



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.

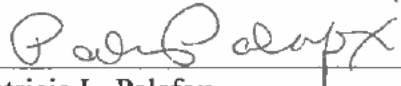
Therefore, I believe this is a 50/50 proposition as far as the credible evidence. Given the long time Amaris Crabtree took to report the incident, given the fact that witnesses memories can fade over time and several did say their memories had faded by the time they were interviewed, given the fact that 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 26<sup>th</sup> 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**

$\pi$	* , 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

# Item #3

$\pi$	* , 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  
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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)

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CITY OF EL PASO, TEXAS  
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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 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,

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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.

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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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CITY OF EL PASO, TEXAS  
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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

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CITY OF EL PASO, TEXAS  
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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]*



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COMMISSION

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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 – 1<sup>st</sup> Offense: Termination*

**Date Received by Human Resources:** May 06, 2025

**120<sup>th</sup> 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

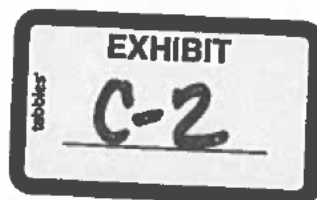
#### I. POLICY:

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)**

**1<sup>ST</sup> OFFENSE  
PENALTY**

**2<sup>ND</sup> OFFENSE  
PENALTY**

**3<sup>RD</sup> OFFENSE  
PENALTY**

**4<sup>TH</sup> 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 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> 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)**

**1<sup>ST</sup> OFFENSE  
PENALTY**

**2<sup>ND</sup> OFFENSE  
PENALTY**

**3<sup>RD</sup> OFFENSE  
PENALTY**

**4<sup>TH</sup> OFFENSE  
PENALTY**

<b>LEVEL 2 VIOLATIONS</b>				
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)**

**1<sup>ST</sup> OFFENSE  
PENALTY**

**2<sup>ND</sup> OFFENSE  
PENALTY**

**3<sup>RD</sup> OFFENSE  
PENALTY**

**4<sup>TH</sup> 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<sup>ST</sup> OFFENSE PENALTY      2<sup>ND</sup> OFFENSE PENALTY      3<sup>RD</sup> OFFENSE PENALTY      4<sup>TH</sup> OFFENSE PENALTY**

<b>LEVEL 4 VIOLATIONS</b>				
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. Nolasca

**District 4**

Scottie Boyan-Trejo

**District 5**

José Nino

**District 6**

Art Fierro

**District 7**

Lily Limón

**District 8**

Chris Canales

**CITY MANAGER**

John M. ...

**TO:** Rosa Montes, Recreation & Sports Coordinator

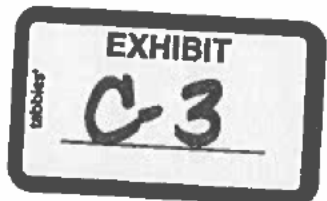
**FROM:** Pablo Caballero, Director

**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 2<sup>nd</sup> Floor | El Paso, TX 79901  
O (915) 212-0092 | Email. parksandrecreation@elpasotexas.gov



... EXCEPT ... 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, 2025

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,

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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.

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**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 \_\_\_\_\_



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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  
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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:



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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 - 1<sup>st</sup> Offense: Termination*

Date Received by Human Resources: May 06, 2025

120<sup>th</sup> 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

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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 \_\_\_\_\_

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This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

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#### Delivery Attempt

- Reminder to Schedule Redelivery of your item  
September 8, 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#>

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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]

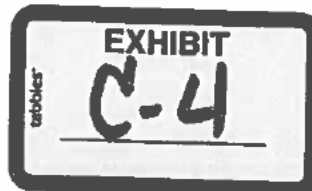
Background and Basis of Complaint:

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**

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**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**

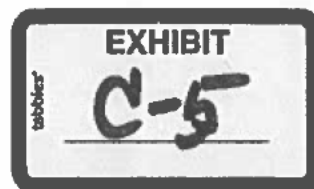
Senior Human Resources Analyst  
City of El Paso | Human Resources  
Office: (915) 212-1268  
218 N. Campbell 3<sup>rd</sup> Floor  
Office Hours: M-Th 7a-6p

**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 28<sup>th</sup>, 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 17<sup>th</sup>, 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.



# Item #3

Winter Fest December 25<sup>th</sup>, 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](mailto:crabtreeac@elpasotexas.gov)

**From:** Renteria, Brisa <[RenteriaBX@elpasotexas.gov](mailto:RenteriaBX@elpasotexas.gov)>  
**Sent:** Tuesday, May 6, 2025 3:46 PM  
**To:** Crabtree, Amaris C. <[CrabtreeAC@elpasotexas.gov](mailto: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 3<sup>rd</sup> Floor  
Office Hours: M-Th 7a-6p

**From:** Crabtree, Amaris C. <[CrabtreeAC@elpasotexas.gov](mailto:CrabtreeAC@elpasotexas.gov)>  
**Sent:** Tuesday, May 6, 2025 1:54 PM  
**To:** Renteria, Brisa <[RenteriaBX@elpasotexas.gov](mailto: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](mailto:crabtreeac@elpasotexas.gov)

**From:** Renteria, Brisa <[RenteriaBX@elpasotexas.gov](mailto:RenteriaBX@elpasotexas.gov)>  
**Sent:** Tuesday, May 6, 2025 12:00 PM  
**To:** Crabtree, Amaris C. <[CrabtreeAC@elpasotexas.gov](mailto: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 3<sup>rd</sup> 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](mailto: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 3<sup>rd</sup> Floor  
Office Hours: M-Th 7a-6p

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

Hello,

The date was March 12<sup>th</sup> 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](mailto:crabtreeac@alpasotexas.gov)



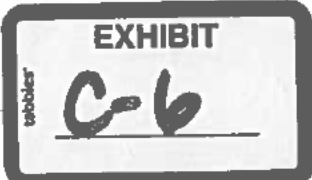
HUMAN RESOURCES DEPARTMENT

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 at one of the fields I was taking care of that. Once she returned the vehicles were parked in the same order. As she was walking towards the vehicles 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

[Signature]  
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 12<sup>th</sup> 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 2<sup>nd</sup> for my mom wedding which was made known in my interview. Clarissa's birthday was Nov 1<sup>st</sup> Friday which was the start of my tournament, Rosa showed up to Officer 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 2<sup>nd</sup> 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

*[Handwritten Signature]*  
Signature



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

Abalite  
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 \_\_\_\_\_.



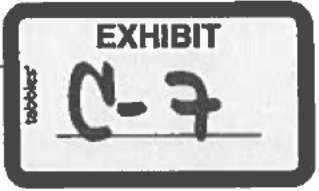
PARKS & RECREATION

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]*  
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

*[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**

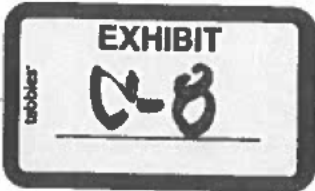
**Date: 07/31/2025**

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



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



**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
Sun 8/16		
Mon 8/19		
Tue 8/20	1:00PM-10:00PM	10:00PM
Wed 8/21	1:00PM-10:00PM	10:00PM
Thu 8/22	1:00PM-10:00PM	10:00PM
Fri 8/23	11:15AM-9:15PM	4:45PM
Sat 8/24	8:15AM-2:15PM	2:45PM
Sun 8/25	1:00PM-7:30PM	7:30PM
Mon 8/26	1:00PM-10:00PM	10:00PM
Tue 8/27	1:00PM-10:00PM	9:30PM
		5:00PM

Date	SPD	5:0
Sun 10/13		
Mon 10/14	1:00PM-10:00PM	10:00PM
Tue 10/15	8:00AM-5:00PM	5:16PM
Wed 10/16	1:00PM-10:00PM	10:00PM
Thu 10/17	8:45AM-5:45PM	5:45PM
Fri 10/18	5:00AM-3:00PM	

Date	VAC	2:0
Tue 12/24		
Wed 12/25	10:45AM-8:15PM	8:15PM
Thu 12/25	4:30PM-11:00PM	11:00PM
Fri 12/27	10:45AM-8:15PM	3:05PM
Sat 12/28	8:00AM-2:30PM	2:30PM

Sun 10/13  
Mon 10/14  
Tue 10/15  
Wed 10/16  
Thu 10/17  
Fri 10/18

1:00PM-10:00PM  
8:00AM-5:00PM  
1:00PM-10:00PM  
8:45AM-5:45PM  
9:00AM-3:00PM

SPD

1:08PM  
8:16AM  
1:06PM  
8:45AM

5.0

10:00PM  
5:16PM  
10:00PM  
5:45PM

10:00PM  
5:16PM  
10:00PM  
5:45PM

**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?

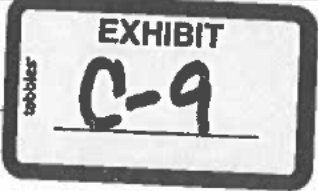
RESPONSE: again in my knowledge I am not a part of her team and I do not work wither so am not sure if she does or not

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**

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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:

Sylvia 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:

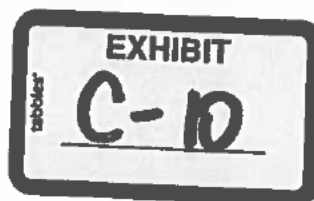
After the training I returned back to ODO with Rosa, Claire and Heavyn. I remember leaving in my own car after work. I don't recall what time I left.

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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**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:

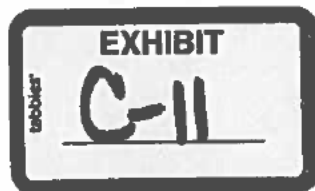
Rosa E. Montes

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



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  
*Jan 1/01*  
signature

### - [REDACTED]  
last 6 of SS#  
*021 1/01*  
Date





# Parks and Recreation Department

**MAYOR**  
Renard U. Johnson

**TO:** Rosa Montes, Recreation and Sports Coordinator [REDACTED]  
**FROM:** Pablo Caballero, Parks and Recreation Director [Signature]  
**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.

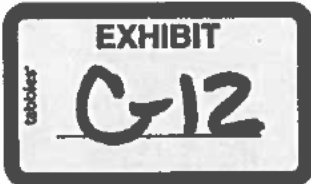
**CITY MANAGER**  
Dionne Mack

Acknowledgement of Receipt: [Signature]

Date: 2/10/25

Witness: [Signature]

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



**CITY COUNCIL**

**Date:** September 16, 2025

**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 – 2<sup>nd</sup> 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

**District 5**  
Ivan Niño

**District 6**  
Art Fierro

**District 7**  
Lily Limón

**District 8**  
Chris Canales

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)

**CITY MANAGER**  
Dionne Mack



**Pablo Caballero – Director, Parks & Recreation Department**  
801 Texas Ave, 2<sup>nd</sup> 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 what 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](#)

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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.

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](mailto: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](mailto: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

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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](mailto:attorney.fchacon@yahoo.com)

**Date:** September 9, 2025 at 8:00:42 PM MDT

**To:** [parksandrecreation@elpasotexas.gov](mailto:parksandrecreation@elpasotexas.gov)

**Subject:** **ATTN: P. Caballero RE: R. Montes**

**Reply-To:** "[attorney.fchacon@yahoo.com](mailto:attorney.fchacon@yahoo.com)" <[attorney.fchacon@yahoo.com](mailto:attorney.fchacon@yahoo.com)>

You don't often get email from [attorney.fchacon@yahoo.com](mailto: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.

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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# 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 – 2<sup>nd</sup> 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, 2<sup>nd</sup> 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](mailto: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

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

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](mailto: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](mailto: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](mailto: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.

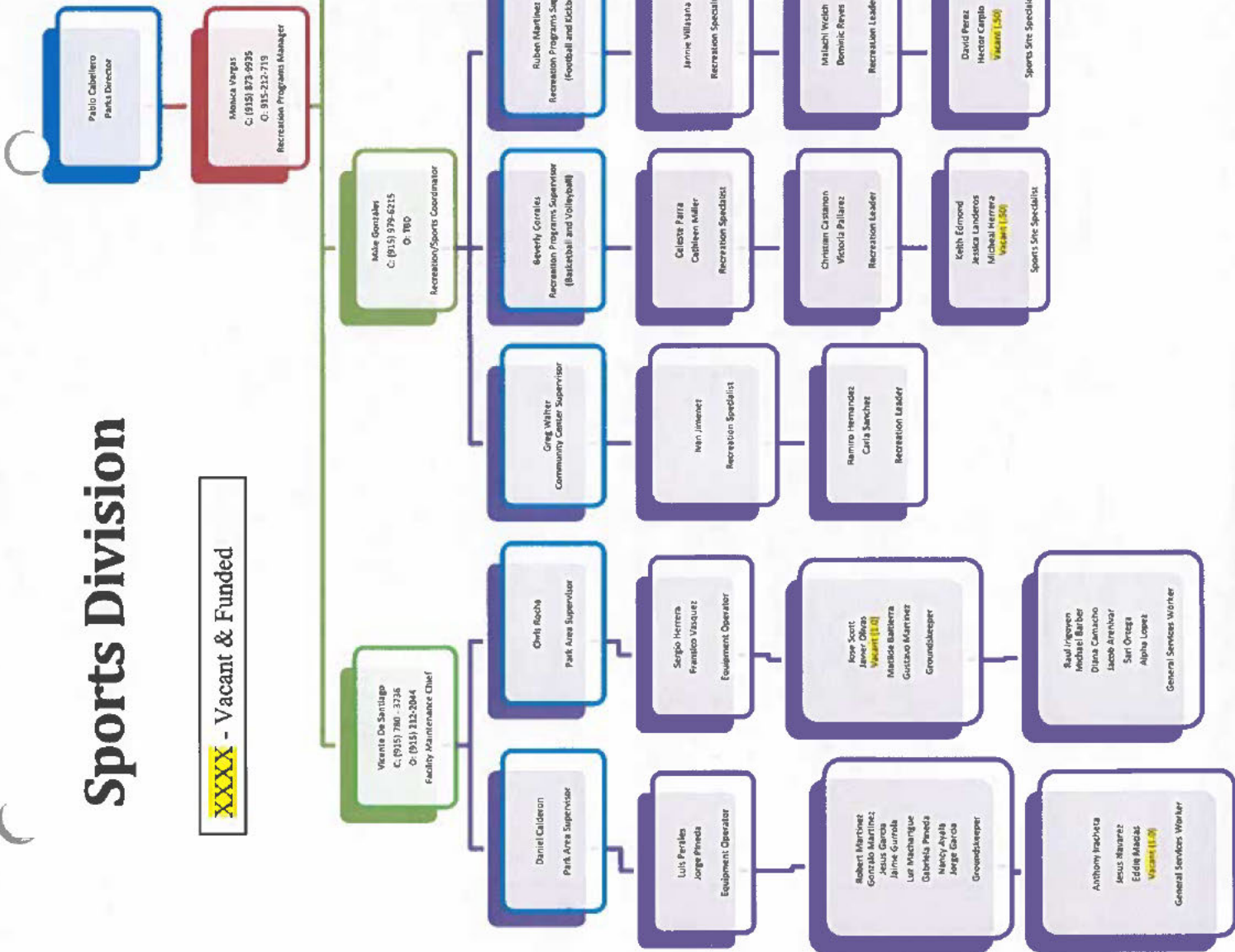
**Answer:** Deny

# Sports Division

XXXX - Vacant & Funded



## PARKS & RECREATION CITY OF EL PASO



0-20