligible lists during the period of suspension.

Section 7. Election to Forfeit Annual Leave.

Regular employees suspended for not more than ten (10) working days may elect to forfeit annual leave for a period equal to the suspension, or to the extent of the employee's annual leave balance, subject to the approval of the Department Head. The election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission, and the employee shall be so advised in plain English on a suitable form upon which the election shall be made, as developed by the Human Resources Director and appended to the notice of suspension. The Department Head shall not unreasonably withhold approval of the employee's election. (Added 05/11/04, Amended 7/31/07)

Section 8. Formal Counseling

Formal Counseling is not within the type of disciplinary action specified in Section 6.13-2 of the Charter which may be appealed to the Civil Service Commission. A formal counseling is issued by the Department Head and considered a written counseling to address employee workplace conduct. Employees receiving a formal counseling shall have the right to place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file.

Included in, or in conjunction with, the formal counseling document, the Department Head must provide the employee with written notice of the reasons for the formal counseling, with sufficient explanation to place the employee fairly upon his defense.

Upon an employee's request, formal counselings shall be removed from an employee's personnel file after the expiration of twelve (12) months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twelve (12) month time period between the request and the last-received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. (Added 8/25/09)(Amended 11/2/10, 3/6/12, 1/20/15, 11/15/16)

RULE 11. DEPARTMENTAL RULES

Section 1. Any Department Head shall have the right to promulgate rules and regulations regarding the operation of his department, and the conduct of the employee therein, subject to the consent and approval of the City Manager, provided that such rules do not conflict with the Civil Service Charter or the Rules promulgated there under. (Amended 07/11/06)

Section 4. Any Department Head may, as provided in the Charter, suspend, discharge or demote any employee for insubordination, for failure to comply with departmental rules and regulations, for failure to comply with the Rules of the Commission or for failure to obey any lawful order of a superior officer. (Amended 07/11/06)

EL PASO POLICE DEPARTMENT PROCEDURES MANUAL – POLICE DEPARTMENT

RULE 1: FAMILIARIZATION WITH RULES AND REGULATIONS:

- A. Employees, to include sworn and civilian, will familiarize themselves with the Rules and Regulations, Policies and Procedures, Special Orders, Bureau Orders Memorandums, Civil Service Rules and Regulations, City Policies, and any other directives or policies issued by the Chief of Police.
- B. Employees, to include sworn and civilian, will also familiarize themselves with the Texas Penal Code, Texas Code of Criminal Procedures, the Family Code, the Dangerous Drugs and Controlled Substance Act, Texas Motor Vehicle Laws, City Municipal Ordinances, and any other pertinent material, which deals directly or indirectly with the performance of the employee's duties.

EMPLOYEE'S INITIALS *fm*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 25, 2021

IX. RADIO PROCEDURES

7. While assigned a radio and call sign, employees have the following responsibilities:

- A. Response. When called, units will respond with their full unit number and location.
- B. Unit availability. At the beginning of the shift, units will advise dispatch when they are in the field and available.
- C. Calls for Service. Units will proceed immediately to the call for service given to them by Dispatch.
- D. Unit Status. Units voluntarily responding to a call for service will advise Dispatch of their full call sign, their intention, and their current location.
- E. Voluntary Response to Calls. Units voluntarily responding to a call for service will advise Dispatch of their full call sign, their intention, and their current location.
- F. "On View" and Traffic Calls. Units will advise Dispatch of their location and status when they will be on an "on view" call or traffic stop. Officers should give the nature of the call, location, and subject or vehicle information. Dispatch will note license plate numbers or descriptive information given. This may be done using voice communication or the MCT.
- G. Breaks. Units will advise Dispatch when they will be out of service for lunch or breaks. Units will give their location and advise if they will be by the radio or at a particular phone number. Lunches and breaks must be cleared over the air with dispatch. The MCT may not be used for this purpose.
- H. Conducting Business at the Station. During advising Dispatch, officers shall not use the term "Not out of Service (NOS)" while conducting business at the station.

RULE 4: DERELICTION OF DUTY

Dereliction of duty on the part of any officer, prejudicial to the proper performance of the functions of the Department, is cause for disciplinary action. The following constitute violations under this rule: B. Failure to obey orders, or willful or repeated violation of any rule, regulation, or policy of the Department.

RULE 5: MAJOR VIOLATIONS

The following actions constitute major violations and may require a supervisor to relieve a subordinate from duty: C. Willful disobedience of any lawful order issued to the employee by any supervisor.

RULE 23: CIVILIAN EMPLOYEES TO COMPLY WITH RULES

Civilian employees of this department will comply with all Rules, Regulations, Policies, Procedures, and any other directives applicable to them or their position.

340 DAILY ACTIVITY REPORT (DAR)

It is the policy of the EPPD that employees accurately and thoroughly document all daily activities performed in order to maintain records of the times and locations of public contacts, actions, dispositions, and any other pertinent information. In addition, a Daily Activity Report (DAR) will include duty times, vehicle mileage, vehicle and equipment status, and statistical recaps.

THE CITY OF EL PASO ESD CODE COMPLIANCE POLICY/PROCDEDURES: GENERAL CASE MANAGEMENT

1. Cases developed by responding to citizen requests, officer patrols, or scheduled initiatives.
2. Eight to ten new complaint/patrol cases addressed/open per day.
3. Violation exists on one parcel it is one case. If different violation types exist on one parcel, it is more than one case.

EMPLOYEE'S INITIALS *fm*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 25, 2021

4. Officer conducts field inspections/investigations to assess if a code violation exists.
5. If a violation is noted, officer issues a correction notice and/or a citation. Officer will follow abatement process.
6. Upload pertinent documentation into case.
7. Officer conducts follow up inspections to assess the status of the case.
8. If appropriate, case is transferred to another department for action or taken to court for legal prosecution.
9. Case management activities and updates documented in established database system (ACCELA)

CITY OF EL PASO EMPLOYEE HANDBOOK, JANUARY 2016
EMPLOYEE CONDUCT

- Failure to cooperate with a supervisor or co-worker, impairment of function of a work unit or disruptive conduct.
- Refusal to follow instructions or to perform designated work or refusal to follow established rules and regulations.

CITY OF EL PASO – DISCIPLINARY POLICY AND MATRIX

I. POLICY:

The City of El Paso is committed to a goal of high performance by all employees in order to fulfill its mission of outstanding customer service to the citizens of our community. The purpose of this policy and matrix is to provide City leaders and supervisors with a guideline and reference for corrective and disciplinary action. The City of El Paso Human Resources Department accepts and investigates all allegations of employee misconduct and imposes corrective and progressive disciplinary action in a timely and consistent manner, as appropriate. This policy outlines the procedure for investigating allegations of employee misconduct, issuing corrective action, and applying the Matrix to impose discipline.

II. PROCEDURES:

A. Basis for Discipline

1. Employees are subject to discipline for violations of the law, City Charter provisions that constitute cause for discipline, Civil Service Commission Rules and Regulations, City policies, Departmental policies and procedures and verbal or written directives from supervisory personnel.
2. Failure to report a violation of anything listed under II-(A) is considered a basis for discipline.
3. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable federal and state law, local ordinances, administrative directives, El Paso City Charter, and Civil Service Commission Rules and Regulations.

IV. DISCIPLINARY MATRIX

The attached disciplinary matrix provides supervisory personnel and Department Heads with the parameters of discipline that shall be imposed on an employee when an infraction occurs that violates the law, a Civil Service rule, policy or regulation of the department. The purpose of the matrix is to provide notice to employees of the types of conduct that will result in disciplinary action and to serve as a deterrent of such conduct so as to promote efficiency of service by ensuring high standards of City service and maintaining public confidence in the City of El Paso.

The matrix is intended for use as a guide to selecting an appropriate level of discipline for the actionable misconduct. **This matrix does not substitute for supervisory judgment and does not dictate discipline.** Rather, this matrix provides a framework within which supervisors exercise judgment on a case-by-case basis within the parameters provided. The final determination for discipline at the minimum level or higher rests with the Department Head as defined in Civil Service Rule 8 and Rule 11, or as defined in the Civil Service Rules and Regulations.

EMPLOYEE'S INITIALS *FM*



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 25, 2021

The offenses listed under each level are not intended to be an exhaustive listing. No attempt has been made to list every possible cause for disciplinary or adverse action. The fact that specific misconduct is not listed as an offense does not mean discipline cannot be imposed. Supervisors should evaluate misconduct not listed to the offenses listed and use a form of discipline that most closely coincides with a comparable, listed offense.

The following are the categories of discipline:

B. Suspension: A suspension without pay for a definite period of time must be completed on an appropriate Notice of Suspension from in accordance with Civil Service Commission Rules. The Notice of Suspension must:

1. Identify which State or Federal laws, rules, policies, and/or regulations were violated,
2. Contain narrative specifications (charges) and
3. Include a record of previous discipline, if any. The Notice of Suspension shall be administered by the Department Head. The Department Head, along with supervisors, shall work with the Human Resources Director for specifications. The Notice of Suspension must always be reviewed by the City Attorney's Office before being administered to the employee.

V. APPLICATION OF THE DISCIPLINARY MATRIX

A. The application of progressive discipline is designed to take into account any instance of corrective action or previous discipline. The Department Head shall choose the appropriate disciplinary action at the appropriate level for each offense.

1. A Department Head has a choice of severity of disciplinary action beginning from the floor for the specific type of offense, at the appropriate level. When significant mitigating or aggravating circumstances exist, the discipline range may be expanded upon in either direction. For example, if the matrix indicates a 10-day suspension, the Department Head may determine that a less severe consequence is more appropriate based on mitigating factors. Likewise, the discipline could be greater than a 10-day suspension if there are significant aggravating factors. Whenever prior violations are used to support a more severe discipline, those offenses shall be cited in the notice of Discipline. When a series of offenses have been committed and action could not have been taken on each before another was committed, a more severe discipline maybe assessed for the combined offenses rather than what would be appropriate for any single offense.
2. The Department Head in accordance with CSC Rule 11 retains the right to promulgate rules and regulations regarding the operation of his or her department. Similarly, situations may arise that are not written in a rule or policy; in such a circumstance, an appropriate level of discipline will be imposed. Nothing in this policy shall prohibit a Department Head from departing from utilizing a higher form of discipline, to include termination, if the circumstances warrant such action.
3. These disciplinary guidelines are standard recommendations and not meant to be an all-inclusive list of possible infractions. The Human Resources Director retains the right to modify, or amend this policy and matrix as needed without advance notice.

City of El Paso Disciplinary Matrix

Level 1 Violation: Failure to follow City/Department Rules (2nd Offense Penalty) – 3-day Suspension.

Level 1 Violation: Poor Customer Service/Unprofessional Conduct

EMPLOYEE'S INITIALS

fm



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 25, 2021

SPECIFICATIONS:

On August 3, 2021, at approximately 10:04 a.m., you sent an email to a Code Enforcement Supervisor regarding Case # ENEC21-22834, debris on a property. You indicated that the case was not in your assigned area of work. Your assigned area is Westside and Central. You asked the supervisor to assign that case to another officer. The supervisor understood that the case was not in your area of work, however, an officer can be assigned to any area, to address cases as deemed necessary by the Code Enforcement Supervisors, Senior Code Enforcers, Code Field Operation Supervisors and business needs. You were instructed several times that you are to follow supervisor's instructions and follow chain of command. Once, during a Team's meeting that occurred on February 25, 2021, regarding areas of assignments. Then, you were also provided with a copy of the El Paso Code Enforcement Bureau Rules and Regulations, which you acknowledged and signed on January 21, 2021. The Code Enforcement Supervisor sent out an email to his assigned officers on May 26, 2021, advising them to follow chain of command, which includes, Senior Code Enforcement Officers, Code Enforcement Supervisors, and Code Field Operations Officers. Finally, the Code Enforcement Supervisor also sent you an email on July 13, 2021, advising you that your new assigned area is Central/West side and to follow chain of command and directives from a supervisor.

The Code Enforcement Supervisor kept Case #ENEC21-22834 assignment to you and you did the investigation on August 4, 2021. You referred the case to Streets and Maintenance. The common practice was that you should have given notice to the property owner to remove the debris, or remove the property yourself with the assistance from another officer. If the owner did not comply, the case was to be sent to Clean El Paso to handle. As a last resort, if the issue was still not resolved, then you refer the case to Streets and Maintenance to pick up the debris. You also failed to enter the referral documents in the ACCELA program to show that you notified Streets and Maintenance. You closed the case as complied, but failed to enter compliance pictures that showed case was done and completed.

In your administrative statement, you indicated, "Case above is not in my area, it's central, please assign to area officer. Let me know if you need help assign cases from your task list, I'd be glad to assist that way cases are assign correctly and in a timely manner. Supervisors should be aware of the type of cases coming in, filter them properly and accordingly. Cases not being assigned in a timely manner should not be held against us." You furthermore stated, "so the best thing to do is to do my work and cover my ass but when I'm having to do someone's work, I will keep speak my mind and hope that changes will happen future. As now this work environment is ridiculous. Work should be work there's a time and place for everything." [sic]

Additionally, you were involved in another incident a week after, as described below:

On August 10, 2021, at approximately 3:00 p.m., a Code Enforcement Supervisor, asked you if you have been using your radio, as he had not heard you on the Central channel that day. You responded, "Not really...that's ridiculous, switching back and forth". The supervisor had also emailed you on July 13, 2021, reminding you that you must switch to the Central channel when you're in that particular area, and switch it back when you're back to the Westside area, which crosses the divisional line on Schuster Street. This is standard procedure and you must use the radio as directed and trained to do, as follows:

- On 12/24/20, attended radio communications training at EPPD Academy.
- On 01/21/21, provided with a copy of EPPD Code Enforcement Bureau Rules and Regulations.
- On 02/27/21, Team's meeting reflecting importance of using the radio when on duty.
- On 03/05/21, email sent to the team regarding 10/07's and 10/08's on the radio.
- On 03/17/21, Team's meeting regarding EPPD Enforcement Rules and the use of radio and 10/07's and 10/08's
- On 05/26/21, email sent again for radio use as directed
- On 07/08/21, Team's meeting regarding radio use when in duty

EMPLOYEE'S INITIALS *[Signature]*

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CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Martinez, Fernando
 Position: Code Compliance Officer

Last 4 #'s of SS #: [REDACTED]
 Employee ID #: [REDACTED]

Date: October 25, 2021

On 07/15/21, provided district map
 On 07/20/21, meeting to remind you of the switching of radio channels when crossing different districts
 On 08/24/21, email sent reminding the team to use radios all the time.

In your administrative statement, you indicated, "Yes. He asked if I have been using the radio, in which I replied, 'not really'. I explained I find it ridiculous that I had to call out every time I cross Schuster Street as I have cases back and forth between Westside and Central. Again, no one is on the radio on the Central channel. Apparently there's only two code officers for the entire Central area." You further stated, "I am very forgetful, not refusing to use radio as I am the only one doing it, let me remind you, I simply forget. As previously spoken in regards to the switching back and forth, I find that absurd, I will try my best to call out every time I cross Schuster Street." [sic]

Your disciplinary history reflects the following:

On May 10, 2021, you received a **Formal Counseling** for Failure to follow supervisory instructions, which occurred on March 17, 2021.

On January 8, 2020, you received a **Formal Counseling** for an AWOL, due to not having a doctor's note after a holiday, which occurred on December 2, 2019.

On August 14, 2019, you received a **Verbal Counseling** for time and attendance issue from June 10, 2019 to July 2, 2019.

On January 26, 2018, you received a **Verbal Counseling** for a vehicle accident that occurred on January 19, 2018.

Based on the foregoing charges and specifications, the El Paso Police Department has determined that your services should be suspended without pay for **three (3) workdays**. Be advised that a recurrence of this or of a similar type incident will result in more severe disciplinary action, up to and including termination of your employment with the City of El Paso.

You have **thirty (30) days** from the date of receipt of **this notice** of suspension to appeal this action to the Civil Service Commission. The City reserves the right to amend these charges and/or specifications at a later date.

EMPLOYEE'S INITIALS

fm

Page 9 of 9



El Paso Police Department

MAYOR
Oscar Leeb

TO Fernando Martinez Code Compliance Officer [REDACTED]

FROM Gregory K. Allen Police Chief

DATE May 5, 2021

CITY COUNCIL

RE Formal Counseling – Failure to Follow Supervisory Instructions

District 1
Peter Swartzberg

On March 17, 2021, after the team's meeting ended, Supervisor Omar Esparza went to do a task list check on all Code Compliance Officers. He stated that he noticed in the Accela Program that Case #ENEC21-05891 he had assigned you on March 17, 2021 at 7:40am, now reflected the case was reassigned by you back to City Source at 7:41am. You created the case again in Accela Program and reassigned it to Officer Gemoets and inserted Senior Officer Matthew Jimenez's name as the person that assigned it to Officer Gemoets. There is no record that Senior Officer Jimenez assigned the case to Officer Gemoets under his history. IT Department was contacted to verify if you had supervisor rights to be assigning cases. IT advised that you did have supervisory rights to be able to assign cases and access has been removed since.

District 2
Alexandra Anello

On March 18, 2021, at approximately 9:30am, you met with your immediate Supervisor Omar Esparza and Senior Officer Matthew Jimenez in the NW Office to discuss the case on 6936 Crown Ridge (#ENEC21-05891). After the meeting, Supervisor Esparza reiterated that you are not authorized to reassign or delete cases assigned to you without supervisor approval.

District 3
Cassandra Hernandez

You have previously been instructed to not assign, reassign or delete cases that have been assigned to you to other officers.

District 4
Joe Mujica

District 5
Isabel Salcido

District 6
Claudia L. Rodriguez

District 7
Henry Rivera

District 8
Cissy Diaz

On your administrative statement, you indicated, "Yes, I did reassign the case to the Officer Gemoets. I have rights in Accela to do it but I did not get permission from a supervisor at this time. In the past we have been told to pull our cases from the task list."

On March 19, 2021, an investigation was conducted and revealed you violated policies through your conduct for failing to follow supervisor's orders.

CITY MANAGER
Tommy Gonzalez

I received a copy of this memo. I understand that my signature does not indicate agreement.

Acknowledgement of Receipt [Signature] 5/10/2021
Fernando Martinez Date

Witness [Signature]

Distribution:
Original: Human Resources, Personnel File
Copies: Department File, Employee



Gregory K. Allen – Chief of Police
Police Headquarters | 911 N. Raynor | El Paso, TX 79903
Office (915) 212-4000 | www.elpasotexas.gov/police





El Paso Police Department

MAYOR
Oscar Leeser

To: Code Enforcement Staff

CITY COUNCIL

From: Steve Alvarado, Code Enforcement Director

District 1
Brian Kennedy

Date: August 15, 2024

Subject: Memorandum of Expectations – Code Enforcement

District 2
Dr. Josh Acevedo

This memorandum serves as a formal correspondence regarding the expectations for all employees of the Code Enforcement Bureau.

District 3
Cassandra Hernandez

The following outlines the expectations for all, but are not limited to:

District 4
Joe Molinar

- **Conduct:** Employees will treat one another and members of the public with respect at all times. Employees who participate in any discrimination, harassment, retaliation, or intimidation of another employee or a member of the public will be subject to disciplinary action, which may include termination. This includes, but is not limited to, negative prejudicial remarks, offensive jokes, the promotion of stereotypes, and ridicule based on personal characteristics, age, health, race, ethnicity, sex, or sexual orientation.

District 5
Isabel Salcido

District 6
Art Fierro

District 7
Henry Rivera

- **Personal Business During Working Hours:** Personal or private business will not be transacted by any employee during working hours, including any overtime hours, or while operating a city vehicle.

District 8
Chris Canales

- **Loitering:** Loitering in offices or work areas of other employees, or interfering with the work of other employees, hinders service to our clients and constitutes unacceptable behavior. Personal conversations should be held during breaks, lunch periods, and after work hours.

INTERIM CITY MANAGER
Cary Westin

- **Insubordination:** All employees will obey the Department's Rules and Regulations and fully execute any lawful order given by any superior, including any order relayed from a superior by an employee of the same or lesser rank.

- **DARs Completion:** It is the policy of the EPPD that employees accurately and thoroughly document all daily activities performed in order to maintain records of the times and locations of public contacts, actions, dispositions, and any other pertinent information. In addition, a Daily Activity Report (DAR) will include duty times, vehicle mileage, vehicle and equipment status, and statistical recaps. All



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Chief Gregory K. Allen Police Headquarters
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El Paso Police Department

MAYOR
Oscar Leeser

personnel completing DARs are required to complete all fields on the form. If a field does not apply, or information is not available, either a dash or N/A must be entered.

CITY COUNCIL

District 1
Brian Kennedy

District 2
Dr. Josh Acevedo

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salcido

District 6
Art Fierro

District 7
Henry Rivera

District 8
Chris Canales

**INTERIM CITY
MANAGER**
Cary Westin

Prohibited Associations:

- The City will strive to maintain a work environment that is free from intimate, romantic or dating relationships between supervisors and their subordinates or between employees involved in any other power-differentiated relationship. Power-differentiated relationships can lead to sexual harassment (or the appearance of harassment) and adversely affect employee morale, operations, and productivity because of favoritism, bias, or unfair treatment (or the appearance of favoritism, bias, or unfair treatment).
 - A "power-differentiated relationship" is any supervisor-subordinate work relationship or other work relationship in which one employee supervises or manages (directly or indirectly) another employee or makes decisions concerning another employee's terms, conditions or privileges of employment. The City does not otherwise discourage friendship or social activities among its employees.
(Dating and Fraternization, p.13. Employee Handbook, City of El Paso)
- An officer with direct authority over another officer, by rank or job classification, who becomes romantically involved with an officer who is answerable to him/her must make notification to the Office of the Chief of Police via their chain of command.
(EPPD Procedure Manual, Rule 29, Section H, p. 284)

Rules and Regulations:

- Conduct discrediting to the department is any conduct that destroys public respect and confidence in the agency's operational capability or that affects morale or efficiency of the department. Engaging in conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.
(EPPD Procedure Manual, Rule 9, Section C, p. 579)

As City of El Paso employees, our success is built by developing and maintaining a loyal, efficient group of employees who gain satisfaction from their work, and to whom high achievement is a personal ambition. We must be dedicated to meeting high standards of customer satisfaction and therefore all employees are expected to strive daily to maintain



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Chief Gregory K. Allen Police Headquarters
911 N. Raynor | El Paso, TX 79903
Office (915) 212-4000 | www.elpasotexas.gov/police





El Paso Police Department

MAYOR

Oscar Leaser

the mark of excellence that has become synonymous with the City. Finally, as El Paso Police Department Employees, we set the standard for a safe and secure city.

CITY COUNCIL
District 1

Brian Kennedy

District 2

Dr. Josh Acevedo

District 3

Cassandra Hernandez

District 4

Joe Molinar

District 5

Isabel Salcido

District 6

Art Fierro

District 7

Henry Rivera

District 8

Chris Canales

We encourage all employees to be open to suggestions and ideas, encourage employees to come forward freely with recommendations, seek prompt solutions to problems, and always keep lines of communication open. Questions or concerns regarding this memorandum should be addressed with an employee's immediate supervisor.

Respectfully,

Steve Alvarado
Code Enforcement Director

**INTERIM CITY
MANAGER**

Cary Westin



Peter F. Pacillas – Chief of Police
 Chief Gregory K. Allen Police Headquarters
 911 N. Raynor | El Paso, TX 79903
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DELIVERING EXCEPTIONAL SERVICES



PARTICIPANTS' SIGN-IN SHEET

Purpose: CODE TEAM MEETING

Date: THURSDAY, AUGUST 15, 2024

Topic of Session: SEE ATTACHED AGENDA

Department: POLICE

Location: COTTON PATCH ROOM

Presenter(s): STEVE ALVARADO

Time: 2:00PM - 4:00PM

We are required to maintain records regarding our presentation and/or training activities. Please provide the information indicated below to document your attendance.

#	Name (Please Print)	Employee I.D.	Signature	Division
1	Adame Edgar		<i>Adame</i> 8-22-24 Moe	Code
2	Alvarado, Steve		<i>Steve Alvarado</i>	Code
3	Barraza, Jose		<i>Jose Barraza</i> 8-16-24 MOE	Code
4	Briones, Michael		<i>Michael Briones</i>	Code
5	Castañeda, Ruben		<i>Ruben Castañeda</i>	Code
6	Cervantes, April		<i>April Cervantes</i>	Code
7	Chavez, Andres		<i>Andres Chavez</i>	Code
8	Chavez, Andres		<i>Andres Chavez</i>	Code
9	Chavez, Edgar		<i>E. Chavez</i> 08/22/24 MOE	Code
10	Dominguez, Carlos		<i>Carlos Dominguez</i>	Code
11	Elizondo, Elias		<i>Elias Elizondo</i>	Code
12	Esparza, Omar		<i>Omar Esparza</i> 8/19/24 MOE	Code
13	Garcia, Adan		<i>Adan Garcia</i> MOE 8/16/24	Code
14	Gasca, Antonio		<i>Antonio Gasca</i>	Code
15	Hernandez, Dolores		<i>Dolores Hernandez</i>	Code
16	Herrera, Damian		<i>Damian Herrera</i> MOE 8/15/24	Code
17	Jacquez, Maria		<i>Maria Jacquez</i>	Code
18	Johnston, Teana		<i>Teana Johnston</i> 8.16.24 MOE	Code
19	Leon, Robert		<i>Robert Leon</i>	Code
20	Lopez, Veronica		<i>Veronica Lopez</i> 8-16-24 MOE	Code
21	Luevano, Victor		<i>Victor Luevano</i>	Code
22	King, William		<i>William King</i>	Code
23	Maese, Jose		<i>Jose Maese</i>	Code
24	Magdaleno, Magdaleno		<i>Magdaleno Magdaleno</i>	Code
25	Martinez Fernando		<i>Fernando Martinez</i> 8-14-2024 MOE	Code



PARTICIPANTS' SIGN-IN SHEET

Purpose: CODE TEAM MEETING **Date:** THURSDAY, AUGUST 15, 2024

Topic of Session: SEE ATTACHED AGENDA

Department: POLICE **Location:** COTTON PATCH ROOM

Presenter(s): STEVE ALVARADO **Time:** 2:00PM - 4:00PM

We are required to maintain records regarding our presentation and/or training activities. Please provide the information indicated below to document your attendance.

#	Name (Please Print)	Employee I.D.	Signature	Division	
26	Myers, Samantha	[REDACTED]	<i>S. Myers</i> 8/15/24 MOE	Code	
27	Najera, Lizbeth		<i>L. Najera</i>	Code	
28	Narro, Adrian		<i>Adrian Narro</i>	Code	
29	Puentes, Manuel		<i>Manuel Puentes</i>	Code	
30	Quintana, Patricia		<i>Patricia Quintana</i>	Code	
31	Rivera, Phillip		<i>Phillip Rivera</i> 08/16/2024 MOE	Code	
32	Rodriguez, Aaron		<i>Aaron Rodriguez</i> 08/19/2024 MOE	Code	
33	Sifuentes, Eduardo		<i>Eduardo Sifuentes</i>	Code	
34	Soto, Danny		<i>Danny Soto</i>	Code	
35	Tavera, Aurelio		<i>Aurelio Tavera</i>	Code	
36	Tuialuuluu, Anthony		<i>Anthony Tuialuuluu</i>	Code	
37	Valles, Nadine		<i>Nadine Valles</i>	Code	
38	Vazquez, Laura		<i>Laura Vazquez</i> 8/22/24 MOE	Code	
39	Vera, Johnny		<i>Johnny Vera</i>	Code	
40	Viramontes, Jorge		<i>Jorge Viramontes</i>	Code	
41	Falliner, Saul		<i>Saul Falliner</i> 08/19/24 MOE	Code	
42	Reayvassuez, Ernesto		<i>Ernesto Reayvassuez</i> 8-22-24 MOE	Code	
43					
44					
45					
46					
47					
48					
49					
50					



Code Enforcement Team Meeting Agenda
August 15, 2024

Team discussion:

- 311 calling
- Clarification on who to notice for Owners in CAD
- Presentations and Kudos
- Birthdays
- Team expectations
- Questions

Roundtable (questions or concerns):

Castro, Laura I.

From: Soto, Danny
Sent: Friday, January 9, 2026 2:24 PM
To: Alvarado, Arthur S.
Subject: FW: Request

FYI – thanks.

Danny

From: Alvarado, Arthur S. <AlvaradoA@elpasotexas.gov>
Sent: Monday, March 10, 2025 8:53 AM
To: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Cc: Soto, Danny <SotoDY@elpasotexas.gov>
Subject: RE: Request

Good morning,

Mr. Fernandez, I ask that you follow the chain of command for these requests. I need my leadership team to review the request, and we can discuss this matter.

Thank you,

Steve Alvarado
Code Enforcement Director
El Paso Police Department
Code Enforcement Bureau
915-212-6026

From: Martinez, Fernie <MartinezFX3@elpasotexas.gov>
Sent: Monday, March 10, 2025 8:45 AM
To: Alvarado, Arthur S. <AlvaradoA@elpasotexas.gov>
Subject: Request

Good morning sir,

I want to submit a request to be moved back to the west-side MSC with Mrs. Najera, please advise if you have time to discuss this request.

Thank you.

Fernando Martinez
Code Enforcement Officer
El Paso Police Department
Code Enforcement Bureau
915.479.7892 Cell





ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: City of El Paso Discipline Policy and Matrix

Creation Date: April 6, 2011

Revision Date: May 2, 2013; May 30, 2015

Prepared By: HR Department

Approved By: City Manager

Legal Review: Elizabeth Ruhmann

POLICY: CITY OF EL PASO DISCIPLINE POLICY AND MATRIX

I. POLICY:

The City of El Paso is committed to a goal of high performance by all employees in order to fulfill its mission of outstanding customer service to the citizens of our community. The purpose of this policy and matrix is to provide City leaders and supervisors with a guideline and reference for corrective and disciplinary action. The City of El Paso Human Resources Department accepts and investigates all allegations of employee misconduct and imposes corrective and progressive disciplinary action in a timely and consistent manner, as appropriate. This policy outlines the procedure for investigating allegations of employee misconduct, issuing corrective action, and applying the Matrix to impose discipline.

II. PROCEDURES:

A. Basis for Discipline

1. Employees are subject to discipline for violations of the law, City Charter provisions that constitute cause for discipline, Civil Service Commission Rules and Regulations, City policies, Departmental policies and procedures and verbal or written directives from supervisory personnel.
2. Failure to report a violation of anything listed under II-(A) is considered a basis for discipline.

C-12 PI

3. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable federal and state law, local ordinances, administrative directives, El Paso City Charter, and Civil Service Commission Rules and Regulations.

B. Information Gathering and Processing

1. It is the duty of all supervisory employees to assist those who express the desire to report allegations of misconduct against any City employee. The informant need not be the aggrieved party, but may be anyone who witnessed or otherwise became aware of an incident of misconduct. Information regarding allegations of misconduct must be immediately reported to the Department Head and/or the Human Resources Director.
2. Supervisory personnel shall assist their Departmental Human Resources Manager (hereinafter "DHRM") and/ or Human Resources Director or designee with administrative investigations to determine what violation of rule or policy has been committed. This may involve preliminary data gathering of evidence, preparing questions to ask witnesses or employees, and interviewing and collecting affidavits (notarized statements) from employees, witnesses and citizens, and determining an employee's work status. The central contact during an administrative investigation and disciplinary matters is the DHRM, where they exist, or the Human Resources Director or designee. For those departments that do not have a DHRM, the Human Resources Director shall assign a Human Resources professional to conduct the administrative investigation.
3. Employees are required to provide a statement or answer questions during administrative investigations. Employees who withhold information, thwart, impede or fail to cooperate with administrative investigations will be considered insubordinate and subject to disciplinary action up to and including termination. Upon conclusion of the administrative investigation, the DHRM or Human Resources Director, or designee, will advise the Department Head of any findings from the investigation and recommend disciplinary or corrective action as appropriate. However, it is the Department Head's responsibility to make the final determination and defend the discipline to be administered as a result of any review.

4. Employees interviewed during administrative investigations are prohibited from communicating the nature or details of the investigation, either directly or indirectly, with anyone besides an Attorney for the City, the DHRM, the Human Resources Director or designee, or the employee's supervisor or Department Head. Nothing in this policy would prevent an employee from discussing the investigation with their attorney or representative if they have such representation.

III. CORRECTIVE ACTION

The following types of corrective action may be issued to an employee prior to utilizing the disciplinary matrix.

- A. Counseling: A verbal counseling may be provided by supervisory personnel to the employee informing the employee of the infraction or problem, corrective measures or what is expected of the employee, and consequences of continued infractions. The verbal counseling is an opportunity to discuss work-related problems in private with the employee. The supervisor should administer the verbal counseling. If a supervisor requests assistance with issuing a verbal counseling, the Human Resources Director or designee, or the DHRM, will provide further assistance or guidance.

IV. DISCIPLINARY MATRIX

The attached disciplinary matrix provides supervisory personnel and Department Heads with the parameters of discipline that shall be imposed on an employee when an infraction occurs that violates the law, a Civil Service rule, policy, or regulation of the department. The purpose of the matrix is to provide notice to employees of the types of conduct that will result in disciplinary action and to serve as a deterrent of such conduct so as to promote efficiency of service by ensuring high standards of City service and maintaining public confidence in the City of El Paso.

The matrix is intended for use as a guide to selecting an appropriate level of discipline for actionable misconduct. This matrix does not substitute for supervisory judgment and does not dictate discipline. Rather, this matrix provides a framework within which supervisors exercise judgment on a case-by-case basis within the parameters provided. The final determination for discipline at the minimum level or higher rests with the Department Head as defined in Civil Service Rule 8 and Rule 11, or as defined in the Civil Service Rules and Regulations.

3

The offenses listed under each level are not intended to be an exhaustive listing. No attempt has been made to list every possible cause for disciplinary or adverse action. The fact that specific misconduct is not listed as an offense does not mean discipline cannot be imposed. Supervisors should evaluate misconduct not listed to the offenses listed and use a form of discipline that most closely coincides with a comparable, listed offense.

The following are the categories of discipline:

- A. Formal Counseling: A Formal Counseling must contain specific language that informs the employee of the infraction or problem, what is expected of the employee to correct the issue, and consequences of continued infractions. The Formal Counseling shall be issued by the Department Head to the employee on official City letterhead. The Department Head, along with supervisors, shall work with the DHRM or the Human Resources Director or designee when drafting the Formal Counseling. The Formal Counseling will be placed in the employee's personnel file by submitting the written document to the Human Resources Director or designee no later than 120 days following the issue of the Formal Counseling.

- B. Suspension: A suspension without pay for a definite period of time must be completed on an appropriate Notice of Suspension form in accordance with Civil Service Commission Rules. The Notice of Suspension must:
 - 1. identify which State or Federal laws, rules, policies, and/or regulations were violated,
 - 2. contain narrative specifications (charges), and
 - 3 include a record of previous discipline, if any. The Notice of Suspension shall be administered by the Department Head. The Department Head, along with supervisors, shall work with the Human Resources Director for specifications. The Notice of Suspension must always be reviewed by the City Attorney's Office before being administered to the employee.

- C. Demotion: A demotion as a result of disciplinary action is a reduction into a lower graded position that may result in a loss of pay to the employee. It must be completed on an appropriate Notice of Demotion form in accordance with Civil Service Commission Rules. The Notice of Demotion must:

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1. identify which State or Federal laws, rules, policies, and/or regulations were violated,
2. contain narrative specifications (charges), and
3. include a record of previous discipline, if any. The Notice of Demotion shall be issued by the Department Head and must always be reviewed by the City Attorney's Office before being administered to the employee.

D. Termination: A termination is separation of employment and must be completed on an appropriate Notice of Separation form with effective date for dismissal in accordance with Civil Service Commission Rules. The Notice of Separation must:

1. identify which State or Federal laws, rules, policies, and/or regulations were violated,
2. contain narrative specifications (charges), and
3. include a record of previous discipline, if any. The Notice of Separation must always be reviewed by the City Attorney's Office before being issued to the employee by the Department Head.

V. APPLICATION OF THE DISCIPLINARY MATRIX

- A. The application of progressive discipline is designed to take into account any instance of corrective action or previous discipline. The Department Head shall choose the appropriate disciplinary action at the appropriate level for each offense.
 1. A Department Head has a choice of severity of disciplinary action beginning from the floor for the specific type of offense, at the appropriate level. When significant mitigating or aggravating circumstances exist, the discipline range may be expanded upon in either direction. For example, if the matrix indicates a 10-day suspension, the Department Head may determine that a less severe consequence is more appropriate based on mitigating factors. Likewise, the discipline could be greater than a 10-day suspension if there are significant aggravating factors. Whenever

prior violations are used to support a more severe discipline, those offenses shall be cited in the notice of Discipline. When a series of offenses have been committed and action could not have been taken on each before another was committed, a more severe discipline may be assessed for the combined offenses rather than what would be appropriate for any single offense.

2. The Department Head in accordance with CSC Rule 11 retains the right to promulgate rules and regulations regarding the operation of his or her department. Similarly, situations may arise that are not written in a rule or policy; in such a circumstance, an appropriate level of discipline will be imposed. Nothing in this policy shall prohibit a Department Head from departing from utilizing a higher form of discipline, to include termination if the circumstances warrant such action.

3. These disciplinary guidelines are standard recommendations and not meant to be an all-inclusive list of possible infractions. The Human Resources Director retains the right to modify, or amend this policy and matrix as needed without advance notice.

APPROVED BY:



TOMAS GONZALEZ, City Manager

DATE: 9/17/15

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CITY OF EL PASO DISCIPLINARY MATRIX

05-30-18

OFFENSE (CAUSE OF ACTION) 1ST OFFENSE PENALTY 2ND OFFENSE PENALTY 3RD OFFENSE PENALTY 4TH OFFENSE PENALTY

OFFENSE (CAUSE OF ACTION)	1 ST OFFENSE PENALTY	2 ND OFFENSE PENALTY	3 RD OFFENSE PENALTY	4 TH OFFENSE PENALTY
LEVEL 1 VIOLATIONS				
AWOL/Failure to report for mandatory overtime/callback	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Being offensive in conduct or language	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Creating Employee Dissension	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Dress Code/Uniform Policy violation ***	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Driving on behalf of the City without current Defensive Driving Certification (DDC)	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Failure to attend scheduled training	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Failure to report driver license revocation/suspension	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Failure to enforce City/Department Rules	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Failure to report a violation of policy	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Failure to follow City/Department Rules or Policies	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Misuse of City resources	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
At fault motor vehicle/equipment accident/incident resulting in minor property damage/injury	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Inappropriate use of the City's e-mail or Internet	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Time and Attendance Violations/Unauthorized Overtime	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION

CITY OF EL PASO DISCIPLINARY MATRIX

05-30-18

OFFENSE (CAUSE OF ACTION)

1ST OFFENSE PENALTY 2ND OFFENSE PENALTY 3RD OFFENSE PENALTY 4TH OFFENSE PENALTY

OFFENSE (CAUSE OF ACTION)	1 ST OFFENSE PENALTY	2 ND OFFENSE PENALTY	3 RD OFFENSE PENALTY	4 TH OFFENSE PENALTY
Minor Loss/Misplacement/Damage to City Property	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Violation of the Outside Employment Policy	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Poor Customer Service/Unprofessional Conduct	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Prohibited Political Activity	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Negligent operation of a motor vehicle (non-accident or injury)	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Safety Violation (non-injury or property damage)	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Solicitation Policy violation	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Safety Violation resulting in minor injury or minor property damage	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION
Displaying/Possession/Distribution of inappropriate images not deemed to be pornographic **	FORMAL COUNSELING	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/TERMINATION

Note: Discipline crossing departmental lines may be issued by the City Manager or designee

* Violations not involving Rules or Policies will be addressed with a Formal Counseling and subsequent repeat violations would be a violation of a Direct Order

** The Human Resources Director will make determination

*** Employees will be sent home to change into appropriate attire on their own time for each incident

****Provided said policy has been approved by City Legal and City Human Resources

CITY OF EL PASO DISCIPLINARY MATRIX

05-30-18

**OFFENSE
(CAUSE OF ACTION)**

**1ST OFFENSE
PENALTY**

**2ND OFFENSE
PENALTY**

**3RD OFFENSE
PENALTY**

**4TH OFFENSE
PENALTY**

OFFENSE (CAUSE OF ACTION)	1 ST OFFENSE PENALTY	2 ND OFFENSE PENALTY	3 RD OFFENSE PENALTY	4 TH OFFENSE PENALTY
LEVEL 2 VIOLATIONS				
Dishonesty	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/ TERMINATION	
Disobeying a Direct Order (Insubordination)	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/ TERMINATION	
Not available when on-call	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/ TERMINATION	
Retaliation	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/ TERMINATION	
Moderate at fault motor vehicle/equipment accident/incident resulting in moderate property damage/injury	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/ TERMINATION	
Inefficient performance	3 DAY SUSPENSION	10 DAY SUSPENSION	DEMOTION/ TERMINATION	

CITY OF EL PASO DISCIPLINARY MATRIX

05-30-18

**OFFENSE
(CAUSE OF ACTION)**

**1ST OFFENSE
PENALTY**

**2ND OFFENSE
PENALTY**

**3RD OFFENSE
PENALTY**

**4TH OFFENSE
PENALTY**

OFFENSE (CAUSE OF ACTION)	1 ST OFFENSE PENALTY	2 ND OFFENSE PENALTY	3 RD OFFENSE PENALTY	4 TH OFFENSE PENALTY
LEVEL 3 VIOLATIONS				
Conviction of a DUI affecting job related driving duties	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Inducing or assisting another to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
At fault motor vehicle/equipment accident/incident resulting in substantial property damage.	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Has been convicted of a felony or misdemeanor involving moral Turpitude or entered a period of deferred adjudication	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Deliberate falsification of reports or official documents	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Major loss/Misplacement/Damage to City property	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Intentional release of confidential information	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Sexual Harassment - incident of a sexual nature	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Violent and/or threatening behavior/Possession of unauthorized weapon	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Safety violation resulting in substantial property damage/serious injury	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Possession or retention of pornography electronically or physically that is not personally obtained **	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Refusal to obey a direct order during an Administrative Investigation	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	
Misappropriation	10 DAY SUSPENSION	15 DAY SUSPENSION	DEMOTION/ TERMINATION	

CITY OF EL PASO DISCIPLINARY MATRIX

05-30-18

**OFFENSE
(CAUSE OF ACTION)**

**1ST OFFENSE
PENALTY**

**2ND OFFENSE
PENALTY**

**3RD OFFENSE
PENALTY**

**4TH OFFENSE
PENALTY**

OFFENSE (CAUSE OF ACTION)	1 ST OFFENSE PENALTY	2 ND OFFENSE PENALTY	3 RD OFFENSE PENALTY	4 TH OFFENSE PENALTY
LEVEL 4 VIOLATIONS				
At fault motor vehicle/equipment accident/incident resulting in serious injury or death.	TERMINATION			
AWOL (3consecutive days)	TERMINATION			
Felony Conviction affecting job related duties	TERMINATION			
Violation of a departmental policy that mandates termination ****	TERMINATION			
Loss of required License/Certificate where required in Job Description	TERMINATION			
Sexual Harassment- Assault	TERMINATION			
On Duty use/consumption/distribution of alcohol or illegal substances	TERMINATION			
Positive test for alcohol or illegal substances/Refusal to submit to testing	TERMINATION			
Accessing/distributing/displaying pornography **	TERMINATION			
PIP – Unsuccessful completion of a Performance Improvement Plan – Incompetency or negligence of performance of duties – Recurrent inefficient performance	TERMINATION			

Appellant Exhibits

Martinez, Fernie

From: Martinez, Fernie
Sent: Tuesday, August 12, 2025 11:36 AM
To: City Attorney
Subject: Writ of entry

Good afternoon,

Would you advise if Code is able to get a writ of entry based on a complaint regarding a backyard. The backyard is not seen from public right away, the report person is anonymous and wishes to stay anonymous and property owner refuse access. Would a judge sign a writ based on hearsay?

Fernie Martinez
Code Enforcement Officer
El Paso Police Department
Code Enforcement Bureau
Cell 915.479.7892



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez
Position: Code Compliance Officer
Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]
Date: October 27, 2025

Address: [REDACTED]

From: Code Enforcement
Subject: Termination of Employment

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY **TERMINATED** EFFECTIVE: October 27, 2025

THE FOLLOWING ARE THE STATUTORY REASONS OR GROUNDS AND SPECIFICATIONS OF FACTS WHICH HAVE NECESSITATED THIS ACTION:

CHARGES:

YOU HAVE VIOLATED THE FOLLOWING CITY OF EL PASO CIVIL SERVICE COMMISSION CHARTER PROVISIONS, ORDINANCES, RULES AND REGULATIONS:

CITY CHARTER – ARTICLE VI – Civil Service

SECTION 6.13-2, DISCIPLINARY ACTION; REDUCTION

A regular employee may be discharged, suspended or reduced in rank or position as provided in the Charter or further defined in the Rules.

SECTION 6.13-3, CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE

The following, which may be further defined in the Rules, may constitute causes for discharge, suspension or reduction in grade of regular employees:

- F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]
Employee's Signature

Date: 10/27/2025

BY CERTIFIED MAIL NUMBER: _____

[Signature]
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

BY: [Signature]
DIRECTOR

DISTRIBUTION: Original – Human Resources Department; Copy – Department



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Fernando Martinez	Last 4 #'s of SS #: [REDACTED]	Date: October 27, 2025
Position: Code Compliance Officer	Employee ID #: [REDACTED]	

CIVIL SERVICE COMMISSION RULES AND REGULATIONS

RULE 8, SUSPENSION, REDUCTION, DISCHARGE

Section 1. Causes of Suspension, Reduction or Discharge

The following may constitute causes for discharge, suspension or reduction of regular employees: That an officer or employee in the Civil Service:

- f. Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner; or (Amended 8/25/09, 9/17/13)

- p. For just cause. (Added 7/21/07)

Section 2. Disciplinary Notice

Disciplinary actions in the nature of a discharge, involuntary reduction, or suspension taken against a regular employee, other than at the end of a probationary period, will not become effective until the Department Head has first served upon such employee a written notice of discipline. The notice must contain one or more statutory reasons or grounds for discipline, together with such specifications of fact as will enable the employee to make an explanation and place him fairly upon his defense. The specifications of fact shall be of sufficient specificity so as to preclude the possibility of disciplinary action for the same act or omission in the future. Nothing contained herein shall prohibit the Department Head from using an employee's prior acts or omissions resulting in discipline in determining future disciplinary action against the employee. An employee may be disciplined for other acts or omissions not specified in the notice even if such acts arise from the same incident or event. A Department Head may not unilaterally reduce the discipline given once notice of discipline has been provided to the employee, without the employee's consent. A copy of such notice of discipline, together with the employee's explanation, if any, will be filed with the Human Resources Director. (Amended 06/24/03, 7/31/07, 8/25/09)

Section 3. Notice of Proposed Disciplinary Action, Procedure and Limitation of Action

- a. When disciplinary action in the nature of a five (5) day suspension or greater, a reduction, or discharge is being contemplated by the Department Head, the employee must be served with a notice of proposed disciplinary action which shall conform with the notice requirements set forth in Section 2 and Section 3 (b) of this Rule. In addition to the notice of proposed disciplinary action, the employee shall be furnished with the written materials and tangible things in the possession of the Department Head that form the factual and evidentiary basis for the proposed disciplinary action. No matter may be withheld from the employee that is inconsistent with the theory of discipline or that could tend to mitigate the contemplated sanction. (Amended 8/25/09)

- b. Within ten (10) days of receipt of the notice of proposed disciplinary action, the employee may request a conference with the Department Head. Within five (5) working days of receipt of the employee's response, the Department Head shall meet with the employee, provided further that this period may be extended with the mutual consent of the Department Head and the employee. No witnesses may be called to testify as part of the employee's explanation or response. During the conference, the employee, their representative, and the Department Head shall engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action. No part of the discussions that take place during the conference may be offered into evidence at any subsequent hearing, except for the limited purpose of determining compliance or non-compliance with the provisions of this Rule as provided in paragraph "f" and for impeachment purposes. In the event such a consensus is reached, the execution by the employee of documents finalizing the settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission, and the employee shall be so advised in plain language. (Amended 09/09/03, 01/06/04, 8/25/09; 1/20/15)

EMPLOYEE'S INITIALS zm

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WRIT AFFIDAVIT

AFFIDAVIT FOR WRIT OF ENTRY AND INSPECTION WARRANT

I, _____, do solemnly swear that I have reason to believe that a possible violation of the City of El Paso Municipal Code exists at:

1. I, _____, am a representative of the El Paso Police Department, Code Enforcement Bureau.
2. The following attempts have been made by phone, written notice, and/or personal contact to obtain permission to enter and inspect the premises:

3. The following facts were observed by me, indicating potential violation of the Municipal Code identified.

Therefore, on behalf of the El Paso Police Department, Code Enforcement Bureau, I request authority to enter said property for the purpose of inspecting the premises, taking photographs or securing evidence, disabling locks to gain entry to premises, posting notice(s), and/or abating any nuisance identified.

Affiant (Printed)

Affiant (Signature)

SWORN AND SUBSCRIBED TO BEFORE ME BY THE AFFIANT THIS _____ DAY OF

_____, _____.

Notary Public in and for the State of Texas

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MUNICIPAL COURT



WRIT OF ENTRY AND INSPECTION WARRANT

The attached sworn affidavit establishes probable cause to believe that a violation of the City of El Paso Municipal Code exists on the premises located at:

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED:

That any representative of the El Paso Police Department, Code Enforcement Bureau, peace officer, and City employee acting in support of this entry may enter the premises identified above to perform any duty required of them by the City of El Paso Municipal code for the duration of the investigation until resolved; including but not limited to inspecting the premises, taking photographs or securing evidence, disabling locks to gain entry to premises, posting notice(s), and/or abating any nuisance identified in the Municipal Code.

SIGNED THIS _____ DAY OF _____, _____

HONORABLE JUDGE, COURT NO.



Civilian Separation and Clearance

Employee

Fernando Martinez

Personal Information

Full Name

Fernando Martinez

Employee Number

[Redacted]

Start Date

10/31/2016

Last 4 of SSN

[Redacted]

Separation Date

10/27/2025

Position

Code Compliance Officer

Department

Property Maintenance & Nuisance

Mailing Address

[Redacted]

City

El Paso

State/Province

Zip/Postal Code

[Redacted]

W2 Address if different (Please update if needed)

Is employee eligible for Vacation Leave Payout?

Eligible for Vacation Leave Payout

- No
- Yes

Action

Termination

Reason

Unsatisfactory Performance

Date of Separation Notice

11/16/2025

Personal Phone

[Redacted]

Personal Email

[Redacted]

Employee Signature

Unless otherwise requested, the Texas Public Information Act, 552.024, makes the names of separated Municipal employees and officials open record. Do you wish to allow public access to your home address, home telephone number, social security number and family information?

Yes

No

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