



AGENDA FOR THE CIVIL SERVICE COMMISSION

May 14, 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: 254 772 405 921 471

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:
March 12, 2026, Civil Service Commission Meeting

[BC-2047](#)

REGULAR AGENDA

2. Discussion and Action on Hearing Officer's Report and Recommendation:
Samantha Sapien- El Paso Zoo- 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; and (P) For just cause.
3. Discussion and Action on Hearing Officer's Report and Recommendation:
Rosa Montes- Parks and Recreation- Termination
In accordance with the Civil Service Commission, Ordinance 8065 Rules and Regulations - Rule 8, Suspension, Reduction, Discharge. Section 1, Subsection (C) Has been under the influence of intoxicants or drugs or the use thereof while on duty; (G) Is dishonest, commits theft, violates a law, or violates policies relating to the handling or procurement of property, or negligence in care or misuse of City property and (P) for just cause.

[BC-2048](#)

[BC-2049](#)

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 30th day of April at 12 PM by Symone Menchaca.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: BC-2047, **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:

March 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 MARCH 12, 2026
THORMAN CONFERENCE ROOM, 801 TEXAS AVE- BASEMENT 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 3: JD Cotham
 District 4: Vice Chairman Woodrow Bare
 District 7: Chairman Homero Lucero
 District 8: Larry John Porras

Members Absent: District 6: Carlos Gonzalez

The meeting convened at 6:00 PM with five commissioners present and Chairman Homero Lucero presiding. Chairman Homero Lucero 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:
February 12, 2026, Civil Service Commission Meeting

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

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.

The discussion opened with Employee Relations Officer Claudia Cancellare, appearing in place of Chief HR Officer Mary Wiggins, stating that the HR team accepted Hearing Officer Patricia Palafox’s recommendation to reinstate the employee to the Code Enforcement Department. The discussion continued with Administrative Support Specialist Symone Menchaca requesting that the Chair read the Hearing Officer’s recommendation aloud for the record, including details regarding the employee’s accruals and seniority.

MOTION WAS MADE BY COMMISSIONER MICHAEL BESTER AND SECONDED BY COMMISSIONER JD COTHAM TO ACCEPT THE HEARING OFFICER’S RECOMMENDATION, NOT SUSTAIN THE EMPLOYEE’S TERMINATION, AND REINSTATE THE EMPLOYEE WITH BACK PAY, ACCRUALS, AND SENIORITY WITH THE CITY; THE MOTION PASSED UNANIMOUSLY.

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 6:09 P.M.

Civil Service Commission Chair

Mary Wiggins, Secretary to the Civil Service Commission

Date Approved



File #: BC-2048, **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.

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

Samantha Sapien- El Paso Zoo- 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; and (P) For just cause.

A. Background of the Discipline

The Notice of Three Day Suspension issued to Samantha Sapien (“Sapien”) states that on May 16, 2025, a Zookeeper found that a rake and shovel were left overnight in the hoof stock barn where the Kudus (African antelope) were housed.(Exhibit C-1). Sapien’s work partner had left the cleaning tools in the barn in violation of policy. Sapien acknowledged that she failed to inspect the back stalls before granting the animals access. It was caught by someone the following morning. (Exhibit C-3). No animals were injured in this particular case. Sapien was given a three day suspension in accordance with the second violation of Disciplinary Matrix Level 1, Safety Violation (non-injury or property damage).(Exhibit C-2, p. 8). Sapien had already received a formal counseling on February 21, 2025 for two separate safety violations.(Exhibit C-7). Prior to that she had received verbal warnings for safety violations. (Exhibit A-5). Sapien’s work partner who had left the tools in the barn received a verbal warning because he had no prior discipline on record. Verbal counseling is a discipline also provided in the Disciplinary Matrix for a corrective action prior to using the Matrix. (Exhibit C-2, p. 3)

B. Was the incident date May 16, 2025?

It must first be noted that although the Notice of Suspension states that the events happened on May 16, 2025, the evidence is that the tools were left overnight in the barn on May 14 and discovered in the morning of May 15, 2025. While the Notice states that “On May 16, 20205, another Zookeeper discovered that a rake and shovel were left overnight in Stall 8,” the incident reports written by the employees involved during the investigation of the incident state otherwise. In his incident report, Sapien’s supervisor Kenneth Riley stated that on 5-15-25, Taylor (Paulson) had informed him that she had found tools in the back stalls of the hoof stock barn “that morning.” (Exhibit C-6). Taylor Paulson, who found the tools, similarly reported that he found the tools on 5-15-25 at 9:20 a.m. (Exhibit C-5). Sapien’s run team partner Kellen Barton wrote on his incident report that “On Thursday 5/15 tools were discovered” and that he and Sapien had been working the previous day. (Exhibit C-4). He had used the tools to clean and accidentally left them in the barn.

Sapien’s attorney at this Civil Service Commission Hearing before this hearing officer (“the Hearing”) did not bring up this date conflict as something that affected his ability to defend his client from the discipline. If this were a criminal case, such a mistake could lead to a

technical dismissal of the criminal charges. In this administrative civil hearing, such mistakes are not necessarily dispositive, though they can be if it can be proven that the wrong date had an adverse effect on the proceedings. Ms. Sapien's attorneys had ample time to review all the City's exhibits prior to the Civil Service Hearing before this Hearing Officer. In fact, her Hearing attorney offered into evidence as A-2 the incident reports referred to above which had the incident date as 5-15-25. In civil law, one can consider that some defects are "waived" if they are not brought up. Even if he had brought it up, his objection might not have been sustained. I find and recommend that the Civil Service Commission find that the defect in citing the wrong date in the Notice of Suspension was a minor mistake that was waived by the appealing employee.

C. Testimony and Documents

The protocols which zoo keepers had to follow on the date of the incident were that normally two persons worked as a team, called "run team." Each of the team members was not only responsible for his own work, but was also responsible to check the work of the other member. During their work time, Run partners called out to each other regularly by phone or voice as to their whereabouts and what they were doing, and whether an area was clear for the animals to enter or leave. This rule was of utmost importance to make sure that the animals cared for by the zoo, and the employees and members of the public present, would be safe. For example, while an inappropriately locked gate may result in an animal escaping, it could also result in that animal hurting himself or the employees and members of the public walking in the zoo. In the case at hand, the animals involved were kudus, which are large African antelopes. Employee assignments were not permanent, so that the same emphasis on the safety of locking doors and keeping unsafe objects away from the animals was enforced strictly because an employee not locking a kudu gate one day might later be the same employee involved with a more dangerous animal such as a lion.

On May 14, 2025, Sapien and Kellen Barton were working as "run team partners" managing the two Kudus. Kenneth Riley was their immediate supervisor. Barton no longer works at the El Paso zoo but has moved away from the El Paso area to work in another zoo so he was unavailable to testify at this Hearing. Riley testified that he conducted the training for both these employees and others. He testified that the Zoo has a written "Standard Operating Procedures" manual and although he was "pretty sure" the written policy would reflect the joint responsibility

of run partners, he would have to check it. The written Standard Operating Procedures were not introduced as an exhibit at this Hearing.

Supervisor Riley testified that on May 15, 2025, employee Taylor Paulson informed him that in the morning, she had found tools, a rake and shovel, in the back stalls of the hoof stock barn. She said that the Kudus had access to the back stalls. He asked her to write an incident report. He checked the schedule and saw Sapien and Kellen Barton were the keepers on duty the day before. He asked Sapien and Barton to write an incident report. The three employees wrote incident reports. (Exhibits C-3, C-4, C-5). After reviewing the reports, Riley wrote an incident report to forward the information to his supervisor, Amanda Leverett. (Exhibit C-6). Riley testified that a rake and a shovel have sharp edges and the Kudu could have gotten hurt, although they were not. In a prior incident he heard about from another supervisor, an ocelot (medium sized wild spotted cat), ate the wood handle of a rake and got very sick. In the ocelot case, Riley was told that the employee got a formal counseling but the employee was not Riley's responsibility and there was no evidence introduced at the Hearing about the disciplinary history of the employee involved with the ocelot.

In her incident report, Taylor Paulson indicated that on May 14, 2025 the hoof stock barn had the outside door locks checked by three people at closing, i.e. Kellen, Yuli Barreto, and herself, but that none of them "saw it in the stall likely because it was leaned up against the wall and blocked by the door." (Exhibit C-5). Sapien wrote in her incident report that although her run team partner (Barton) had been cleaning the back stalls and did not check the stall before exiting, "I did not check the back stalls before giving animals access back to them. It was caught by someone the following morning. I was informed of the incident after coming back from my weekend." (Exhibit C-3). Barton admitted to leaving the tools in the barn. "I thought I had brought the tool in with me and placed them on the hall of d18 or d17 but they were either left out or fell over and out while the door was being closed. They likely fell over as Sam and I did not notice them throughout the day." (Exhibit C-4). "Sam" was a nickname for Samantha Sapien.

During his testimony at this Hearing, Supervisor Riley referred to a document he had prepared from his computer work notes listing his verbal counseling and the formal counseling of Sapien. The notes were entered into evidence without objection as Exhibit A-5. The notes entered into evidence show the first date of June 14, 2024 when Sapien's probation was extended

45 days, and ended with the May 15, 2025 incident. Sapien was hired in December 2023. Riley contends that Sapien had been verbally counseled as a first step of discipline as early as June 14, 2024 for an unsecured lock, and again on July 23, 2024 for leaving giraffes in unsecured areas and for hitting a fence with the giraffe truck. She passed probation on August 2, 2024, but on February 19, 2025, was given the next step in discipline, which was a formal counseling. (Exhibit C-7). The formal counseling was for not wearing safety gloves on August 26, 2024 and cutting herself after she had been reminded an hour prior to wear the gloves. Also, on the morning of Sept 8, 2024, she had not secured the Giraffe stall's lower lock properly, leaving the latch locked in the open position. "Stalls must be properly secured to ensure the safety of not only the animal, but of the zoo staff and the public."(Exhibit C-7). The formal counseling stated that Sapien was "hereby formally counseled to follow zoo procedures and its Safety Procedures." There was no explanation given as to why incidents of August 26, 2024 and September 8, 2024 did not result in a formal counseling until February 21, 2025. However, there were complaints made during the Hearing by Amanda Leverett and Department Director Joe Montisano that it was difficult to discipline employees due to how long Human Resources took to prepare the discipline. Only the Department Director issues the formal counseling. Supervisor Riley testified that as a supervisor he can issue a verbal counseling which is outlined in the Disciplinary Matrix as one which may be issued prior to utilizing the disciplinary matrix. (Exhibit C-2, p. 3). Since the employee who left the tools, Kellen Barton, had no discipline at all in his eight months working at the zoo, he was eligible for a verbal counseling as the first discipline, and that is what Riley gave him.

Yuliana Barreto worked for three years as a keeper at the zoo. Three months ago, she left to take a job at Hueco Tanks State Park. During her testimony at the Hearing, she drew a diagram to explain the hoof barn where the kudus were left with the rake and shovel. (Exhibit C-15). She confirmed that run partners keep in touch with radios or walking over to the other saying things like "done conditioning, moving kudu back." She was not involved in the incident with Sapien on May 14/15, 2025. She testified that their training was to never assume but to communicate. You would leave the kudu in the tamer room and check every stall before putting the kudu back in a stall. She testified that she's seen drains left open which are a safety issue so she always looks in the stall and must visually check before letting animals in. The keeper needs to look over any walls to do a visual check, especially checking for such things as cleaning tools. She did not remember if this policy on which they were trained was in the written Standard Operating

Procedures. At the end of the day, a second person must double check and close the barn. Barreto testified that she had received two formal counselings. One of the times she and her run partner both got disciplined even though she was the one who left a gate open. Although no animals got hurt, “the team answers for it.” Yuliana was one of the three people named by Taylor Paulsen in his incident report who had checked the barn locks at the close of the day and had not seen the tools: “Taylor, Kellen and Yuli”. (Exhibit C-5). Kellen Barton and Sapien were disciplined for being the run team partners primarily responsible for the tools left in the hoof barn with the Kudus while Taylor Paulson and Yuli Barreto were not assigned to the Kudus on that day and were just double checking the barn lock per procedures. In fact, Samatha Sapien had ended her shift at noon on March 14.

D. Employee’s Defenses

The main issues raised by Sapien through her attorney were that Sapien did not leave any tools in the barn but yet was penalized because her work partner had left the tools where zoo animals could have gotten to them and been hurt. Moreover, others had locked the barn doors with the zoo animals inside and had not checked the stalls to make sure they were clear and safe, yet the other persons were not punished. In addition, Sapien contends that there was no proof that a written Standard Operating Procedures policy existed that required that discipline of both run partners when only one of the partners had made the mistake. Sapien also thought it unfair that Kellen Barton, her run team partner who left the tools in the barn, had received only a verbal counseling yet she had received three days suspension. Sapien believed that her request for an American with Disabilities Act accommodation had caused extra administrative work for Zoo administration and HR and the Zoo was trying to find ways to get rid of her.

When Sapien applied to work for the City of El Paso, she did not ask for accommodation or reveal her medical issues to the City. She did not do so because she was afraid she would not get the job or would lose her job. She was hired in December 2023. Sapien testified that after she had a seizure while working at the zoo, she began applying for accommodation based on her seizures and tachycardia. One accommodation request was for her support dog to be alongside her at work. Her dog could warn her of an impending seizure or tachycardia problem. The zoo had never had a support dog working with an employee so it took some time obtain supporting medical documentation and make certain that a dog would not affect the animals housed at the zoo.

Another accommodation requested was for a schedule change. She could not work the night shift to take care of the baby giraffe as she needed regular medications. She did receive City approval for the accommodation of the work dog and work scheduling in September 2024. A final ADA letter for all accommodations was issued October 2025. No one except Sapien testified that her ADA accommodation had anything to do with her discipline. Others testified that they did not believe the discipline had anything to do with Sapien's workplace accommodation requests. The only evidence given by Sapien was that Zoo Director Montisano made a statement to her when giving her the 3 day suspension Notice on July 29, 2025 that it should have been given to her sooner but "with the ADA shit going on," it was late. No one at this Hearing confirmed hearing this statement except for Sapien. Montisano did not recall making any statement of this sort though he admitted being frustrated by delays in processing discipline since HR has 90 days to respond when his Department sends them discipline requests.

Sapien's attorney contends that Sapien had to report minor incidents such as cutting her finger at work because of her medical condition, and that resulted in a formal disciplinary record. He contends that other employees did not report minor injuries. However, he presented no proof at this Hearing to support his theory that Sapien reported minor injuries whereas other employees did not. Therefore, this contention is merely a theory with no supporting credible evidence to support it.

E. The Disciplinary Matrix

Joe Montisano was the Zoo Director for seven years. He retired one week before he gave his testimony at this Hearing. He testified that he did not specifically recall the events of a year ago that led to the discipline, but that both run partners are responsible for tools left regardless of who left them. He testified that he usually took the recommendation of Human Resources based on the Matrix. He testified that the purpose of progressive discipline such as the Matrix is to adjust behavior.

On the Disciplinary Matrix, Sapien was found to have a Level 1 Violation: "Safety Violation (non-injury or property damage) 2nd offense," which is a three day suspension.(Exhibit C-2, p. 8). The first violation is a Formal Counseling. Montisano testified that he knows he can adjust discipline up or down from the Matrix, but believes Human Resources analyzes discipline for a living so he follows their recommendations because of their expertise. He knows that he can

reduce a 3 day Matrix suspension to a one day, but in the case of Sapien, she had received a formal counseling already for a similar offense, so three days was appropriate for a second offense. He testified that Sapien is good at her job but sometimes does not pay attention to details. He did not remember that Amada Leverett and Kenneth Riley had recommended that he give a one day suspension. However, Montisano testified that he makes the final decision.

Sapien's immediate supervisor Kenneth Riley and the next supervisor in Sapien's chain of command, Amanda Leverett, recommended no more than a one day suspension for Sapien. They both agreed that Montisano, as the Department Director, made the final decision regardless of their recommendation. The Disciplinary Matrix makes it clear that "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." (Exhibit C-2, p. 3). However, Leverett and Riley both testified that they recommended a one day suspension to Joe Montisano but that Montisano had refused. They testified that in other cases Montisano had reduced a Matrix three day suspension to one day, but in the case of Samantha Sapien, he refused. Montisano testified that he did reduce 3 days to a 1 day suspension or less if it was the employee's first time discipline, but this was not Sapien's first time discipline. Neither Leverett nor Riley contended that Montisano's refusal to reduce the discipline from three days to one day suspension had anything to do with Sapien's application or receipt of accommodation under the Americans with Disabilities Act. However, Leverett was particularly upset about the three day suspension for Sapien because on the same day another employee had gotten three days suspension for abusing an animal whereas no animal was hurt by Sapien's actions.

F. Discussion

The Department Director presented evidence that the zoo had a policy that a two member "run team" policy made each member responsible for checking the work of the other. This was instigated as a safety policy so that gates, door, locks and other items that could result in injuries to animals or people went through two separate checks. Although apparently a written "Standard Operating Procedures" policy existed, it was not presented as an exhibit at the Hearing by either party. Several witnesses who testified could not remember if the policy of punishing the run team for the mistake of the partner was in the written SOP. The testimony, however, was that employees were trained that each was responsible to check the work of the other. When a door is not locked

properly, or someone forgets to feed an animal, or tools are left where a curious animal might get injured investigating the curiosity, injuries can result to the animals being housed at the zoo, or to the employees who work there, or the children or adults who visit the zoo. There was testimony from another keeper, Yuliana Barreto, that she had left a gate open and both she and her work partner were punished for the mistake.

It is not up to the Hearing Officer to rewrite a City or Department policy. Whether it is a good policy to hold both members of the run team responsible for each other's actions is not an issue in this case. The issue is whether it is a performance standard reasonably instituted by the Zoo's Department Director. Rule 11 of the Civil Service Commission states: "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" as long as the rules do not conflict with the Civil service Charter.(Exhibit C-1, p. 4). Therefore, the Department Director has demonstrated by a preponderance of the evidence that a performance standard was violated when tools were left in the hoof barn by the team of Sapien and Kellen Barton, and then the Kudus were admitted into the barn with the tools accessible to them. Sapien admitted she did not check the back stalls before she gave animals access back to them. (Exhibit C-3). This in itself is a violation of the zoo policies and procedures even though she did not leave the tools there.

Sapien received three days suspension as a second violation of the Matrix Level 1 Safety violation because she already had verbal counseling and a formal counseling on her record for other safety violations. Her run team partner did not have any violations on his record so according to the practice, he received a verbal counseling, which is a first step discipline. Other than Sapien's belief, there was no credible proof by a preponderance of the evidence that Sapien's American with Disabilities requests for accommodations affected or resulted in the three days suspension given to her. Montisano testified that when he reduced suspensions from three days on the Matrix to one day, it was for employees who did not already have verbal counseling and a formal counseling on the record. There was no other credible proof on this matter. Although two supervisors in Sapien's chain of command thought that a one day suspension should be given, there was no evidence entered as to whether other employees who received a one day suspension were in the same or similar position and facts as Sapien. The Department Director has the final decision. Director Montisano testified that he relied on Human Resources, the Disciplinary

Matrix, and the employee's prior disciplinary history in assessing discipline.

G. Conclusion 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 Sapien stated that her conduct violated the City Charter Section 6.13-3 and Civil Service Rule 8 in that she 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."

3. The Department Head has met his burden of proof and has proven by a preponderance of the evidence that the employee committed the conduct alleged in the specifications of the Notice of Suspension, and that the conduct violated City and/or Department policies.

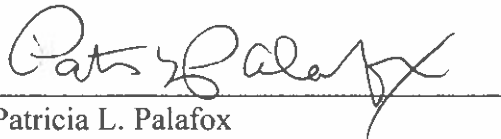
3. I recommend that the conflict of the dates of the incident as listed on the Notice and as evidenced by the facts not be considered as affecting Sapien's discipline as it was a minor mistake and was not raised by the employee's attorney at the Hearing as having affected his ability to defend the case.

4. The Department Head has met his burden of proof and proven by a preponderance of the evidence that the employee's conduct warrants a three day suspension.

H. Recommendation of Hearing Officer

I recommend that the three day suspension of Samantha Sapien **be sustained**.

Respectfully submitted on this 18th day of March, 2026.



Patricia L. Palafox
Hearing Officer

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

IN THE MATTER OF

SAMANTHA SAPIEN APPELLANT

AND

THE CITY OF EL PASO

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§
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§
§

DOCKET NO. 25-ZD-06PP

CITY OF EL PASO'S EXHIBIT LIST

#	DESCRIPTION	DATE
	<i>City of El Paso Employee Investigation</i>	
C-1	Notice of Suspension	7/29/2025
C-2	Discipline Policy and Matrix	
C-3	Employee Incident Report from Samantha Sapien	5/15/2025
C-4	Employee Incident Report from Kellen Barton	5/18/2025
C-5	Employee Incident Report from Taylor Paulsen	5/15/2025
C-6	Employee Incident Report from Kenneth Riley	5/15/2025
C-7	Prior Discipline - Formal Counseling	2/21/2025
C-8	Acknowledgment Forms of Employee Handbook, City of El Paso Safety Policy and Memorandum of Expectations	12/12/2023
C-9	Civil Service Commission Rules and Regulations	
C-10	City of El Paso Handbook	6/2025
C-11	City ADA Reasonable Accommodation Policy	5/30/2025
C-12	City ADA Supervisor Guide	
C-13	Discipline Related Documents	

C-14 Diagram of Zoo
C-15 Diagram of BARN By witness PAULSON



El Paso Zoo Department

MAYOR
Renard U. Johnson

TO: Samantha Sapien, Zoo Keeper, [REDACTED]
FROM: Joseph Montisano, Zoo Director
DATE: July 29, 2025
SUBJECT: Acknowledgement of Documents

CITY COUNCIL

District 1
Alejandra Chávez

District 2
Dr. Josh Acevedo

District 3
Deanna M. Rocha

District 4
Cynthia Boyar Trejo

District 5
Ivan Niño

District 6
Art Fierro

District 7
Lily Limón

District 8
Chris Canales

CITY MANAGER
Dionne Mack

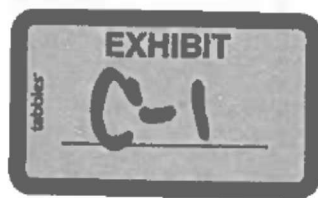
This memorandum is to acknowledge your receipt of the following documents regarding the Notice of Suspension provided to you on July 29, 2025.

- Notice of Suspension (8 pages)
- Supporting Documents (8 pages)
- Acknowledgements (4 pages)
- Discipline History (1 page)
- Disciplinary Policy and Matrix (11 pages)

I am acknowledging receipt of the above documents.


Signature

July 29th 2025
Date



Joseph Montisano – Zoo Director
El Paso Zoo | 4001 E. Paisano | El Paso, TX 79905
O: (915) 212-0966 | Email: Montisano.J@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 2025

Address: [REDACTED]

From: Zoo Department
Subject: Suspension Without Pay

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY SUSPENDED FOR THREE (3) WORKDAYS EFFECTIVE August 9 TO August 11 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: July 29th 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
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 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 SS



CITY OF EL PASO, TEXAS
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Employee ID #: [REDACTED]

Date: July 29, 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 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. 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 election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission.

EMPLOYEE'S INITIALS SS



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Position: Zoo Keeper

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Date: July 29, 2025

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)

CITY OF EL PASO EMPLOYEE HANDBOOK (January 2023)

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.

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF-SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 2025

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:

- Conduct that you have been informed is unacceptable.
- Failure to meet or maintain work performance standards.

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.

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien	Last 4 #'s of SS #: [REDACTED]	Date: July 29, 2025
Position: Zoo Keeper	Employee ID #: [REDACTED]	

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.
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:

- 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:

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien	Last 4 #'s of SS #: [REDACTED]	Date: July 29, 2025
Position: Zoo Keeper	Employee ID #: [REDACTED]	

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 (May 30, 2018)

Level 1 Violation: Safety Violation (non-injury or property damage) (2nd offense) – 3 Day Suspension

Date Received by Human Resources: June 9, 2025

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): October 7, 2025

SPECIFICATIONS:

On May 16, 2025, another Zookeeper discovered that a rake and shovel were left overnight in Stall 8 of the hoof stock barn, where the kudu are housed. In your incident report, you acknowledged that you failed to inspect the back stalls before granting the animals access. While no animals were injured, this oversight cannot be overlooked, as it indicates a failure to verify that all tools were secured and the area was safe for all animals.

As a zookeeper, you are expected to perform your duties thoroughly and accurately, particularly when safety is at stake and there is a potential risk of harm to yourself or the animals. Your actions are not in alignment with the City's Mission, Vision, and Values and constitute a violation of the City of El Paso Employee Handbook.

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 2025

Your disciplinary history reflects the following:

On February 21, 2025, you received a **Formal Counseling** for Safety Violation and Failure to Follow Departmental Rules/Policies.

Based on the above specifications, the City of El Paso Zoo Department has determined that your services are to be suspended 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 you receive this 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 SS



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

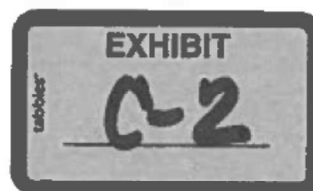
I. POLICY:

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.



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.

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:

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

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

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)	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**

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	

9

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**

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)**

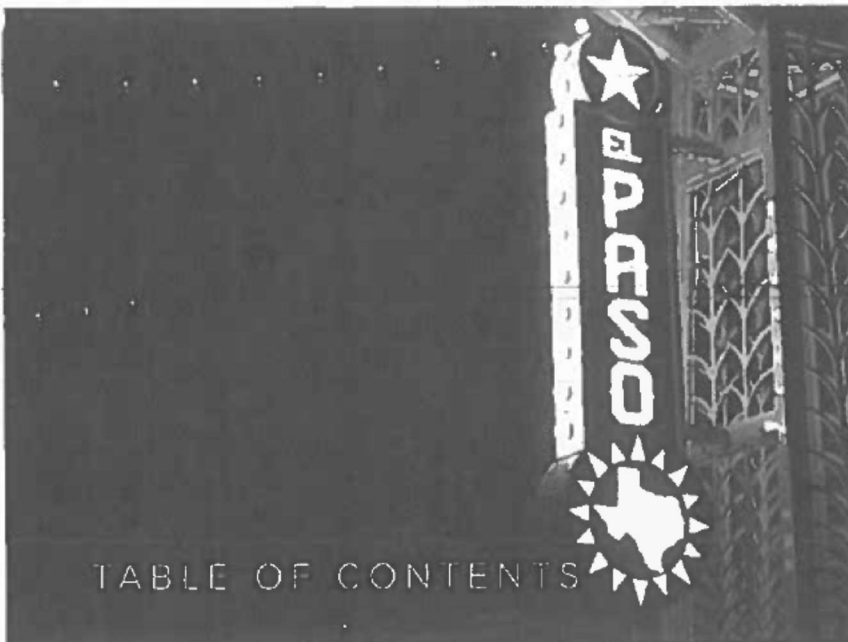
**1ST OFFENSE
PENALTY**

**2ND OFFENSE
PENALTY**

**3RD OFFENSE
PENALTY**

**4TH OFFENSE
PENALTY**

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			



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33	Overtime Pay	41	Violence Prevention
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33	Social Security	42	Security
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Introduction

This handbook sets forth the current general policies and guidelines that will affect your work life as an employee of the City of El Paso (the City). Please read it carefully and be sure to ask your immediate supervisor any questions you may have.

This handbook is not a substitute for personal integrity and good judgment. It is intended to be used as a guideline and is informational only. Its provisions are not conditions of employment and may be modified, revoked, or changed at any time with or without notice. Regardless of your date of employment, any additions, deletions, or changes to this handbook will be effective upon notification.

Nothing in this manual is intended to create nor is it to be construed to constitute a contract between the City and any of its employees. Employment with the City may be terminated at any time, with or without cause, by the City or an employee.

To keep up with the dynamic world in which we compete, the City from time to time may have to change its written policies, procedures, and guidelines. If you think of ways to make this handbook more useful, complete, or clearer, please let your immediate supervisor know. As always, your input matters.



Dionne Mack
City Manager, City of El Paso

Welcome to the City of El Paso!

Today marks the beginning of an exciting chapter in your career, and I couldn't be more thrilled to have you join our team.

Reflecting on my own journey with the City, I still vividly remember the hope and excitement I felt when I started my career here.

Like you, I made the conscious decision to dedicate my talents to public service because I believe in the profound impact we can have on the lives of others. It is a calling that unites us, a shared purpose that fuels our efforts to make El Paso a thriving community for all.

Here at the City of El Paso, we believe in the transformative power of public service. Every role within our organization—yours included—contributes to our collective mission of building a better future for our residents, businesses, and visitors. As you step into this role, know that your work will have a meaningful and lasting impact.

Our team is made up of hardworking individuals who bring integrity, innovation, and passion to their work every day. We strive to be exceptional ambassadors for the community, delivering services that reflect the dedication and care El Paso deserves.

As you settle in, I encourage you to explore the resources, relationships, and opportunities available to help you thrive. We are here to support you every step of the way, and your success is our success.

The road ahead is filled with challenges and opportunities, but I have no doubt that your unique talents and perspective will make a difference. Together, we will work toward our shared vision of a vibrant, inclusive, and prosperous El Paso.

Thank you for choosing to be part of our team. I am excited to see all that you will accomplish. Welcome to the City of El Paso family!

With warm regards,

Dionne Mack
El Paso City Manager



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.

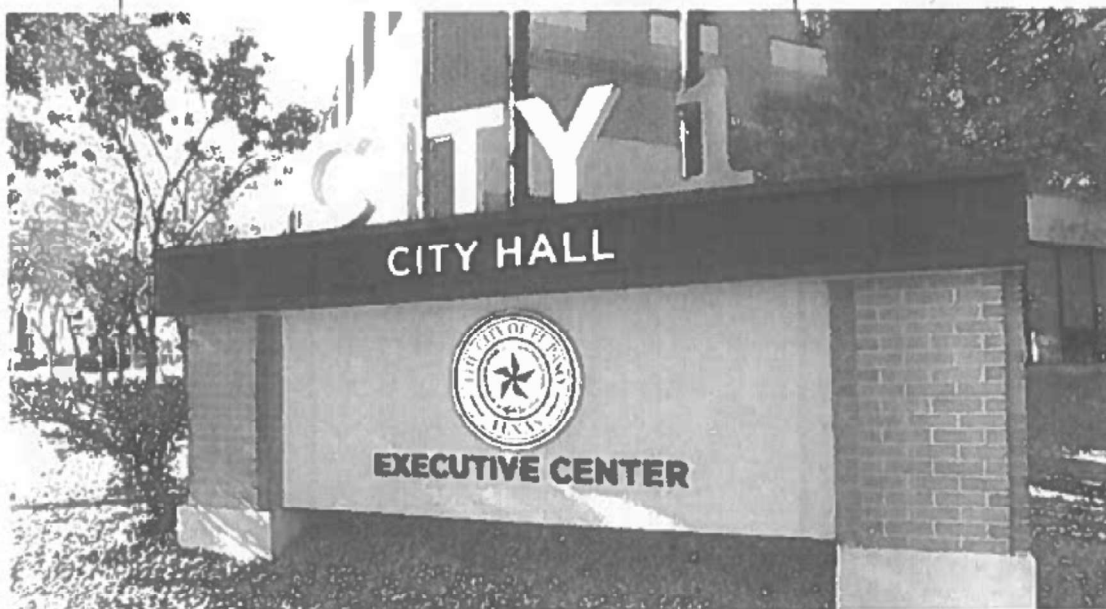


VALUES

Integrity, Respect, Excellence,
Accountability, People

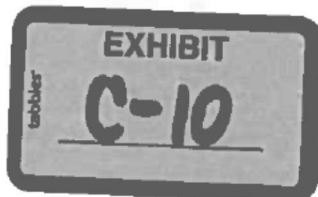
Your City Government

A Mayor and eight District Representatives govern the City of El Paso. These officials, as well as the Judges of the Municipal Courts, are elected. The City Manager, City Attorney, and Internal Auditor are appointed by a majority vote of the City Council. All other employees are appointed by the City Manager or by Department Heads.



The City Manager is the Chief Administrative Officer and is responsible for the operation of all departments within the City. The City Council is the lawmaking body and sets the policy for matters over which the municipal government has jurisdiction. City laws must be introduced at a public hearing and passed at a Council meeting. Our City operates under a City Charter that may be revised by the voters. Normally a majority vote of the Council is required to establish rules or ordinances. Most of the Council constitutes a quorum and, with or without the Mayor, they can take official action. The Mayor can veto any Ordinance or Resolution, except for any City Council action that removes the City Manager, and the Representatives can override a veto with a three-fourths vote of the entire body.

The Mayor and Representatives appoint members of various advisory boards, commissions, and committees to assist in the operation of City government. The members of these boards, commissions, and committees are volunteers and receive no compensation.



City of El Paso City 000025

Leadership Strategies

The City of El Paso is managed by individuals who share a set of philosophies, which are embodied in the City of El Paso's organizational structure and policies. City management has adopted the following management strategies:

- * Our strategies are based upon the 8 Strategic Goals in the City's Strategic Plan as identified by the City Council. The goals are:
 - 1 Cultivate an Environment Conducive to Strong, Economic Development
 - 2 Set the Standard for a Safe and Secure City
 - 3 Promote the Visual Image of El Paso
 - 4 Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments
 - 5 Promote Transparent and Consistent Communication Among All Members of the Community
 - 6 Set the Standard for Sound Governance and Fiscal Management
 - 7 Enhance and Sustain El Paso's Infrastructure Network
 - 8 Nurture and Promote a Healthy, Sustainable Community
- * A simple, straightforward organizational structure.
- * Responsible, reasonable administrative controls.
- * Selection of high-performing and highly skilled personnel.
- * Assignment of dedicated personnel for maximum responsiveness to customers.
- * Streamlined procedures that encourage high performance, efficient delivery of service, and minimize unproductive redundant reporting.



Management Functions

The City of El Paso retains the right to exercise customary managerial functions, including, but not limited to:



- Select, hire, assign, supervise, correct, and dismiss employees.
- Decide and change performance standards and expectations and evaluate employees' performance.
- Decide and change hours and days of work schedules, including shift times.
- Transfer employees within departments, into other departments, and/or other job classifications.
- Decide and change the size and qualifications of the workforce.
- Decide and change the methods by which operations are carried out.
- Manage and control the premises and resources.
- Assign duties to employees according to operational needs and requirements, in alignment with the employee's Job Description.
- Establish, change, and abolish departmental policies, practices and procedures, including making recommendations to leadership regarding rules and regulations.



Philosophy & Objectives

At the City of El Paso, our success has been 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. Dedicated to the highest standards of customer satisfaction, you are expected to strive daily to maintain the mark of excellence that has become synonymous with the City.

The City's emphasis is on people, recognizing that even with the finest equipment, materials, and elaborate systems and procedures, people make the total operation work, and they work together best in an environment where they are respected as individuals and recognized as important members of the team. El Paso's Lean Six Sigma (LSS) program has produced significant cost savings, improved customer satisfaction, and reduced citywide inefficiencies and waste. By taking a closer look at City processes and how the work gets done daily, employees are asked to identify other gaps and improvement possibilities. Through LSS and other development opportunities, El Paso leadership encourages all employees to serve as agents of change. Understanding and capitalizing on the belief that solutions are within reach is transformative in producing meaningful results and enhancing employee morale. Instituting LSS has given the City the opportunity to innovate by considering how we can continually improve the quality-of-service delivery to our residents, businesses, and visitors. City of El Paso employees are expected to display the highest moral and ethical standards.

Policies for People

The critical factors in job performance are an employee's determination, skill, and personal involvement. Our policies for people focus on opportunities for maximum personal growth and are embodied in specific City objectives to:

- Encourage development and promotional opportunities from within the organization.
- Ensure that all employment-related decisions are based on performance, conduct, and attendance without regard to race, gender, gender identity, sexual orientation, marital status, color, religion, ethnic background or national origin, age, disability, service in the uniformed services, reproductive health actions, hairstyle and/or hair texture or any other characteristics or status that is protected by federal, state or local law.
- Remain open to suggestions and ideas, encourage City employees to come forward freely with recommendations, seek prompt solutions to problems, and always keep lines of communication open.
- Provide pleasant and safe working conditions and encourage teamwork.
- Keep all City employees informed of significant developments.



Civil Service Commission

The Civil Service Commission, pursuant to the City Charter, oversees the operation of the Civil Service system and ensures fairness, economy, and efficiency in the personnel selection process and system created for classified employees. The Civil Service Commission is also responsible for performing the duty of hearing grievances of classified employees. The Mayor and the City Council members each appoint a Civil Service Commissioner. Commissioners serve staggered three-year terms. The Commission typically meets on the second Thursday of each month and holds special and emergency meetings when necessary. The members of the Commission serve without compensation.

INTEGRITY & ETHICS



Integrity & Ethics

One of the City of El Paso's most important assets is the reputation of its employees for honesty and integrity. Preserving your integrity demands continuous commitment. Each employee must avoid any activity or relationship that might reflect unfavorably on the City whether as a result of a possible conflict of interest, the appearance of such a conflict, the improper use of "insider information," or any other impropriety.

Although no written code can take the place of personal integrity, the following general guidelines should serve as minimum standards of proper conduct. Any violation of existing ordinances, policies, rules, or regulations may subject the employee involved to disciplinary action up to and including termination of employment and/or possible civil or criminal penalties.

INTEGRITY & ETHICS

Code of Integrity

Integrity and a high standard of ethics are fundamental to the City of El Paso and must be upheld by all employees. The City is committed to doing what is right.

These principles are accomplished in dealings with our customers, vendors, and fellow employees when we:

- Conduct ourselves in a forthright and honest manner.
- Are fair and considerate in all dealings.
- Maintain professional behavior in all relationships.
- Make commitments that can be kept and keep them.
- Exhibit an attitude of professionalism and common courtesy.
- Respect the rights and dignity of all individuals.
- Obey the letter and intent of the law.

Your individual commitment to this code is required. A series of general guidelines follows. If you should have questions concerning the proper course of action in any situation, promptly consult with your immediate supervisor and/or manager.

Disclosure or Use of Confidential Information

In the course of your employment at the City of El Paso, you may encounter and be trusted with many kinds of confidential, non-public information. Described below are specific guidelines that relate to different types of confidential information you may encounter in your job.

Information about the City: Confidential information about the City or its employees should not be disclosed to non-employees or to employees who have no business-related need for this kind of information in the course of their job duties. Further, it must not be used for personal gain.

- This restriction applies to all types of confidential information, including employee information, marketing information and strategies, trade secrets, methods and procedures, pricing and cost information, internal policies, computer access codes, and current or projected earnings and financial status that have not already been disclosed in public documents.
- Citizens and Vendors: Every City employee has an obligation to protect the confidential nature of relationships with former, present, and prospective citizens and vendors of the City. Any confidential information about citizens and vendors that is acquired by employees must be used solely for authorized City business, and this information may not be revealed to any unauthorized person(s) under any circumstances.
- Confidential information should be disclosed only to those employees who need to know it to serve the interests of the citizens or vendors and the City. Confidential information must not be discussed in the presence of unauthorized people, whether they are City employees or not. If you have questions about confidential disclosure, consult your immediate supervisor.
- Unnecessary duplication of any confidential documents must be avoided. Documents containing confidential information should not be left in conference rooms, in photocopy areas, on desks, or at workstations where they can be



INTEGRITY & ETHICS

seen by outsiders or unauthorized employees. You should not leave confidential information displayed on computer screens when not in use. Such informal or inadvertent release of confidential information can subject an employee, the City, or both to liability.

- Unless otherwise required by the terms of a specific confidentiality or non-disclosure document, additional or extra copies of confidential information should be shredded or discarded in bins designated for shredding.

Systems & Data Security

The City of El Paso has established security policies to protect its computer environments. All employees granted access to the computers used by the City to conduct its business must be aware of and comply with these security standards and controls. Do not allow access to your computer or disclose your access code and/or password to anyone. Log out and shut down your computer when leaving your workstation for an extended period. Specific questions or concerns may be directed to the City's IT Help Desk.

Any confidential information available on computers and individual personal computers shall be handled according to the guidelines established in the Disclosure or Use of Confidential Information section of this handbook.

Most software used in the City's computer systems is subject to licensing agreements that govern its use. The use of unlicensed proprietary software and the misuse of licensed software is strictly prohibited. Employees must not install or download software without prior approval of the City's IT Department.

E-Mail & Internet Access

Access to the City's e-mail system, Intranet, and the Internet is limited to business use only, aside from incidental personal use. All use of the e-mail system and all Internet activity are subject to inspection, monitoring, and logging to enforce this policy. Any employee found to be in violation of the City's e-mail, intranet/internet or social media policies is subject to disciplinary action, including termination of employment. Examples of misuse include, but are not limited to:

- Engaging in any kind of business activity that is not in support of the City.
- Attempts to gain unauthorized access to any computer or communications system.
- Playing computer games during working hours and browsing the Internet beyond incidental personal use in violation of the City's e-mail, intranet/internet, or social media policies.
- Utilization of City-provided equipment and services to access, transmit, receive, or archive illegal or sexually explicit material, or material which promotes hate, violence, or discrimination of any kind.

Information Requests from News Media

If you receive a request from the news media for information (whether written or oral) or for an interview relating to the City or its business, you shall directly refer the inquiry to the City's Strategic Communications office or designated departmental public affairs representative. The contact information for the Strategic Communications Department can be found on the [City's website](#).

Council Requests

The Council Request (CR) process is an essential procedure for handling official requests from the Mayor's or City Representatives' offices for matters that cannot be addressed through 3-1-1 or the Police non-emergency number. Designed to ensure compliance with the City Charter (Article V, Section 5.5 – Interference with Personnel or Administration), the CR process ensures efficient tracking, consistent service delivery, and compliance with City policies and the City's Charter, reinforcing accountability and protecting staff and elected officials from any misperceptions of impropriety.

CRs must be submitted with specific details, including the requester's contact information, the exact location of the issue, any relevant service request numbers from 3-1-1, and supporting materials such as photos if applicable. Each concern should be submitted as a separate request for precise tracking and efficient resolution. Issues outside City department purview, such as civil matters or non-City department issues, are directed to the external agencies. Requests related to IT or Facilities Maintenance, as an example, are routed through their respective portals.

Staff are asked to acknowledge and respond to the CRs in a prompt and efficient manner. On average, responses to CRs typically take two to five business days, with more complex issues potentially requiring additional time. While updates may include actions taken, sensitive information such as personal details or criminal investigations will not be disclosed. Meeting or briefing requests from the Mayor's or City Representatives' office may also require CR submission, complete with proposed dates, topics, and sufficient context to enable proper coordination.

For more information about the CR process please email the Ombudsperson team that manages the process at CRTeam@elpasotexas.gov.

Speaking Engagements

If you receive a request (whether written or oral) to speak publicly or to write an article on a subject related in any way to the City or its operation, you must promptly inform and receive approval from your Department Head, prior to accepting the engagement.

Endorsement Requests

Employees must report requests to publicly endorse or recommend any product, consultant, or vendor to their Department Head, and must work through appropriate leadership to notify the requestor that the City does not provide endorsements.

Conflict of Interest

The City's Values are Integrity, Respect, Excellence, Accountability and People. Every employee has the obligation to act in the City's best interests, to maintain the confidence of all City proprietary information, and to refrain from placing themselves in a position that could produce a conflict between self-interest and the interest of the City.

You have a duty to always act in good faith. You must not use your position for private or personal advantage or for gain beyond your compensation and other benefits provided by the City. Specific examples of situations likely to result in such conflicts are discussed in the following sections.

Outside Employment

As a City employee, you may not engage in any type of outside employment, including self employment and consulting, if the employment or consulting:

- May embarrass or discredit the City.
- May affect your impartiality, objectivity, or efficiency in performing your duties.
- Involves the use, possible use, or disclosure of proprietary or confidential information of, or held by, the City.
- Involves, in any way, a vendor of the City.
- Is conducted during, or conflicts with, your scheduled work times. Exempt employees should request leave if the outside employment occurs at any time during their scheduled work day to avoid any appearance of conflict of interest.
- Involves the unauthorized use of City equipment, supplies, software, or other resources.

Before engaging in any regular outside employment, you must submit a written request to your Department Head and be notified in writing that it has been approved by your Department Head. Your request must be submitted on the prescribed form and contain a complete description of your proposed outside employment. Requests for outside employment shall not exceed 25 hours per week. Applications that have been approved by the Department Head will be valid for a period not to exceed two (2) years from the date of approval, and only for the specific type of employment approved. For more information, please reference the "Outside Employment Policy" on My.EIPaso.gov.

Acceptance of Gifts

In accordance with the City's Ethics Ordinance, City employees and/or members of their immediate family may not solicit or accept any business-related gift, service, payment, favor, entertainment, or other things "of value" from anyone, either inside or outside the City. "Of value" is defined by the provisions of the City's Ethics Ordinance. Employees are required to be familiar with the Ethics Ordinance found on the [City Attorney web page](#). Gifts with a value of or exceeding \$75.00 cannot be accepted, and gifts with a value exceeding \$10.00 cannot be accepted from a person registered with the City as a lobbyist.

Offering Gifts & Gratitude

In accordance with the City's Ethics Ordinance, City employees may not offer gifts or gratuities which could be construed as influencing or rewarding an improper course of action. This prohibits gifts or gratuities to an employee or representative of any customer, vendor, the media, or any other organization doing business with the City.

Financial & Other Interests

City employees and/or members of their immediate family may not have any direct or indirect interest in or relationship with any organization that is or is likely to become a vendor of goods or services to the City of El Paso without prior written disclosure of the interest to the City Clerk. The purpose of the disclosure is to determine whether any conflict of interest may exist. If you have any questions regarding a potential conflict of interest you should discuss the matter with the Department Head or Human Resources Department before proceeding.

INTEGRITY & ETHICS

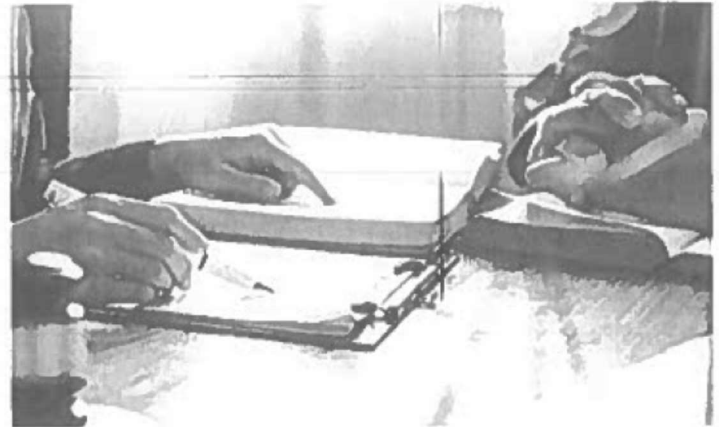
**Reporting Fraud
or Other Illegal Acts**

Any City employee who has reason to believe that there may have been an instance of fraud, or other illegal activities in connection with a City program, function, or activity, shall report it immediately to their supervisor or Department Head, the Chief Internal Auditor, their Human Resources representative, the Employee Hotline, or the City Manager's Office, as soon as possible.

Reports will be investigated as expeditiously as possible. Where an investigation confirms that fraud or another illegal act has occurred, appropriate corrective action will be taken. Fraud or other illegal acts will result in disciplinary action up to and including termination of employment.

Employees who report incidents of fraud or illegality or who assist in an investigation shall be protected from retaliation of any sort. However, any employee who assists in an investigation but who is found to have participated in the illegal act or fraud being investigated remains subject to appropriate disciplinary action. In addition, if it is determined that a report was not made in good faith, or that an employee intentionally provided false information regarding an allegation, disciplinary action up to and including termination of employment may occur.

Any employee who believes that he/she has experienced retaliation for making a report or assisting in an investigation shall report this as soon as possible to the appropriate supervisor, manager, Department Head, or Human Resources Director.



Nondiscrimination

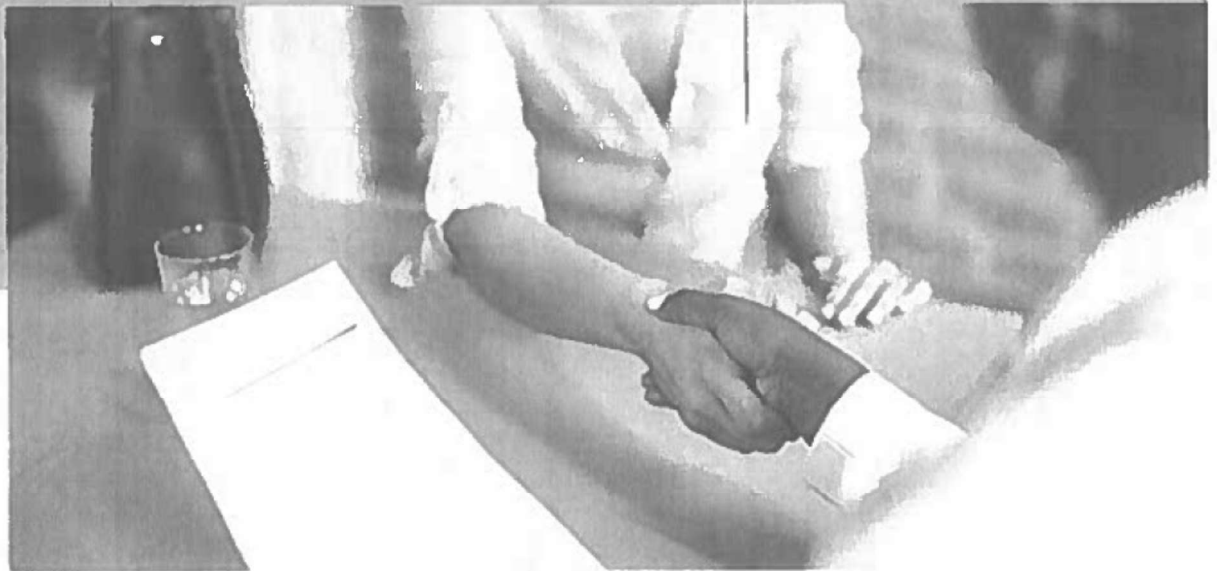
It is the policy and requirement of the City that employees carry out their duties to the public and the internal services to fellow City employees in a non-discriminatory manner. Discrimination is prohibited, and employees shall not discriminate against any person in carrying out their job duties, based on race, gender, gender identity, sexual orientation, marital status, color, religion, ethnic background, or national origin, age, disability, service in the uniformed services, reproductive health actions, hairstyle and/or hair texture or any other characteristic or status that is protected by federal, state or local law.



EMPLOYMENT POLICIES

Employee Policies

This section contains general information concerning the City of El Paso policies, as well as matters that relate to you in your day-to-day work. All City of El Paso policies are located on the City's Intranet, My.ElPaso.gov.



Equal Employment Opportunity

The City has and will continue to provide equal employment opportunities to all qualified persons and reaffirms its commitment that there shall be no discrimination against, or harassment of, applicants or employees because of race, gender, gender identity, sexual orientation, marital status, color, religion, ethnic background or national origin, age, genetic information, disability, veteran status, or any other protected status. The City will continue to recruit, hire, promote, transfer, take corrective action, and make all personnel decisions, including those related to compensation and benefits, non-discriminately and in accordance with applicable laws. Further, the City will make reasonable accommodations for applicants and employees with known disabilities who can perform essential job functions with or without such accommodations.

The City requires all employees to report any information regarding any incident of possible discrimination or harassment to leadership or a Human Resources representative so that the matter can be investigated, and appropriate action is taken. Any employee who violates the City's Sexual Harassment, Americans with Disabilities Act (ADA) Reasonable Accommodations, or non-discrimination policies will be subject to disciplinary action up to and including termination of employment. For more detailed information, consult your immediate supervisor, the City's Human Resources Department or the City's Non-Discrimination Policy found on My.ElPaso.gov.



EMPLOYMENT POLICIES

Harassment

The City of El Paso's policy prohibits any form of sexual, racial, ethnic, disability, age, and religious harassment of employees or applicants. The City of El Paso recognizes that the aforementioned forms of harassment are a violation of Federal and State laws. The City maintains a strict policy that harassment, whether sexual, ethnic, or religious in nature, or directed toward one's age or disability status, in the workplace, is not acceptable and will not be tolerated.

The City of El Paso is committed to fostering a work environment free from sexual harassment. Sexual harassment jeopardizes a productive work environment. Sexual harassment is a form of misconduct that demeans another person and undermines the employment relationship between the City and its employees. Sexual harassment is unwelcome sexual attention directed toward another person that affects the person and creates an intimidating, hostile or offensive working environment that interferes with his/her ability to do their job.

The City prohibits any employee from engaging in any type of harassing conduct or any behavior that constitutes inappropriate workplace behavior, regardless of intent or severity, even if it does not meet the definition of sexual harassment. The City is committed to taking all steps necessary to maintain a productive work environment free of sexual harassment and intimidation of any type. The City explicitly prohibits any sexual harassment, including but not limited to:

- Making unwelcome sexual advances or propositions, unnecessary contact/touching, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, display in the

workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault.

No supervisor, manager, or other employees shall threaten or insinuate, either explicitly or implicitly, that another employee's or applicant's submission to or rejection of unwelcome sexual advances will adversely or positively affect that person's employment, work status, evaluation, earnings, advancement, or any other condition of employment.

Complaint Procedure: If you experience, witness, or suspect sexual harassment of any type, whether, by a supervisor, manager, employee, or any other person, you must immediately report this to your immediate supervisor or his/her manager, or your Department Head or the Human Resources Department. Complaints will be investigated immediately and confidentially. No retaliation will be made against any person for making a complaint in good faith. Where incidents of harassment can be confirmed following investigation, the City will take appropriate corrective action pursuant to the City's Sexual Harassment Prevention Policy. Any supervisor, coworker or other Agent of the City who knew or should have known of the alleged Sexual Harassment and did not take immediate action to correct it may be personally liable, in accordance with Texas Labor Code, Chapter 21.

For more detailed information, consult your immediate supervisor, the City's Human Resources Department or the City's Sexual Harassment Prevention Policy and Procedures found on My.ElPaso.gov.

Dating & Fraternization

The City will strive to maintain a work environment that is free from intimate, romantic, or dating relationships between supervisors and their subordinates or



EMPLOYMENT POLICIES

between employees involved in any other power-differentiated relationship. Power-differentiated relationships can lead to sexual harassment (or the appearance of sexual 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.

To effectuate the purposes expressed above, if an intimate, romantic, or dating relationship develops between a supervisor and a subordinate, the employees involved in the relationship must promptly report it to the Human Resources Director.

Once a power-differentiated relationship is reported, the City may attempt to modify the working relationship, through transfer within the City or by any other available options. If a transfer or other option is not available, and the parties choose to continue the relationship, one of the employees will be required to resign or be subject to termination. The impacted employees will be encouraged to identify a resolution. If both employees are in good standing with the City, and one must be terminated, the employee with the least seniority will be terminated, otherwise, the employee not in good standing will be selected for termination.

Probationary Period

For all Classified employees, the first six months

of employment are considered a probationary period unless otherwise determined by a Collective Bargaining Agreement. During this probationary period, your demonstrated ability to do the job for which you were hired, conduct, and ability to work with others are evaluated by your supervisor. Your supervisor will complete a probationary evaluation prior to or at the end of this period.

- You will become a regular classified employee if you satisfactorily complete the probationary period, as evaluated by your supervisor.
- A decision to terminate the employment relationship due to an unsatisfactory probationary evaluation is not subject to the appeal process found in the Civil Service Rules and Regulations.

For all Unclassified employees, your supervisor is strongly encouraged to complete an evaluation following your first six months of employment. Unclassified employees are not covered by Civil Service Rules unless specifically outlined in the Civil Service Rules.

Employee Status

Your employment status depends on the number of hours you are normally scheduled to work each week and the expected duration of your employment. The employee benefits you receive will vary according to your status as outlined below.

- **Classified or Unclassified Full-Time:** If you are employed on a full-time basis (30 hours or more per week), you are eligible to participate in all of the City's benefit programs, such as vacation leave, insurance plans, and holiday pay.
- **Classified or Unclassified Part-Time:** If you are employed on a part-time basis, i.e., you work more than 20 but less than 30 hours in a workweek. If



EMPLOYMENT POLICIES

you are a part-time employee who is scheduled to work a minimum of twenty (20) hours per week you will accrue sick leave at a pro-rated amount based on the number of hours that you are scheduled to work. Holiday pay for part-time employees who work an average of 20 or more hours per week shall be paid holiday pay at a prorated number of hours based on the average number of paid hours, excluding overtime, in the two pay periods immediately preceding the holiday pay period.

- **Temporary Full-Time:** If you are a temporary full-time hire, you are not a classified employee, are exempt from Civil Service, and are not eligible to participate in any of the City's benefit programs.
- **Temporary Part-Time:** If you are a temporary part-time hire you are not a classified employee. You are exempt from Civil Service and are not eligible to participate in any of the City's benefit programs.

All jobs at the City of El Paso are designated as either "exempt" or "non-exempt." The placement of jobs into one of these categories is determined by federal wage and hour laws. Jobs which are exempt are not subject to the overtime provisions of the law. Non-exempt employees are entitled to the overtime provisions of federal and state laws governing compensation.

Solicitation & Distribution

The City strives for all employees to work in an environment free from unnecessary and inappropriate distractions. When you and your co-workers are in work areas during working hours, we request that you avoid actions that may distract others. While either you or others are working, you are prohibited from selling merchandise, requesting financial contributions, event participation, distributing any pamphlets or literature not related to your job, or any

other type of solicitation or distribution not related to your job. This includes the unauthorized posting of bulletins, notices, or advertisements on City bulletin boards, or on any other City means of communication, including e-mail, intranet, and internet systems.

Individuals who are not employed by the City are prohibited from distributing material or soliciting City employees on City grounds at any time. Please notify your immediate supervisor or any manager if you are solicited or subjected to the prohibited distribution of literature, whether in person, through the City's mail system, or by e-mail.

The City Manager or designee may authorize not-for-profit fundraising activities which meet the criteria and intent of the Fundraising and Solicitation Policy and may allow minimal City time and/or City communication resources to work on City-sponsored fundraising activities. For more detailed information, consult your immediate supervisor, the City's Human Resources Department or the City's Fundraising and Solicitation Policy.

Drug-Free Workplace

The City of El Paso has a vital interest in maintaining safe, healthful, and efficient working conditions for its employees. The City has a zero-tolerance policy for testing positive for drugs and/or alcohol and for refusing to test.

If you are taking a drug or other medication, which is known or publicized as possibly impairing judgment, coordination, or other senses important to the safe and productive performance of work, you must notify your immediate supervisor prior to starting work. Management will consult with Human Resources to determine whether you can work and may impose any necessary work restrictions.



EMPLOYMENT POLICIES



The unlawful manufacture, distribution, dispensation, possession, or use of a controlled, prohibited, or illegal substance on City premises or while conducting City business off-premises is absolutely prohibited. Violations of the City's Drug-Free Workplace Policy will result in disciplinary action up to and including termination of employment and may have legal consequences.

The City of El Paso recognizes alcohol and drug abuse as a potential health, safety, and security problem. If you need help in dealing with such problems, you are encouraged to seek assistance from the Employee Assistance Program (EAP). Conscientious efforts to seek help for an alcohol or substance abuse problem will not jeopardize your job and will not be noted in your personnel records, provided the efforts are done in conformity with City policies including the City's Drug-Free Workplace Policy.

When there is evidence to reasonably suspect that an employee has reported to work or is working

impaired due to alcohol or drugs, the employee will be asked to submit to alcohol and drug testing.

Any employee involved in either a job-related accident or incident involving the apparent violation of a safety rule or standard, which did or could have resulted in serious injury or property damage, may be asked to submit to alcohol and/or drug testing.

You must, as a condition of employment, abide by the terms of the City's Drug-Free Workplace Policy, which may require submitting to drug and/or alcohol testing. Failure to submit to a required drug and/or alcohol test is grounds for automatic termination. You must report any conviction under a criminal drug statute for violations occurring on or off City premises. A report of a conviction must be made to the Human Resources Director within five days after the conviction. For more detailed information, consult your immediate supervisor, the City's Human Resources Department or the City's Drug-Free Workplace Policy found on My.ElPaso.gov.

Police and Fire Uniformed employees must abide by the Drug and Alcohol testing guidelines as outlined in their respective Collective Bargaining Agreements and respective department Drug and Alcohol Policies.

Tobacco-Free Workplace

In the interest of providing a healthy, comfortable working environment, smoking and the use of all tobacco products, as well as the use of electronic cigarettes, is prohibited as defined in the Tobacco Free Workplace Policy, in City buildings, entryways, and City vehicles. You are responsible for notifying your visitors of this policy. Employees may not leave their assigned areas to smoke or use tobacco products except at approved breaks or mealtimes. For more detailed information, consult your immediate



EMPLOYMENT POLICIES

supervisor, the City's Human Resources Department or the City's Tobacco-Free Workplace Policy found on My.EIPaso.gov.

Professional Appearance

It is required that you dress in a manner appropriate for your work environment. Dressing professionally and being clean and well-groomed signals self-pride, the respect you have for your co-workers, and reflects favorably upon the City to our citizens and visitors. If you have any questions about the Professional Appearance Standards Policy and rules that apply to you, consult your immediate supervisor.

Clothing or other personal appearance items may also affect your job safety. Depending upon the nature and location of your work, you may be required to wear special protective clothing and equipment to ensure your safety.

Employees who report for work in attire considered to be inappropriate or unsafe will be sent home until the appearance issue is corrected. Repeated violations of the Professional Appearance Standards Policy and rules will be addressed according to the City's Discipline Policy and Matrix. For more detailed information, consult your immediate supervisor, the City's Human Resources Department, or the City's Professional Appearance Standards Policy found on My.EIPaso.gov.

Attendance & Punctuality

It is important that you be at work on time every day and that you work the hours scheduled for your position. Absenteeism and tardiness reduce the efficiency of our operations. More importantly, they place a hardship on your co-workers who report regularly and punctually.

Thus, both absenteeism and tardiness must be kept to an absolute minimum. Attendance and punctuality are conditions of employment. Unsatisfactory attendance and tardiness will result in disciplinary action up to and including termination of employment.

We recognize that occasionally you may not be able to report to work on time or at all. It is your responsibility to notify your supervisor or department designee before your usual starting time as determined by your department.

Corrective action may be taken if you:

- Fail to timely notify your supervisor as required by City policy and/or Departmental rules and regulations.
- Are excessively absent.
- Do not have an acceptable excuse for being late or absent.
- Violate the City's sick leave policies or Departmental sick leave rules and regulations.

The City may require you to provide a physician's statement documenting your absence relating to illness or injury which lasts three (3) or more consecutive workdays and/or in cases in which your attendance has become unsatisfactory, or pursuant to Department-specific rules and regulations.

For more detailed information, consult your immediate supervisor, the City's Human Resources Department, or the City's Sick Leave Use and Investigation of Sick Leave Abuse Policy found on My.EIPaso.gov.

Timekeeping

Each full-time or part-time non-exempt employee is responsible for the accurate daily recording of their



EMPLOYMENT POLICIES

time worked, using the City's timekeeping system.

Strict adherence to the procedures established for your workgroup is required. Failure to properly comply with the Hours of Work Policy will result in disciplinary action up to and including termination of employment.

Employment of Relatives

Selection, assignment, and appraisal of every employee should be as objective as possible. Where relatives are involved, it is difficult to appear objective, even under the most desirable situations. Therefore, the City will only hire relatives of current employees if the new employee and the current employee are not in a manager-subordinate relationship. The City will not hire, promote, or transfer a relative into a manager-subordinate relationship under any circumstances. For the purposes of this policy, "relative" means spouse, parent, child, grandparent, sibling, or in-law. Deputy City Managers, Managing Directors, and Department Heads may not have any relatives in their departments.

Inclement Weather

City policy is to remain open despite weather conditions to meet its commitments to its citizens. Essential personnel as defined in the department's call-in procedures must report to work. We are equally concerned for your safety. You must exercise your own judgment about personal safety. Be sure to follow the call-in procedure established by your department.

Employees must stay tuned to the informational bulletins issued by the City. Whenever non-exempt employees are absent from or late for work or leave early because of inclement weather,

they must charge such time away from work to accrued vacation or leave without pay unless it has been otherwise approved by the City Manager. If sufficient vacation leave is not available to cover the absence, late arrival, or early departure, leave without pay will be charged automatically.

Employee Conduct

All successful organizations have certain rules which employees must follow. You are expected to become acquainted with the performance criteria for your 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 its 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 up to and including termination may be taken for violations of Civil Service Rules, City policies, and Departmental rules and regulations.

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 questions, discuss them with your immediate supervisor. Understanding is the key to teamwork.



EMPLOYMENT POLICIES

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:

- Conduct that you have been informed is unacceptable.
- Failure to meet or maintain work performance standards.
- Violation of law when at work on the premises, or off the premises when engaged in a work assignment.
- Falsification of time records, personnel records, or other City records.
- Violation of the City's Tobacco-Free Workplace Policy.
- Gambling, participating in lotteries, or any other games of chance on City premises at any time.
- Violation of the City's Drug-Free Workplace Policy.
- Soliciting, collecting money, or circulating petitions on City premises other than as permitted by the rules and regulations of the City.
- Unlawful possession of firearms, explosives, or other lethal weapons on City premises or in City vehicles.
- Abuse or waste of City resources, tools, equipment, fixtures, property, supplies, or goods.
- Creating or contributing to hazardous, unhealthy, or unsanitary conditions.
- Violations of safety rules or acceptable safety practices.
- Failure to cooperate with a supervisor or co-worker, which disrupts the function of a work unit.

- Disorderly conduct, harassment of other employees (including sexual harassment), or use of abusive language while on the job and/o on City premises.
- Fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on or off City premises when engaged in a work assignment.
- Sleeping on the job.
- Dishonesty or the unauthorized possession, removal, or use of City or another employee's property, including records and confidential information.
- Destroying, defacing, or tampering of City property or records or the property of an employee or citizen.
- Refusal to follow instructions or to perform designated work or refusal to follow established rules and regulations.
- Unauthorized photographs, audio or video recording on City premises, in City vehicles, or during working hours.
- Repeated tardiness or absence, absence without prior notification to the supervisor or without satisfactory reason, or unavailability for work.
- Violation of City ordinances, policies, or rules.
- Violation of Departmental 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:



EMPLOYMENT POLICIES

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

- X Accept political items (e.g., campaign buttons, flyers) while on duty or on City property.
- X Use your City job title or position to endorse any candidate.

Violating any of these rules may result in disciplinary action.

Political Activity Guidelines for City Employees

City employees are expected to maintain neutrality in municipal elections while on duty or acting in their official capacity. To avoid conflicts of interest and maintain public trust, the following applies:

Prohibited Political Activities:

Employees may not:

- X Help manage or organize a municipal political campaign.
- X Work at a polling location during a municipal election.
- X Ask for campaign donations for a municipal candidate.
- X Donate money or anything of value to a municipal campaign.
- X Hand out political materials while on duty.
- X Promote any political candidate or party while on duty, even if it's not a municipal election.
- X Use City time, resources, or property for political purposes.
- X Participate in political activities while wearing a City uniform.
- X Try to influence another City employee's vote or political actions while on duty.
- X Use threats or pressure to influence any City employee's political actions, on or off duty.
- X Encourage or recruit other employees to participate in municipal elections.

Permitted Political Activities:

As a private citizen, off duty and not in uniform or on City property, you are free to engage in political activities during your personal time as long as those activities do not interfere with your job performance. You may:

- * Participate in partisan (non-municipal) campaigns.
- * Join and support political clubs or organizations.
- * Help organize or serve on partisan election committees.
- * Display campaign signs or wear political paraphernalia outside of work.
- * Attend or speak at community forums and political events.
- * Publicly support and endorse a candidate, as long as you do not use your City title or position.
- * Take part in any activities related to partisan elections.

Running for Public Office:

Employees may run for public office while still employed with the City, as long as they continue to meet all job duties. However, they may not campaign or promote their candidacy while on duty, using City time, resources, or while in uniform. Violations may lead to disciplinary action.



EMPLOYMENT POLICIES

Disciplines & Terminations

The discipline and termination of any employee is a very serious situation that requires thorough review. Accordingly, no supervisor or Department Head is authorized to discipline or discharge any employee without prior review and approval by the City's Human Resources Department. This review and approval will involve a member of the management team, most typically the supervisor's manager, the Human Resources Department and the City Attorney's Office.

An employee who is discharged because of a violation of City policy will not be permitted to return to his department or work area, or to any other department or work area, other than the Human Resources Department, without the consent of an authorized Department Head or Human Resources.

The formal appeal procedure established by the City Charter and set forth in the Civil Service Rules is available to any regular classified employee who disagrees with the decision to terminate.

For more detailed information, consult your immediate supervisor, the City's Human Resources Department or the City's Discipline Policy and Matrix.

Off-Boarding

Notice of Resignation: In the interest of maintaining proper staffing levels, you are required to submit a Resignation Notice Form within a minimum of ten (10) working days prior to the effective date of your resignation.

Clearance Procedures: When terminating your employment, whether the termination is by voluntarily or involuntarily resignation, you must complete the City's separation and clearance off-boarding process as described on page 29.

Release of Final Paychecks: Your final paycheck for hours worked will be released to you no later than the next regularly-scheduled payday, provided all clearance procedures have been completed. Any monies due to the City may be deducted from the final paycheck in accordance with applicable policies and in compliance with State and Federal laws.

Job Abandonment: You will be considered to have abandoned your position when you have been absent for three consecutive workdays without prior notice to or approval of your immediate supervisor and/or have failed to communicate the reason for your absence. Department-specific rules and regulations may be established that are more stringent, based on the nature of the department's operations and needs.

Reference Checks

The City of El Paso does not provide, and no manager or supervisor is authorized to provide employment-related letters of recommendation on City letterhead. However, with a release from the employee, the City will respond to all employment reference check inquiries from other employers. Only the Human Resources department is authorized to provide reference information for current and former employees.

Responses to these inquiries will usually be limited to the first day of work, last day of work, job title, and salary, as per the City's Neutral Reference Policy.



EMPLOYEE COMMUNICATIONS

Employee Communications

This section contains specific information about our internal communication process and about ways to handle specific concerns that may arise regarding your employment.

Information & Communication

Your supervisor is the best source for information about your job and department. Your supervisor may also relay announcements and communications beyond the daily employee-supervisor interaction. To prevent information from getting distorted, we invite open discussion of matters which affect you and your job at the City. The City encourages employees to deal directly with their supervisors regarding all conditions of their work.

Formal communications from the City are generally relayed by email and informational videos such as Your City in 5 and Inside City Limits. These videos will highlight City departments and communicate news and announcements. Additionally, many City locations are equipped with electronic displays that stream announcements that may be viewed by employees during working hours.



Any time that you have a question regarding your job, work hours, pay, working conditions, etc., you should first go to your immediate supervisor and talk it over. If for some reason, you are not satisfied with the outcome of these informal discussions, you can use the complaint procedure outlined below to get the matter resolved.



EMPLOYEE COMMUNICATIONS

Complaints & Concerns

People work together best in an atmosphere where they are valued as individuals and recognized as key members of a team. This kind of respect encourages individuals to achieve their highest level of personal performance and to find a rewarding degree of personal pride in the expression of their own abilities. The City's aim is to create and constantly enhance such an environment that aligns with the City's Mission, Vision and Values. Certain standards of conduct must be maintained to ensure that each employee is treated fairly and consistently. Accordingly, policies, procedures, and rules are administered and expected to be followed uniformly.

We realize that in our City, as in any organization, complaints will arise. When this occurs, the problem can best be resolved if it is discussed with your immediate supervisor as soon as possible. Usually, this informal discussion can resolve the issue. A supervisor will not be criticized for having a complaint filed in his work group but is accountable for an honest effort to resolve the issue.

If your supervisor is the subject of the complaint, you may address the complaint to the next level of management.

Occasionally some issues arise which cannot be resolved informally. When this occurs, a formal complaint or grievance may be filed through Human Resources. These processes will be handled pursuant to City policies and rules addressing formal complaint procedures.

Access to Your Personnel File

The City of El Paso maintains personnel files and records for every City employee. These files contain documentation regarding various aspects of your tenure with the City, such as Performance Evaluations, corrective action notices, letters of commendation, etc. The City of El Paso maintains medical information in a separate confidential medical file.

You may inspect your own personnel file and medical file by contacting the Payroll and Records Section of the Human Resources Department and arranging a mutually convenient time to do so. These files must be reviewed in the office and in the presence of a representative of Human Resources.

You may request a copy of any document in your personnel file. Such copies will be made by a representative of Human Resources for a fee. You may also submit information for inclusion in your file, such as a response to a Performance Evaluation or new credentials earned.

The City will make every effort to respect and protect your privacy. It will not voluntarily disclose or disseminate personnel or medical records, salary, benefits, or terms of employment without your prior permission, subject to any applicable laws, including the Texas Public Information Act. However, supervisors may be allowed to review parts of employees' files on a need-to-know basis. Regulatory agency representatives, during their business, may be permitted access to personnel files. In addition, emergency or medical personnel may be permitted to review medical records during an emergency medical situation. Employees may request the removal of a formal counseling in accordance with Civil Service Rule 8.



EMPLOYEE COMMUNICATIONS

Employee Separation & Off-Boarding

Completion of the following steps are required when separating employment from the City.

- 1 Payroll clerk initiates Off-Boarding process.
2 Employee receives notification via email. Employee should log in to NeoGov to update address information if changes are needed.
3 Pension receives notification and contacts employee. Employee must respond within the deadline period.
4 Benefits receives notification and contacts employee. Employee must respond within the deadline period.
5 HR and HRIS receive notification and separates employee from service with the City.

It is important to note that you have 30 days from your last day of employment to meet with the Pension and Benefits departments. Failure to follow this process may result in the delay or denial of certain Pension or Benefits options.

Exit Survey

When you separate from City employment, you will be afforded the opportunity to complete an exit survey as part of the Off-Boarding process. Information obtained through this process will assist in identifying areas where the City is doing things right and provide input on areas where the City may want to consider improvements.



COMPENSATION & BENEFITS



Pay Policies & Benefits

This section presents general information about pay policies and benefits. As applicable, the complete terms and conditions of employee benefits are contained in the documents in your benefits package and on the City of El Paso Human Resources Department website. Your benefits under these plans will be determined according to those plan documents. You should review the benefits package provided to you as soon as possible to understand your choices and to avoid missing an enrollment deadline and unnecessarily delaying participation.

The City of El Paso reserves the right to change or discontinue plans at any time. As benefits change, updates will be provided to you on the City's website, email, and various other internal communications as appropriate.

Questions about a particular benefit or situation not addressed herein should be directed to the Human Resources Department.



COMPENSATION & BENEFITS

Compensation

The City of El Paso's compensation program is designed to do the following:

- Attract and retain qualified employees and encourage growth and development.
- Ensure that you are fairly compensated for the work that you do.

Performance Evaluations

Newly hired employees on their initial probationary period and employees on a promotional probationary period will receive a Performance Evaluation within six (6) months of starting their position. Subsequently, a second Performance Evaluation will be conducted six (6) months later, which will serve as the employee's annual Performance Evaluation.

All Civil Service and unclassified employees will receive an annual Performance Evaluation. Temporary and seasonal employees will not due to the short duration of their assignments. However, regular and ongoing feedback to employees is encouraged regardless of employment status. Performance Evaluations will be required for all Civil Service and unclassified employees on an annual basis, on each employee's classification anniversary date. As a reminder, the classification anniversary date is the date the employee entered their current job through a promotion, as a new hire, or type of placement.

Pay Day & Deductions

You will be paid bi-weekly through direct deposit. Bi-weekly pay dates are every other Friday throughout the year. In the event these dates fall on a City holiday, the City customarily makes payroll deposits on the day preceding the holiday. The net amount you receive in your payroll deposit is not the full amount of money you earn. An earnings statement showing your total gross earnings, deductions, and the year-to-date dollar amounts and leave balances will be provided to you through the self-service software system (PeopleSoft) each pay period. It is your responsibility to check the earnings statements for any errors. In the unlikely event that there is an error in the earnings statement, you should promptly bring the discrepancy to the attention of your Payroll Department for correction accordance with the Overpayment Recovery & Wage Deduction Policy.

Deferred Compensation

DEFERRED COMPENSATION 457(b)

This is an employee-supported type of tax-advantaged retirement plan for local government employees. You are permitted to authorize a portion of your earnings to be withheld, up to the limits set by the Internal Revenue Service. Your contributions are taken out of your paycheck before taxes, lowering your overall tax bill today. When you take out money in retirement, you pay income taxes on the withdrawals. Investment options and Loans are also available within a 457(b) Plan. Non-uniform new employees hired after September 2015, are automatically enrolled into the City's Deferred Compensation Plan at 1% gross income unless the employee chooses to opt out. As of January 2024, the City Of El Paso is providing a Roth option to our Deferred Compensation plan.



COMPENSATION & BENEFITS

Overtime Pay

The workweek is Sunday through Saturday, and the standard workweek is set at 40 hours. When overtime is required and worked, overtime pay is as follows:

- Non-exempt employees working overtime will be paid at one and one-half the base hourly rate for time worked more than 40 hours in any workweek, in accordance with the Fair Labor Standards Act. Holidays, sick days, and vacation days will not be considered as time worked for purposes of calculating overtime pay unless provided for in an approved Collective Bargaining Agreement. If you are uncertain about whether you are non-exempt or exempt (based on the Fair Labor Standards Act), contact your payroll clerk or Human Resources.
- Working overtime must be authorized in advance. Failure to obtain such authorization may result in disciplinary action and/or termination of employment.
- The ability to work overtime is a part of every employee's job requirement when requested or required. The City expects that employees will make every effort to work overtime when requested to do so. Refusal or repeated inability to work overtime may be grounds for termination of employment.

Flexitime

Flexitime is a tool used to allow employees to work hours that are not within the standard work schedule. There are times when a department's operational needs require employees to either come in earlier than their normal reporting time or stay later than their normal end-of-shift time.

The adjustment of an employee's work schedule must be approved in advance by the immediate supervisor prior to the employee working the adjusted schedule. It is the responsibility of the immediate supervisor to verify and ensure the performance of employees who are granted flexitime. Good relationships among everyone involved are important for a successful flexitime policy. Trust is a big factor; supervisors must feel confident that employees will not abuse the benefits that are inherent in a flexitime schedule. Flexitime is a privilege, not a right, and if abused, may be taken away at the discretion of the supervisor. Flexitime is approved on a case-by-case basis and only for a specific period of time.

Examples of Flexitime Schedules:

- Adjusted Leave or Start Time. Employees may be allowed to report later or leave earlier.
- Adjusted Lunch Period. An employee's length of their lunch period may be adjusted while still working a full day.
- Compressed Workweek. Employees may, for example, be allowed to work four 9-hour days and one 4-hour day.

Social Security

Your payment of Social Security Taxes to the Federal government is matched by the City. The City and the Social Security office should have your current name on their records. If you change your name, notify both offices.



COMPENSATION & BENEFITS

Unemployment Compensation

You may be eligible for Unemployment Insurance as specified by the Unemployment Compensation Laws. The entire cost of Unemployment Insurance is paid by the City.

Health & Life Coverage

The City is self insured for health benefits and purchases life insurance coverage for City employees working a minimum of thirty hours. City employees, working a minimum of 30 hours a week, may enroll in the City's Medical, Dental, Vision or Supplemental Life Insurance Coverages. These insurance coverages are also available for eligible dependents, for which the employee and the City share the cost of each benefit. The City provides basic term-life coverage, accidental death and dismemberment coverage and life coverage for spouses and eligible dependents at no cost to employees. Insurance coverages selected by the employee become effective the first of the month after 30 days of full-time employment. You must enroll in these programs to receive these benefits.

If you wish to make any changes to your coverage after your initial selection, you must wait until the City's Annual Open Enrollment. Employees may be able to make changes to insurance coverages mid-year if a Qualifying Event is experienced and the employee is within 30 days of that event. Please contact the Benefit Services Office for more information. Uniformed Fire and Police employees should refer to their current collective bargaining agreements to determine their benefit coverages and costs.



LEAVE TIME

Holidays

The City of El Paso observes twelve (12) holidays each year. Eligibility for holiday pay is dependent upon employee status, as described earlier under EMPLOYMENT POLICIES.



City-Observed Holidays

If one or more of the City-observed holidays fall on either Saturday or Sunday, management may declare the preceding Friday or the following Monday as an alternate day off. Uniform Police and Fire personnel shall refer to their respective collective bargaining agreements for holiday information and guidelines. Holidays other than those listed will not be recognized as paid holidays. Upon prior approval, employees may observe other holidays by charging the time off against appropriate leave balances.

For any holiday falling within a period of paid vacation, you will receive Holiday Pay for the day of the observed holiday. Straight-time will be paid for all non-worked holidays. Employees qualify for holiday pay only if they are in a pay status on the workday immediately before and after a holiday. During a holiday work week, overtime is figured after 40 hours of worked time for non-exempt employees (non-worked holiday hours do not count as work time).

The following are City-observed holidays:

- * New Year's Day
- * Martin Luther King Holiday
- * Cesar Chavez Day
- * Memorial Day
- * Juneteenth
- * Independence Day
- * Labor Day
- * Veterans Day
- * Thanksgiving Day
- * Day After Thanksgiving
- * Christmas Day
- * Employee's Birthday



LEAVE TIME

Vacation

Eligibility for vacation leave is dependent upon employee status, as described earlier under EMPLOYMENT POLICIES. The City encourages you to make regular use of vacation time since the annual vacation benefit is designed to provide you with an opportunity to rest and enjoy a departure from the normal work routine.

Vacations are scheduled each year at the convenience of the City and the employee. Every effort will be made by the City to allow you to take vacation according to the schedule that is most convenient to you. The entire vacation period need not be taken at once. With your immediate supervisor's approval, it may be separated into more than one period to be taken during the year.

Accrual: Vacation is earned and calculated according to the schedule below.

All regular employees accrue vacation credit at the following rates:

- For 0-5 years of service (96 hrs):
40-hr-per-week employees – 3.70 hrs per biweekly pay period
- For >5 to 15 years of service (136 hrs):
40-hr-per-week employees – 5.24 hrs per biweekly pay period
- For >15 or more years of service (160 hrs):
40-hr-per-week employees – 6.16 hrs per biweekly pay period

The maximum-accrual for vacation leave is 400 hours.

Employees who are on an unpaid leave of absence status will not accrue vacation until they return to work on a regular basis.

The City does not advance vacation time. Vacation time charged by an employee who has insufficient vacation hours available will be treated as leave without pay. Uniform Police and Fire personnel shall refer to their respective collective bargaining agreements for vacation information.

Limitations: Every effort will be made to grant your requests to take a vacation when requested, however, vacation requests are subject to the needs of the City, which includes always having adequate staff.

Following termination of employment, employees who have completed one year of City employment will be paid at their current rate for unused earned vacation leave remaining at termination; however, all or a portion of the unused leave may be used to offset or repay the City for any outstanding loans or any other indebtedness owed by the employee to the City of El Paso, as permitted by applicable laws and City policy.



LEAVE TIME

Sick Leave

Paid sick leave is accrued and provided to maintain the continuity of your income during limited periods of non-job-related illness. Pro-rated accrual of sick leave may be available to unclassified employees working less than 30 hours.

Accrual. All regular and probationary employees who are scheduled to work a minimum of forty (40) hours per week are entitled to annual sick leave, with full pay, in the amount of 120.0 hours per year or 4.62 hours per pay period.

Regular part-time employees who are regularly scheduled to work a minimum of twenty (20) hours per week shall accrue sick leave at a pro-rated amount of full time entitlement based on the number of hours that they are scheduled to work.

Employees covered by collective bargaining agreements shall accrue sick leave as provided in the applicable agreement.

Employees may accrue unlimited sick leave.

Sick Leave Verification: No sick leave of three (3) or more consecutive workdays will be granted to any person without a medical certificate verifying that the leave is necessary for medical/health reasons. Additionally, no sick leave on the last scheduled workday before, the scheduled workday of, or the first scheduled workday after a City designated holiday will be granted to any person without a certificate. Such certificate must be from a health care provider and verify that the leave is necessary for medical reasons.

Department-specific rules and policies relating to sick leave verification may be established that are more

stringent, based on the nature of the department's operations and needs.

Limitations: Accrued sick leave is not paid at termination of employment unless otherwise required by a Collective Bargaining Agreement.

Emergency Sick Leave

Emergency Sick Leave may be granted under the sick leave clause for the following reasons:

- A quarantine established by the Health Authority.
- Death of mother, father, child, grandchild, brother or sister, spouse or designated household member, or their child, or parent. A maximum of five (5) days of sick leave may be granted for this purpose per event. Employees shall provide written documentation of the funeral or death.
- Death of other relatives or other persons with whom the employee has a significant familial relationship. Leave with pay in such cases may be for not more than one (1) day to permit attendance at the funeral.
- Illness of the employee's immediate family. "Immediate family" is defined as the spouse, designated household member, children, siblings, grandparents, or parents of the employee or of the employee's spouse or designated household member. No more than two days per pay period may be authorized to permit necessary arrangements for care unless the employee takes leave under the Family and Medical Leave Act.



LEAVE TIME

Military Leave

Military leave for City employees is provided in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and State military leave laws. Employees serving in the U.S. Armed Forces will be allowed paid military leave in accordance with the City's Military Leave Policy.

Family & Medical Leave of Absence

The Family and Medical Leave Act (FMLA) entitles eligible employees to 12 weeks of unpaid leave of absence for qualifying reasons and events. Employees will be granted leave in accordance with the City's FMLA Leave policy.

Leave of Absence

Leave of Absence may be granted in accordance with the City's Non-FMLA policy and FMLA Leave of Absence policy.

Employees with one or more years of service are eligible for a leave of absence not to exceed twelve consecutive months. Employees with less than one year of service are eligible for a leave of absence not to exceed ninety (90) days. For employees within their first year of employment, the leave of absence may not exceed 90 days. The request for leave must include the amount of time expected to be away from work and medical certification with the dates of incapacity. The employee is required to reapply for the leave of absence every thirty (30) days and provide updated medical documentation from a healthcare provider. Employees qualifying for FMLA leave must utilize all available FMLA leave before being eligible to receive an additional leave of absence.

Civil Leave

The head of any department shall grant an employee leave for any absence necessary for serving on a jury, attending court as a witness when subpoenaed due to court cases involving the City of El Paso, or registering for and taking tests of fitness for promotion in the City service during scheduled work time. A department head may grant leave with full pay to an employee for voting in an election, with prior supervisor approval. Civil Leave pay shall be for only the hours served.

You must notify your immediate supervisor that you have received a summons or subpoena after receiving it. Additionally, you must submit a copy of the statement from the court showing the dates you served on jury duty or as a subpoenaed witness to your immediate supervisor on the first workday following your return from court service. You are expected to work that portion of your normal workday not spent in court or performing duties in connection with court service.

Life-Threatening Illnesses

The City of El Paso recognizes that employees with life-threatening illnesses, such as cancer, heart disease, and HIV/AIDS, may wish to continue their normal pursuits, including work, to the extent that their condition allows. The City will make reasonable accommodations, in accordance with all laws and legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs. The medical information on individual employees is treated with the strictest of confidence and in accordance with privacy and confidentiality laws. The City will take every reasonable precaution to protect such information from inappropriate disclosure.



GENERAL INFORMATION

Safety & Injuries on the Job

Your safety is extremely important.

Your supervisors are responsible for ensuring that you have safe working conditions and equipment. However, being safe involves more than just having safe working conditions - it involves your participation. You must exercise safety awareness and the need to be constantly on alert for unsafe conditions or any situation which may lead to an injury to you or your fellow employees.

- Safety awareness means you look out for yourself and the people working with you. You are expected to know and observe all the safety rules relevant to your job and work area as reviewed with you by your immediate supervisor.
- Always exercise reasonable care while on the job.
- Become familiar with any emergency instructions posted for your work unit and with all the exits for the area where you work. Report any unsafe conditions to your immediate supervisor or the Department Safety Coordinator.



Report all accidents (regardless of severity) to your supervisor or member of leadership immediately after they occur.

In accordance with Ordinance 8064, Section 4.4, any on-the-job injury or exposure must be reported to your supervisor as soon as it occurs (or you are made aware of the exposure) and within 48 hours of the occurrence to be eligible for AWP (accident with pay benefit).

- If an injury or illness is so serious that medical attention must be sought immediately, then do so and contact your immediate supervisor as soon as possible.
- In the event a fellow employee or a visitor is injured or becomes seriously ill, do not attempt to move the individual, call 911 immediately and notify a supervisor or manager of the situation.



GENERAL INFORMATION

For more detailed information, consult the City's Employee Safety Procedures Manual located on the City's website and your immediate supervisor.

Uniformed Police and Fire personnel should refer to their respective collective bargaining agreements for notification of injury timelines.

Electronic Devices

You may be issued a cell phone or other electronic device for work-related duties. If so, you are expected to protect it from loss, damage, or theft. Upon separation of employment, you must return it in good working condition or reimburse the City for the cost of a replacement. Employees must also repay the City for any excessive or unauthorized use.

You must not use a cell phone while driving. Your safety comes before all other concerns. If you must accept business calls, you must use a hands-free device or pull off the road before answering the call. Under no circumstances are you allowed to place yourself or others at risk to fulfill business needs while driving any vehicle. Employees who are charged with traffic violations or incur other liabilities resulting from their use of a cell phone while driving on City business are responsible for liabilities that result from such actions and may be subject to disciplinary action.

Telephone Calls & Etiquette

How City employees communicate with customers and each other should align with the City's Mission, Vision, and Values as follows:

- Use a moderate rate of speech, a natural, friendly tone of voice, clear enunciation and articulation.
- Promptly answer all incoming calls and identify yourself. Be as helpful as possible and transfer the call only when necessary.

- Express empathy to irate callers. Get the details and offer to help.
- When answering a call for another employee, identify yourself and be helpful. Be discreet in explaining a coworker's absence. Take accurate messages and verify the phone number with the caller.
- Inform the caller when you must put them on hold and return as promptly as possible.
- Courteously end all calls and gently replace the handset.

It is, of course, in everyone's interest that City phones are kept free for business, and your cooperation in this regard is expected. Personal phone calls are permitted on an incidental basis. Personal long-distance calls may not be charged to the City. The City may monitor any use of its telephone equipment without notice. Additionally, personal cell phone use should be kept to a minimum when and if permitted.

Working Hours

The City renders service 24 hours a day, seven days a week. Consequently, your daily hours of work and workweek will vary, depending on your job and the services rendered by the department or division in which you work.

Personal Information Changes

The City of El Paso maintains a record of the name, home address, and telephone number of each employee and emergency contact. It is important that these records be kept up to date.

You must promptly report changes in your name, home address, telephone number, marital status, and emergency contact by making the appropriate changes



GENERAL INFORMATION

in the City's self-service software system (PeopleSoft). You may also revise the number of exemptions on your W-4 for income tax purposes in PeopleSoft.

from this restriction provided such equipment and tools are only used in accordance with the City of El Paso's Violence In the Workplace Policy.

Personal Mail

Mailroom services are intended for business use only. Due to the large volume of mail that is processed every day, personal mail should not be directed to your City address. Further, the City retains the right to open all inbound and outbound mail received by the mail room. Personal privacy should not be expected for any mail processed internally.

If you suspect any employee is in violation of these prohibitions, immediately report the facts to any supervisor or the Human Resources Department. Retaliation will not be tolerated against any employee who reports a suspected violation.

Employees should contact the Police Department directly by calling 911 when they have reason to believe that doing so is essential to prevent actual or imminent unlawful harm to themselves, others, or property. If the Police Department is contacted first, then your supervisor should be contacted immediately thereafter.

Personal Property

The City of El Paso accepts no responsibility for theft of or damage to personal property of employees on City premises. It is recommended that employees not bring valuables onto City premises, and never leave handbags, wallets, or other valuables unattended or unsecured.

Social Media

The City recognizes the role that social media tools play in the personal lives of its employees. The City is not attempting to regulate the personal private use of social media by employees, board members, volunteers and others to whom this policy applies; however, it is important to emphasize that personal use of social media can have an effect on your official capacity with the City. This policy should not be interpreted or construed to restrict any employee rights.

Violence Prevention

The City of El Paso seeks to provide a safe work environment free from acts and threats of violence and to respond effectively when they occur. Acts of violence and threats of violence, including any conduct involving the workplace or work relationships that cause an individual to reasonably fear for his or her safety, and the safety of his or her family, friends, associates, or property, are prohibited.

Employees, board members and volunteers are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of their duties, impair discipline and harmony among coworkers, or is untrue, presents the City in a false light or divulges confidential information or plans about the City or their department. For more detailed information, consult your immediate supervisor, the City's Human Resources Department or the City's Social Media Policy.

The possession of a weapon on a workplace worksite, including open carry and concealed handguns, is strictly prohibited, except as allowed by state or federal law. Authorized law enforcement and security personnel are exempted. Employees that are issued or authorized to use tools or equipment are excepted



GENERAL INFORMATION

If you maintain a website or are writing a blog that will mention the City and/or our services, employees, partners, and citizens. Identify that you are an employee of the City and that the views expressed are yours alone and do not represent the views of the City. You are not authorized to speak on behalf of the City or to represent that you do. Our logo and trademarks may not be used without written permission from the City. This is to prevent the appearance that you speak for or represent the City. If you are maintaining a website or writing a blog that will mention our City and/or our services, employees, partners, and citizens, alert your manager.

You may not share information that is confidential or proprietary about the City. This includes information about our services, sales, finances, employees, strategy, and any other information that has not been publicly released by the City. These are only examples of information that the City considers confidential and proprietary. If you have any questions or concerns about whether information has been or may be released publicly, speak with your manager, Department Director or Human Resources before sharing it. You cannot use City equipment, including computers or other electronic devices or equipment, or work time, to conduct personal blogging or social networking activities.

The City expects you to write knowledgeably, accurately, and professionally about our services, employees, partners, and citizens. Despite disclaimers, your interaction on social media can result in the public forming harmful opinions. Avoid any behavior that will reflect negatively on the City's reputation. Unfounded or derogatory statements, misrepresentations, as well as any commentary, content, or image that is defamatory, pornographic, proprietary, harassing, or libelous will result in disciplinary action up to and including termination of employment.

You are personally responsible for your commentary on blogs and social networking sites. You can be held personally liable for commentary that is considered defamatory, obscene, proprietary, or libelous by any offended party.

Security

Bringing guests, vendors, and former employees to any work area is prohibited unless authorized by a supervisor or a manager. Visitors may only be admitted to our facilities through the main entrances. You are responsible for assuring that anyone you take beyond the reception area has proper authorization and has signed the register at the front desk.

Security Inspections

The City reserves the right to conduct searches for the purpose of monitoring compliance with work and safety rules, including rules concerning the security of the City and individual property, drugs and alcohol, and possession of other unauthorized and prohibited items. To protect our employees and ensure the safety and security of our facility, the City reserves the right to ask questions as well as to search employees, their cars, desks, files, lockers, and personal items while on City premises. If a search is requested, the employee should be assured that it is not an accusation of theft or other wrongdoing, but merely part of an investigation.

An employee will never be forced to submit to a search. However, refusal to submit to a reasonable search, after a fair warning, may result in disciplinary action, up to and including termination.

City-owned vehicles, desks, and lockers may be provided for the convenience of employees but remain the sole property of the City. Unauthorized storage of City or personal property and overnight



GENERAL INFORMATION

storage of perishable food in employee desks and lockers is not permitted.

In summary:

- * This policy is for the purpose of monitoring compliance with work and safety rules.
- * A search of an employee's person and/or personal items will be initiated by a request for an employee's consent to conduct a reasonable search.
- * Employee submission to a reasonable search procedure is a condition of continued employment and failure to cooperate in a search or investigation can lead to termination of employment.
- * If the City allows an employee to have a locker, locked desk, or other storage areas, the City will either furnish the lock and keep a copy of the combination or key or will allow the employee to furnish a personal lock, but the employee must give the City a copy of the key or combination, upon request.
- * To assure compliance with these rules, and in the interest of maintaining a safe, drug-free workplace for all its employees, the City retains the right to open employee desks and lockers and inspect their contents at any time and without notice.
- * Consistent with existing policy, the City accepts no responsibility for theft or damage to personal property placed in employee desks and lockers.
- * This policy applies to all City employees.

Identification Badges

An identification badge with the employee's picture is issued to all employees. Your identification badge should be always worn and readily visible while you are on City premises.

If you lose your identification badge, notify Human Resources immediately to schedule an appointment to replace it, employees are responsible for the cost of replacement. Identification badges remain the property of the City and must be returned to Human Resources upon separation of employment. The cost of unreturned badges may be deducted from the employee's final payout. Employees may be asked to surrender their badges under certain circumstances.

Authorized Meal Breaks

Generally, eating meals at your workstation is not acceptable. Non-exempt (hourly) City employees who bring their lunch to work or order in may eat in any break room or authorized area. Keeping these areas neat and orderly is a responsibility shared by each of us. Your cooperation in cleaning up after yourself is expected.

All employees, including those who work outside of City facilities, are required to take their scheduled meal break unless otherwise authorized in advance by their supervisor.

Non-exempt employees may not work through or while on their meal breaks unless authorized in advance by their supervisor. In accordance with the Hours of Work Policy, all employees are expected to work their normal work schedule. Flexing is permitted with prior supervisor approval.

Parking

City parking lots are part of the City premises. All City policies and rules apply to employees and their vehicles while on or in these lots. You must observe the parking rules established by the City, including the parking space restrictions for visitors and the disabled community.



GENERAL INFORMATION

Use of City parking lots is at your own risk. The City assumes no responsibility for any damage to or theft of any vehicle or personal property left in a vehicle while on or in its lots. When entering lots that have card reader access, employees must use their badge to enter the lot, even if the electronic arm is still up. The arms are set on a timer and employees who do not badge to keep the arm up may incur damage to their vehicle, at their own expense. The employee may also be held liable for damages to the arm system when the employee does not badge to enter.

Employee Suggestion

The City encourages every employee to share suggestions for improvements. Employees are invited to share ideas and suggestions that may help the City of El Paso operate more efficiently. If you or your team has an idea about how to improve work procedures, improve safety, or reduce waste, discuss those ideas with your supervisor, manager, or Department leadership.

Employee Associations

City employees may belong to employee associations. The uniformed Fire and Police have employee associations with collective bargaining rights. Pursuant to state law, other City employee associations do not have collective bargaining rights.



IN CLOSING



Now that you have read this employee handbook, we hope we have answered many of the questions you might have had concerning your employment with the City of El Paso. Remember that we fully support open communication at the City. If you have a question or a concern, ask your immediate supervisor and give them the opportunity to respond.

The City and its employees must adhere to all applicable federal and state laws. Every effort has been taken to make sure the information in this handbook is accurate and in compliance with those laws. In the event a conflict exists or develops, the laws will control.

Nothing in this handbook is intended to create, nor is it to be construed to constitute, a contract between the City of El Paso and any of its employees. The City retains the right to make changes to the material contained in this handbook from time to time to meet changing conditions, laws, and organizational needs. When this occurs, revisions will be posted on the City's Intranet.

Employees will be required to acknowledge receipt of this handbook during the completion of the Onboarding process.



ACKNOWLEDGMENT SIGNATURE



Acknowledgment of Receipt of the Employee Handbook

I understand that I am to read, become familiar and comply with the City of El Paso's Employee Handbook ("Employee Handbook"), which contains a synopsis of the City's policies, procedures, and guidelines related to my employment. I can find a copy of the Employee Handbook on the City's Intranet at www.my.elpasotexas.gov under "QuickLinks" or on the City's Human Resources webpage located at www.elpasotexas.gov/human-resources. 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 express 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 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:

Printed Name:

Date:

Last four of SSN#:



SUGGESTIONS



Employee Handbook Feedback & Ideas

Now that you have read this Employee Handbook, we would like your comments and suggestions on its content.

As information or policies change, the handbook will be updated, and you will be sent new pages to insert. At those times, we will be able to make improvements based on your suggestions.

Is there a section that you considered confusing or insufficiently covered? If so, what section is it and what questions do you have?

Is there a subject you expected to see included that is not covered? If so, what is it?

Do you have any other suggestions for improving the Employee Handbook?

**Please send your ideas to the Deputy City Manager
Araceli Guerra at GuerraAJ@elpasotexas.gov.**





ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Americans with Disabilities Act (ADA) – Reasonable Accommodations Policy

Creation Date: May 30, 2015

Prepared By: HR Department

Approved By: City Manager

Legal Review: Elizabeth Ruhmann

POLICY: AMERICANS WITH DISABILITIES ACT (ADA) – REASONABLE ACCOMODATIONS

To provide reasonable accommodations for employment with the City of El Paso (the "City") to individuals with permanent disabilities.

POLICY

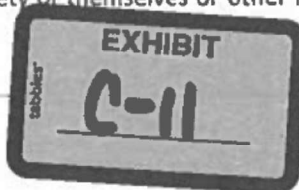
The City is committed to providing equal employment opportunities to individuals with disabilities, those regarded as having disabilities and those associated with individuals with disabilities. Accordingly, we do not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. The City complies with all federal and state laws concerning the employment of persons with disabilities and acts in accordance with regulations and guidance issued by the Equal Employment Opportunity Commissions (EEOC).

ELIGIBILITY

The City will engage in the interactive process to find reasonable accommodation(s) for qualified individuals with a disability to enable them to perform the essential functions of a job, unless doing so causes an undue hardship to the City, or a direct threat to these individuals or others in the workplace, or the public, and the threat cannot be eliminated by reasonable accommodations.

When an individual with a disability is requesting accommodations and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety and/or public safety, he or she will be given the same consideration for employment as any other employee or applicant.

All employees are required to comply with City safety standards. Current employees who pose a direct threat to the health and safety of themselves or other individuals in the workplace or



City 000069

the public will be placed on appropriate leave. The City will make a lawful and reasonable decision in regard to continued employment.

Individuals who are active illegal drug users are excluded from coverage under the City's ADA Reasonable Accommodation Policy.

The City's Human Resources (HR) Department, through its ADA Coordinator, is responsible for implementing this policy, including requests for and resolution of reasonable accommodations, safety and direct threat determinations, and undue hardship issues. All requests for reasonable accommodations must be presented to the HR Department, the Departmental HR Manager, or the employee's supervisor who will forward the request to the HR Department.

DEFINITIONS

"Direct Threat" means a significant risk to the health, safety or well-being of individuals or others when this risk cannot be eliminated by reasonable accommodations.

"Disability" means a permanent physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment or being regarded as having such an impairment.

"Essential functions of the job" refers to those job activities that are determined by the City to be essential or core to performing the job; these functions cannot be modified.

"Major bodily functions" is a term included in the Americans With Disabilities Act Amendments Act (ADAAA), may include physical or mental impairments such as any physiological disorder or condition, cosmetic disfigurements, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs) cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed "mental retardation") organic brain syndrome, emotional or mental illness, and specific learning disabilities.

"Major Life activities" include the following: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

"Qualified individual" means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

"Reasonable Accommodation" includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position;

acquisition; or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

"Reassignment" is non-promotional placement into a vacant position for which the individual qualifies. Reassignment may be provided to employees who can no longer perform the essential functions of their regular job due to a disability but are able to work and perform the essential functions in another job.

"Substantially limiting" In accordance with the ADA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment such as cancer that is in remission but that may possibly return in a substantially limiting form is also considered a disability under EEOC final ADA regulations.

"Undue Hardship" is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the City.

The examples provided in the above definitions are not meant to be all-inclusive and should not be construed as such. They are not the only conditions considered to be disabilities, impairments or reasonable accommodations covered by this policy.

GUIDELINES AND PROCEDURES:

I. REASONABLE ACCOMMODATIONS APPLIES TO THREE ASPECTS OF EMPLOYMENT

- A. To assure equal opportunity in the employment process
- B. To enable a qualified individual with a disability to perform the essential functions of a job
- C. To enable an employee with a disability to enjoy equal benefits and privileges of employment

II. REQUESTING AND PROVIDING REASONABLE ACCOMMODATIONS

- A. Any applicant for employment or current employee may request a reasonable accommodation by contacting the City's Human Resources Department, ADA Coordinator. The ADA Coordinator will request the name, address and telephone/contact information of the person requesting the accommodation. The request must indicate the specific limitations and the type of accommodations requested, with an explanation of how the accommodation will allow the performance of the essential functions of the position or the participation in the subject activity.

Should an applicant or employee require assistance in the interactive process, a representative may participate so as to facilitate the efficient and effective communication and collection of information relative to the request for reasonable accommodation.

- B. Verification of the disability by the requester's physician, medical provider or vocational/rehabilitation specialist may be required. If medical verification is required, the person requesting the accommodation must sign an authorization for the release of medical/health care information. Any medical and health documentation will be collected and maintained on separate forms and in separate, locked files.
- C. When a qualified individual with a disability has requested an accommodation, the ADA Coordinator, shall, in consultation with the individual:
 - 1. Discuss the purpose and essential functions of the particular job involved. (Completion of a step-by-step job analysis may be necessary)
 - 2. Determine the job-related limitation
 - 3. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job
 - 4. Select and implement the accommodation that is the most appropriate for both the individual and the City. While an individual's preference will be given consideration the City may choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
 - 5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
 - 6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time
 - 7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of City business, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation.

III GENERAL CONSIDERATIONS

- A. The determination whether to provide an accommodation is made on a case-by-case basis. This is an individual process through which the ADA Coordinator, the individual and the department discuss and arrange for the necessary and reasonable accommodation.
- B. The City may not compel an individual with a disability to use an accommodation that is not requested or needed by an individual, nor necessary to perform the job.
- C. Employees with disabilities who refuse an accommodation may no longer be considered qualified if they are unable to perform all of the essential functions of the job without the accommodation.
- D. The City's duty to initiate the process may arise when a need for accommodation is known, including when a qualified individual applies for the employment or an

employee's disability or job changes. Supervisors must notify HR immediately when they become aware of the need for restrictive duty.

- E. Reasonable accommodation items that are purchased by the City are the property of the City.
- F. Employees who are temporarily unable to perform the essential functions of their position due to medical restrictions that cannot be reasonably accommodated may be eligible for a transitional duty assignment as outlined in the City's "Transitional Duty Policy".

IV REASSIGNMENT

- A. Employees who cannot perform the essential functions of their job with or without reasonable accommodation may be eligible for reassignment to a vacant position.
- B. To be eligible for a job reassignment, the employee must meet the minimum qualifications for the position. The City has no obligation to train the employee to become qualified for reassignment to another City position.
- C. Reassignment offers employees the opportunity to fill non-promotional job vacancies with the City.

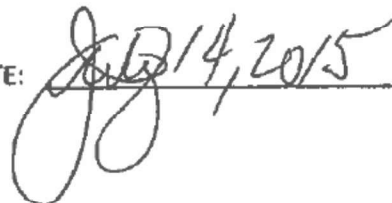
V. RETURN FROM MEDICAL LEAVE OR ABSENCE

- A. An employee who returns from a medical leave or absence must provide to the City a release from the employee's health care provider stating whether the employee can return to work with or without permanent restrictions. If the health care provider indicates that the employee has one or more restrictions because of a disability that requires reasonable accommodations, the City and employee will engage in the interactive process set forth herein to determine what reasonable accommodations are needed so that the employee can perform the essential functions of the job with or without accommodations. If, because of restrictions identified by the employee's health care provider, a return to the same position held prior to the absence is not possible because the restrictions prevent the employee from performing the essential functions of the employee's job, with or without accommodations, the employee may be considered for reassignment.

APPROVED BY:

FOR 

 TOMAS BONZALEZ, City Manager

DATE: 

 JULY 14, 2015

Americans with Disabilities Act ADA Supervisor Guide

What is it?

- The ADA Act, a Federal civil rights law, prohibits discrimination on the basis of a disability.
- The City will engage in the interactive process to find reasonable accommodation(s) for qualified individuals with a disability who are requesting an accommodation.
- Reasonable accommodations:
 - Enable employees to perform the essential functions of a job.
 - Are provided without creating an undue hardship or causing a direct threat to workplace safety and/or public safety to the City.

Who qualifies?

- A qualified individual with a disability is someone who:
 - Has a physical or mental impairment that substantially limits one or more major life activities.
 - Has a history or record of such an impairment, or is perceived by others as having such an impairment.
 - Has disabilities that may be visible or not visible.
- The City's Human Resources ADA Coordinator works directly with employees to implement reasonable accommodations.
 - **Supervisors do not** authorize, determine, or implement reasonable accommodations without HR approval. In all cases, refer to the HR ADA Coordinator so that reasonable accommodations may be recorded and go through the ADA Process.

ADA Process

1. All ADA accommodations must be submitted via an ADA ticket through HR Cherwell Portal by employee or by Supervisor on behalf of employee. A ticket may be submitted due to one of the following:

- a. If an employee returns to work and provides medical note to Supervisor stating **permanent** restrictions (i.e. no lifting more than 20 lbs).
- b. If Supervisor believes employee may be a candidate to an accommodation under ADA (i.e. employee is not able to perform some of their job duties without a reasonable accommodation).

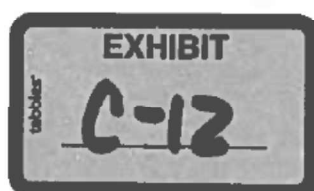
2. HR ADA Coordinator will work directly with employee.

3. If ADA accommodations are approved (through the interactive ADA process), a copy of the accommodations will be provided to the Supervisor and employee and kept in the employee's medical file.

- a. The ADA Coordinator works with the employee and the department to discuss and arrange for the necessary and reasonable accommodation(s) that will allow the employee to perform their essential functions.

4. Supervisor will implement approved accommodations listed on the ADA Approval Letter.

- a. Any medical information, to include a disability, is confidential information and will not be shared with Supervisor or departmental staff.



What do reasonable accommodations look like?

Below are some examples of ADA accommodations a Supervisor, on behalf of employee, or the employee themselves may request.

Remote Work

Employees with disabilities might benefit from remote work arrangements (if the positions allows), allowing them to work from home where their environment can be better controlled.

Flexible Work Schedule

An employee with a medical condition that causes fatigue might be allowed to work flexible hours, such as starting later in the morning to accommodate their energy levels.

Accessible Workspace

An employee with a mobility impairment may need their workspace to be modified to be accessible, including adjustments to desk height, doorways, and pathways.

Privacy Screen Protector

Employee may reduce eye strain and/or migraines through the use of privacy screen protector.

Sign Language Interpreter

Employees who are deaf or hard of hearing may require a sign language interpreter or access to speech recognition software during meetings, presentations, or training sessions to ensure effective communication.



Reminder: Reasonable accommodations are related to the **essential functions** of an employee's **current position**.

Ergonomic Equipment

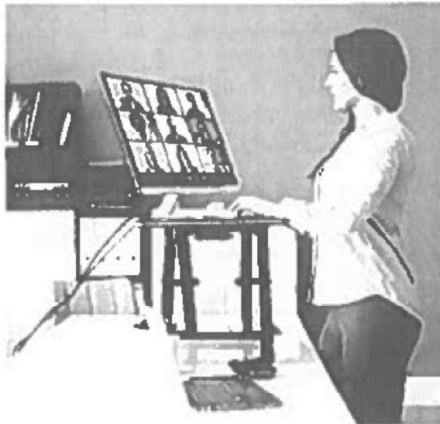
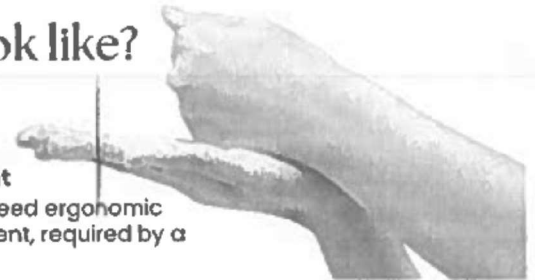
An employee might need ergonomic furniture and equipment, required by a medical condition.

Modified Breaks

An employee with a medical condition might need additional or extended breaks to manage their condition as indicated by their medical provider.

Accessible Communication

A blind or visually impaired employee may be provided with assistance and/or materials in accessible formats, such as large print, Braille, or electronic formats to access computer systems and documents.



Quiet Workspace

An employee with sensory sensitivities might require a quiet workspace or noise-canceling headphones to help them focus and reduce sensory overload.

 Phone #: 915-212-0045

 [Website](#)

 [Submit a ticket](#)

City 000143

SUSPENSION APPEAL FORM

Date: August 5th 2025

Civil Service Commission Secretary
300 North Campbell
El Paso, Texas 79901



To the Honorable Civil Service Commission:

I, Samantha R. Sapien of the Zoo Department, under the provisions of 6.13-4, hereby appeal my Department Head's order given to me on 7/29/2025 to to place me on SUSPENSION from August 9th to August 11th.

Additional comments:

This was for an incident involving a failure of another employee to finish a task that is expected of each employee. As he was not in training nor was I a preceptor, so I was not liable to follow behind him and ensure that he was completing each task. He did not ask me to check stalls for him, nor did he go into the stalls he had just cleaned and double check before he locked up and animals were shifted.

Signature:

(Please Print)

Name: Samantha R Sapien

Address: [REDACTED]

City/State/Zip: [REDACTED]

Telephone: [REDACTED]

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

Do you have an attorney or personal representative? Yes No

If yes, Please give name and address:

Brian Kennedy Law
310 N. Mesa St., Suite 614
El Paso TX 79901





El Paso Zoo Department

MAYOR
Renard U. Johnson

TO: Samantha Sapien, Zoo Keeper, [REDACTED]
FROM: Joseph Montisano, Zoo Director
DATE: July 29, 2025
SUBJECT: Acknowledgement of Documents

CITY COUNCIL

District 1
Alejandra Chavez

District 2
Dr. Josh Acevedo

District 3
Deanna M Rocha

District 4
Cynthia Boyar Trejo

District 5
Van Niño

District 6
Art Fierro

District 7
Lily Limón

District 8
Chris Canales

CITY MANAGER
Dionne Mack

This memorandum is to acknowledge your receipt of the following documents regarding the Notice of Suspension provided to you on July 29, 2025.

- Notice of Suspension (8 pages)
- Supporting Documents (8 pages)
- Acknowledgements (4 pages)
- Discipline History (1 page)
- Disciplinary Policy and Matrix (11 pages)

I am acknowledging receipt of the above documents.


Signature

July 29th 2025
Date



Joseph Montisano – Zoo Director
El Paso Zoo | 4001 E. Paisano | El Paso, TX 79905
O: (915) 212-0868 | Email: MontisanoJ@elpasotexas.gov



ENVIRONMENTAL SERVICES

City 000145



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper
Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]
Date: July 29, 2025

Address: [REDACTED]

From: Zoo Department
Subject: Suspension Without Pay

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY SUSPENDED FOR THREE (3) WORKDAYS EFFECTIVE: August 9 TO August 11 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.

RECEIVED
AUG 25 2025
CIVIL SERVICE
COMMISSION

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]
Employee's Signature

Date: July 29th 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
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 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 SS

RECEIVED

AUG 25 2025

Page 2 of 8

CIVIL SERVICE
COMMISSION

City 000147



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 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 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. 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 election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission.

EMPLOYEE'S INITIALS SS

RECEIVED
AUG 25 2025
CIVIL SERVICE
COMMISSION



EMPLOYEE INCIDENT REPORT

Today's Date: 5/15/2025	Click or tap to enter a date.
-------------------------	-------------------------------

Employee Name: Taylor Paulsen	Kronos ID: [REDACTED]
-------------------------------	-----------------------

Please select one of the divisions: Collections- Area 5

Date of Occurrence: 5/15/25	Click or tap to enter a date.
Time of Occurrence: 9:20AM	
Location of Occurrence: Hoofstock barn	

DESCRIBE IN DETAIL WHAT OCCURRED:

Description of the incident: A rake and shovel were left in stall 8 in the hoofstock barn overnight. The Kudu had access to the stall but it did not appear as though they messed with it as it was leaning up against the wall when keeper came in. The kudu also did not appear to have any visible injuries caused by the tools. The locks were checked by three people at close Kellen, Yuli, and myself. None of us saw it in the stall likely because it was leaned up against the wall and blocked by the door.



EMPLOYEE INCIDENT REPORT

Today's Date: 7/24/2025

Employee Name: Kenneth Riley	Kronos ID: 021797

Please select one of the sections: Area 5

Date of Occurrence:	5/15/2025
Time of Occurrence:	Morning
Location of Occurrence:	Hoofstock Barn S8

DESCRIBE IN DETAIL WHAT OCCURRED (Use as much space as needed):

O 5/15, Taylor was hoofstock keeper. She informed me that she found tools in the back stalls at hoofstock that morning. The Kudu had access to the stall overnight. I asked her to write me an incident report. I then looked at the schedule to see which keeper were in that routine yesterday. It was Sam and Kellen. Over the next 2 days (due to them being on their weekends) I asked both of them to type up an incident report about the tools being left in the back stalls overnight. Once I received all 3 reports, I forwarded them to my supervisor.

Did you report the Incident to your supervisor? _____

Yes _____

Name of your Supervisor: _____

Amanda Leverette _____

Date Reported to your Supervisor _____

5/15/2025 _____

If you answered yes to the above question, please give the name of the Witness(es): _____

Kenneth Riley RINT NAME

SIGNATURE *Kenneth Riley*



El Paso Zoo

MAYOR

Renard U. Johnson

TO: Samantha Sapien, Zoo Keeper [REDACTED]

FROM: Joseph Montisano, Zoo Director *J*

DATE: February 21, 2025

SUBJECT: Formal Counseling – Safety Violation / Failure to Follow Dept. Rules or Policies

CITY COUNCIL

District 1
Alejandra Chavez

District 2
Dr. Josh Arredondo

District 3
Deanna M. Rocha

District 4
Cynthia Boyai Trep

District 5
Van Niño

District 6
Art Fierro

District 7
Lily Limon

District 8
Chris Canales

CITY MANAGER

Donna Mack

On August 26, 2024, while cutting alfalfa cubes you failed to use the proper Personal Protection Equipment (Cut Resistant Gloves) which resulted in you cutting a small piece off the side of your left middle finger. You were reminded not an hour prior to the incident that you needed to be wearing the cut resistant gloves.

On the morning of September 8, 2024, the Giraffe stall 1's lower door lock was secured to the wrong hasp, leaving the latch locked in open position. Stalls must be properly secured to insure the safety of not only the animal, but of the zoo staff and the public.

You have previously received two Memorandums of Expectations and a verbal counseling for similar infractions; however, you have failed to adhere to the procedures and safety guidelines in place when performing your duties, potentially causing dangerous situations and showing inefficient performance.

You are hereby formally counseled for failure to follow Zoo procedures and its Safety Procedures. Be advised that future incidents of this or of similar nature will not be tolerated and will result in disciplinary action, up to and including termination of your employment with the City of El Paso.

This notice is provided in compliance with Rule 8, Section 8 (Formal Counseling). Please be advised that you may request that this formal counseling be removed from your personnel file after the expiration of twelve (12) months from the date of this formal counseling, provided you have not received any disciplinary action during the twelve (12) month time period. 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.

Acknowledgement of Receipt: *[Signature]*

Date: 2/21/25

Witness: *[Signature]*

cc: Human Resources-Personnel file

Joseph Montisano – Zoo Director

El Paso Zoo | 4001 E. Paisano | El Paso, TX 79905
O: (915) 212-0966 | Email: MontisanoJ@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES

CIV 000102



Acknowledgment of Receipt of the Employee Handbook

I understand that I am to read, become familiar and comply with the City of El Paso's Employee Handbook ("Employee Handbook"), which contains a synopsis of the City's policies, procedures and guidelines related to my employment. I can find a copy of the Employee Handbook on the City's Intranet at MyElPasoTexas.gov under "Documents" or [HERE](#) directly. 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 express 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.

Signature

RPO

Full Name

Samantha Sapien

Date

12/12/2023

Last 4 of SSN

██████



COEP Acknowledgement Form 2022

Full Name

Samantha Sapien

I am aware that the City of El Paso Safety Policy is located online at the City's website. I am also aware that if I do not have access to a computer, my department can provide a copy for me

Signature of Acknowledgement of Safety Manual

Samantha Sapien

Americans with Disabilities Act

Drug-free Workplace

Disciplinary Policy and Matrix

Professional Appearance Policy

Sexual Harassment Prevention

Social Media Policy

Military Leave Policy

Code of Conduct

Please sign once you have read the above policies

Samantha Sapien

I hereby acknowledge that I have read the City of El Paso's Off-The-Clock and Remote access Device Policy for Non-Exempt Employees that I have read the Policy and understand it, and that I understand that any questions that I may have about the Policy in future should be directed to the Human Resources Department.

Off the Clock and Remote Access Device Policy

Full Name

Samantha Sapien

Last 4 of SSN

██████

Signature

RS

Date

12/12/2023



Memorandum of Expectations

This memorandum is a formal notification to you regarding my expectations as the new Zoo Director.

The following outlines the expectations of the El Paso Zoo Department which includes but are not limited to:

1. You are expected to comply with all City of El Paso rules, policies and procedures. Additionally, you are expected to comply with all policies and procedures specific to your job and the Zoo Department, unless an exception is authorized by me.
2. You are expected to follow the chain of command with issues, opportunities, complaints and/or grievances. Failure to follow the chain of command will result in disciplinary action and handled as a separate matter from the actual issue, complaint and/or grievance.
3. If your complaint is being filed against me or if your complaint is pertaining to federally protected employment categories then you are encouraged to contact our assigned HR representative directly.
4. You are expected to be on time and ready for work every day in accordance with your assigned work schedules. All exempt employees are expected to work a minimum of 40 hours per week.
5. The purpose of the Ethics Hotline is to address concerns about unethical, illegal or irresponsible activity. You are still encouraged to follow the chain of command to report any and all incidents; however, if this is not possible or you would like to remain anonymous then you may report the aforementioned types of activity via the Ethics Hotline. Please be advised when filing an Ethics Hotline complaint specific and thorough details will assist in assessing the concern to the greatest extent possible.
6. Please treat each and every guest as if they are the most important person you talk to that day. In the event that guest behavior needs to be corrected, please be conscious of your communication and convey yourself in a positive manner.
7. Litter is all of our responsibility. Please pick up and properly dispose of any trash that you encounter on the public side of the Zoo.
8. Treat each other, management and the guest with respect at all times. You are always expected to conduct yourself in a respectful and professional manner.
9. Respect the diversity among the staff and patrons of the El Paso Zoo. Please ensure your actions reflect positively.

Failure to meet the expectations outlined within this memorandum will result in disciplinary action.

We are all very lucky to be an employee of the El Paso Zoo. I encourage all of you to focus on the good in your jobs and expect you to do your part in creating a positive work environment for yourself as well as those around you.

Should you have any questions or concerns, please do not hesitate to contact me.

Acknowledgment/Receipt Form

I hereby acknowledge that I have received a copy of the memorandum of expectations

I have read and understand all the provisions specified in this memorandum of expectations. I understand that failure to meet the expectations outlined within this memorandum will result in disciplinary action.

Employee	Kronos ID
Samantha Sapien	[REDACTED]
Signature	Date
	12/12/2023

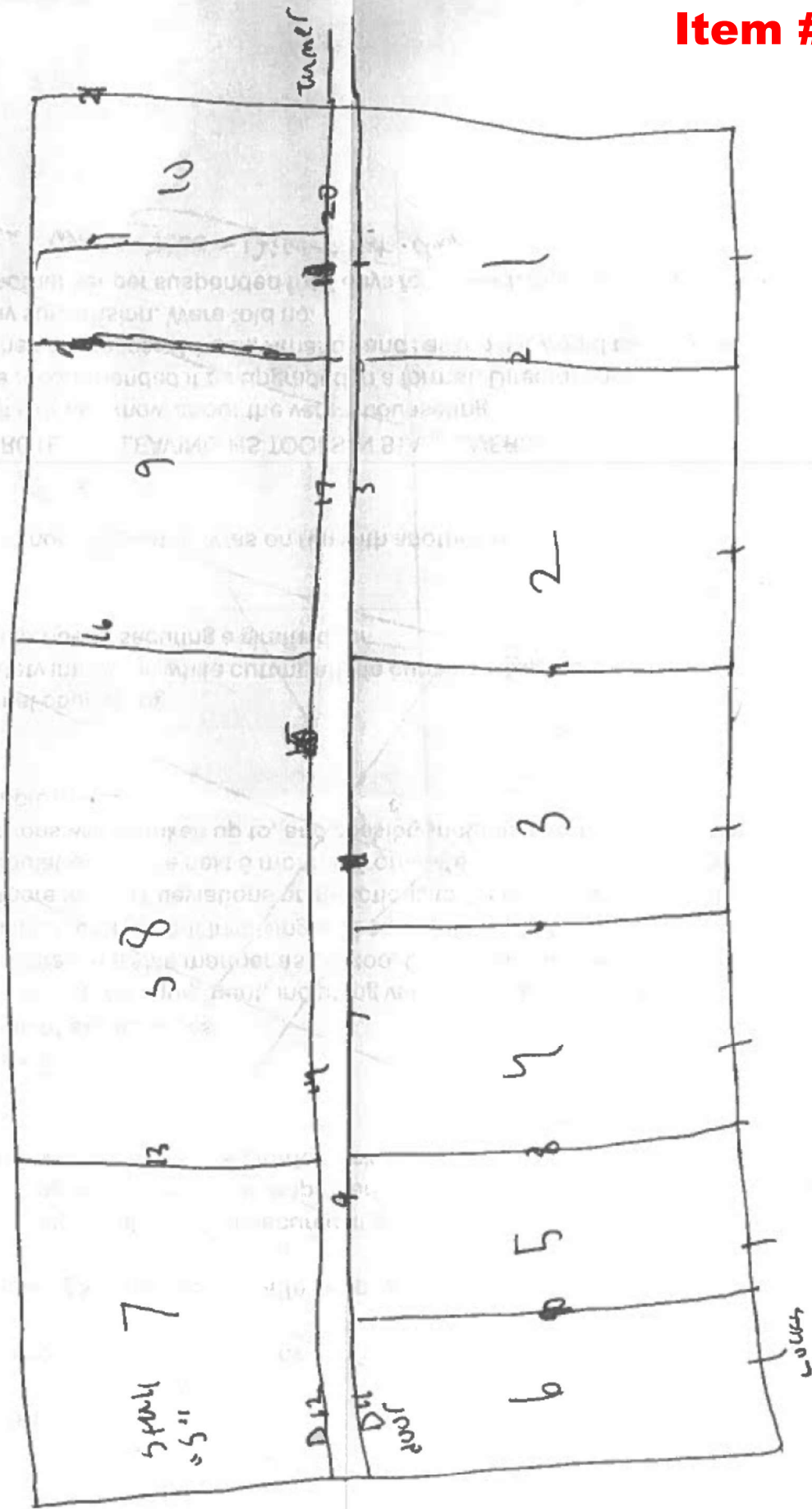


0-14

EXHIBIT
Q-15

Taylor v. Visser

Hooftstock (bar)



EXHIBITS A-1 to A5



Acknowledgment of Receipt of the Employee Handbook

I understand that I am to read, become familiar and comply with the City of El Paso's Employee Handbook ("Employee Handbook"), which contains a synopsis of the City's policies, procedures and guidelines related to my employment. I can find a copy of the Employee Handbook on the City's Intranet at MyElPasoTexas.gov under "Documents" or [HERE](#) directly. 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 express 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.

Signature

Rfo

Full Name

Samantha Sapien

Date

12/12/2023

Last 4 of SSN

██████



COEP Acknowledgement Form 2022

Full Name

Samantha Sapien

I am aware that the City of El Paso Safety Policy is located online at the City's website. I am also aware that if I do not have access to a computer, my department can provide a copy for me.

Signature of Acknowledgement of Safety Manual

Samantha Sapien

Americans with Disabilities Act

Drug-free Workplace

Disciplinary Policy and Matrix

Professional Appearance Policy

Sexual Harassment Prevention

Social Media Policy

Military Leave Policy

Code of Conduct

Please sign once you have read the above policies

Samantha Sapien

I hereby acknowledge that I have read the City of El Paso's Off-The-Clock and Remote access Device Policy for Non-Exempt Employees that I have read the Policy and understand it, and that I understand that any questions that I may have about the Policy in future should be directed to the Human Resources Department.

Off the Clock and Remote Access Device Policy

Full Name

Samantha Sapien

Last 4 of SSN

██████

Signature

SS

Date

12/12/2023



Memorandum of Expectations

This memorandum is a formal notification to you regarding my expectations as the new Zoo Director.

The following outlines the expectations of the El Paso Zoo Department which includes but are not limited to:

1. You are expected to comply with all City of El Paso rules, policies and procedures. Additionally, you are expected to comply with all policies and procedures specific to your job and the Zoo Department, unless an exception is authorized by me.
2. You are expected to follow the chain of command with issues, opportunities, complaints and/or grievances. Failure to follow the chain of command will result in disciplinary action and handled as a separate matter from the actual issue, complaint and/or grievance.
3. If your complaint is being filed against me or if your complaint is pertaining to federally protected employment categories then you are encouraged to contact our assigned HR representative directly.
4. You are expected to be on time and ready for work every day in accordance with your assigned work schedules. All exempt employees are expected to work a minimum of 40 hours per week.
5. The purpose of the Ethics Hotline is to address concerns about unethical, illegal or irresponsible activity. You are still encouraged to follow the chain of command to report any and all incidents; however if this is not possible or you would like to remain anonymous then you may report the aforementioned types of activity via the Ethics Hotline. Please be advised when filing an Ethics Hotline complaint specific and thorough details will assist in assessing the concern to the greatest extent possible.
6. Please treat each and every guest as if they are the most important person you talk to that day. In the event that guest behavior needs to be corrected, please be conscious of your communication and convey yourself in a positive manner.
7. Litter is all of our responsibility. Please pick up and properly dispose of any trash that you encounter on the public side of the Zoo.
8. Treat each other, management and the guest with respect at all times. You are always expected to conduct yourself in a respectful and professional manner.
9. Respect the diversity among the staff and patrons of the El Paso Zoo. Please ensure your actions reflect positively.

Failure to meet the expectations outlined within this memorandum will result in disciplinary action.

We are all very lucky to be an employee of the El Paso Zoo. I encourage all of you to focus on the good in your jobs and expect you to do your part in creating a positive work environment for yourself as well as those around you.

Should you have any questions or concerns, please do not hesitate to contact me.

Acknowledgment/Receipt Form

I hereby acknowledge that I have received a copy of the memorandum of expectations.

I have read and understand all the provisions specified in this memorandum of expectations. I understand that failure to meet the expectations outlined within this memorandum will result in disciplinary action.

Employee

Samantha Sapien

Kronos ID



Signature

Date

12/12/2023

A-2



EMPLOYEE INCIDENT REPORT

Today's Date: 5/17/2025

Employee Name: Samantha Sapien	Kronos ID: [REDACTED]

Please select one of the sections: Area 5

Date of Occurrence:	5/15/2025
Time of Occurrence:	Morning
Location of Occurrence:	Hoofstock Barn S8

DESCRIBE IN DETAIL WHAT OCCURRED (Use as much space as needed): Tools were left in S8 with the Kudu. My run partner had been cleaning the back stalls while Espy and Linda were being conditioned by me and Amanda in the tamer. Both Kudu were locked in S10 at the time. A door (D15 or D5 or other) was closed and my run partner didn't check the stall before exiting. I did not check the back stalls before giving animals access back to them. It was caught by someone the following morning. I was informed of the incident after coming back from my weekend.

Did you report the Incident to your supervisor?

No

Name of your Supervisor:

Amanda Leverette

Date Reported to your Supervisor

5/15/2025

If you answered yes to the above question, please give the name of the Witness(es):

Samantha R Sapien

PRINT NAME

SIGNATURE *Samantha R Sapien*

IF YOU INCIDENT RESULTED IN AN INJURY PLEASE SEE ANTHONY FLORES FOR WORKMANS COMPENSATION PACKET IMMEDIATELY



EMPLOYEE INCIDENT REPORT

Today's Date: 5/18/2025

Employee Name: Kellen Barton	Kronos ID:

Please select one of the sections: Area 5

Date of Occurrence: 5/15/2025

Time of Occurrence: 9:00am

Location of Occurrence: Hoofstock Barn

DESCRIBE IN DETAIL WHAT OCCURRED (Use as much space as needed):

On Thursday 5/15 tools were discovered in the. It was Sam and I working the previous day. What I believe happened was as I was bringing the wheelbarrow outside Sam had closed doors d17 and d18 so she could give access to the Kudu to train them in the tamer. I thought I had brought the tools in with me and placed them on the hall of d18 or d17 but they were either left out or fell over and out while the door was being closed. They likely fell over as Sam and I did not notice them throughout the day.

Did you report the Incident to your supervisor?

No

Name of your Supervisor:

Kenny Riley

Date Reported to your Supervisor

5/15/2025

If you answered yes to the above question, please give the name of the Witness(es):

Kellen Barton

PRINT NAME

SIGNATURE Kellen Barton

IF YOU INCIDENT RESULTED IN AN INJURY PLEASE SEE ANTHONY FLORES FOR WORKMANS COMPENSATION PACKET IMMEDIATELY



EMPLOYEE INCIDENT REPORT

Today's Date: 5/15/2025

Click or tap to enter a date.

Employee Name:	Taylor Paulsen	Kronos ID:	██████
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Please select one of the divisions: Collections- Area 5

Date of Occurrence: 5/15/25 Click or tap to enter a date.
 Time of Occurrence: 9:20AM
 Location of Occurrence: Hoofstock barn

DESCRIBE IN DETAIL WHAT OCCURRED:

Description of the incident: A rake and shovel were left in stall 8 in the hoofstock barn overnight. The Kudu had access to the stall but it did not appear as though they messed with it as it was leaning up against the wall when keeper came in. The kudu also did not appear to have any visible injuries caused by the tools. The locks were checked by three people at close Kellen, Yull, and myself. None of us saw it in the stall likely because it was leaned up against the wall and blocked by the door.



EMPLOYEE INCIDENT REPORT

Today's Date: 7/24/2025

Employee Name: Kenneth Riley	Kronos ID: [REDACTED]

Please select one of the sections: Area 5

Date of Occurrence:	5/15/2025
Time of Occurrence:	Morning
Location of Occurrence:	Hoofstock Barn S8

DESCRIBE IN DETAIL WHAT OCCURRED (Use as much space as needed):

O 5/15, Taylor was hoofstock keeper. She informed me that she found tools in the back stalls at hoofstock that morning. The Kudu had access to the stall overnight. I asked her to write me an incident report. I then looked at the schedule to see which keeper were in that routine yesterday. It was Sam and Kellen. Over the next 2 days (due to them being on their weekends) I asked both of them to type up an incident report about the tools being left in the back stalls overnight. Once I received all 3 reports, I forwarded them to my supervisor.

Did you report the Incident to your supervisor?

Yes

Name of your Supervisor:

Amanda Leverette

Date Reported to your Supervisor

5/15/2025

If you answered yes to the above question, please give the name of the Witness(es):

Kenneth Riley RINT NAME

SIGNATURE *Kenneth Riley*



El Paso Zoo

MAYOR

Renard U. Johnson

CITY COUNCIL

- District 1
Alejandro Chavez
- District 2
Dr. Josh Arcevedo
- District 3
Deanna M. Rocha
- District 4
Cynthia Boyar Trejo
- District 5
Ivan Niño
- District 6
Art Barron
- District 7
Lily Simon
- District 8
Clara Camargo

CITY MANAGER

Dionne Mack

TO: Samantha Sapien, Zoo Keeper [REDACTED]
FROM: Joseph Montisano, Zoo Director *J*
DATE: February 21, 2025
SUBJECT: Formal Counseling – Safety Violation / Failure to Follow Dept. Rules or Policies

On August 26, 2024, while cutting alfalfa cubes you failed to use the proper Personal Protection Equipment (Cut Resistant Gloves) which resulted in you cutting a small piece off the side of your left middle finger. You were reminded not an hour prior to the incident that you needed to be wearing the cut resistant gloves.

On the morning of September 8, 2024, the Giraffe stall 1's lower door lock was secured to the wrong hasp, leaving the latch locked in open position. Stalls must be properly secured to insure the safety of not only the animal, but of the zoo staff and the public.

You have previously received two Memorandums of Expectations and a verbal counseling for similar infractions; however, you have failed to adhere to the procedures and safety guidelines in place when performing your duties, potentially causing dangerous situations and showing inefficient performance.

You are hereby formally counseled for failure to follow Zoo procedures and its Safety Procedures. Be advised that future incidents of this or of similar nature will not be tolerated and will result in disciplinary action, up to and including termination of your employment with the City of El Paso.

This notice is provided in compliance with Rule 8, Section 8 (Formal Counseling). Please be advised that you may request that this formal counseling be removed from your personnel file after the expiration of twelve (12) months from the date of this formal counseling, provided you have not received any disciplinary action during the twelve (12) month time period. 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.

Acknowledgement of Receipt: *[Signature]*
 Date: 2/21/25

Witness: *[Signature]*
 cc: Human Resources-Personnel file

Joseph Montisano – Zoo Director
 El Paso Zoo | 4001 E. Paisano | El Paso, TX 79905
 O: (915) 212-0968 | Email: MontisanoJ@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES



El Paso Zoo Department

MAYOR
Renard U. Johnson

TO: Samantha Sapien, Zoo Keeper, [REDACTED]
FROM: Joseph Montisano, Zoo Director
DATE: July 29, 2025
SUBJECT: Acknowledgement of Documents

CITY COUNCIL

District 1
Alejandra Chavez

District 2
Dr. Josh Acevedo

District 3
Deanna M. Rocha

District 4
Cynthia Boyar Trejo

District 5
Ivan Niño

District 6
Art Fierro

District 7
Lily Limon


District 8
Chris Canales

CITY MANAGER
Dionne Mack

This memorandum is to acknowledge your receipt of the following documents regarding the Notice of Suspension provided to you on July 29, 2025.

- Notice of Suspension (8 pages)
- Supporting Documents (8 pages)
- Acknowledgements (4 pages)
- Discipline History (1 page)
- Disciplinary Policy and Matrix (11 pages)

I am acknowledging receipt of the above documents.


Signature

July 29th 2025
Date

Alejandra Rivera
RiveraA@elpasotexas.gov
212-1248

Joseph Montisano – Zoo Director
El Paso Zoo | 4001 E. Paisano | El Paso, TX 79905
O: (915) 212-0966 | Email: MontisanoJ@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 2025

Address: [REDACTED]

From: Zoo Department
Subject: Suspension Without Pay

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY **SUSPENDED FOR THREE (3) WORKDAYS** EFFECTIVE: August 9 TO August 11 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: July 29th 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
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 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 SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 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 (c), 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 election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission.

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien	Last 4 #'s of SS #: [REDACTED]	Date: July 29, 2025
Position: Zoo Keeper	Employee ID #: [REDACTED]	

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)

CITY OF EL PASO EMPLOYEE HANDBOOK (January 2023)

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.

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien	Last 4 #'s of SS #: [REDACTED]	Date: July 29, 2025
Position: Zoo Keeper	Employee ID #: [REDACTED]	

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:

- Conduct that you have been informed is unacceptable.
- Failure to meet or maintain work performance standards.

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.

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
 Position: Zoo Keeper

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

Date: July 29, 2025

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.
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:

- 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:

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien
Position: Zoo Keeper

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

Date: July 29, 2025

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 (May 30, 2018)

Level 1 Violation: Safety Violation (non-injury or property damage) (2nd offense) – 3 Day Suspension

Date Received by Human Resources: June 9, 2025

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): October 7, 2025

SPECIFICATIONS:

On May 16, 2025, another Zookeeper discovered that a rake and shovel were left overnight in Stall 8 of the hoof stock barn, where the kudus are housed. In your incident report, you acknowledged that you failed to inspect the back stalls before granting the animals access. While no animals were injured, this oversight cannot be overlooked, as it indicates a failure to verify that all tools were secured and the area was safe for all animals.

As a zookeeper, you are expected to perform your duties thoroughly and accurately, particularly when safety is at stake and there is a potential risk of harm to yourself or the animals. Your actions are not in alignment with the City's Mission, Vision, and Values and constitute a violation of the City of El Paso Employee Handbook.

EMPLOYEE'S INITIALS SS



CITY OF EL PASO, TEXAS
NOTICE OF SUSPENSION

Name: Samantha Sapien

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

Date: July 29, 2025

Position: Zoo Keeper

Employee ID #: [REDACTED]

Your disciplinary history reflects the following:

On February 21, 2025, you received a **Formal Counseling** for Safety Violation and Failure to Follow Departmental Rules/Policies.

Based on the above specifications, the City of El Paso Zoo Department has determined that your services are to be suspended 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 you receive **this 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 SS



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.

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.

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:

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

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)	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

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

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)	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			

Notes by K. Reilly (KR)

June 14th, 2024

- extend probation for 45 days

Verbal Counselings:

- 6/14/24
 - Unsecured lock at hoofstock
- 6/14/24
 - Allowing Kudu into the giraffe ramp (walked away)
- 7/23/24
 - Leaving a giraffe lock unsecured at giraffes
 - Shifting an animal into an improperly secured area (giraffes)
 - Hitting a fence with the giraffe truck

August 2, 2024

- passed probation
- given Memo of expectations
 - Noted: all zoo equipment, including vehicles, machinery, tools, etc is operated in a safe manner as per zoo, City,, and OSHA standards to avoid any incident or accident involving said equipment.
 - If there are ANY deviations or infractions to ANY of the above listed stipulations in the next 6 months (from date of memo) further disciplinary actions will be taken up to, and possibly including, termination of your employment.

Feb 19 2025

- given formal counseling
 - safety infraction while cutting alfalfa cubes on Aug 26, 2024
 - not properly securing a giraffe door

May 15 2025

- left tools in hoofstock stall. Was on run with another keeper
- 5/29/25 ^{vt.}
 - WROTE FOR LEAVING HS TOOLS IN STALL OVERNIGHT
 - Let Curator know about the verbal counseling
 - He recommended it be upgraded to a formal. Director agreed
 - When formal came back, Amanda and I asked if it would be reduced to a 1 day suspension. Were told no.
 - Another keeper suspended for 3 days for a much more egregious action
 - Sam was 7:00 - 12:00 that day

A-5



File #: BC-2049, **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.

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

Rosa Montes- Parks and Recreation- Termination

In accordance with the Civil Service Commission, Ordinance 8065 Rules and Regulations - Rule 8, Suspension, Reduction, Discharge. Section 1, Subsection (C) Has been under the influence of intoxicants or drugs or the use thereof while on duty; (G) Is dishonest, commits theft, violates a law, or violates policies relating to the handling or procurement of property, or negligence in care or misuse of City property and (P) for just cause.

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

IN RE:

ROSA MONTES APPEAL)
)
) DOCKET NUMBER 25 PD 08 PP

Case Procedural Summary

DATE OF DISCIPLINE: Termination 9-22-2025
DATE OF ASSIGNMENT
TO HEARING OFFICER: 10-7-25
DATE OF PRE HEARING: 10-14-25
DATE OF HEARING: 12-15-25 and 1-5-26
DATE HEARING CLOSED: 1-31-26 (final legal briefs submitted)
PLACE OF HEARING: City Attorney Library Conference Room
REPRESENTATIVE FOR CITY: Sarah L. Hartnett, Senior Asst. City Attorney
REPRESENTATIVE FOR EMPLOYEE: Fernando Chacon, Attorney at Law

WITNESSES CALLED BY THE CITY:

Pablo Caballero, Director Parks and Recreation Department
Monica Vargas, Recreation Program Manager, Parks and Rec.
Ricardo Valenzuela, Human Resources Employee Relations
Brisa Renteria, Senior Human Resources Analyst
Amaris Crabtree, Recreation Programs Supervisor, Parks and Rec.
Daniel Calderon, Park Area Supervisor, Parks and Rec.

WITNESSES CALLED BY THE EMPLOYEE:

Rosa Montes, Recreation/Sports Coordinator, Parks and Rec.

EXHIBITS ENTERED AS EVIDENCE:

City Exhibits C-1 thru C-20
Employee's Exhibits: None

HEARING OFFICER'S RECOMMENDATION

This case has several issues of procedural irregularities. A Civil Service Commission rule requires that an employee receive a proposed notice of discipline "within 120 calendar days from

the date Human Resources is made aware of the occurrence.” Because of the rule, the Parks and Recreation Department and the City’s Human Resources Department (“HR”) did not follow their regular processes because the employee being investigated and subsequently disciplined, Rosa Montes, was on workers compensation leave during the 120 days. Consequently, the Human Resources Department’s investigation took place and was completed without ever interviewing the disciplined employee, Rosa Montes. The Proposed Notice of Separation was not given to the employee in person by the Department Director or his designee as was the customary procedure. Instead, the Proposed Notice of Separation was mailed to Rosa Montes while she was still on leave. After written communication with Fernando Chacon, who is Ms. Montes’s attorney, Montes was offered a “pre-termination hearing.” The first time Rosa Montes met with the Department Director was when she was handed her final Notice of Separation at the beginning of the “pre-termination hearing,” which was adjourned abruptly by the Assistant City Attorney in attendance.

Also unusual is the fact that the one incident of drinking and driving a city vehicle while on the job, for which Rosa Montes was terminated, was reported approximately seven months after it allegedly occurred by an employee whose performance had just been found to be unsatisfactory by Rosa Montes, her immediate supervisor.

Therefore, this Recommendation is broken into four parts:

- A. Chronology of events
- B. The 120 day rule
- C. The due process or “pre termination hearing”
- D. The facts of the case whether Rosa Montes drank alcohol while on the job.

A. Chronology*

**Where exhibits are not referenced, the information was obtained by testimony at the hearing with this Hearing Officer.*

October 2004: Rosa Montes hired by the City. (22+years with the City)

April 2023: Rosa Montes named Recreation Sports Coordinator, Parks and Recreation Dept.

August 14, 2024 (approx.): Amaris Crabtree hired by Parks and Recreation as a Recreation Program Supervisor and placed under the direct supervision of Rosa Montes. Placed on six months probation per policy.

February 2025: Amaris Crabtree’s 6 month probation did not end but instead was extended for 3 months by her supervisor Rosa Montes. Crabtree also placed on performance improvement plan by Montes.

February 10, 2025: Formal counseling of Rosa Montes for unprofessional conduct of favoritism. It is unrelated to the events for which she was terminated. (Exhibit C-12)

March 12, 2025: Montes went out of work on leave, workers compensation.

March 12, 2025: Amaris Crabtree interviewed by HR Rep. Brisa Renteria and Program Manager Monica Vargas regarding investigation of some department issues. Crabtree indicated she wanted a meeting without Rosa Montes present.

March 12, 2025: Manager Monica Vargas and Supervisor Mike Gonzalez met with Amaris Crabtree regarding incidents unrelated to Rosa Montes. Crabtree stated that Rosa Montes and Clarissa Arreola were drinking alcohol on the job on August 21, 2024 and that Montes drove a City vehicle with Crabtree as a passenger after she had been drinking. Vargas reported the conversation to Dept. Director Caballero. Vargas told HR at their weekly meeting.

April 24, 2025: E mails back and forth from HR Brisa Renteria and Amaris Crabtree regarding her report about Rosa Montes drinking then driving a City vehicle while on the job.(Exhibit C-5).

May 6, 2025: Crabtree e mailed a formal complaint as requested by HR Brisa Renteria about Rosa Montes and Clarissa Arreola drinking on the job the prior year.(Exhibit C-5).

May 7, 2025: HR Richard Valenzuela assigned to investigate Crabtree's allegations. (Exhibit C-5).

May 2025: Amaris Crabtree passed probation under supervisor Mike Gonzalez, her supervisor after Rosa Montes went on leave.

July 31, 2025: HR Richard Valenzuela concluded his investigation. Did not interview Rosa Montes. (Exhibit C-4).

August 17, 2025: Montes cleared by her doctor to return to work with restrictions but had not been cleared to do so by the City. Did not return to work prior to termination.

August 29, 2025: Proposed Notice of Separation mailed to Montes by Valenzuela by regular mail and by certified mail.(Exhibit C-3).

September 8, 2025: Attorney Fernando Chacon, representing Montes, sent e mail to Dept. Director Caballero, outlining Montes's response to and defenses to Proposed Notice of Separation. "This letter serves as a formal response and notice of intent to appeal the proposed termination of her employment."(Exhibit C-15).

September 9, 2025, 8:00 pm.: Pablo Caballero received September 8, 2026 e mail from Attorney Fernando Chacon. (Exhibit C-15).

September 9, 2025: Department Director Caballero sent e mail to HR Claudia Cancellare

forwarding Chacon letter. (Exhibit C-15).

September 10, 2025: HR Claudia Cancellare confirmed her receipt of Chacon e mail to Director Caballero. (Exhibit C-15).

September 11, 2025: Karla Saenz of the City Legal Dept. sent e mail sent to Attorney Chacon and stated: *"As her representative we want to notify you that under the City's Civil Service Rule 8 your client has the right to a pre-termination hearing which is a meeting with the department's director. Would you like to move forward with scheduling the meeting, would you like to waive your client's right to the meeting, or would you like our HR department to reach out to your client?"* (Exhibit C-17)

September 14, 2025: Attorney Chacon sent e mail to Karla Saenz asking tor pre -termination hearing. (Exhibit C-17).

September 16, 2025: Department Director Caballero sent a Notice to Rosa Montes that a "Pre Termination Hearing" would be held on September 22, 2025 at 9:00 am. and stated: *"The hearing is not a formal proceeding. You will be permitted to present any explanation you may wish to the Interim Parks and Recreation Director concerning the charges and specifications provided to you. You may present evidence on your behalf and a representative may accompany you if you so desire. Everything that you present at the hearing will be considered before a final determination on your employment is made."* (Exhibit C-14).

September 17, 2025: E mail sent to Attorney Chacon by Karla Saenz with pre-termination hearing time, date, and location. (Ex.C-17)

September 22, 2025: "Pre Termination Hearing" held with Department Director.

B. 120 Day Rule

Civil Service Commission Rule 8 Section 3e states as follows:

"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." (Exhibit C-1, p.3).

Additionally, paragraph f of Section 3, Rule 8, states as follows:

"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." (Exhibit C-1, p. 3).

The main dispute in this case regarding the 120 day rule is determining when Human

Resources was “made aware” of the allegations that Rosa Montes had been drinking on the job in August of 2024. The Notice of Separation alleges that the “date Received by Human Resources” was May 6, 2025. One can see from the Chronology section above that May 6, 2025 was the date that Amaris Crabtree submitted by e mail a formal complaint requested by Human Resources. (Exhibit C-5). However, the rule states that the 120 calendar days starts running when “Human Resources is made aware of the occurrence giving rise to the discipline.” The rule does not state “Date Received by Human Resources” such as is stated in bold face on the Notice of Separation. (Exhibit C-1, p. 8). The “date aware” and the “date received” can be the same, but in this case they were not. The only exception to the 120 day rule is when law enforcement, such as the police, is investigating whether the incident involved should result in criminal charges or not. The 120 days is tolled until the criminal case is either proceeding forward through the court system or has been dismissed. There was no criminal proceeding or investigation in the present case. Rosa Montes was on leave due to a workers compensation claim during the 120 day period. Other than criminal actions, there is no tolling period for workers compensation or FMLA leave or other circumstances as exceptions to the 120 day rule.

In the case at hand, Rosa Montes argued that Human Resources was “made aware” of the occurrence leading to the discipline on March 12, 2025. In the Chronology section above in this Recommendation, March 12, 2025 is the date that Amaris Crabtree met with Department Manager Monica Vargas and Supervisor Mike Gonzalez. Neither is from Human Resources. Monica Vargas testified before this Hearing Officer that she reported the information “to HR at their weekly meeting.” She could not say the exact date and did not say it was to HR Brisa Renteria, but did testify that it would have been at her first regular weekly meeting with HR after March 12, 2025. Brisa Renteria of Human Resources testified that she could not say the exact date she became “aware” of the drinking allegations, but she could testify accurately that she first became aware of the alleged alcohol drinking on the job by Rosa Montes at least by, or no later than, April 24, 2025. This is confirmed by a series of e mails on April 24, 2025 beginning at 1:16 p.m. between Ms. Renteria and Amaris Crabtree which show communication about the Montes alleged drinking incident. (Exhibit C-5). In those e mails Renteria inquired of Crabtree what date she met with Monica Vargas and Mike Gonzalez, presumably about the alcohol incident with Montes. Crabtree replied “March 12”. (Exhibit C-5, p 3-4). A follow up e mail from Renteria on April 24, 2026, then told Crabtree she needed to write a full statement because “we don’t have anything on file in

regards to you needing to speak to HR.”(Exhibit C-5, p. 3). Renteria again wrote to Crabtree on May 6, 2025 asking for the statement as soon as possible, and asking questions about what vehicle number Rosa Montes used and whether there were cameras at the center where Crabtree worked. (Exhibit C-5, p. 3). Crabtree answered the same day with the information about the license and cameras, and later that day on May 6, 2025, did e mail a full statement to Renteria. (Exhibit C-5, pp 1-2).

Therefore, while there was no evidence of to whom from HR Vargas reported her March 12 meeting , or the date, there is evidence that at least by April 24, 2024, HR’s Brisa Renteria was aware of the drinking on the job allegations and had begun investigating it. HR Renteria testified at this Civil Service Commission hearing that HR would still have looked into the allegations even if Crabtree had not filed a written formal complaint because they were serious allegations.

The Proposed Notice of Separation is dated August 29, 2025 and it is undisputed that it was mailed to Rosa Montes because she was on leave and not at work. Ricardo Valenzuela, the HR person who handled the investigation of Rosa Montes and the procedures that led to the final Notice of Termination, testified that he could not contact Montes for an interview or to present her with the proposed Notice of Separation along with the Department Director because she was on FMLA leave and they are not allowed to contact an employee in those circumstances. Montes testified that although her doctor had said she eligible to return to work on August 27, 2025, this medical information had been relayed to the City but the City had to approve her return to work, and this had not been completed as of August 29, 2025. Montes testified that she was on workers compensation leave rather than “FMLA”, as testified to by HR Valenzuela.

Depending on the date chosen to commence the start of the 120 days, either the Proposed Notice was timely, or it was untimely. Assumed in the calculation below is that the date the Notice was mailed was the date it was “served” on the employee. There is something called the “mailbox rule” under Texas state law where a document can be deemed served when it is deposited in the mail. (22 Tex.Admin. Code Section 157.4) However, the mailbox rule does not appear in Civil Service Rule 8 or Rule 2 Definition and Rules of Construction. There was no proof during the Hearing as to exactly what date Rosa Montes received the mailed Proposed Notice of Separation. She testified that she never received the certified copy. The certified receipt where delivery or non-delivery is shown was not entered into evidence by the City. Therefore, the calculations are as follows:

April 24 to August 29, 2025: 127 calendar days (untimely)
May 6 to August 29, 2025: 115 calendar days (timely)

Discussion regarding 120 day Rule

Based on a preponderance of the evidence, this Hearing Officer finds that the service of the Proposed Notice of Separation was untimely and in violation of Civil Service Commission Rule 8, Section 3e. She has considered the non-compliance under her authority pursuant to Rule 8 Section 3f of the Civil Service Commission Rules. The Notice of Proposed Separation was not served within 120 days from the date Human Resources was made aware of the occurrence of the incident giving rise to the discipline. Human Resources was aware of the incident at least since April 24, 2025, and perhaps even earlier. The Proposed Notice was mailed (served) August 29, 2025, which is 127 days after Human Resources was made aware. There are no exceptions in this case since there was no criminal investigation taking place with law enforcement.

Rule 8 does not indicate what penalty should be assessed against the City/Department Director for a violation of the procedural rules, which rules are meant to ensure a timely and orderly due process proceeding. The rule states it should be “considered” by the Hearing Officer and/or Commission. In Texas court proceedings, there are rules called “statutes of limitations” which provide time deadlines for initial filing of lawsuits. Different kinds of lawsuits have different time limitations by which they must be filed. Failure to meet those deadlines results in the legal case being dismissed out of court. Of course, there are always exceptions that a Court may consider, but the bar is extremely high and Court discretion is rarely exercised. Accordingly, viewing the 120 day rule as a type of “statute of limitations” for the City/Department Director, violation of the 120 day rule by the City in the present case should result overturning the discipline. I recommend that the termination be overturned on this basis given the facts of this case.

C. Due Process and Pre Termination Hearing

Rosa Montes, through her attorney Fernando Chacon, contended that her due process rights had been violated by the way her termination was handled. During and after the hearing before this Hearing Officer, both the attorney for Montes and the Assistant City Attorneys representing the Department Director submitted substantial legal briefs to the Hearing Officer regarding the allegations of violation of due process rights as applied to the facts of the termination of Rosa Montes. The Hearing Officer only considered the due process rights relevant to the jurisdiction of this Civil Service Commission termination appeal, and not other statutes and laws Mr. Chacon

cited as having been violated, such as the civil rights federal law known as 42 U.S.C. Section 1983.

The Constitution of the United States, Fourteenth Amendment, requires that no State may deprive a person of life, liberty, or property “without due process of law.” The Courts have interpreted what “due process” rights accrue to a governmental employee. In general, the U.S. Supreme court has stated that a governmental employee has a due process right that a termination, such as this case, be proceeded by notice and opportunity for a hearing appropriate to the nature of the case. *Cleveland Bd. Of Educ. v. Loudermill*, 470 U.S. 532 (1985). While the hearing need not be elaborate, due process requires that a disciplined employee have the opportunity to present reasons, either in person or in writing, why proposed action should not be taken. (*Loudermill*). The Fifth Circuit Court of Appeals, under which Texas federal courts fall, has clarified that it is the final decision maker who must hear and consider the employee’s story before deciding whether to discharge the employee. *Coggin v Longview Indep. Sch. Dist.*, 337 F.3d 459 (5thCir. 2003).

The El Paso Civil Service Commission incorporated due process rights and obligations required by law in their Rules and Procedures. Rule 8 outlines a right to a conference with the Department Head as follows:

Section 3b: “Within ten (10) days of receipt of the 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 the Rule as provided in paragraph ‘f’ and for impeachment purposes.”

In the alternative, Rule 8, Section 3c provides another process, a “pre-termination hearing,” which can be used in discharge cases as follows:

Section 3 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.”

Rule 8 Section 3c makes clear that departments currently using a pre-termination hearing are not required to offer or hold a Section 3b meeting with the Department Director. However,

in the Rosa Montes case, the only process offered to Montes was the 3c pre-termination hearing, even though the Department Director testified that he usually allowed the employee to ask for a meeting with him as outlined in Rule 8 Section 3b.

At the hearing before this Hearing Officer, Department Head Pablo Caballero testified that his usual practice was to present the notice of proposed action with background documents to the employee. The employee can digest the information and ask for a conference with him such as the Section 3b conference. Caballero testified that this was not possible since Rosa Montes was leave so the proposed Notice of Separation was mailed to her. Caballero further testified that although he was open to listening, he did not expect a hearing to take place when he met with Rosa Montes and her attorney on September 22, 2025. Caballero testified that since it was normal practice to have the department head conference with the employee and give them the proposed notice, and then have a final meeting to give the employee the final disciplinary notice, he did not expect a hearing. Present at the pre-termination hearing were Pablo Caballero, HR Ricardo Valenzuela, Rosa Montes and her attorney Fernando Chacon, and Assistant City Attorney Evan Reed. Although the final Notice of Separation was unsigned when he entered the meeting, Caballero testified that he did sign it at the beginning of the meeting and handed it to Montes to sign. Montes's attorney became upset and asked if Caballero had just said that the only reason they were at the meeting was to give them the final Notice. Caballero testified that he answered "yes." Caballero testified that he had expected Montes would have contacted him prior to the Sept. 22, 2025 hearing to talk to him so he was "caught off guard" by Chacon. Montes's Attorney Chacon was trying to ask questions. Assistant City Attorney Evan Reed had been sitting in the room but not at the table. He stood up, began to engage with Chacon, and Chacon with him. Reed then told Caballero not to answer questions, and shortly thereafter Reed adjourned the meeting.

Before signing the final document at the Sept. 22, 2025 hearing, Rosa Montes wrote in cursive on the final Notice above the signatures the following: "admitted to 5 day meeting not being necessary." (Exhibit C-1, p. 1). Montes testified that she was instructed by her attorney to write that on the Notice before she signed since she and her attorney had just been told that the 5 day meeting "was not necessary." The "5 day meeting" would clearly be the Rule 8, Section 3b conference with the Department Head meeting.

Discussion regarding Pre-Termination Hearing

The employee's due process rights appear in the rules regarding the Rule 8 Section 3b conference with the Department Head or a Section 3c pre-termination hearing as part of the pre-termination due process rights. There was no evidence at the hearing before this Hearing Officer as to why a "pre-termination hearing" as outlined in Rule 8 Section 3c was offered to Rosa Montes rather than the conference with the Department Head in Rule 8 Section 3b. In the Rules, there are no procedures listed as to the format of the "pre-termination hearing." However, in the notice of the meeting, Exhibit C-14, a procedure was outlined for the meeting which stated that Montes would be permitted to present evidence "before a final determination on your employment is made." (Exhibits C-16, C-17, C-14.) The Notice to Rosa Montes on September 16, 2025 stated as follows:

"The hearing is not a formal proceeding. You will be permitted to present any explanation you may wish to the Interim Parks and Recreation Director concerning the charges and specifications provided to you. You may present evidence on your behalf and a representative may accompany you if you desire. Everything that you present at the hearing will be considered before a final determination on your employment is made." (Exhibit C-14).

Although Department Head Caballero testified that he was "open" to hearing from the employee and her representative, he testified that his first act to start the meeting was to sign the Final Notice of Separation and to move it across the table for Rosa Montes to sign. Certainly, that act would be one that would take any attorney or representative by surprise if he/she were expecting a pre-termination hearing where evidence was to be presented in defense of the employee prior to a final decision by the Department Head. Caballero also testified that he was not expecting a "hearing."

Evan Reed, the Assistant City Attorney who was present at the pre-termination hearing, did not handle or testify at this Civil Service Commission hearing before this Hearing Officer. However, on behalf of the City he answered allegations by Montes's attorney that the City by its actions had waived the pre-termination meeting. He stated that Rosa Montes and her attorney "*declined to participate in such meeting when they began badgering the Department head and HR representative with irrelevant questions, accusations and assertions. When it is apparent that no 'consensus' or 'agreement' is or will be forthcoming the City has an inherent right to end such meeting and issue its proposed discipline.*" (Exhibit C-18, Answer No. 3). Notably, he used the words "agreement" and "consensus," which are used in the Section 3b Department Head

conference, but not in Section 3c pre-termination hearing.

It appears that the regular procedures in place in the Civil Service Commission Rules were not followed in this case. They were not followed because Rosa Montes was on leave due to a workers compensation claim, and because the 120 day rule does not have exceptions applicable to this case so as to extend the 120 days. The rule requires that the proposed notice be served within 120 days from the date Human Resources became “aware” of the incident, so they mailed the notice of proposed termination within what they believed was the 120 days. Rather than allow the employee to request and attend some sort of Rule 8, section 3b conference with the department head, they only offered the employee, through her attorney, a “pre termination hearing,” which is a Rule 8, section 3c procedure. The Department Director then treated the pre-termination hearing as one where the proposed notice had already been presented and thereafter a conference with the Department head had already been held. Of course this had not taken place in the case of Rosa Montes. His testimony is that on September 22, 2025, he signed and handed over the signed termination notice at the beginning of the pre-termination hearing, which is what would have happened in the usual case where the employee is not on leave and is hand delivered the proposed termination notice and is given a chance to request an informal conference with the Department head prior to being given the final Notice. In other words, he jumped to the end of a due process procedure where the prior steps of the procedure had not taken place.

While there are no specific procedures or format given in the rules of Section 3c of Rule 8 for a “pre-termination hearing,” under due process it would certainly require more than handing the employee the final notice of termination so that she can sign it. The City contends that the letter (Exhibit C-15,p.2) from Attorney Chacon which outlined many of the employee’s defenses, was enough to comply with due process’s requirements of giving an employee an opportunity to present reasons as to why the discipline should not be upheld. Even if that were true, it is not sufficient to meet the Civil Service Commission’s Rule 8 requirements. The employee was never offered or given an opportunity to ask for the Section 3b conference with the Department head, which is clearly intended to allow the employee to present her/his explanation or response, and to allow them to “engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action.” (Exhibit C-1, p. 2-3). The City, through HR Ricardo Valenzuela, contended at the hearing that HR was not allowed to contact an employee about work related issues while they are on leave such as FMLA. However, they did in fact send the Proposed

Notice of Separation to Rosa Montes by mail during time she was on leave. The pre-termination hearing notice stated that the employee would be permitted to present any explanation and evidence they desired to the Department Director. "Everything that you present at the hearing will be considered before a final determination on your employment is made." (Exhibit C-14). It is no wonder that the employee's Attorney was upset, argumentative, and eventually engaged in an intense exchange with the City's attorney that resulted in the City's attorney disbanding the meeting. The non-attorney witnesses testified that the attorneys basically "went at it."

I find that there has been non-compliance by the Department Head/City with the provisions of Rule 8, Section 3b and 3c of the Civil Service Commission Rules. Pursuant to section 3f, any issue of non-compliance with the rules "will be considered by the hearing officer and/or Commission upon the appeal of the disciplinary action. I recommend that the Civil Service Commission find that the Department Director/City was non-compliant with Civil Service Commission Rule 8 which provides employees with their rights and provides the City with their obligations prior to final discipline such as termination. Accordingly, the discipline of termination should not be sustained given the facts of this case.

D. The facts of the case: Drink on the job?

The City's Disciplinary Matrix policy was created "to provide City leaders and supervisors with a guideline and reference for corrective and disciplinary action." It is intended to promote progressive discipline in a timely and consistent manner. Regardless, the Department Head maintains the authority to modify the discipline up or down. In the case at hand, the Department Head, Pablo Caballero, applied the Disciplinary Matrix, Level 4 violations, which provides for termination upon the first offense of "*On Duty use/consumption/distribution of alcohol or illegal substances.*" (Exhibit C-2, p. 11).

Rosa Montes was terminated because Amaris Crabtree reported that seven months earlier, her immediate supervisor Rosa Montes drank alcohol one time while on the job then drove a City vehicle with Crabtree as a passenger. The Chronology section above shows that Amaris Crabtree was a new hire back in August 2024 when the alleged drinking incident took place. Crabtree did not report the incident to management until March 12, 2025, seven months after the alleged drinking incident and just after Rosa Montes had extended Crabtree's probation and placed her on a performance improvement plan. She also did not report the incident until Rosa Montes went out on FMLA/workers compensation. (See Chronology above). While the leave appears to be under

workers compensation, during testimony with Human Resources it was often cited as FMLA.

Amaris Crabtree testified that she delayed reporting the incident because she was afraid because she was still on probation. When Montes extended her probation, Crabtree felt “blindsided” and decided to report the alcohol incident even though she was still on probation.

The incident reported by Crabtree was that either on August 21 or August 28, 2024, she was parked in Clarissa Arreola’s private car with Rosa Montes and Clarissa Arreola. Crabtree alleged that fellow employee Clarissa Arreola and Crabtree’s supervisor Rosa Montes were drinking alcohol while they were in the car and on the clock working. She reported that during the drinking, Montes called another worker, Daniel Calderon, and told him they were drinking. Montes had Calderon on speaker phone and Calderon replied “you are seriously doing this in front of the new girl?” Crabtree reported that after Montes had consumed alcohol, she drove Crabtree in a City vehicle back to the location where Crabtree had parked her private car. (Exhibits C-5, C-6). Crabtree was not asked during the hearing whether she had gone to the bar to drink with Montes and Arreola after work, which was later alleged in the Civil Service Commission hearing by Rosa Montes. Crabtree did not include this in her testimony or written statements. If asked, she might have denied it, but she was not asked.

When asked about the incident during the HR Investigation, Clarissa Arreola reported in writing that they were not on the clock when they were sitting in her car. She denied that she and Rosa were drinking alcohol. She did not remember what was said during the Rosa Montes call to Daniel Calderon. She did not remember Rosa Montes telling him they were drinking or his response. (Exhibit C-8, pp. 3-4). Arreola was fired by the City along with Rosa Montes for the on-duty use of alcohol. She was subpoenaed to attend this Civil Service Hearing at the request of Rosa Montes’s attorney. However, although Arreola was present and available, Rosa Montes’s attorney decided to not call her to testify.

At the hearing, Rosa Montes testified and denied drinking on the job while at the park when they were working. She testified that after she took Crabtree back to pick up Crabtree’s vehicle, she took her City work truck back home, then she drove her personal vehicle to meet Clarissa Arreola and Amaris Crabtree for drinks at a bar. Because so much time had passed since the incident, she remembered the day of the incident but not the full details. She did remember taking Amaris Crabtree to show her the ropes since she was newly under her supervision. She did remember calling fellow employee Daniel Calderon and inviting him to go out with them after

work to the “915 bar with the new girl.” Montes testified that she believed Crabtree waited to report the alleged alcohol incident until Montes was off work on leave, and that Crabtree was upset with her because Montes had recently denied her release from probation and placed her on a performance improvement plan.

After Amaris Crabtree sent an e mail on May 6, 2025 to Brisa Renteria of Human Resources with more details of the drinking incident than she had given on March 12, 2025, Richard Valenzuela of Human Resources was assigned to investigate the allegations. Valenzuela testified that he would normally have interviewed Rosa Montes as part of his investigation. However, because the 120 days were running by which a proposed notice of discipline had to be given to the employee, he closed his investigation without input from Rosa Montes. He testified that he is not allowed to contact an employee who is on FMLA for an investigation interview. He investigated not only the drinking allegation, but also other allegations involving not only Rosa Montes but other employees. In his investigation report, he concluded that on August 21, 2024, Rosa Montes and Clarissa Arreola consumed alcohol while on duty and Montes drove a City vehicle after consuming alcohol. He based his conclusion on “corroborated witness statements,” which was Amaris Crabtree’s verbal and written statements and corroboration by Daniel Calderon of the phone call placed to him by Montes during the incident. (Exhibit C-4). It should be noted that when Amaris Crabtree testified at this Hearing, she testified that the correct date was August 28, 2024 because she had looked at time records prior to testifying.

Daniel Calderon is a field supervisor on the same level as Amaris Crabtree but he is in another department and is in charge of preparing and maintaining the playing fields. (Exhibit C-20). In his written interview and investigation statement dated July 31, 2025, he was asked if on Wednesday, August 21, 2024, he received a phone call from Rosa Montes between 9:30 and 9:45 p.m. during which Montes told him she and Amaris Crabtree were drinking at Capistrano Park. He was asked whether he responded : “You are seriously doing this in front of the new girl?” Calderon responded: *“I don’t recall the exact words but I do recall having a call something like that where my respond [sic.] was you shouldn’t be doing this but not sure if any of this was true or not. On this day she did state that she was out on the field drinking am not sure who she was with or not but also not sure if this was a correct statement or just joking around.”* (Exhibit C-9, question 4). He had no knowledge of other questions asked about Rosa Montes because *“I do not participate or work with her and am not in close contact with her or any of her team we have very*

different work schedulas.[sic.] (Exhibit C-9, questions 6,8,9). Calderon admitted that he never reported the Rosa Montes incident to anyone “because I don’t work with her so not sure if they were joking or not.” (Exhibit C-9, question 6). At this Civil Service Appeal hearing, Calderon testified that Rosa Montes had told him during the call “we are partying.” When it was pointed out to him that he had written in his statement that she had said “she was out on the field drinking,” he did not retract his written statement.

Department Director Pablo Caballero testified that when there are incidents involving drugs or alcohol, there is usually a requirement that at least two supervisors must attest to the possible intoxication. When this happens, the employee is taken for a drug test. In the case of Rosa Montes, the incident seven months prior did not fall within the usual parameters. However, he considered that there were two witnesses to the alleged drinking by Rosa Montes and Clarissa Arreola, i.e. Amaris Crabtree and Daniel Calderon.

Department Director Caballero testified at this hearing that he felt that Daniel Calderon’s testimony was credible because Calderon was a good friend of Rosa Montes and yet he confirmed the drinking. Amaris Crabtree also stated in her written answers that Rosa Montes and Daniel Calderon had “a very close relationship.” (Exhibit C-6, question 12). However, Calderon wrote in his investigation statement that he did not “participate or work with her and am not in close contact with her or any of her team” because of different work schedules. He denied socializing with her after work. (Exhibit C-9).

Discussion regarding the facts of the case: drinking on job?

To sustain a discipline appealed to the Civil Service Commission, the Department Director must prove by a preponderance of the evidence that the employee committed the conduct alleged in the notice of discipline, and that the conduct violated City and/or department policies and rules. While failing to report violations can result in discipline, there is no evidence that either Amaris Crabtree or Daniel Calderon were disciplined for failing to report the drinking incident seven months prior. (Exhibit C-2 Matrix p. 1).

In general, it feels unfair to terminate a 22 year employee because of an incident that happened seven months prior, especially when the employee is never interviewed for her side of the story prior to being issued the proposed and final Notice of Separation. The incident, if true, is a serious violation of policy. The Matrix lists it as a first offense termination violation as an employee is terminated for violating the drug/alcohol policy even if only one time. The reporting

employee, Amaris Crabtree, is what can be called a “disgruntled employee,” who testified that shortly before she reported the drinking incident, she felt “blindsided” by Montes when Montes extended her probation for three months and put her on a performance improvement plan. That was what motivated her to report the drinking incident. Therefore, motive certainly colors her credibility since she alleged she did not report it when it happened because she was newly on probation, and was afraid to lose her job, but then decided to report it seven months later although she was still on probation and under a performance improvement plan.

Daniel Calderon’s testimony would appear to support Crabtree’s allegation. However, how he could remember that she called him between 9:30 pm and 9:45 pm eight months prior on August 21, 2024, does strain credibility. Those times do place the call during the hours of Montes, Crabtree and Arreola’s were working. The shift ended at 10:00 p.m. Had he not remembered the exact time more than eight months later, he would not have been able to confirm that the call came during work hours. Calderon’s testimony is also suspect because he denied he was friends with Montes outside of work and yet others, such as the Department Director, believed he and Montes were good friends. Calderon did testify that Rosa was not his employee so he did not know if she was just joking when she called him and in his written statement stated: “I don’t recall the exact words.” Calderon also did not report the incident when it happened because he was not sure “if they were joking or not.” There was no evidence produced at the hearing that either of the two witnesses, Daniel Calderon or Amaris Crabtree, were disciplined for failing to report drinking on the job at the time it allegedly happened.

Lastly, the specifications section of the final Notice of Separation states that the drinking incident happened on August 21, 2024.(Exhibit C-1,p. 8). Amaris Crabtree reported in her May 6, 2025 e mail that the incident happened “on my first or second week on the job on Wednesday August 21, 2024 or Wednesday August 28, 2024.” (Exhibit C-5). In her answers to written questions during the HR investigation, she responded to questions as to what happened on August 21, 2024. She never corrected her answer to say she was not certain which of the two dates was correct.(Exhibit C-6). At the hearing before this Hearing Officer, Amaris Crabtree testified that she had reviewed work records prior to testifying and that the correct date was August 28, 2024. One can wonder why this important clarification of dates was not uncovered during the investigation of the drinking allegations, especially by the HR investigator whose report concludes that the incident happened on August 21, 2024, although the complaining witness now says it was

August 28, 2024.

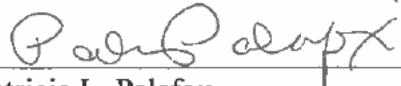
Therefore, I believe this is a 50/50 proposition as far as the credible evidence. Given the long time Amaris Crabtree took to report the incident, given the fact that witnesses memories can fade over time and several did say their memories had faded by the time they were interviewed, given the fact that Montes was never interviewed during the investigation to give her side of the story and show the “disgruntled employee” motive of Amaris Crabtree, given the testimony given by Daniel Calderon that strained credibility that he remembered the exact time of a telephone call seven months earlier, given that the Department Director gave more credibility to Calderon’s testimony because he believed Calderon and Monter were good friends, I do not find that the Department Head has proven by a preponderance of the evidence that the discipline should be sustained. I am of the opinion that it is a 50/50 maybe yes, maybe no, proposition. I can understand why the Department Director believed that it did occur. One can say that the Director believed it occurred by at least 51 percent, or even more. Whether it is 50 or 51 percent or more is, of course, a subjective opinion. In a 50/50 case, the employee wins, because preponderance requires at least 51 percent of the evidence supporting the discipline to be more likely true than not to sustain a discipline, especially one as serious as termination. However, in the case at hand, I believe that the procedural errors, i.e. violation of Civil Service Commission Rule 8 Section 3b and c requires that the termination be reversed, regardless of whether one believes by 50 or 51 percent that drinking occurred one time while on the job on either August 21, 2024 or August 28,2024.

RECOMMENDATION

Based on a preponderance of the evidence, I recommend that the separation (termination) of Rosa Montes **not be sustained** on one or all of three basis:

- a. Violation of Civil Service Commission Rule 8, Section 3e: 120 day rule
- b. Violation of Civil Service Commission Rule 8, Section 3 b and c: due process meeting with the Department Director
- c. Failure to prove the violation of drinking alcohol on the job

Respectfully submitted on this 26th day of Feb., 2026.



Patricia L. Palafox
Hearing Officer

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

IN THE MATTER OF

ROSA MONTES, APPELLANT

AND

THE CITY OF EL PASO

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DOCKET NO. 25-PD-08PP

CITY OF EL PASO'S AMENDED EXHIBIT LIST

π	* , K(J 4GM4? =	* M,
	<i>City of El Paso Employee Investigation</i>	
C-1	Notice of Separation	9/22/2025
C-2	Discipline Policy and Matrix	
C-3	Acknowledgement of the Proposed Notice of Separation	8/29/2025
C-4	Investigation Complaint Summary	5/6/2025
C-5	Email from Amaris C. Crabtree to Brisa Renteria on her formal complaint of Rosa Montes and Clarissa Arreola	5/6/2025
C-6	Statement of Amaris Crabtree and Employee Notice of Fact Finding Process	5/14/2025
C-7	Statement of David Anguiano and Employee Notice of Fact Finding Process	7/30/2025
C-8	Statement of Clarissa Arreola and Employee Notice of Fact Finding Process	7/31/2025
C-9	Statement of Daniel Calderon and Employee Notice of Fact Finding Process	7/31/2025
C-10	Statement of Victoria Pallares and Employee Notice of Fact Finding Process	7/31/2025
C-11	Acknowledgement of Receipt of the Employee Handbook	1/14/2016
C-12	Prior Discipline	2/10/2025
C-13	Email from Ricardo Valencia to Mr. Caballero regarding the Pre-Termination hearing with Ms. Montes	9/22/2025

π	* , K(J 4GM4? =	* M,
C-14	Memo from Mr. Caballero to Ms. Montes on the pre-termination notice	9/16/2025
C-15	Email from Claudia Cancellare to Mr. Pablo Caballero regarding representation of Ms. Montes from Mr. Guzman	9/10/2025
C-16	Email from Mr. Caballero to Mr. Valenzuela regarding the document signature	9/16/2025
C-17	Email from Ms. Karla Saenz notifying Mr. Guzman of the date, time and location of the pre-hearing for Ms. Montes	12/11/2025
C-18	City's Responses to Employee's First Set of Interrogatories	11/11/2025
C-19	City's Responses to Employee's First Set of Admissions	11/11/2025

C-20 ORGANIZATION CHART



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes Last 4 #'s of SS #: [REDACTED] Date: September 22, 2025

Position: Recreation and Sports Coordinator Employee ID #: [REDACTED]

Address: [REDACTED]

From: Parks and Recreation

Subject: Termination of Employment

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY TERMINATED EFFECTIVE: September 22, 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:

- C. Has been under the influence of intoxicants or drugs or the use thereof while on duty.
- G. Is dishonest, commits theft, violates a law, or violates policies relating to the handling or procurement of property, or negligent in care or misuse of City property; or (Amended 7/31/07, 3/6/12, 9/17/13)
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]
Employee's Signature

Date: 9/22/25

BY CERTIFIED MAIL NUMBER: _____

Admitted to 5 day meeting not being necessary

[Signature]
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

DIRECTOR

DISTRIBUTION: Original - Human Resources

EXHIBIT
C-1



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

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OCT 08 2025

CIVIL SERVICE
COMMISSION

Name: Rosa Montes

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

Date: September 22, 2025

Position: Recreation and Sports Coordinator

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:

- c. Has been under the influence of intoxicants or drugs or the use thereof while on duty; or
- g. Is dishonest, commits theft, violates a law, or violates policies relating to the handling or procurement of property, or negligent in care or misuse of City property; or (Amended 7/31/07, 3/6/12, 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

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CIVIL SERVICE COMMISSION



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: September 22, 2025
Position: Recreation and Sports Coordinator	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 election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission,

EMPLOYEE'S INITIALS



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

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OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: September 22, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

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)

CITY OF EL PASO - DRIVERS SAFETY STANDARDS POLICY (May 30, 2015)

The City Of El Paso values the safety and well-being of its employees and citizens. We therefore each have a responsibility to not only protect ourselves when operating a motor vehicle, but also should do our part to protect those around us. City employees and volunteers who operate a motor vehicle for City business are expected to consistently follow the procedures and requirements set forth in this policy.

EMPLOYEE'S INITIALS

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CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

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OCT 08 2025

CIVIL SERVICE
COMMISSION

Name: Rosa Montes

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

Date: September 22, 2025

Position: Recreation and Sports Coordinator

Employee ID #: [REDACTED]

When driving is a condition of employment, an offer of employment will be made contingent upon satisfactory proof of an acceptable driving record and proper licenses.

Department Heads shall have the right to implement department-specific policies and procedures that expand upon or vary from the requirements set forth herein, based on the department's operational needs and requirements.

I. PROCEDURES:

B. Safety

- 4. Illegal use of prescribed medication; or use of or being under the influence of drugs or alcohol while operating a vehicle while on City business and /or City time is prohibited. Possession of drugs or alcohol in a City vehicle at any time is prohibited.

CITY OF EL PASO - DRUG FREE WORKPLACE POLICY (May 30, 2015)

I. POLICY:

The City of El Paso ("City") has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of alcohol, or the presence of certain drugs in the body, may pose serious safety and health risks not only to the user but to all those in contact with the user. The purpose of this policy is to provide for a safer environment for all employees and the public. It is intended that this policy will be interpreted and implemented in a manner consistent with all state and federal employment laws and mandates regarding substance abuse in the workplace. The City has a zero-tolerance policy for testing positive for drugs and/or alcohol and for refusing to test, to include any violation of this policy.

II. APPLICABILITY:

This policy affects all regular, part-time, temporary, classified, unclassified, and contract employees, and all areas and properties in which the City operates, including City-owned and controlled vehicles and equipment. Uniformed employees covered by a collective bargaining agreement will be subject to any drug and alcohol testing provisions mandated, or policies referenced therein.

III. PROHIBITED CONDUCT: The City explicitly prohibits:

- A. The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on City premises or while performing work or an assignment on behalf of the City.
- B. Being impaired or under the influence of legal or illegal drugs or alcohol away from City premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the City's reputation.
- E. Consumption or possession of alcoholic beverages or drugs in a City-owned or City-controlled vehicle.

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.

EMPLOYEE'S INITIALS

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OCT 08 2025

CIVIL SERVICE COMMISSION



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: September 22, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

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:

- Conduct that you have been informed is unacceptable.
- Violation of law when at work on the premises, or off the premises when engaged in a work assignment.
- Violation of the City's Drug-Free Workplace Policy
- Violations of safety rules or acceptable safety practices.

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.

EMPLOYEE'S INITIALS



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

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OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: September 22, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

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.
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:

EMPLOYEE'S INITIALS

[Handwritten Signature]



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

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COMMISSION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: September 22, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

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.

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

Level 4 Violation – On Duty use/consumption/distribution of alcohol or illegal substances – 1st Offense: Termination

Date Received by Human Resources: May 06, 2025

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): September 03, 2025

SPECIFICATIONS:

On May 6, 2025, the Human Resources Department received concerns regarding allegations of inappropriate conduct in the workplace. During the fact finding process, testimonial evidence indicated that you consumed alcohol while on duty and subsequently operated a City vehicle. Specifically, on August 21, 2024, you were observed consuming alcohol while inside the personal vehicle of your employee. You then proceeded to drive both yourself and another employee back to the Officer

EMPLOYEE'S INITIALS *[Signature]*

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION



CITY OF EL PASO, TEXAS
NOTICE OF SEPARATION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: September 22, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

David Ortiz Recreation Center in your assigned City vehicle. A second witness corroborated this account, confirming a phone call you made while consuming alcohol prior to returning to the Officer David Ortiz Recreation Center, during which you stated that you were at a Capistrano Park drinking alcohol.

Your actions not only endangered yourself, but your employee and others on the road. Any decision to operate a vehicle after consuming alcohol is reckless and dangerous, but even more so to operate the vehicle entrusted to you by the City. Your actions are not in line with the City's Mission, Vision, and Values.

Your disciplinary history reflects the following:

On February 10, 2025, you received a Formal Counseling for Unprofessional Conduct.

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

You have **thirty (30) days** from the date you receive this 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



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

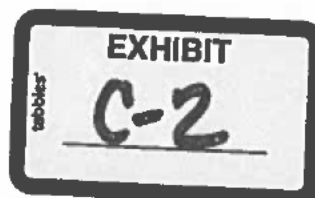
I. POLICY:

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.



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.

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:

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

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

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

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

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

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			



Parks and Recreation Department

MAYOR

Rafael Ángel Bernal

CITY COUNCIL

District 1

Alexandra Chávez

District 2

Dr. José Acevedo

District 3

Deshana M. Roldán

District 4

Scottie Boyan-Trejo

District 5

José Nino

District 6

Art Fierro

District 7

Lily Limón

District 8

Chris Canales

CITY MANAGER

Rob McMan

TO: Rosa Montes, Recreation & Sports Coordinator

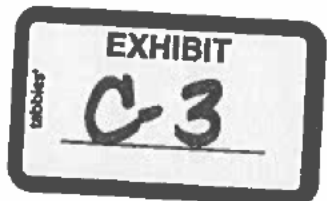
FROM: Pablo Caballero, Director

DATE: August 29, 2025

SUBJECT: Acknowledgement

This memorandum is to acknowledge you receipt of the following documents regarding the Proposed Notice of Suspension mailed to you on August 29, 2025. A meeting will be scheduled with the Director upon your return from leave.

- Proposed Notice of Suspension (9 pages)
- Supporting Documents (28 pages)
- Acknowledgements (13 pages)
- Discipline History (1 page)
- Disciplinary Policy and Matrix (11 pages)



Pablo Caballero – Director, Parks & Recreation Department
801 Texas Ave 2nd Floor | El Paso, TX 79901
O (915) 212-0092 | Email. parksandrecreation@elpasotexas.gov



PROVIDING EXCEPTIONAL SERVICES



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes
Position: Recreation and Sports Coordinator
Last 4 #'s of SS #: [REDACTED]
Employee ID #: [REDACTED]

Date: August 29, 2015

Address: [REDACTED]

From: Parks and Recreation
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:

- C. Has been under the influence of intoxicants or drugs or the use thereof while on duty.
- G. Is dishonest, commits theft, violates a law, or violates policies relating to the handling or procurement of property, or negligent in care or misuse of City property; or (Amended 7/31/07, 3/6/12, 9/17/13)
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

Employee's Signature

Date: _____

BY CERTIFIED MAIL NUMBER _____

91 7199 9991 7039 7914 8529

DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

BY
DIRECTOR

DISTRIBUTION: Original - Human Resources Department; Copy - Department

RECEIVED

OCT 08 2025

CIVIL SERVICE COMMISSION



CITY OF EL PASO, TEXAS

PROPOSED NOTICE OF SEPARATION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: August 00, 2025
Position: Recreation and Sports Coordinator	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:

- c. Has been under the influence of intoxicants or drugs or the use thereof while on duty; or
- g. Is dishonest, commits theft, violates a law, or violates policies relating to the handling or procurement of property, or negligent in care or misuse of City property; or (Amended 7/31/07, 3/6/12, 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 _____



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: August 00, 2025
Position: Recreation and Sports Coordinator	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 election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission,

EMPLOYEE'S INITIALS _____

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: August 00, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

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)

CITY OF EL PASO - DRIVERS SAFETY STANDARDS POLICY (May 30, 2015)

The City Of El Paso values the safety and well-being of its employees and citizens. We therefore each have a responsibility to not only protect ourselves when operating a motor vehicle, but also should do our part to protect those around us. City employees and volunteers who operate a motor vehicle for City business are expected to consistently follow the procedures and requirements set forth in this policy.

EMPLOYEE'S INITIALS _____

RECEIVED



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

OCT 08 2025

CIVIL SERVICE
COMMISSION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: August 00, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

When driving is a condition of employment, an offer of employment will be made contingent upon satisfactory proof of an acceptable driving record and proper licenses.

Department Heads shall have the right to implement department-specific policies and procedures that expand upon or vary from the requirements set forth herein, based on the department's operational needs and requirements.

I. PROCEDURES:

B. Safety

- 4. Illegal use of prescribed medication; or use of or being under the influence of drugs or alcohol while operating a vehicle while on City business and /or City time is prohibited. Possession of drugs or alcohol in a City vehicle at any time is prohibited.

CITY OF EL PASO - DRUG FREE WORKPLACE POLICY (May 30, 2015)

I. POLICY:

The City of El Paso ("City") has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of alcohol, or the presence of certain drugs in the body, may pose serious safety and health risks not only to the user but to all those in contact with the user. The purpose of this policy is to provide for a safer environment for all employees and the public. It is intended that this policy will be interpreted and implemented in a manner consistent with all state and federal employment laws and mandates regarding substance abuse in the workplace. The City has a zero-tolerance policy for testing positive for drugs and/or alcohol and for refusing to test, to include any violation of this policy.

II. APPLICABILITY:

This policy affects all regular, part-time, temporary, classified, unclassified, and contract employees, and all areas and properties in which the City operates, including City-owned and controlled vehicles and equipment. Uniformed employees covered by a collective bargaining agreement will be subject to any drug and alcohol testing provisions mandated, or policies referenced therein.

III. PROHIBITED CONDUCT: The City explicitly prohibits:

- A. The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on City premises or while performing work or an assignment on behalf of the City.
- B. Being impaired or under the influence of legal or illegal drugs or alcohol away from City premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the City's reputation.
- E. Consumption or possession of alcoholic beverages or drugs in a City-owned or City-controlled vehicle.

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.

EMPLOYEE'S INITIALS _____



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: August 00, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

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:

- Conduct that you have been informed is unacceptable.
- Violation of law when at work on the premises, or off the premises when engaged in a work assignment.
- Violation of the City's Drug-Free Workplace Policy
- Violations of safety rules or acceptable safety practices.

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.

EMPLOYEE'S INITIALS _____



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes	Last 4 #'s of SS #: [REDACTED]	Date: August 00, 2025
Position: Recreation and Sports Coordinator	Employee ID #: [REDACTED]	

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.
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:

EMPLOYEE'S INITIALS _____



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION

Name: Rosa Montes Last 4 #'s of SS #: [REDACTED] Date: August 08, 2025
Position: Recreation and Sports Coordinator Employee ID #: [REDACTED]

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.

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

Level 4 Violation – On Duty use/consumption/distribution of alcohol or illegal substances – 1st Offense: Termination

Date Received by Human Resources: May 06, 2025

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): September 03, 2025

SPECIFICATIONS:

On May 6, 2025, the Human Resources Department received concerns regarding allegations of inappropriate conduct in the workplace. During the fact-finding process, testimonial evidence indicated that you consumed alcohol while on duty and subsequently operated a City vehicle. Specifically, on August 21, 2024, you were observed consuming alcohol while inside the personal vehicle of your employee. You then proceeded to drive both yourself and another employee back to the Officer

EMPLOYEE'S INITIALS _____



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SEPARATION

RECEIVED

OCT 08 2025

CIVIL SERVICE
COMMISSION

Name: Rosa Montes

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

Date: August 00, 2025

Position: Recreation and Sports Coordinator

Employee ID #: [REDACTED]

David Ortiz Recreation Center in your assigned City vehicle. A second witness corroborated this account, confirming a phone call you made while consuming alcohol prior to returning to the Officer David Ortiz Recreation Center, during which you stated that you were at a Capistrano Park drinking alcohol.

Your actions not only endangered yourself, but your employee and others on the road. Any decision to operate a vehicle after consuming alcohol is reckless and dangerous, but even more so to operate the vehicle entrusted to you by the City. Your actions are not in line with the City's Mission, Vision, and Values.

Your disciplinary history reflects the following:

On February 10, 2025, you received a Formal Counseling for Unprofessional Conduct.

Based on the above specifications, the City of El Paso Parks and Recreation 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 _____

USPS Tracking®

FAQs <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>



Remove <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>

9171999991703979148529

Copy <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>

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Delivery Attempt

- Reminder to Schedule Redelivery of your item
September 6, 2025

- Notice Left (No Authorized Recipient Available)
EL PASO, TX 79905
September 3, 2025, 11:54 am

- See All Tracking History <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>

What Do USPS Tracking Statuses Mean? <https://faq.usps.com/s/article/Where-is-my-package>

Text & Email Updates <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>

USPS Tracking Plus® <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>

Product Information <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>

See Less <https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9171999991703979148529%2C%2C&tABt=false#>

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RECEIVED
OCT 08 2025
CIVIL SERVICE
COMMISSION

Investigation/Complaint Summary

Date of Complaint: May 06, 2025

Ethics Line #: (If Applicable)

Department: Parks & Recreation

Type of Complaint (check all that apply):

- Race Age National Origin Color Gender Disability Religion
- Workplace Violence Hostile Workplace Sexual Harassment Retaliation Bullying

Rule Violation:

Complainant(s): Amaris Crabtree, Recreation Program Supervisor, [REDACTED]

Respondent(s): Rosa Montes, Recreation and Sports Coordinator [REDACTED]

Background and Basis of Complaint:

During the course of an investigation, it was determined that Recreation Program Supervisor Amaris Crabtree had information that required a separate investigation. On May 06, 2025, the Human Resources Department received the complaint from Ms. Crabtree. The reports allege violations with the Recreations and Sports division of the Parks and Recreation Department. A summary of the allegations and findings of fact are provided below. The investigation included interviews and formal statements from five (5) employees; however, Rosa Montes, the respondent, is currently on leave and was not available for an interview.

List of Witnesses Interviewed:

- Anguiano, David, Recreation Leader [REDACTED]
- Arreola, Clarissa, Recreation Leader, [REDACTED]
- Calderon, Daniel, Park Area Supervisor, [REDACTED]
- Crabtree, Amaris, Recreation Program Supervisor, [REDACTED]
- Montes, Rosa, Recreation and Sports Coordinator [REDACTED] (Out on Leave - not available for interview)
- Pallares, Victoria, Recreation Leader, [REDACTED]

Allegations & Findings of Fact:



Allegation #1: It is alleged that on October 17, 2024, Recreation and Sports Coordinator Rosa Montes, along with Clarissa Arreola, Heavyn Proctor, and Victoria Pallares, went to a bar while still on the clock and operating a City vehicle.

Finding(s): This allegation is inconclusive. Interviews revealed that while employees had planned to go to a bar, they ultimately did not go. There were no witnesses to contradict their statement.

Allegation #2: It is alleged that Recreation and Sports Coordinator, Rosa Montes, manually corrected the timecards of Clarissa Arreola, Heavyn Proctor, and Victoria Pallares to enable them to visit a bar.

Finding(s): This allegation is partially conclusive. Once the training ended between 4:30 and 4:45 p.m., one witness reported overhearing Ms. Montes tell Clarissa, Heavyn, and Victoria, *"Don't worry about it, I'll clock you out."* When interviewed, both Clarissa Arreola and Victoria Pallares stated they rode back with Rosa and Heavyn in Rosa's City vehicle to the Officer David Ortiz Recreation Center immediately after the training concluded, where they clocked themselves out.

However, a review of the timecards indicates that the employees were manually clocked out. Victoria and Heavyn were recorded as clocked out at 5:00 p.m., and Clarissa at 5:45 p.m. Additionally, the email request for the time adjustment submitted to Payroll originated from Rosa Montes.

There is no evidence to support the claim that the employees visited a bar on the way back.

Allegation #3: It is alleged that on August 21, 2024, Rosa Montes left the park and bought a bottle of alcohol, and upon her return she and Clarissa Arreola consumed alcohol at Capistrano Park during working hours.

Finding(s): This allegation is partially conclusive. Amaris Crabtree stated that during working hours, Ms. Montes left the park and, upon returning, contacted Ms. Arreola on her cell phone, directing her to meet her where their vehicles were parked. Ms. Arreola confirmed that Ms. Montes left the park for approximately 15 minutes but denied being directed to meet her at the vehicles, stating instead that she remained at the field. According to Ms. Crabtree, Ms. Montes and Ms. Arreola were gone for some time before returning to complete their work shift. While it has been confirmed that Ms. Montes left the park during working hours, this action alone does not constitute a rule violation, and it remains undetermined where she went.

Allegation #4: It is alleged that, on August 21, 2024, after the park was cleared, Rosa Montes and Clarissa Arreola consumed alcohol while inside Ms. Arreola's vehicle. It is further alleged that Ms. Montes subsequently operated a City vehicle after consuming alcohol.

Finding(s): This allegation is conclusive. After the park was cleared, Ms. Montes, Ms. Arreola, and Ms. Crabtree returned to Ms. Arreola's vehicle and sat inside. While there, Ms. Montes retrieved a bottle of Jack Daniels from a backpack and remarked, "I didn't realize we drank that much," before she and Ms. Arreola consumed alcohol. Ms. Crabtree further stated that between 9:30 p.m. and 9:45 p.m., Ms. Montes placed a phone call to Daniel Calderon on speakerphone, during which she told him they were at the park drinking. Mr. Calderon responded, "You are seriously doing this in front of the new girl?" Mr. Calderon was later interviewed, and his account was consistent with Ms. Crabtree's statement.

Based on corroborated witness statements, it is concluded that on August 21, 2024, Ms. Montes and Ms. Arreola consumed alcohol between 9:30 p.m. and 9:45 p.m., while Ms. Arreola was still on the clock, as her timecard reflects a clock-out time of 10:00 p.m. Following this, Ms. Montes drove herself and Ms. Crabtree back to the Officer David Ortiz Recreation Center in a City vehicle. It should also be noted that Ms. Montes' timecard reflected scheduled hours of 8:00 a.m. to 5:00 p.m.; however, she was conducting training with Ms. Crabtree later that evening.

Allegation #5: It is alleged that on December 25, 2024, while working at Winter Fest, Rosa Montes and Clarissa Arreola left the San Jacinto Plaza area and, upon their return, were observed to have the odor of alcohol.

Finding(s): This allegation is inconclusive. While their whereabouts during that time could not be determined, it was reported that upon their return, they appeared very "happy" and were giggling; however, no noticeable odor of alcohol was corroborated.

Allegation #6: It is alleged that Rosa Montes demonstrated favoritism toward Clarissa Arreola by removing her from assigned work duties at the recreation center and/or fields to accompany her on errands, some of which are alleged to be non-business related. Additionally, Ms. Montes is alleged to have bypassed the established chain of command by allowing Ms. Arreola to submit timecard adjustment requests directly to her, rather than through Amaris Crabtree.

Finding(s): This allegation is partially conclusive. Two additional employees confirmed that Ms. Montes removed Ms. Arreola from her assigned duties to accompany her; however, it could not be determined what activities occurred during those times. As a result, staff were left short-handed at both the recreation center and field locations. It was further reported that, on occasion, Ms. Arreola did not report to her assigned field at all, which caused frustration among employees and reinforced the perception that she was receiving preferential treatment. When Ms. Crabtree raised concerns regarding Ms. Arreola's absence from her assigned field, Ms. Montes reportedly excused the absence. Additionally, payroll

records show that, over a two-week period, Ms. Montes submitted nine (9) timecard adjustment requests on behalf of Ms. Arreola.

Recommendation(s):

On-Duty Consumption of Alcohol – Discipline is recommended for Rosa Montes and Clarissa Arreola for on-duty use, consumption, and/or distribution of alcohol or illegal substances, in accordance with the City of El Paso Disciplinary Matrix.

Refusal to Obey a Direct Order During an Administrative Investigation – Discipline is also recommended for Clarissa Arreola, Heavyn Proctor and Victoria Pallares for providing false or misleading information during the investigation regarding Ms. Montes manually clocking them out. Although Ms. Proctor is no longer employed with the city and was not interviewed, her timecard also reflects that she was manually clocked out at 5:00pm.

Timekeeping Practices – It is further recommended that proper and accurate schedules be maintained in Kronos to ensure that hours worked are correctly reflected for both hourly and salaried employees.

Investigation/Complaint Close-Out Date: July 31, 2025

Assigned Investigator: Ricardo Valenzuela, Senior Human Resources Analyst

Valenzuela, Ricardo

From: Renteria, Brisa
Sent: Wednesday, May 7, 2025 7:20 AM
To: Valenzuela, Ricardo
Subject: FW: Date of meeting with Monica and Mike

FYI...

Brisa Renteria

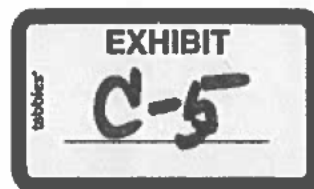
Senior Human Resources Analyst
City of El Paso | Human Resources
Office: (915) 212-1268
218 N. Campbell 3rd Floor
Office Hours: M-Th 7a-6p

From: Crabtree, Amaris C. <CrabtreeAC@elpasotexas.gov>
Sent: Tuesday, May 6, 2025 7:08 PM
To: Renteria, Brisa <RenteriaBX@elpasotexas.gov>
Subject: RE: Date of meeting with Monica and Mike

To whom it may concern,

I am writing this email to submit a formal complaint against Ms. Rosa Montes and her behavior in my time working for the City of El Paso. On my first or second week on the job on Wednesday August 21, 2024 or Wednesday August 28th, 2024 Rosa and I went to Capistrano park where 12U girls fast pitch was playing and employee Clarissa Arreola was working. As we arrive to the complex we start talking to Clarissa and then mid conversation Rosa Montes decides to leave to the store for about 30 minutes then comes back and parks the city vehicle by the canal at Capistrano Park where Clarissa had parked her personal vehicle. Clarissa then gets a phone call and goes to the vehicles parked by the canal and they both do not return until about an hour later leaving me alone to deal with the entire complex my first or second week. After the games are done we head back to the vehicles that are parked by the canal and Clarissa and Rosa then decide to pull put a bottle of Jack Daniels and start drinking it. They had been drinking the time when they were both at the vehicles leaving me alone to tend to the fields. At this time Rosa then calls maintenance supervisor Daniel Calderon and tells him that they are drinking, he then states "you are seriously doing this in front of the new girl." Rosa then replies "I know she wont say anything she better not say anything". Following this Rosa then drives her and myself back to Officer David Ortiz Recreation Center in the city vehicle. The following day Rosa pulls me aside and tells me "I promise I never do that, it was a one time thing and it will never happen again".

On October 17th, Officer David Ortiz Rec Center staff had winter fest training at Sylvia Carreon rec center at 3:00pm. Once the training was completed all of the staff goes to the parking lot where the city vehicles were parked. Rosa Montes, Clarissa Arreola, Victoria Pallares, Heavyn Protcor all discuss going to Honest Abes Bar for happy hour since they had drink specials. They then called me over and invited me I refused and told them I needed to go back to the office to work and Rosa then told me work can wait and I can do it tomorrow. I then told her I could go after work and we are clocked out since we were scheduled until 6 pm or 7pm that day. She then said that we would be fine as long as we are back at the center around that time to clock out. They then left to the bar and I went back to the center. I was writing an incident report that needed to be done that day so I stayed a bit later than what I was scheduled. As I was leaving the parking lot I see Clarissa and Rosa coming back in the city vehicle after being at the bar.



Winter Fest December 25th, 2024 Rosa Montes, Clarissa Arreola and David Anguiano and myself are scheduled to work. Two hours pass by and I don't see or hear from Clarissa or Rosa. Once it is the end of the night getting closer to our shift ending I see them come back to help clean up and I was able to smell the alcohols on their breath. The mannerisms that they had were as if they were intoxicated.

I have brought up to Rosa my concerns of the relationship she has with Clarissa and how it is affecting the work place due to staff feeling that they can't talk to Clarissa. Once I brought it up Rosa got very defensive and told me it was no one's business about their relationship. There have been multiple times where Rosa will pull Clarissa from the office and not be back for hours and not once would inform me that she was taking her. When Clarissa calls out she never calls out to me and would call out to Rosa Montes and Rosa would fail to inform me about the call out. This is not following the chain of command that is necessary for call outs.

I would like to set up a meeting and discuss many other issues that have been caused by Rosa Montes.

Thank you,
Amaris Crabtree
Recreation Program Supervisor
Nations Tobin Recreation Center
8831 Railroad Dr, El Paso Tx 79904
Cell: [REDACTED]
Phone: 915-212-2162
Email: crabtreeac@elpasotexas.gov

From: Renteria, Brisa <RenteriaBX@elpasotexas.gov>
Sent: Tuesday, May 6, 2025 3:46 PM
To: Crabtree, Amaris C. <CrabtreeAC@elpasotexas.gov>
Subject: RE: Date of meeting with Monica and Mike

Perfect, thank you for the information.

Brisa Renteria
Senior Human Resources Analyst
City of El Paso | Human Resources
Office: (915) 212-1268
218 N. Campbell 3rd Floor
Office Hours: M-Th 7a-6p

From: Crabtree, Amaris C. <CrabtreeAC@elpasotexas.gov>
Sent: Tuesday, May 6, 2025 1:54 PM
To: Renteria, Brisa <RenteriaBX@elpasotexas.gov>
Subject: RE: Date of meeting with Monica and Mike

Hello,
I will have this to you by today.
Yes, at the time she was using truck 18220 which is under Jesus Lujan. The center we were at when this all took place was Officer David Ortiz Recreation Center which does have cameras.

Thank you,
Amaris Crabtree

Recreation Program Supervisor
Nations Tobin Recreation Center
8831 Railroad Dr, El Paso Tx 79904
Cell: [REDACTED]
Phone: 915-212-2162
Email: crabtreeac@elpasotexas.gov

From: Renteria, Brisa <RenteriaBX@elpasotexas.gov>
Sent: Tuesday, May 6, 2025 12:00 PM
To: Crabtree, Amaris C. <CrabtreeAC@elpasotexas.gov>
Subject: RE: Date of meeting with Monica and Mike

Good afternoon Amaris,

I am following up because I have not received your statement. Could you please submit it as soon as possible? Also, would you be able to let me know what vehicle number Rosa uses and if there's cameras at the center you work at?

Thank you,

Brisa Renteria
Senior Human Resources Analyst
City of El Paso | Human Resources
Office: (915) 212-1268
218 N. Campbell 3rd Floor
Office Hours: M-Th 7a-6p

From: Renteria, Brisa
Sent: Thursday, April 24, 2025 2:26 PM
To: Crabtree, Amaris C. <CrabtreeAC@elpasotexas.gov>
Subject: RE: Date of meeting with Monica and Mike

I reached out to my supervisor and we don't have anything on file in regards to you needing to speak to HR. Let me go ahead and have you write a full statement by email and send it over to me. Once I go over it I will schedule you to come back in.

Thank you,

Brisa Renteria
Senior Human Resources Analyst
City of El Paso | Human Resources
Office: (915) 212-1268
218 N. Campbell 3rd Floor
Office Hours: M-Th 7a-6p

From: Crabtree, Amaris C. <CrabtreeAC@elpasotexas.gov>
Sent: Thursday, April 24, 2025 1:16 PM
To: Renteria, Brisa <RenteriaBX@elpasotexas.gov>
Subject: Date of meeting with Monica and Mike

Hello,

The date was March 12th when I had the meeting with Monica and Mike.
Please let me know if you need any other information.

Thank you,

Amaris Crabtree

Recreation Program Supervisor

Nations Tobin Recreation Center

8831 Railroad Dr, El Paso Tx 79904

Cell: [REDACTED]

Phone: 915-212-2162

Email: crabtreeac@alpasotexas.gov



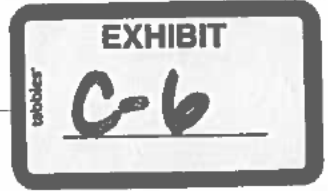
HUMAN RESOURCES DEPARTMENT

Date: 05/14/2025

I, Amaris Crabtree, certify that the following is a true and correct statement, to the best of my knowledge and recollection.

- 1. Is your title Recreation Program Supervisor? Have you been in that position since 08/19/2024?
RESPONSE: Yes. Yes I have.
- 2. Who is your immediate supervisor?
RESPONSE: Rosa Montes
- 3. You stated that on the job on Wednesday August 21, 2024 Rosa Montes and yourself went to Capistrano Park where Clarissa Arreola was working. You stated that Rosa left the park for about 30 min, do you know where she went?
RESPONSE: Yes, she said she was going to the liquor store. Only us 3 were there and Clarissa heard.
- 4. You stated that Clarissa got a phone call, and she proceeded to walk to the canal where she had parked her car and Rosa had now parked next to her. Was this Rosa's personal car or was it a city vehicle?
RESPONSE: I am not too sure since there was a situation going on aat one of the fields I was taking care of that. Once she returned the vehicles were parked in the same order. As she was wlkng towards the vehicels she did have the keys to the city truck. I do know for a fact she went in a vehicle.
- 5. Where they standing outside of the vehicles or inside one of them?
RESPONSE: They were inside a vehicle, I want to say this was Clarissas car.
- 6. You said they were gone for an hour, can anyone corroborate this statement?
RESPONSE: Maybe some parents or spectators noticed but no staff was around.
- 7. Do you know what they were doing?
RESPONSE: I had my speculation that they were drinking at the time. After the games were done we did go back in to Clarissas car and she pulled out the bottle. Rosa then started "I didn't realize we drank that much"
- 8. When they returned to the park did you notice anything different about them?
RESPONSE: They were more energetic than usual and kept asking each other and myself if we have gum.
- 9. You stated that after the games were done you all went back to the cars and Rosa and Clarissa decided to pull out a bottle of Jack Daniels and started drinking. Who pulled out the bottle and from which vehicle? Did you drink along with them?
RESPONSE: Clarissa pulled out the bottle from a backpack that was in her car. We were in her car. Rosa then made the statement that she didn't realize they drank that much. The bottle was less than half. No I did not drink along with them. They offered me some and I denied, they then said just one and I told them Im okay Im driving home and don't like drinking and driving. Following this Rosa drove the city vehicle back to Officer David Ortiz Rec Center where I did have my personal vehicle. She was driving like she normally does. We did not enter the center I had my personal items on me so I went into my personal vehicle and left.

05/14/25
Date



Amaris Crabtree
Signature



HUMAN RESOURCES DEPARTMENT

Date: 05/14/2025

10. You stated that Rosa called maintenance supervisor Daniel Calderon and tells him that they are drinking, and that he responds by asking her "You are seriously doing this in front of the new girl". How do you know it was Daniel Calderon? Around what time was this? Was this her private phone?

RESPONSE: She stated she was going to call Daniel and me not aware of who that is she turned and said "Daniel Calderon hes the one that does the fields". This was between 9:30pm-9:45pm. She put him on speaker. Yes it was her private phone.

11. Did anyone else see them drinking?

RESPONSE: Based on where we were parked and the time the complex was clearing out so I don't think so.

12. Do you know if Mr. Calderon was by himself when he was speaking to Ms. Montes?

RESPONSE: I am not sure. Daniel and Rosa do have a very close relationship so I do not think that he would be willing to come forward about this situation. After Kronos training Rosa gave me the keys to the truck and left with Daniel.

13. Did you tell anyone about this incident? Why or why not?

RESPONSE: No, she made the comment saying "Its okay I know she wont say anything, she better not say anything" and this was after Daniel made the comment of "youre seriously doing this in front of the new girl".

14. You stated that on October 17, 2024 you were at Sylvia Carreon Recreation Center at 3:00pm for Winter Fest training along with Rosa Montes, Clarissa Arreola, Victoria Pallares, and Heavyn Protcor. Is this statement correct? What time did the training end, and what time did they leave Sylvia Carreon Rec Center?

RESPONSE: Yes it is correct. It ended around 4:30pm. They left around 4:45pm-5:00pm. Rosa, Clarissa and Victoria left in the city vehicle after the training. After the training we were in the parking lot and we were figuring out who was going in what vehicle. Rosa, Victoria, Clarissa and Heavyn were by the city vehicle and called me over inviting me to go to Honest Abes. When I declined because I had work Rosa said I can take care of it tomorrow and I kept declining. Once I got to ODO they kept calling me on my personal phone but I did not answer. On the way back I was with Job Hernandez and we did not speak on this matter. He did have a meeting with Monica Vargas before he left the city. Around 6:30pm they went ahead and returned to the center in the city vehicle Rosa was driving and Clarissa was in the passenger seat, I am not aware if Victoria was in the back seat or not. Clarissa did leave her personal vehicle at the center that day. Rosa did state "youre still here, youre off at 6" I did tell her I needed to stay to finish an incident report. Job Hernandez was scheduled until 6:00pm and when coming back to the center I walked in with Greg Walter.

15. You stated that they decided to go to Honest Abes Bar for happy hour, even though they were on the clock and scheduled to work until 6 or 7pm. Is this statement true?

RESPONSE: Yes.

16. Do you know for certain that they actually went to a bar during working hours? If so please explain.

RESPONSE: I am not 100% certain that they went to Honest Abes. At the time winter fest training was over Clarissa was looking on her phone and Instagram to see what bars had happy hour, then they invited me to Honest Abes.

5-14-25

Date

R. Montes

Signature



HUMAN RESOURCES DEPARTMENT

Date: 05/14/2025

17. Did you tell anyone of this incident? Why or why not?

RESPONSE: No, after the incident at Capistrano Rosa pulled me aside and told me "I never do this, this was a one time thing and it wont happen again" and due to the fact I was still on probation I did not say anything.

18. You stated that while working at Winter Fest December 25, 2024 with Rosa Montes, David Anguiano and Clarissa Arrcola you didn't see or hear from Rosa and Clarissa for two hours. Upon their return you were able to smell alcohol on their breath and that they appeared intoxicated. Is this statement correct?

RESPONSE: Yes.

19. Can David Anguiano or anyone else corroborate this statement?

RESPONSE: David can, he made the statement saying oh yeah they're drunk. One gentlemen made the comment of "you guys are drunk" to Clarissa and Rosa after Clarissa broke a box and they both just started laughing and walked away. I am not sure if he was a performer or a sound system guy for a group but he did not have a city ID.

20. You stated that the staff is feeling affected by the relationship Rosa has with Clarissa. Is this statement correct? Which staff members?

RESPONSE: Yes, Destinee Ochoa, David Anguiano, Job Hernandez and Greg Walter.

21. Have you kept record of the times Rosa has pulled Clarissa from the office? Can anyone else corroborate this issue?

RESPONSE: I haven't kept record just because of how many times its been. It has been multiple times.

22. Have you mentioned your concerns to Monica Vargas or any other supervisor about Rosa and Clarissa not following the chain of command, or any of your other issues?

RESPONSE: Yes. On March 12th I let Mike and Monica know about the concerns I had about the chain of command. I had told Rosa my concerns and she would get very defensive.

23. Has anyone else stated to you about Rosa Montes and Clarissa Arreola, leaving work together or drinking while on the clock?

RESPONSE: Leaving work together, Destinee Ochoa, David Anguiano, Greg Walter, Robert Garza, Ivan Jimenez and Job Hernandez.

24. Do you have any other relevant information to provide? Please explain further.

RESPONSE: The relationship that Rosa and Clarissa have affect the programs and staff. I have brought it up to Rosa about their relationship and she does get very defensive to the point where she stopped the progress meeting that we had for my probation and we never continued. There has been times were Clarissa would show up late to work yet her Kronos would reflect she clocked in on time, or if she calls out of work and has no sick time her Kronos would reflect that she submitted sick time for those missing hours. I was always told by Rosa that if staff is late to the fields we do not adjust their time cards since the time is already submitted. There were situations where on Clarissa's Kronos is would have time entered and say approved my immediate supervisor which would not come from me since I never approved the time. One situation was when Rosa pulled Clarissa to go get candy donations

5-14-25
Date

(Signature)
Signature



HUMAN RESOURCES DEPARTMENT

Date: 05/14/2025

Clarissa was supposed to report to the fields and never showed up. This was never brought to my attention or discussed with me and when I questioned Rosa about it she said it was "fine". During my girls fast pitch tournament in November La Catrina I was going to be off Saturday Novemehr 2nd for my mom wedding which was made known in my interview. Clarissa's birthday was Nov 1st Friday which was the start of my tournament, Rosa showed up to Offcier David Ortiz Rec Center to drop off ice and she pulled Clarissa from the center to go elsewhere. Shortly aftert that I get a call from Rosa saying " I don't want to get in the middle of it but can Clarissa take the day off for her birthday to celebrate with her kids, before you answer I want you to remember who's covering for you tomorrow so you can go to your moms wedding". I let Clarissa have the day off since I felt as if I was being blackmailed by Rosa. Weeks later I get told by Robert Garza that Saturday Nov 2nd Clarissa showed up around 10:30am-11:00am when she was scheduled at 7:00am, she shows up still drunk and is throwing up in the shed which is very unprofessional. Then it was also brought to my attention that Rosa pulled Clarissa from the complex to go help deliver the awards when there was no need for that as Clarissa was the main point of contact for that complex. The favoritism that Rosa has with Clarissa affects everyone in the work place to the point where we feel we can't talk around her because she will go tell Rosa right away and Rosa will use that information to turn everyone against each other. Staff has calld out Rosa before and she will start turning staff against each other by saying that one staff member is talking badly about the other. I am speaking up about this now because at the time I told Monica and Mike about my concerns I felt as if I was not going to pass my probation due to the retaliation I was getting from Rosa. At that time I had told myself if I have to be the one to speak up to protect the other staff from retaliation I will be that person.

5-14-25
Date

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Signature



Page No. 5 of 5

HUMAN RESOURCES DEPARTMENT

Date: 05/14/2025

*****END OF STATEMENT*****

|

|

5-14-25
Date

Alvarez
Signature

Employee Notice of Fact-Finding Process

This is to notify you that the City of El Paso has initiated a fact-finding process regarding a work-related incident(s) and that you have been identified as an individual that is either directly or indirectly involved in or may have knowledge of relevant information related to the matter under review. If you refuse to truthfully answer questions regarding the incident(s), you will be subject to disciplinary action.

During this administrative fact-finding process, employees of the affected department(s) shall not discuss or release any information related in-part or in-whole to this administrative review with anyone other than authorized personnel from the Human Resources Department, your department, or as directed by the assigned reviewer, except as authorized by law. This includes all official departmental or City documents, information, or any other work products – written, verbal, or in any other medium.

You are directed to not discuss the nature or details of this fact-finding process with anyone other than those mentioned above. This directive also means that you are not to contact other employees, potential witnesses or complainants and/or obstruct, impede or attempt to thwart this review process in any manner or form. During an administrative interview, you are not permitted to use any electronic communication devices, such as a cellular phone or tablet, except in the event of an emergency; in the event of an emergency, you are required to notify the person with whom you are meeting. Furthermore, be advised that engaging in any activity or behavior that could be perceived or construed as any form of harassment or retaliation against any other employees, potential witnesses or complainants or that creates an intimidating or hostile work environment is strictly prohibited.

You may consult with your attorney or your representative regarding this matter; however, your attorney or representative may not be party to the administrative fact-finding processes, to include fact finding meetings and/or obtainment of statements.

Employees with questions regarding this directive should address their questions through their Department Human Resources Manager, if applicable, or the Human Resources Assistant Director.

Acknowledgement of Receipt:

Simaris Crabtree
Employee's printed name

Abaltee
Employee's signature

5/14/2025
Date

[Signature]
HR Representative's Signature

05/14/2025
Date

All efforts will be made to bring this complaint to closure within 120 days from the date that Human Resources was made aware of the matter in accordance with Civil Service Rule 8, Section 3e. Exceptions to the 120 days will be made in accordance with Rule 8. As such, the date of notice to Human Resources was 05/14/2025, and the closure of the matter may occur on or before _____.



PARKS & RECREATION

Date: 07/30/2025

I, David Anguiano, 029655, Recreation Leader, certify that the following is a true and correct statement, to the best of my knowledge and recollection.

1. Is your title Recreation Leader? Have you been in that position since 02/14/2022?

RESPONSE: Yes

2. Who is your immediate supervisor?

RESPONSE: Amaris Crabtree

3. On October 17, 2024 were you at Sylvia Carreon Recreation Center at 3:00pm for Winter Fest training along with Rosa Montes, Clarissa Arreola, Victoria Pallares, and Heavyn Protcor and Amaris Crabtree?

RESPONSE: Yes

4. What time did the training end, and what time did the employees mentioned leave Sylvia Carreon Rec Center?

RESPONSE: Training ended around 4:30pm – 4:45pm and we were just catching up with other employees from other Recreation Centers we left around 5:00pm. I rode with Fernando Ramirez to the training, and Rosa drove her city vehicle, I am not sure who was with her. I rode back with Amaris Crabtree back to ODO to finish my shift.

5. Do you know if they decided to go to Honest Abes Bar for happy hour, even though they were on the clock and scheduled to work until 6 or 7pm.?

RESPONSE: I know they were talking about it a little bit before the training started. I did overheard they were talking about going out. She told the girls "Don't worry about it I'll clock you out".

6. Do you know for certain that they actually went to a bar during working hours? If so please explain.

RESPONSE: I am not 100% sure they actually went to a bar or not.

7. Did you tell anyone of this incident? Why or why not?

RESPONSE: No, The reason was because I did not wanted to get into it. The only one that knew was Amaris Crabtree because I was in the same vehicle as her.

8. While working at Winter Fest December 25, 2024 with Rosa Montes, Amaris Crabtree and Clarissa Arreola, were Rosa and Clarissa missing for two hours?

RESPONSE: Yes, we were supposed to switch off between the middle of the plaza and walking around downtown. Rosa never contacted Amaris to switch off.

9. Upon their return were you able to smell alcohol on their breath and that they appeared intoxicated?

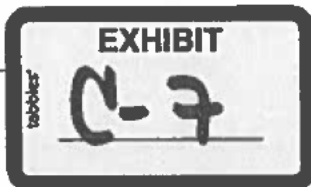
RESPONSE: At the end if the night I was not able to smell alcohol on their breath, but they seemed a little off. "Happy" is the word.

10. Can anyone else corroborate this statement?

RESPONSE: The only person that can will be Amaris Crabtree.

7/30/25

Date



Signature



PARKS & RECREATION

Date: 07/30/2025

- 11. Does the relationship Rosa has with Clarissa effect the working environment negatively? Which staff members?
RESPONSE: Back in October? Yes. They were times where Rosa will pull Clarissa to run "errands" when she was scheduled to be at the fields. Leaving one staff member at the field by themselves. Supervisors always stated they wanted two people at the field and the rec center for witness purposes, Now Clarissa seems more satisfied/relaxed since they don't talk anymore. Willing to work with Amaris a little more.
- 12. Does Rosa pull Clarissa from the office? Can anyone else corroborate this issue?
RESPONSE: Back in October? Yes, the only person that can corroborate will be Amaris.
- 13. Have you mentioned any concerns to Monica Vargas or any other supervisor about Rosa and Clarissa relationship?
RESPONSE: I never mentioned any concerns to Monica. I knew that Amaris felt my frustration because we were feeling the same. I'm sure she got in contact with Monica.
- 14. Has anyone else stated to you about Rosa Montes and Clarissa Arreola, leaving work together or drinking while on the clock?
RESPONSE: No
- 15. Do you have any other relevant information to provide? Please explain further.
RESPONSE: No

*****END OF STATEMENT*****

7/30/25
Date

[Handwritten Signature]
Signature

Employee Notice of Fact-Finding Process

This is to notify you that the City of El Paso has initiated a fact-finding process regarding a work-related incident(s) and that you have been identified as an individual that is either directly or indirectly involved in or may have knowledge of relevant information related to the matter under review. If you refuse to truthfully answer questions regarding the incident(s), you will be subject to disciplinary action.

During this administrative fact-finding process, employees of the affected department(s) shall not discuss or release any information related in-part or in-whole to this administrative review with anyone other than authorized personnel from the Human Resources Department, your department, or as directed by the assigned reviewer, except as authorized by law. This includes all official departmental or City documents, information, or any other work products -- written, verbal, or in any other medium.

You are directed to not discuss the nature or details of this fact-finding process with anyone other than those mentioned above. This directive also means that you are not to contact other employees, potential witnesses or complainants and/or obstruct, impede or attempt to thwart this review process in any manner or form. During an administrative interview, you are not permitted to use any electronic communication devices, such as a cellular phone or tablet, except in the event of an emergency; in the event of an emergency, you are required to notify the person with whom you are meeting. Furthermore, be advised that engaging in any activity or behavior that could be perceived or construed as any form of harassment or retaliation against any other employees, potential witnesses or complainants or that creates an intimidating or hostile work environment is strictly prohibited.

You may consult with your attorney or your representative regarding this matter; however, your attorney or representative may not be party to the administrative fact-finding processes, to include fact finding meetings and/or obtainment of statements.

Employees with questions regarding this directive should address their questions through their Department Human Resources Manager, if applicable, or the Human Resources Assistant Director.

Acknowledgement of Receipt:

David Anguiano
Employee's printed name

[Signature]
Employee's signature

7/30/25
Date

[Signature]
HR Representative's Signature

7/30/2025
Date

All efforts will be made to bring this complaint to closure within 120 days from the date that Human Resources was made aware of the matter in accordance with Civil Service Rule 8, Section 3e. Exceptions to the 120 days will be made in accordance with Rule 8. As such, the date of notice to Human Resources was May 06, 2025, and the closure of the matter may occur on or before September 03, 2025.



PARKS & RECREATION

Date: 07/31/2025

I, Clarissa Arreola, 031664, Recreation Leader, certify that the following is a true and correct statement, to the best of my knowledge and recollection.

1. Is your title Recreation Leader? Have you been in that position since 09/11/2023?

RESPONSE: Yes

2. Who is your immediate supervisor?

RESPONSE: Amaris Crabtree

3. At what Recreation Center are you currently stationed at? What other Rec Centers have you worked at and how long were you there?

RESPONSE: Currently at Nations Tobin, formerly at Officer David Ortiz Recreation Center

4. When you are scheduled to work, how do travel to and from the Rec Centers?

RESPONSE: My personal vehicle

5. How do you arrive/get to your assigned park?

RESPONSE: My personal vehicle

6. What hours are you normally scheduled for when working at a park?

RESPONSE: Usually 12:30PM- 10:00PM

7. At the end of the shift do you go back to your assigned Rec Center to clock out?

RESPONSE: No, Amaris Crabtree clocks us out.

8. Do Rosa Montes and Amaris Crabtree stop by the parks to check in on the staff?

RESPONSE: Not usually. Amaris is assigned to specific parks but usually doesn't check on the others.

9. How do they travel to and from the parks?

RESPONSE: Rosa Montes uses her city vehicle and Amaris Crabtree uses her personal vehicle.

10. Do they take these vehicles home?

RESPONSE: Rosa Montes does

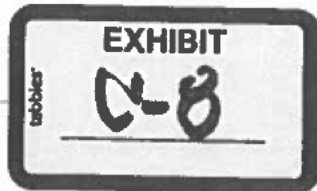
11. Do Amaris and Rosa use a City vehicle during working hours for business purposes?

RESPONSE: Rosa does, Amaris does not.

12. Do Amaris and Rosa use a City vehicle for personal reasons during working hours?

RESPONSE: I don't know.

7/31/25
Date



[Handwritten Signature]
Signature



PARKS & RECREATION

Date: 07/31/2025

13. On October 17, 2024 you were at Sylvia Carreon Recreation Center at 3:00pm for Winter Fest training along with Rosa Montes, Amaris Crabtree. Is this statement correct?

RESPONSE: Yes

14. Where you at home or at your assigned Rec Center before arriving at Sylvia Carreon Rec Center?

RESPONSE: I was at my assigned rec. center, Officer David Ortiz.

15. Did you drive to the Sylvia Carreon Rec Center in your personal vehicle or in a City Vehicle? Were you by yourself?

RESPONSE: It was a while ago so I am not too sure if I remember correctly but, I believe I was in Rosa Montes' city truck with 2 other coworkers, Victoria and Heavyn and we were carpooling.

16. Did Amaris or Rosa take a city vehicle to Sylvia Carreon Rec Center? Where they alone?

RESPONSE: Rosa took her city truck and (if im rembering correctly) myself and my 2 other coworkers were in it as well.

17. What time did the training end, and what time did you leave Sylvia Carreon Rec Center?

RESPONSE: I think the training ended at around 4:30PM-4:45PM

18. Did you clock out at Sylvia Carreon Rec Center? Or did you go back to your assigned Rec Center and clock out there?

RESPONSE: I clocked out at my assigned rec center, Officer David Ortiz

19. Did you leave Sylvia Carreon Rec Center in the vehicle that you arrived in? Who was with you?

RESPONSE: Yes, in Rosa's city vehicle with Victoria Pallares and Heavyn Proctor

20. After the training did Amaris and Rosa return to their Rec Center?

RESPONSE: Yes

21. Did Amaris or Rosa take the city vehicle home once their work shift was over? What time was it?

RESPONSE: I know Rosa usually takes her city truck home and Amaris uses her personal vehicle

22. Did you work at Winter Fest on December 25, 2024 with Rosa Montes, Amaris Crabtree? Who else?

RESPONSE: Yes, along with David Anguiano and Robert Garza

23. How did you all get to San Jacinto Plaza for your work shift?

RESPONSE: I got to my shift in my personal vehicle

24. Please describe your role or job duties during Winter Fest 2024?

RESPONSE: We are in charge of keeping a count of people as well as some crowd control. For example, we usually split up into pairs and walk around, we tell people that sell things without permits that they can't and we also tell people to get off the alligator railings. We then return every hour to put the count in.

7/31/25
Date

[Signature]
Signature



PARKS & RECREATION

Date: 07/31/2025

25. On Oct. 17, 2024 It was stated that right after the training you all decided to go to a bar, Honest Abes Bar, for happy hour. Who was with you? Were you all off the clock?

RESPONSE: Rosa, Victoria, Heavyn, and I stated that we wanted to go to the bar but we never went through with our plans.

26. Did you or anyone else have alcoholic drinks?

RESPONSE: No

27. Did you drive in your private vehicle? Who was with you?

RESPONSE: Yes and just myself

28. It was stated that you, Rosa Montes, Heavyn Proctor, and Victoria Pallares left to the bar just before 5:00pm and that Rosa Montes told you not to worry about being on the clock that she would clock you out. Is this statement accurate?

RESPONSE: No

29. During Winter Fest, it was stated that you were seen leaving the Plaza area with Rosa Montes. Were did you go?

RESPONSE: The only time we left the plaza was to go get a jacket/sweater that was in Rosa's city vehicle.

30. Were you off the clock?

RESPONSE: No

31. Upon your return, it was reported that the smell of alcohol was dictated on Rosa's breath and that she appeared intoxicated. Can you confirm that Rosa had been drinking?

RESPONSE: No

32. It was also reported that upon your return, that the smell of alcohol was dictated on your breath and that you appeared intoxicated. Were you drinking?

RESPONSE: No

33. Do you have any other relevant information to provide? Please explain further.

RESPONSE: No

34. On Wednesday August 21, 2024 were you working at Capistrano Park? What was your schedule that day?

RESPONSE: Yes and most likely around 1-10PM

35. Rosa Montes and Amaris Crabtree stopped by the park while you were working. What was the reason for them stopping by?

RESPONSE: Usually, 12 and under division is the division that gives us the most trouble so im sure that is why they stopped by.

36. You, Amaris, and Rosa were seen sitting in your car, what time was this at? Were you still on the clock?

RESPONSE: No, we weren't on the clock and it was after hours.

7/31/25

Date

Signature



PARKS & RECREATION

Date: 07/31/2025

37. Maintenance Supervisor Daniel Calderon received a phone call from Rosa Montes while you were all sitting in your car between 9:30pm and 9:45pm. What did Rosa tell Mr. Calderon?

RESPONSE: I don't remember

38. Rosa had him on speakerphone and told him you were drinking, and he responded by saying, 'You're seriously doing this in front of the new girl? Is this accurate?'

RESPONSE: No, I don't recall this.

39. It was stated that after the games were done you all went back to your car and were seen drinking a bottle of Jack Daniels. Is this accurate?

RESPONSE: No.

40. Was Rosa with Amaris the entire time or did one of them leave the park? In what vehicle?

RESPONSE: Rosa left the park in the city vehicle for about 15 minutes

41. You received a phone call from Rosa, and proceeded to walk to the canal where your car was parked and where Rosa was now parked. Was this Rosa's personal car or was it a city vehicle?

RESPONSE: I did not leave the park.

42. Why did Rosa call you to go to the parking lot?

RESPONSE: I did not leave the park.

43. Why did you both get in your vehicle?

RESPONSE: We weren't together in my vehicle until the end of the shift when all of us were in the vehicle.

44. You were gone for an hour, why were you not at the field?

RESPONSE: I did not leave the park.

45. You early stated that on Oct. 17, 2024, you went back to Ofc. David Ortiz Rec Center and clocked out there, and that Rosa never said that she would clock you out so you could all go drinking. Then why did she manually clock you out at 5:45pm?

RESPONSE: All of the people mentioned did go back to Officer David Ortis Rec Center, I do not recall Rosa needing to manually clocking me out.

46. Have all of your responses been truthful and honest?

RESPONSE: Yes

*****END OF STATEMENT*****

7/31/25

Date

Signature

Valenzuela, Ricardo

From: Service Request
Sent: Friday, October 18, 2024 9:52 AM
To: Quintana, Maria D.
Subject: New Ticket Logged - 10424/Montes, Rosa - 015201 [ID:0010424]

Follow Up Flag: Follow up
Flag Status: Completed

This is an automatic notification for the ticket below. Click [here](#) to access it.

Ticket Number: 0010424
Ticket Summary: Timecard Adjustments
Ticket Logged Date: 10/18/2024 09:52 AM
Ticket Category: HR - Payroll
Ticket Service: Timecard Adjustments
Ticket Priority: Medium
End-User Name: Montes, Rosa - [REDACTED]
Email: MontesRE@elpasotexas.gov
Phone: [REDACTED]
Department: Parks and Recreation

Ticket Details:

Hello and good morning,

May you please manually input the below time stamps:

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Arreola, Clarissa:
 10/17: clock out at 5:45pm

[REDACTED]
 [REDACTED]

Let me know if you have any questions or concerns.

Thank you,
 Rosa Montes

Date	SLP	7:15	10:00PM	10:00PM	10:00PM	5:16PM	6:31PM
Sun 8/16							
Mon 8/19							
Tue 8/20	1:00PM-10:00PM		1:00PM	10:00PM			
Wed 8/21	1:00PM-10:00PM		12:45PM	10:00PM			
Thu 8/22	1:00PM-10:00PM		11:26AM	4:45PM			
Fri 8/23	8:15AM-2:16PM		8:26-AM	2:46PM			
Sat 8/24							
Sun 8/25	1:30PM-7:30PM		12:58PM	7:30PM			
Mon 8/26	1:00PM-10:00PM		1:00PM	10:00PM			
Tue 8/27	1:00PM-10:00PM		8:00AM	9:33PM			
			4:03PM	5:00PM			

Date	SPD	10:00PM	5:16PM	10:00PM	5:45PM
Sun 10/13					
Mon 10/14	1:00PM-10:00PM	1:00PM	10:00PM		
Tue 10/15	8:00AM-5:00PM	8:16AM	5:16PM		
Wed 10/16	1:00PM-10:00PM	1:05PM	10:00PM		
Thu 10/17	8:45AM-5:45PM	8:45AM	5:45PM		
Fri 10/18	5:00AM-3:00PM				

Date	VAC	2:00	11:00PM	3:05PM	3:46PM	8:15PM
Tue 12/24						
Wed 12/25	10:45AM-8:15PM	4:30PM	11:00PM			
Thu 12/26	4:30PM-11:00PM	10:51AM	3:05PM			
Fri 12/27	10:45AM-8:15PM	8:06AM	2:46PM			
Sat 12/28	8:00AM-2:00PM					

Employee Notice of Fact-Finding Process

This is to notify you that the City of El Paso has initiated a fact-finding process regarding a work-related incident(s) and that you have been identified as an individual that is either directly or indirectly involved in or may have knowledge of relevant information related to the matter under review. If you refuse to truthfully answer questions regarding the incident(s), you will be subject to disciplinary action.

During this administrative fact-finding process, employees of the affected department(s) shall not discuss or release any information related in-part or in-whole to this administrative review with anyone other than authorized personnel from the Human Resources Department, your department, or as directed by the assigned reviewer, except as authorized by law. This includes all official departmental or City documents, information, or any other work products – written, verbal, or in any other medium.

You are directed to not discuss the nature or details of this fact-finding process with anyone other than those mentioned above. This directive also means that you are not to contact other employees, potential witnesses or complainants and/or obstruct, impede or attempt to thwart this review process in any manner or form. During an administrative interview, you are not permitted to use any electronic communication devices, such as a cellular phone or tablet, except in the event of an emergency; in the event of an emergency, you are required to notify the person with whom you are meeting. Furthermore, be advised that engaging in any activity or behavior that could be perceived or construed as any form of harassment or retaliation against any other employees, potential witnesses or complainants or that creates an intimidating or hostile work environment is strictly prohibited.

You may consult with your attorney or your representative regarding this matter; however, your attorney or representative may not be party to the administrative fact-finding processes, to include fact finding meetings and/or obtainment of statements.

Employees with questions regarding this directive should address their questions through their Department Human Resources Manager, if applicable, or the Human Resources Assistant Director.

Acknowledgement of Receipt:

Clarissa Arreola
Employee's printed name

[Handwritten Signature]
Employee's signature

7/31/2025
Date

[Handwritten Signature]
HR Representative's Signature

07/31/2025
Date

All efforts will be made to bring this complaint to closure within 120 days from the date that Human Resources was made aware of the matter in accordance with Civil Service Rule 8, Section 3e. Exceptions to the 120 days will be made in accordance with Rule 8. As such, the date of notice to Human Resources was May 06, 2025, and the closure of the matter may occur on or before September 03, 2025.



PARKS & RECREATION

Date: 07/31/2025

I, Daniel Calderon, 019782, Park Area Supervisor, certify that the following is a true and correct statement, to the best of my knowledge and recollection.

1. Is your title Park Area Supervisor? Have you been in that position since 10/24/2021?

RESPONSE: Yes

2. Who is your immediate supervisor?

RESPONSE: Monica Vargas

3. Have you ever socialized with Rosa Montes outside of work?

RESPONSE: no it has always been work related

4. It was reported that on Wednesday, August 21, 2024, you received a phone call from Rosa Montes between 9:30 and 9:45 p.m. During the call, she placed you on speakerphone and stated that she, Amaris Crabtree, and Clarissa Arreola were at Capistrano Park drinking. It was further reported that you responded, "You are seriously doing this in front of the new girl?" Is this an accurate statement?

RESPONSE: I don't recall the exact words but I do recall having a call something like that where my respond was you shouldn't be doing this but not sure if ay of this was true or not. On this day she did state that she was out on the field drinking am not sure who she was with or not but also not sure if this was a correct statement or just joking around.

5. Were you by yourself when you were speaking to Ms. Montes?

RESPONSE: Yes I am always be myself

6. Did you tell anyone about this incident? Why or why not?

RESPONSE: no because I do not or was not sure if this was a true statement or not because I don't work with her so not sure if they were joking or not

7. On how many occasions are you aware that Rosa Montes consumed alcohol during working hours?

RESPONSE: as far as for my knowledge I have never been aware of any of this

8. On how many occasions are you aware that Rosa Montes consumed alcohol while driving a city vehicle?

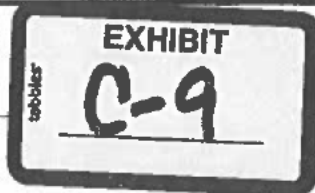
RESPONSE: again in my knowledge I am not a part of her team and I do not work wither so am not sure if she does or not

9. To your knowledge, how many times has Rosa Montes consumed alcohol with staff during working hours?

RESPONSE: I do not have answer to this I do not participate or work with her and am not in close contact with her or any of her team we have very different work schedulas

10. Which staff members, if any, have you personally observed consuming alcohol during working hours or while driving a city vehicle?

7/31/25
Date



[Signature]
Signature



PARKS & RECREATION

Date: 07/31/2025

RESPONSE:for my knowledge I do not know of any of her staff members that have done this and I have never seen any of her staff members do this

11. Have you ever consumed alcohol with Rosa Montes during working hours?

RESPONSE:no I have never cosumed any alcohol during work hours with her or any one at all

12. Have you ever consumed alcohol with Rosa Montes while driving a city vehicle?

RESPONSE:no I do not ride a truck or have ever been in a truck with Rosa at all

13. Are you aware of anyone else who has observed Rosa Montes or her staff consuming alcohol during working hours or while operating a city vehicle?

RESPONSE:as far as from my team no but again I do not work with her or any of her team members so I don't have any idea of any of this

14. Do you have any other relevant information to provide? Please explain further.

RESPONSE:no

*****END OF STATEMENT*****

7/31/25
Date


Signature

Employee Notice of Fact-Finding Process

This is to notify you that the City of El Paso has initiated a fact-finding process regarding a work-related incident(s) and that you have been identified as an individual that is either directly or indirectly involved in or may have knowledge of relevant information related to the matter under review. If you refuse to truthfully answer questions regarding the incident(s), you will be subject to disciplinary action.

During this administrative fact-finding process, employees of the affected department(s) shall not discuss or release any information related in-part or in-whole to this administrative review with anyone other than authorized personnel from the Human Resources Department, your department, or as directed by the assigned reviewer, except as authorized by law. This includes all official departmental or City documents, information, or any other work products – written, verbal, or in any other medium.

You are directed to not discuss the nature or details of this fact-finding process with anyone other than those mentioned above. This directive also means that you are not to contact other employees, potential witnesses or complainants and/or obstruct, impede or attempt to thwart this review process in any manner or form. During an administrative interview, you are not permitted to use any electronic communication devices, such as a cellular phone or tablet, except in the event of an emergency; in the event of an emergency, you are required to notify the person with whom you are meeting. Furthermore, be advised that engaging in any activity or behavior that could be perceived or construed as any form of harassment or retaliation against any other employees, potential witnesses or complainants or that creates an intimidating or hostile work environment is strictly prohibited.

You may consult with your attorney or your representative regarding this matter; however, your attorney or representative may not be party to the administrative fact-finding processes, to include fact finding meetings and/or obtainment of statements.

Employees with questions regarding this directive should address their questions through their Department Human Resources Manager, if applicable, or the Human Resources Assistant Director.

Acknowledgement of Receipt:

DANTE ALDERON
Employee's printed name

[Signature]
Employee's signature

7/30/25
Date

[Signature]
HR Representative's Signature

07/31/2025
Date

All efforts will be made to bring this complaint to closure within 120 days from the date that Human Resources was made aware of the matter in accordance with Civil Service Rule 8, Section 3e. Exceptions to the 120 days will be made in accordance with Rule 8. As such, the date of notice to Human Resources was May 06, 2025, and the closure of the matter may occur on or before September 03, 2025.



PARKS & RECREATION

Date: 07/31/2025

I, Victoria Pallares, 032377, Recreation Leader, certify that the following is a true and correct statement, to the best of my knowledge and recollection.

1. Is your title Recreation Leader? Have you been in that position since 02/12/2024?

RESPONSE:
yes

2. Who is your immediate supervisor?

RESPONSE:
Beverly Corrales

3. At what Recreation Center are you stationed at? What other Rec Centers have you worked at and how long were you there?

RESPONSE:
Syliva Carreon, since March, Officer David Ortiz before that, Nations tobin a long time ago a few times.

4. On October 17, 2024 were you at Sylvia Carreon Recreation Center at 3:00pm for Winter Fest training along with Rosa Montes, Clarissa Arreola, Heavyn Protcor and Amaris Crabtree?

RESPONSE:
Yes, and Issak, David, Ramiro, and others.

5. Where you at home or at your assigned Rec Center before arriving at Sylvia Carreon Rec Center?

RESPONSE:
I was at Officer David Ortiz Rec Center

6. Did you drive to the Sylvia Carreon Rec Center in your personal vehicle or in a City Vehicle? Where you by yourself?

RESPONSE: I was driven to Sylvia Carreon by Rosa in the City Vehicle along with Claire and Heavyn.
I was with Rosa, heavyn and Claire

7. What time did the training end, and what time did you leave Sylvia Carreon Rec Center?

RESPONSE:
4-5 ish PM I can't recall exactly the time.

8. Did you clock out at Sylvia Carreon Rec Center? Or did you go back to your Rec Center and clock out there?

RESPONSE:
I remember going back to the center for sure, I did not go anywhere else but back to ODO after the training at Sylvia Carreon. I went back to ODO I remembered clocking out. I believe I had to make a Cash deposit in the safe, I remember going back. Rosa told me I was supposed to go back to the center.

9. What was your scheduled hours that day?

RESPONSE:
I don't recall but I believe a day shift. Maybe starting at, Im not sure.

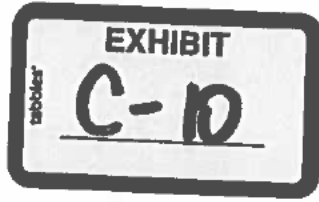
10. Did you leave in the vehicle that your arrived in? Who was with you?

RESPONSE:
After the training I returned back to ODO with Rosa, Claire and Heavyn. I remember leaving in my own car after work. I don't recall what time I left.

11. You decided to go to a bar for happy hour after you left Sylvia Carreon Rec Center. Who was with you?

RESPONSE:
After leaving Slyvia I went back to ODO, Off of working hours made plans with Ms. Proctor to maybe have a drink at honest abes, we decided to invite Amaris off of the clock. Right after work I ended up going home and Heavyn invited

07/31/2025
Date



[Signature]
Signature



PARKS & RECREATION

Date: 07/31/2025

me out for a drink again to honest abes. This was all off of working hours late at night past whatever working schedule I had for that day. Amaris was taking about it at Sylvia, but I was not apart of this conversation directly.

RESPONSE:

13. Do you work in the front desk or do you get pulled to perform duties away from the Rec Center? Does anyone?

RESPONSE:

I worked at front desk, and at times I would help softball, prep for senior games, and other work tasks for Greg and Rosa.

14. Does Rosa pull anyone away from the office to go with her? Can anyone else corroborate this issue?

RESPONSE:

Ramiro, Hernandez.

15. It was stated that you all were discussing going to Honest Abes Bar and that someone mentioned that you were all still on the clock, and Rosa responded "Don't worry about it I'll clock you out". Is this statement accurate?

RESPONSE:

No, I do not recall this statement coming from Rosa nor was I apart of this conversation. Heavyn invited me out we discussed this after work, not at Sylvia.

16. You stated that you went back to Ofc. David Ortiz and clocked out there, then why did Rosa manually clock you out?

RESPONSE:

I went back to ODO, Rosa instructed me to go back to ODO. I'm not sure why my time was submitted. I don't clearly remember.

17. Have you ever left work to go drink with Rosa? Or after work?

RESPONSE:

No, I have not. I briefly saw her at Robins goodbye party and chillis for lunch after working hours. We did not have drinks.

18. Do you have any other relevant information to provide? Please explain further.

RESPONSE:

No other information.

*****END OF STATEMENT*****

07/31/25

Date

Signature

Valenzuela, Ricardo

From: Service Request
Sent: Friday, October 18, 2024 9:52 AM
To: Quintana, Maria D.
Subject: New Ticket Logged - 10424/Montes, Rosa - 015201 [ID:0010424]

Follow Up Flag: Follow up
Flag Status: Completed

This is an automatic notification for the ticket below. [Click here](#) to access it.

Ticket Number: 0010424
Ticket Summary: Timecard Adjustments
Ticket Logged Date: 10/18/2024 09:52 AM
Ticket Category: HR - Payroll
Ticket Service: Timecard Adjustments
Ticket Priority: Medium
End-User Name: Montes, Rosa [REDACTED]
Email: MontesRE@elpasotexas.gov
Phone: (915) 212-2158
Department: Parks and Recreation

Ticket Details:

Hello and good morning,

May you please manually input the below time stamps:

[REDACTED]
[REDACTED]
[REDACTED]

Pallares, Victoria:
10/17: clock out at 5:00pm

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Let me know if you have any questions or concerns.

Thank you,
Rosa Montes

Employee Notice of Fact-Finding Process

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You may consult with your attorney or your representative regarding this matter; however, your attorney or representative may not be party to the administrative fact-finding processes, to include fact finding meetings and/or obtainment of statements.

Employees with questions regarding this directive should address their questions through their Department Human Resources Manager, if applicable, or the Human Resources Assistant Director.

Acknowledgement of Receipt:

Victoria Pallares
Employee's printed name

[Signature]
Employee's signature

07/31/25
Date

[Signature]
HR Representative's Signature

07/31/2025
Date

All efforts will be made to bring this complaint to closure within 120 days from the date that Human Resources was made aware of the matter in accordance with Civil Service Rule 8, Section 3e. Exceptions to the 120 days will be made in accordance with Rule 8. As such, the date of notice to Human Resources was May 06, 2025, and the closure of the matter may occur on or before September 03, 2025.



**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:

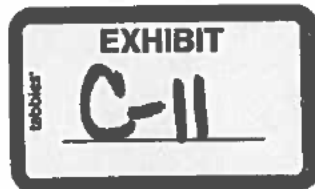
Rosa E. Montes

Printed Name:

ROSA E. MONTES

Date:

1/14/16



TEMP

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER

LINDA BALL THOMAS
HUMAN RESOURCES DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

HUMAN RESOURCES
DEPARTMENT

I hereby acknowledge receipt of the City of El Paso Employee Handbook,
published February 2006

Rosa Escalante
PRINT NAME

Rosa Escalante
SIGNATURE

[REDACTED]
LAST FOUR DIGITS OF SSN

[REDACTED]
EMPLOYEE KRONOS ID NUMBER

5 15 06
DATE

REV 06/05



Service with Honesty and Respect

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

LINDA BALL THOMAS
HUMAN RESOURCES DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE H. LOUIS, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETTY O'ROURKE, DISTRICT 8

HUMAN RESOURCES DEPARTMENT

I hereby acknowledge receipt of the following documents/items:

- CITY OF EL PASO SAFETY HANDBOOK, published October 1996.
- CITY OF EL PASO EMPLOYEE HANDBOOK.
- Pension Book.
- Orientation Notice

1/1 I have been instructed to go to the Insurance and Benefits office to pick up my Benefits Packet.

Final contents
P. 1/1
for packet
signature

- [REDACTED]
last 6 of SS#

02/1/02
Date





Parks and Recreation Department

MAYOR
Renard U. Johnson

TO: Rosa Montes, Recreation and Sports Coordinator [REDACTED]

FROM: Pablo Caballero, Parks and Recreation Director

DATE: February 10, 2025

SUBJECT: Formal Counseling – Unprofessional Conduct

CITY COUNCIL

District 1
Alejandra Chávez

District 2
Dr. Josh Acevedo

District 3
Deanna M. Rocha

District 4
Cynthia Boyar Trejo

District 5
Ivan Nifo

District 6
Art Fierro

District 7
Lily Limón

District 8
Chris Canales

On November 06, 2024, Human Resources received a complaint in regards to allegations of favoritism. A Fact-Finding Process was completed and it was found that the allegations were conclusive. Your actions are unprofessional and have the appearance of not treating all employees equally. As a supervisor you should avoid engaging in employee gossip or forming close social bonds with your subordinates. Your actions were not in alignment with the City's mission, vision and values.

You are hereby formally counseled for unprofessional conduct. Be advised that future incidents of this or of similar nature will not be tolerated and will result in disciplinary action, up to and including termination of your employment with the City of El Paso.

This notice is provided in compliance with Rule 8, Section 8 (Formal Counseling). Please be advised that you may request that this formal counseling be removed from your personnel file after the expiration of twelve (12) months from the date of this formal counseling, provided you have not received any disciplinary action during the twelve (12) month time period. 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.

CITY MANAGER
Dionne Mack

Acknowledgement of Receipt: _____

Date: 2/10/25

Witness: _____

cc: Human Resources-Personnel file-Original
Employee-Copy



Pablo Caballero – Director, Parks & Recreation Department
801 Texas Ave, 2nd Floor | El Paso, TX 79901
O: (915) 212-0092 | Email: parksandrecreation@elpasotexas.gov



From: Valenzuela, Ricardo
To: Caballero, Pablo E.
Subject: HR Matter - Montes
Start: Monday, September 22, 2025 9:00:00 AM
End: Monday, September 22, 2025 10:00:00 AM

Meeting with Rosa Montes at City 3, second floor





Parks and Recreation Department

MAYOR
Renard U. Johnson

To: Rosa Montes [REDACTED] Recreation and Sports Coordinator

From: Pablo Caballero, Parks & Recreation Director



Date: September 16, 2025

CITY COUNCIL

District 1
Alejandra Chávez

Subject: Pre-Termination Hearing

District 2
Dr. Josh Acevedo

Please be advised that a pre-termination hearing is hereby set for you on September 22, 2025 at 09:00 am. The hearing will be held at City 3 – 2nd floor, Parks and Recreation Department located at 801 Texas Ave. On August 29, 2025, the Proposed Notice of Separation was mailed to you, along with the below listed documentation supporting the separation.

District 3
Deanna M. Rocha

The hearing is not a formal proceeding. You will be permitted to present any explanation you may wish to the Interim Parks and Recreation Director concerning the charges and specifications provided to you. You may present evidence on your behalf and a representative may accompany you if you so desire. Everything that you present at the hearing will be considered before a final determination on your employment is made.

District 4
Cynthia Boyar Trejo

The following documents regarding the Proposed Notice of Separation were included in the packet that was mailed to you on August 29, 2025.

District 5
Ivan Niño

- Proposed Notice of Separation (9 pages)
- Supporting Documents (28 pages)
- Departmental Rule Acknowledgement (13 pages)
- Disciplinary History (1 page)
- Disciplinary Policy and Matrix (11 pages)

District 6
Art Fierro

District 7
Lily Limón

District 8
Chris Canales

CITY MANAGER
Dionne Mack



Pablo Caballero – Director, Parks & Recreation Department
801 Texas Ave, 2nd Floor | El Paso, TX 79901
O: (915) 212-0092 | Email: parksandrecreation@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES

From: Cancellare, Claudia I.
To: Caballero, Pablo E.; Valenzuela, Ricardo
Subject: Re: ATTN: P. Caballero RE: R. Montes
Date: Wednesday, September 10, 2025 8:41:38 AM

Good Morning Pablo. Received. We will share with CAO. Thank you!

Get [Outlook for iOS](#)

From: Caballero, Pablo E. <CaballeroPE@elpasotexas.gov>
Sent: Tuesday, September 9, 2025 8:16:55 PM
To: Cancellare, Claudia I. <CancellareCI@elpasotexas.gov>; Valenzuela, Ricardo <ValenzuelaR@elpasotexas.gov>
Subject: Fwd: ATTN: P. Caballero RE: R. Montes

FYI

I received this email just now, September 9th 8:00 pm
Legal should now be involved, do we know who will be assigned to this case?

Regards!

Pablo Caballero
Parks and Recreation Director
City of El Paso

Begin forwarded message:

From: attorney.fchacon@yahoo.com
Date: September 9, 2025 at 8:00:42 PM MDT
To: parksandrecreation@elpasotexas.gov
Subject: ATTN: P. Caballero RE: R. Montes
Reply-To: "attorney.fchacon@yahoo.com" <attorney.fchacon@yahoo.com>

You don't often get email from attorney.fchacon@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to **SpamReport@elpasotexas.gov**.

Fernando Chacon
Law Office of Fernando Chacon
730 Hemphill Court
El Paso, TX 79907
915-637-7712



attorney.fchacon@yahoo.com

September 8, 2025

To:

Pablo Caballero
Director, Parks and Recreation
City of El Paso
801 Texas Ave, 2nd Floor
El Paso, TX 79901

Re: Response to Notice of Separation – Rosa Montes (Employee ID:

Dear Mr. Caballero,

Please be advised that I represent Ms. Rosa Montes in connection with the Notice of Separation dated August 29, 2025, issued by the City of El Paso Parks and Recreation Department. This letter serves as a formal response and notice of intent to appeal the proposed termination of her employment.

Ms. Montes categorically denies the allegations presented against her. The accusations — including alleged alcohol consumption while on duty and misuse of a City vehicle — are based on testimonial evidence that is inconsistent, speculative, and in several instances, contradicted by other witnesses. No physical or documentary evidence has been provided to substantiate these claims.

Furthermore, the City has failed to comply with its own disciplinary procedures. Ms. Montes has received only one prior formal counseling in her 18 years of service, which does not justify termination under the City's progressive discipline matrix. The City also failed to offer access to the Employee Assistance Program or any rehabilitative resources, which are routinely extended to similarly situated employees.

We believe this disciplinary action is retaliatory and discriminatory. Ms. Montes was on leave for a workers' compensation injury at the time the Notice was issued. She has previously raised concerns about excessive workload and staffing disparities, which were ignored. Instead of addressing these legitimate concerns, the City appears to have used this incident as a pretext to remove her from her position.

To ensure a fair and transparent process, we request the following:

- A list of employees terminated or disciplined for similar allegations,

- including their age, position, and disciplinary outcome.
- Records of employees admitted into substance abuse or alcohol-related counseling programs, including criteria for admission and denial.
 - Identification of the individuals responsible for determining eligibility for such programs.
 - All materials forming the basis of the proposed disciplinary action, including witness statements, investigative reports, timecard records, and any audio or video recordings.

Please direct all future communications regarding this matter to my attention. Ms. Montes will not engage in any further direct communication without my involvement.

We remain open to resolving this matter in a way that does not harm Ms. Montes. A fair settlement would include continued compensation through her retirement eligibility date, resolution of her workers' compensation claim, compensation for reputational harm, and attorney's fees.

We look forward to working with your office to reach a just and equitable resolution.

Sincerely,

Fernando Chacon
Attorney / Representative for Rosa Montes

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IRS CIRCULAR 230 DISCLOSURE: In compliance with U.S. Treasury Regulations, we inform you that, unless otherwise expressly stated, any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used, by anyone for the purpose of (i) avoiding federal tax penalties that may be imposed by the Internal Revenue Service or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

From: Caballero, Pablo E.
To: Valenzuela, Ricardo
Subject: Re: Pre Termination Hearing
Date: Tuesday, September 16, 2025 4:19:20 PM
Attachments: Pre-Term Hearing - Rosa Montes.pdf

Doc signed

Pablo Caballero
 Parks and Recreation Director
 City of El Paso

On Sep 16, 2025, at 6:10 PM, Valenzuela, Ricardo
 <ValenzuelaR@elpasotexas.gov> wrote:

That date and time will work. Are you able to sign the document and send it back to me so we can mail it out to Rosa and her representation today?

Thank you,

Rick Valenzuela

Ricardo Valenzuela
 Senior Human Resources Analyst
 City of El Paso
 Ph: 915-212-1306
 Email: ValenzuelaR@elpasotexas.gov
 M-Thur 7:00 a.m.-6:00 p.m.

From: Caballero, Pablo E. <CaballeroPE@elpasotexas.gov>
Sent: Tuesday, September 16, 2025 1:33 PM
To: Valenzuela, Ricardo <ValenzuelaR@elpasotexas.gov>
Subject: Re: Pre Termination Hearing

I get back on the 22nd Ricardo.
 9:00 am that day works.
 Mo day 22nd 9:00 am
 Let me know

Pablo Caballero
 Parks and Recreation Director



City of El Paso

On Sep 16, 2025, at 3:27 PM, Valenzuela, Ricardo
<ValenzuelaR@elpasotexas.gov> wrote:

Good afternoon Pablo,

Ms. Montes is ready to meet with us for the Pre-Termination Hearing. I will be out of office starting September 25, 2025, and will return on September 30, 2025. Please let me know what day and time works best for your schedule.

Thank you,

Rick Valenzuela

Ricardo Valenzuela
Senior Human Resources Analyst
City of El Paso
Ph: 915-212-1306
Email: ValenzuelaR@elpasotexas.gov
M-Thur 7:00 a.m.-6:00 p.m.

<Pre-Term Hearing - Rosa Montes.pdf>

Castro, Laura I.

From: Saenz, Karla A.
Sent: Thursday, December 11, 2025 5:32 PM
To: Hartnett, Sarah L.
Subject: FW: ATTN: P. Caballero RE: R. Montes
Attachments: Pre-Term Hearing - Rosa Montes.pdf

From: Saenz, Karla A.
Sent: Wednesday, September 17, 2025 8:23 AM
To: attorney.fchacon@yahoo.com
Cc: Estrada, Sergio M. <EstradaSM@elpasotexas.gov>; Chamberlain, Sara R. <ChamberlainSR@elpasotexas.gov>; Reed, Evan D. <ReedED@elpasotexas.gov>
Subject: FW: ATTN: P. Caballero RE: R. Montes

Good morning Mr. Chacon,

Please find attached the pre-termination hearing memo with the time and location of the hearing.

Best,

-Karla

From: attorney.fchacon@yahoo.com <attorney.fchacon@yahoo.com>
Sent: Sunday, September 14, 2025 8:31 PM
To: Saenz, Karla A. <SaenzKA@elpasotexas.gov>
Subject: Re: ATTN: P. Caballero RE: R. Montes

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to SpamReport@elpasotexas.gov.

I need a pre termination hearing schedule to con consider the dismissal of the notice of termination. Also, I would like to discuss as part of the consideration to have her severance include pay until the date of her retirement, Her attorney Fees. Her Workmen's Comp. claim completed before termination. The HR department can reach out to my client through me. I will be accompanying her for every stage of this process. Thank you let me know



Sent from Yahoo Mail for iPad

On Thursday, September 11, 2025, 4:03 PM, Saenz, Karla A. <SaenzKA@elpasotexas.gov> wrote:

Good afternoon Mr. Chacon,

We were notified you are the legal representative of Ms. Rosa Montes in connection with the Notice of Separation dated August 29, 2025, and your intent to appeal the proposed termination of her employment.

As her representative we wanted to notify you that under the City's Civil Service Rule 8 your client has the right to a pre-termination hearing which is a meeting with the department's director. Would you like to move forward with scheduling the meeting, would you like to waive your client's right to the meeting, or would you like our HR department to reach out to your client?

Best,

Karla A. Saenz

From: attorney.fchacon@yahoo.com

Date: September 9, 2025 at 8:00:42 PM MDT

To: parksandrecreation@elpasotexas.gov

Subject: **ATTN: P. Caballero RE: R. Montes**

Reply-To: "attorney.fchacon@yahoo.com" <attorney.fchacon@yahoo.com>

You don't often get email from attorney.fchacon@yahoo.com. [Learn why this is important](#)

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Fernando Chacon

Law Office of Fernando Chacon

730 Hemphill Court

El Paso, TX 79907

915-637-7712

attorney.fchacon@yahoo.com

September 8, 2025

To:
Pablo Caballero
Director, Parks and Recreation
City of El Paso
801 Texas Ave, 2nd Floor
El Paso, TX 79901

Re: Response to Notice of Separation – Rosa Montes (Employee ID:

██████████

Dear Mr. Caballero,

Please be advised that I represent Ms. Rosa Montes in connection with the Notice of Separation dated August 29, 2025, issued by the City of El Paso Parks and Recreation Department. This letter serves as a formal response and notice of intent to appeal the proposed termination of her employment.

Ms. Montes categorically denies the allegations presented against her. The accusations — including alleged alcohol consumption while on duty and misuse of a City vehicle — are based on testimonial evidence that is inconsistent, speculative, and in several instances, contradicted by other witnesses. No physical or documentary evidence has been provided to substantiate these claims.

Furthermore, the City has failed to comply with its own disciplinary procedures. Ms. Montes has received only one prior formal counseling in her 18 years of service, which does not justify termination under the City's progressive discipline matrix. The City also failed to offer access to the Employee Assistance Program or any rehabilitative resources, which are routinely extended to similarly situated employees.

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addressing these legitimate concerns, the City appears to have used this incident as a pretext to remove her from her position.

To ensure a fair and transparent process, we request the following:

- A list of employees terminated or disciplined for similar allegations, including their age, position, and disciplinary outcome.
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- Identification of the individuals responsible for determining eligibility for such programs.
- All materials forming the basis of the proposed disciplinary action, including witness statements, investigative reports, timecard records, and any audio or video recordings.

Please direct all future communications regarding this matter to my attention. Ms. Montes will not engage in any further direct communication without my involvement.

We remain open to resolving this matter in a way that does not harm Ms. Montes. A fair settlement would include continued compensation through her retirement eligibility date, resolution of her workers' compensation claim, compensation for reputational harm, and attorney's fees.

We look forward to working with your office to reach a just and equitable resolution.

Sincerely,

Fernando Chacon

Attorney / Representative for Rosa Montes

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Parks and Recreation Department

MAYOR
Renard U. Johnson

To: Rosa Monte [REDACTED] Recreation and Sports Coordinator

From: Pablo Caballero, Parks & Recreation Director



Date: September 16, 2025

Subject: Pre-Termination Hearing

CITY COUNCIL

District 1
Alejandra Chávez

District 2
Dr. Josh Acevedo

District 3
Deanna M. Rocha

District 4
Cynthia Boyar Trejo

District 5
Ivan Niño

District 6
Art Fierro

District 7
Lily Limón

District 8
Chris Canales

CITY MANAGER
Dionne Mack

Please be advised that a pre-termination hearing is hereby set for you on September 22, 2025 at 09:00 am. The hearing will be held at City 3 – 2nd floor, Parks and Recreation Department located at 801 Texas Ave. On August 29, 2025, the Proposed Notice of Separation was mailed to you, along with the below listed documentation supporting the separation.

The hearing is not a formal proceeding. You will be permitted to present any explanation you may wish to the Interim Parks and Recreation Director concerning the charges and specifications provided to you. You may present evidence on your behalf and a representative may accompany you if you so desire. Everything that you present at the hearing will be considered before a final determination on your employment is made.

The following documents regarding the Proposed Notice of Separation were included in the packet that was mailed to you on August 29, 2025.

- Proposed Notice of Separation (9 pages)
- Supporting Documents (28 pages)
- Departmental Rule Acknowledgement (13 pages)
- Disciplinary History (1 page)
- Disciplinary Policy and Matrix (11 pages)

Pablo Caballero – Director, Parks & Recreation Department
801 Texas Ave, 2nd Floor | El Paso, TX 79901
O: (915) 212-0092 | Email: parksandrecreation@elpasotexas.gov



DELIVERING EXCEPTIONAL SERVICES

CERTIFICATE OF SERVICE

I, Evan D. Reed hereby certify that on November 11, 2025 a true and correct copy of City's Responses to Employee's First Set of Request for Interrogatories of Documents was served to opposing parties in the following manner:

Via Email:

Fernando Chacon
Law Office of Fernando Chacon
730 Hemphill Court
El Paso, Texas 79907
Phone: (915) 637-7712
Email: attorney.fchacon@yahoo.com
Attorney for Employee

/s/ Evan D. Reed
Evan D. Reed

INTERROGATORIES

INTERROGATORY NO.1:

Identify who decided not to provide a pre-termination meeting and when:

Answer: The meeting took place on September 22, 2025 @ 9:00 a.m.

INTERROGATORY NO. 2:

Identify all person consulted regarding that decision:

Answer: The Department head.

INTERROGATORY NO. 3:

State whether Respondent contends Appellant waived such meeting, and if so, how.

Answer: Appellant was present at the meeting. The City does not take the position the meeting was waived, it asserts that Appellant declined to participate in such meeting when they began badgering the Department head and HR representative with irrelevant questions, accusations and assertions. When it is apparent that no "consensus" or "agreement" is or will be forthcoming the City has an inherent right to end such a meeting and issue its proposed discipline.

INTERROGATORY NO. 4:

Identify each complaint used in support of termination and when each was communicated to Appellant.

Answer: The basis for the termination, and the supporting material for said termination is outlined in the termination paperwork already in Appellants possession.

INTERROGATORY NO. 5:

State when the termination decision became final internally.

Answer: September 22, 2025.

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

IN RE:

ROSA MONTES APPEAL

v.

CITY OF EL PASO

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§
§
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§
§
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§
§
§

DOCKET NUMBER 25-PD-08PP

CITY OF EL PASO RESPONSE TO EMPLOYEE'S FIRST SET OF ADMISSIONS

TO: Employee Rosa Montes, by and through his attorney of record, Fernando Chacon, Attorney.

COMES NOW, THE CITY OF EL PASO, TEXAS ("City"), and serves its objections and Responses to Employee's First Set of Request for Production of Documents.

Respectfully submitted,

KARLA M. NIEMAN
CITY ATTORNEY
State Bar No. 24048542
P.O. Box 1890
El Paso, Texas, 79901
Tel: (915) 212-0033
Fax: (915) 212-0034

SERGIO ESTRADA
Deputy City Attorney
State Bar No. 24080886
EstradaSM@elpasotexas.gov

Date: November 11, 2025

By: /s/ Evan D. Reed
Evan D. Reed
Senior Assistant City Attorney
State Bar No: 24093018
reeded@elpasotexas.gov
Attorney for the City of El Paso, Texas



CERTIFICATE OF SERVICE

I, Evan D. Reed hereby certify that on November 11, 2025 a true and correct copy of City's Responses to Employee's First Set of Request for Admission of Documents was served to opposing parties in the following manner:

Via Email:

Fernando Chacon
Law Office of Fernando Chacon
730 Hemphill Court
El Paso, Texas 79907
Phone:(915) 637-7712
Email: attorney.fchacon@yahoo.com
Attorney for Employee

/s/ Evan D. Reed
Evan D. Reed

ADMISSION

ADMISSION NO.1:

Admit no pre-termination meeting occurred:

Answer: Deny

ADMISSION NO. 2:

Admit the termination decision was finalized before Appellant could respond:

Answer: Deny

ADMISSION NO. 3:

Admit a post-termination appeal is the only hearing Respondent provided.

Answer: Deny

ADMISSION NO. 4:

Admit Civil Service Rules require a pre-termination opportunity to respond.

Answer: Admit the rules allow for an opportunity to respond, in all other respects Deny

ADMISSION NO. 5

Admit Respondent could have scheduled a pre-termination meeting but did not.

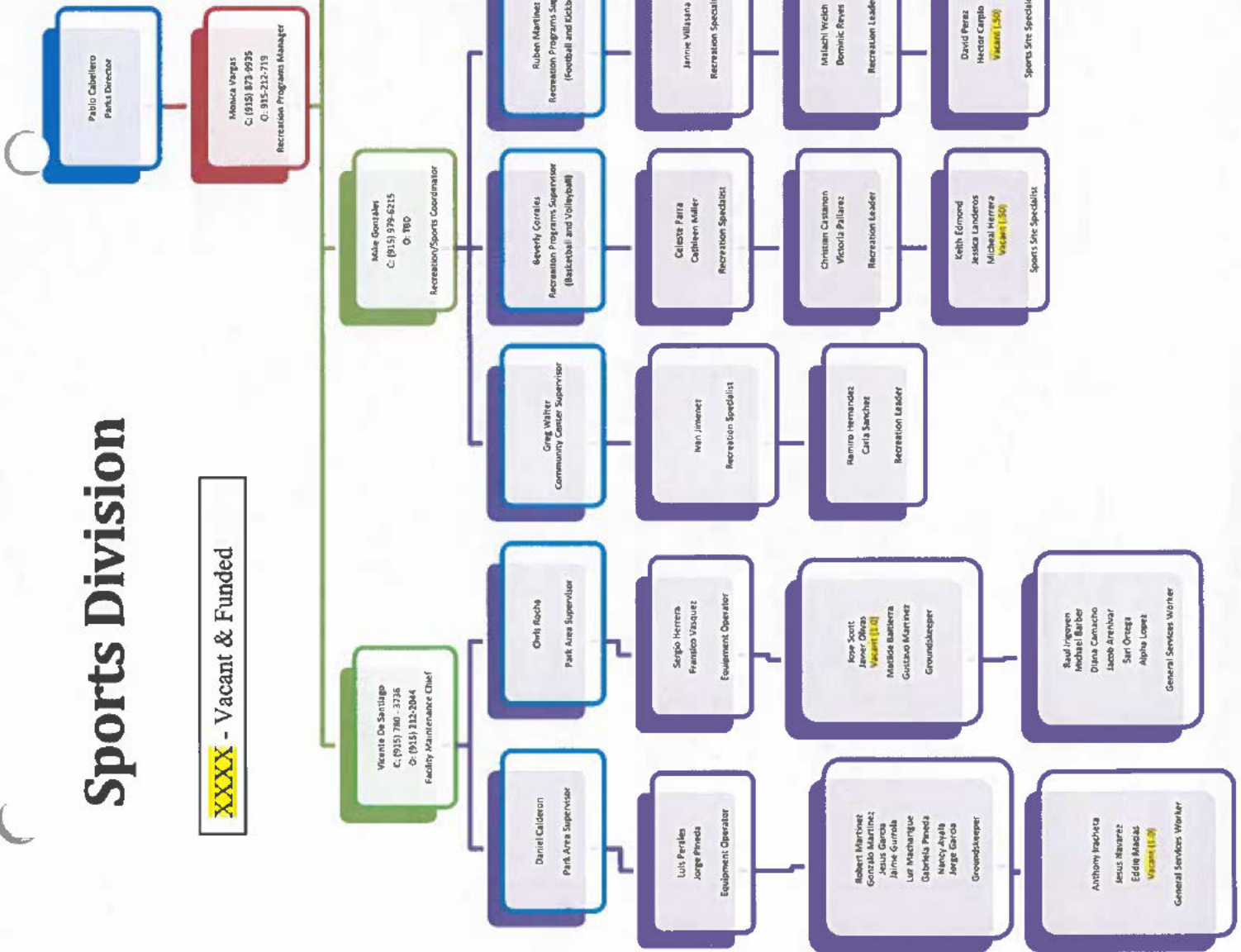
Answer: Deny

Sports Division

XXXX - Vacant & Funded



PARKS & RECREATION CITY OF EL PASO



C-20