

Item #5  
Dismissal Order  
Fabricio Ibarra

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

IN RE:

FABRICIO IBARRA

)  
)  
)  
)  
)

DOCKET NUMBER CSC 24 FD 02PP

**RECOMMENDATION FOR DISMISSAL**

On August 15, 2024, this appeal of Fabricio Ibarra's termination as a firefighter was assigned to this Hearing Officer, Patricia L Palafox. On August 20, 2024 I spoke to Mr. Ibarra by cell phone as he had not answered by e mail. He informed me he was looking for an attorney. He provided his correct e mail. I explained the Civil Service Commission hearing procedures and deadlines to hold the hearing

Civil Service Rule 8, Section 2, states that terminations or suspensions more than 15 days are "expedited hearings." The rule states that these appeals "*shall be convened within 45 days of the date the case is referred to a hearing officer unless the hearing is continued upon the request of either party as hereinafter provided. In no event may a hearing be scheduled so as to commence more than 90 days after the date aforesaid, except with leave of the Commission.*"

After initial telephone contact with Mr. Ibarra on August 20, 2024, this Hearing Officer engaged in extended and numerous communications with him attempting to set a hearing date before the 45 day requirement, or before the 90 day deadline requirement, which in this case is November 14, 2024. She sent approximately 17 e mails, 8 texts, and made 5 telephone calls to Ibarra explaining the procedures and the time requirements. When he delayed so as to not meet the 45 day requirement, she asked him to file a written request for more time, which he did. Again,

she explained the 90 day rule. Each time he responded that he was seeking an attorney.

After giving him an October 8, 2024 deadline to find an attorney or represent himself, he agreed to attend a telephone conference on Wednesday, October 16, 2024 at 9:00 am. He confirmed the meeting with a text and responded to a confirming e mail. The purpose of this meeting was to set a hearing date. Either Mr. Ibarra or his attorney were to attend this telephone conference. On October 16 he failed to answer his phone to be patched in to the telephone conference with the Assistant City Attorney. This Hearing Officer called 3 times, leaving a voicemail once, and sent an e mail as to his failure to attend. His reply by text at 4:21 pm that same day was as follows: *"Sorry I missed your call today as I was busy, and got confused with another meeting I had scheduled elsewhere. I just sent you an e mail, and yes, I am interested in the hearing to continue. Thank you."* Ibarra sent an e mail stating that he had a meeting with an attorney the next day on October 17, 2024. This Hearing Officer then gave him a deadline of 5:00 p.m. on October 17, 2024 to either have the attorney contact me or Ibarra was to contact me so we could set his hearing. She informed him by e mail that If this did not happen, she would prepare a dismissal of his appeal.


On October 17, 2024 at 2:16 p.m., Ibarra sent an e mail that the lawyer he consulted needed more time to review documents to decide if to accept his case or not. He stated that if the attorney did not accept the case, "then I will drop the whole hearing." City Attorney Evan Reed replied in an e mail that he objected to further extensions due to the "pattern of excessive delay" and contended that the appeal should be dismissed. No further communication from either Mr. Ibarra or an attorney representing him were received either by 5:00 p.m. on October 17 or as of the date of this Recommendation.

**RECOMMENDATION**

I recommend that this Appeal be dismissed due to Mr. Ibarra's excessive delay from August 20, 2024 when this Hearing Officer first spoke to him, until October 16, 2024 when he failed to attend a Pre Hearing telephone conference and then failed on October 17, 2024 to either provide an attorney representing him or be ready to set a hearing where he represented himself.

Should the Commission decide that this appeal should not be dismissed, then pursuant to Civil Commission Rule 8, Section 2, the Commission will have to approve that a hearing may be commenced after November 14, 2024, which is the 90 day deadline according to Civil Service Rule 8. Given the Thanksgiving and December holidays, a hearing cannot reasonably be set until January or February 2024.

Signed this 18th day of October, 2024.

  
\_\_\_\_\_  
PATRICIA L. PALAFOX,  
HEARING OFFICER



# Department of Human Resources

91 7199 9991 7034 9256 8484

**MAYOR**  
Oscar Leoser

August 15, 2024

**CITY COUNCIL**

Fabricio Ibarra  
[REDACTED]  
[REDACTED]

**District 1**  
Brian Kennedy

Dear Mr. Ibarra:

**District 2**  
Dr. Josh Acevedo

**REFERENCE: TERMINATION- FABRICIO IBARRA- CSC CASE NO.24-FD-02PP**

**District 3**  
Cassandra Hernandez

Your case has been assigned to Hearing Officer Patricia Palafox, (Telephone 915-474-4073). If you have any questions regarding your hearing, please contact the Hearing Officer.

**District 4**  
Joe Molinar

**District 5**  
Isabel Salcido

Either party may request the hearing be recorded.  
If you have any questions, please call Symone Menchaca at 915-212-1242.

**District 6**  
Art Fierro

**District 7**  
Henry Rivera

**District 8**  
Chris Canales

Sincerely,

Mary Wiggins  
Chief Human Resources Officer  
Civil Service Commission Secretary

**INTERIM CITY  
MANAGER**  
Cary Westin

CC: Chief Jonathan Killings, Fire Dept  
Randy Heredia, Fire Dept HR Manager  
Claudia Cancellare, HR Employee Relations  
Cecy Mungaray, HR Employee Relations  
Evan Reed, Assistant City Attorney  
Patricia Palafox, CS Commission Hearing Officer  
Paul Thomson, El Paso Association- Firefighters 51  
Employee File

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



DELIVERING EXCEPTIONAL SERVICES



# Department of Human Resources

**MAYOR**  
Oscar Leeser

August 15, 2024

**CITY COUNCIL**

Patricia Palafox  
[REDACTED]  
[REDACTED]

**District 1**  
Brian Kennedy

Dear Ms. Palafox:

**District 2**  
Dr. Josh Acevedo

**REFERENCE: TERMINATION APPEAL CASE**

**District 3**  
Cassandra Hernandez

The Civil Service Commission has assigned the case listed below to you. I have enclosed a copy of the appeal letter and the appropriate documents. Please contact the named employee and Assistant City Attorney, Evan Reed, 915-212-1114, reeded@elpasotexas.gov to schedule a hearing. This appeal was timely filed.

**District 4**  
Joe Molinar

NAME: Fabricio Ibarra  
DEPT: Fire Dept  
TYPE: Termination Appeal  
DOCKET NO. CSC Case 24-FD-02PP  
EMPLOYEE REP: Paul Thomson

**District 5**  
Isabel Saucedo

**District 6**  
Art Fierro

**District 7**  
Henry Rivera

Either party may request the hearing be recorded. If you have any questions, please call Symone Menchaca at 915 212 1242.

**District 8**  
Chris Canales

**INTERIM CITY  
MANAGER**  
Cary Westin

Sincerely,

Mary Wiggins  
Chief Human Resources Officer  
Civil Service Commission Secretary

CC: Chief Jonathan Killings, Fire Dept  
Randy Heredia, Fire Dept HR Manager  
Claudia Cancellare, HR Employee Relations  
Cecy Mungaray, HR Employee Relations  
Evan Reed, Assistant City Attorney  
Patricia Palafox, CS Commission Hearing Officer  
Paul Thomson, El Paso Association- Firefighters 51  
Employee File

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



TERMINATION APPEAL FORM

Date: July 26, 2024

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

*Appeal email  
stuck and IT pushed  
through. verified with IT  
email came intime.*

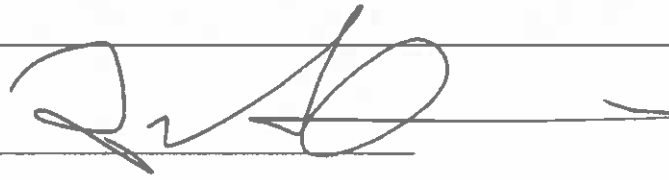
To the Honorable Civil Service Commission:

I, Fabricio Ibarra, of the El Paso Fire Department, under the provisions of  
6.13-, hereby appeal my Department's Head's order to

TERMINATE me on 6-27-2024

*Mary Wiggins  
accepted  
appeal  
as filed  
timely.*

Additional comments:

\_\_\_\_\_  
\_\_\_\_\_  
Signature: 

(Please Print)

Name: Fabricio Ibarra

Address: [REDACTED]

City/State/Zip: El Paso, Tx 79902

Telephone: [REDACTED]

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

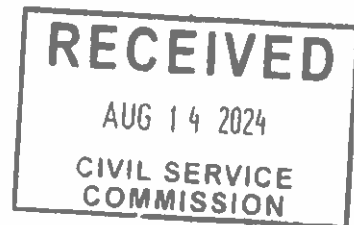
Do you have an attorney or personal representative? Yes  No

If yes, Please give name and address:

Union Representative Paul Thomson

3112 Fomey Ln.

El Paso, Tx 79935





CITY OF EL PASO, TEXAS  
**NOTICE OF SEPERATION**



Name: Ibarra, Fabricio	Last 4 #'s of SS #: [REDACTED]	Date: 06/27/2024
Position: Fire Suppression Technician	Employee ID #: [REDACTED]	
Address: [REDACTED]		
From: City of El Paso Fire Department		
Subject: Termination of Employment Case File #24-033		

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY TERMINATED FOR EFFECTIVE: 06/27/2024

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

**CHARGES:**

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

**CITY CHARTER – ARTICLE VI – Civil Service**

**SECTION 6.13-2, DISCIPLINARY ACTION; REDUCTION**

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

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

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

- C. Being under the influence of intoxicants or drugs or the use thereof while on duty;
- F. Incompetency or negligence in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner;
- P. For just cause

I HAVE RECEIVED A COPY OF THIS NOTICE

[Signature]  
Employee's Signature

Date 6-27-2024

BY CERTIFIED MAIL NUMBER \_\_\_\_\_

[Signature]  
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

BY \_\_\_\_\_

DISTRIBUTION: Original – Human Resources Department; Copy – Department

**RECEIVED**  
AUG 14 2024 Page 1 of 7  
CIVIL SERVICE COMMISSION



CITY OF EL PASO, TEXAS  
**NOTICE OF SEPERATION**



Name: Ibarra, Fabricio	Last 4 #'s of SS #: [REDACTED]	Date: 06/27/2024
Position: Fire Suppression Technician	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
- f. Is incompetent or negligent in the performance of duties, including but not limited to, failure to perform assigned tasks, or failure to discharge duties in an accurate, prompt, competent, or responsible manner, or (Amended 8/25/09, 9/17/13)
- p. For just cause; or (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   sp





CITY OF EL PASO, TEXAS  
NOTICE OF SEPERATION



Name: Ibarra, Fabricio	Last 4 #'s of SS # [REDACTED]	Date: 06/27/2024
Position: Fire Suppression Technician	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**

EMPLOYEE'S INITIALS

*[Handwritten initials]*

**RECEIVED**

AUG 14 2024

**CIVIL SERVICE  
COMMISSION**



CITY OF EL PASO, TEXAS  
**NOTICE OF SEPERATION**



Name: Ibarra, Fabricio	Last 4 #'s of SS #: [REDACTED]	Date: 06/27/2024
Position: Fire Suppression Technician	Employee ID #: [REDACTED]	

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

**Section 8. Formal Counseling**

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

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

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

**RULE 11. DEPARTMENTAL RULES**

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

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

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

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

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

**EL PASO FIRE DEPARTMENT RULES AND REGULATIONS**

**Volume 1: Administrative Policies. Section 1: Organizational Standards:**

EMPLOYEE'S INITIALS     *FI*



CITY OF EL PASO, TEXAS  
**NOTICE OF SEPERATION**



Name: Ibarra, Fabricio	Last 4 #'s of SS # [REDACTED]	Date: 06/27/2024
Position: Fire Suppression Technician	Employee ID # [REDACTED]	

**General Conduct**

1. The purpose of the following rules is to promote an atmosphere of goodwill, cooperation and harmony in the relationships among employees and the public. The intention is that such an attitude will produce a highly efficient performance by each employee, thereby increasing the effectiveness of the department.
2. Employees will be governed by the ordinary reasonable rules of good conduct and behavior of law-abiding citizens whether they are on or off-duty. Conduct or behavior that adversely affects the morale or efficiency of operations of the department may be deemed conduct unbecoming. Conduct or behavior that brings disrepute and discredit by the public on the department or its' employees is also considered conduct unbecoming.

**Volume I Administrative Policies. Section 1: Obedience to Rules**

1. Violation of any rules, policies, procedures, General Orders, failure to comply with any order of a supervisor, or failure to properly perform any assigned duties of a supervisor will be considered sufficient cause for disciplinary action.
2. All members are responsible for immediately reporting violations of rules, policies, procedures, General Orders and other employee misconduct to their supervisor. In cases where the supervisor is the violator, the next officer in the chain-of-command will be contacted.
3. The deliberate refusal of any member to promptly obey any lawful order given by any supervisor will be deemed insubordination. Openly disregarding and/or mocking the authority, order or actions of any supervisor will likewise be deemed insubordination.

**Volume I Administrative Policies. Section 2: Disciplinary Guidelines**

1. The overall purpose of the disciplinary system is to facilitate the orderly operation and function of the El Paso Fire Department; ensure employee adherence to reasonable and acceptable performance standards and conduct; and to provide fair and equitable consequences for failing to adhere to those standards. The process also ensures due process for the involved employee(s) should disciplinary action be necessary.

**Basis for Discipline**

12. Employees are subject to discipline for violations of law, rules and regulations of the Civil Service Commission, departmental rules and procedures, and lawful verbal or written directives of supervisory personnel. All disciplinary actions taken under this section are subject to, and will be consistent with, applicable state law, local ordinances, administrative rulings, Civil Service rules and collective bargaining agreements. No disciplinary action will occur for conduct that:
  - cannot be connected with job performance,
  - does not constitute conduct unbecoming

does not violate any of the rules regarding off-duty personal conduct as set forth in Civil Service Rules and regulations, departmental policies, applicable City policies or ordinances, or the City Charter provisions.

**ARTICLES OF AGREEMENT BETWEEN THE CITY OF EL PASO, TEXAS AND LOCAL 51 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS INC. (September 1, 2022 through August 31, 2026; signed August 23, 2022)**

**Appendix G**

**Section 3.b. Reasonable Suspicion Testing:**

1. The Union acknowledges and recognizes the right of the City to investigate possible alcohol or drug abuse by employees which may impair job performance, as well as off-duty conduct which results in reasonable suspicion. Examples of off-

EMPLOYEE'S INITIALS *fl*

**RECEIVED**  
AUG 14 2024  
CIVIL SERVICE COMMISSION



CITY OF EL PASO, TEXAS  
**NOTICE OF SEPERATION**



Name: Ibarra, Fabricio	Last 4 #'s of SS #: [REDACTED]	Date 06/27/2024
Position: Fire Suppression Technician	Employee ID #: [REDACTED]	

duty conduct that could result in reasonable suspicion include, but are not limited to, arrest for possession of, use, or being under the influence of drugs or alcohol. It is understood that the City shall adequately train its supervisory personnel in the detection of the symptoms and effects of alcohol and/or controlled substance abuse so that they may properly investigate cases of on-duty reasonable suspicion. When reasonable suspicion has been identified (on-duty or off) the suspected employees will be required to submit to drug and alcohol screening in accordance with the terms of this Agreement.

**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.*

**El Paso Fire Department Disciplinary Guidelines (Table A)**

- Level F - Offenses and Deficiencies – 1<sup>st</sup> offense – Conduct - Possession, Distribution, or Sale of an Illegal Substance or Alcohol on Duty - Termination
- Level E - Offenses and Deficiencies – 1<sup>st</sup> offense – Conduct - Positive Drug /Alcohol Test Result - 30 Day Suspension

**Date Received by Human Resources:** 4/23/2024

**120<sup>th</sup> Day Deadline, pursuant to CSC Rule 8 Section 3(e):** 8/21/2024

**SPECIFICATIONS:**

On April 23, 2024, you were working out of class as the officer in charge of Pumper 10. At around 1745 hours, your apparatus was out of service due to staffing. You directed Firefighter Rodriguez to drive the apparatus to Craft Rhythm & Brews at 1301 Texas Ave. You went into this establishment, sat at the bar, and consumed three samples of craft beer. You did this in uniform, with a portable radio donned, with the fire apparatus parked outside, and in front of an employee who has just over 1 year of employment with the Fire Department. This incident was reported to the on-duty battalion chief who escorted you for alcohol and drug testing for reasonable suspicion in accordance with Appendix G of the Articles of Agreement effective September 1, 2022 through August 31, 2026. On April 30, 2024, Fire Human Resources notified the Professional Standards Office that your drug test was confirmed positive for marijuana and cocaine.

As an employee of the El Paso Fire Department it is your responsibility to conduct yourself in accordance with ordinary reasonable rules of good conduct and behavior that govern law-abiding citizens and in accordance with the laws of the State of Texas, ordinances of this community and the rules and regulations of this department. Your actions of possessing and consuming alcohol while on duty, and testing positive on your drug screening, constitute violations of Department rules and regulations.

EMPLOYEE'S INITIALS   *FL*



CITY OF EL PASO, TEXAS  
**NOTICE OF SEPERATION**



Name: Ibarra, Fabricio  
Position: Fire Suppression Technician

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

Date: 06/27/2024

In accordance with the El Paso Fire Department Disciplinary Guidelines, your conduct is determined to be a Level F and E Offense and Deficiency, 1st Offense which has been determined to warrant termination.

Your disciplinary history reflects the following:

1. 9/25/2023: Formal Counseling. 5th occurrence for sick leave usage.
2. 5/3/2022: 60-day suspension. Level F – 1st offense – Performance - AWOL (3 or more consecutive days). Reduced from Termination.
3. 10/5/2020: 5-day suspension. Level C - At Fault Motor Vehicle Accident Resulting in Major Damage to Property (over \$5,000)- 1st offense.

Based on the above specifications, the City of El Paso Fire 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

*FI*

**RECEIVED**

AUG 14 2024

**CIVIL SERVICE  
COMMISSION**

## **Menchaca, Symone**

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**From:** Wiggins, Mary L.  
**Sent:** Wednesday, August 14, 2024 2:45 PM  
**To:** Patrick, Carolyn; Guerra, Araceli  
**Cc:** Menchaca, Symone  
**Subject:** RE: CSC appeal for employee

Thank you Carolyn!!!

Symone – Please accept his appeal as received timely.

Thanks,

*Mary Wiggins*, PHR, SHRM-CP  
Chief Human Resources Officer  
Human Resources Department  
300 North Campbell – 1<sup>st</sup> Floor  
El Paso, Texas 79901  
(915) 212-1267  
[Wigginsml@elpasotexas.gov](mailto:Wigginsml@elpasotexas.gov)

**From:** Patrick, Carolyn <[PatrickC@elpasotexas.gov](mailto:PatrickC@elpasotexas.gov)>  
**Sent:** Wednesday, August 14, 2024 12:49 PM  
**To:** Wiggins, Mary L. <[WigginsML@elpasotexas.gov](mailto:WigginsML@elpasotexas.gov)>; Guerra, Araceli <[GuerraAJ@elpasotexas.gov](mailto:GuerraAJ@elpasotexas.gov)>  
**Subject:** RE: CSC appeal for employee

The email was quarantined due to the .zip file attachment. It has been released.

Regards,  
Carolyn

**From:** Wiggins, Mary L. <[WigginsML@elpasotexas.gov](mailto:WigginsML@elpasotexas.gov)>  
**Sent:** Wednesday, August 14, 2024 12:11 PM  
**To:** Patrick, Carolyn <[PatrickC@elpasotexas.gov](mailto:PatrickC@elpasotexas.gov)>; Guerra, Araceli <[GuerraAJ@elpasotexas.gov](mailto:GuerraAJ@elpasotexas.gov)>  
**Subject:** RE: CSC appeal for employee

Thanks

*Mary Wiggins*, PHR, SHRM-CP  
Chief Human Resources Officer  
Human Resources Department  
300 North Campbell – 1<sup>st</sup> Floor  
El Paso, Texas 79901  
(915) 212-1267  
[Wigginsml@elpasotexas.gov](mailto:Wigginsml@elpasotexas.gov)

**From:** Patrick, Carolyn <[PatrickC@elpasotexas.gov](mailto:PatrickC@elpasotexas.gov)>  
**Sent:** Wednesday, August 14, 2024 12:09 PM

**To:** Wiggins, Mary L. <[WigginsML@elpasotexas.gov](mailto:WigginsML@elpasotexas.gov)>; Guerra, Araceli <[GuerraAJ@elpasotexas.gov](mailto:GuerraAJ@elpasotexas.gov)>  
**Subject:** RE: CSC appeal for employee

I'll let you know what we find.

Regards,  
Carolyn

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**From:** Wiggins, Mary L. <[WigginsML@elpasotexas.gov](mailto:WigginsML@elpasotexas.gov)>  
**Sent:** Wednesday, August 14, 2024 12:07 PM  
**To:** Patrick, Carolyn <[PatrickC@elpasotexas.gov](mailto:PatrickC@elpasotexas.gov)>; Guerra, Araceli <[GuerraAJ@elpasotexas.gov](mailto:GuerraAJ@elpasotexas.gov)>  
**Subject:** FW: CSC appeal for employee  
**Importance:** High

Carolyn,

Are we able to determine if the attached screenshot of emails was sent but maybe caught in a quarantine??

Thanks

*Mary Wiggins*, PHR, SHRM-CP  
Chief Human Resources Officer  
Human Resources Department  
300 North Campbell – 1<sup>st</sup> Floor  
El Paso, Texas 79901  
(915) 212-1267  
[Wigginsml@elpasotexas.gov](mailto:Wigginsml@elpasotexas.gov)

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**From:** Thompson, Paul A. <[ThompsonPA@elpasotexas.gov](mailto:ThompsonPA@elpasotexas.gov)>  
**Sent:** Tuesday, August 13, 2024 7:29 PM  
**To:** Menchaca, Symone <[MenchacaS@elpasotexas.gov](mailto:MenchacaS@elpasotexas.gov)>  
**Cc:** Wiggins, Mary L. <[WigginsML@elpasotexas.gov](mailto:WigginsML@elpasotexas.gov)>; Nicholson, James E. <[NicholsonJE@elpasotexas.gov](mailto:NicholsonJE@elpasotexas.gov)>; Thompson, Paul A. <[ThompsonPA@elpasotexas.gov](mailto:ThompsonPA@elpasotexas.gov)>; [fabricibaronin08@gmail.com](mailto:fabricibaronin08@gmail.com); Paul Thompson <[thompsonlocal51@gmail.com](mailto:thompsonlocal51@gmail.com)>  
**Subject:** Re: CSC appeal for employee

Good day, the employee who wished to file his appeal called me today to ask about the status and I told him I never received an email from him. He sent he emailed the forms to you on July 26 and sent me these screen shots as proof. I'm also attaching the backup documentation. I'm assuming we never got the emails because it was from an email outside of the city email and contained attachments. Can you please advise on the next steps?

Thank you,

Paul Thompson  
1st Vice-President, Local 51  
El Paso Association of Firefighters.  
Lieutenant, EPFD

Paul Thompson  
Lieutenant/Pumper 3-A

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**From:** Menchaca, Symone <[MenchacaS@elpasotexas.gov](mailto:MenchacaS@elpasotexas.gov)>  
**Sent:** Tuesday, July 23, 2024 5:15:37 PM  
**To:** Thompson, Paul A. <[ThompsonPA@elpasotexas.gov](mailto:ThompsonPA@elpasotexas.gov)>  
**Cc:** Wiggins, Mary L. <[WigginsML@elpasotexas.gov](mailto:WigginsML@elpasotexas.gov)>; Nicholson, James E. <[NicholsonJE@elpasotexas.gov](mailto:NicholsonJE@elpasotexas.gov)>  
**Subject:** RE: CSC appeal for employee

Good Afternoon,

The employee may file their appeal here at City 1 or may email the form to me along with the packet they were issued from their supervisor, depending on the issue.

If they are choosing to appeal a suspension or a termination, we have a separate form for that.

If they are appealing a performance review, we have a separate form.

Anything else would be a miscellaneous.

Let me know if you have any more questions.

*Symone Menchaca* | Administrative Support Specialist in Human Resources & Civil Service

The City of El Paso | 300 N Campbell St – 1<sup>st</sup> Floor | El Paso, Texas 79901

915-212-1242

[menchacas@elpasotexas.gov](mailto:menchacas@elpasotexas.gov)

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**From:** Thompson, Paul A. <[ThompsonPA@elpasotexas.gov](mailto:ThompsonPA@elpasotexas.gov)>  
**Sent:** Tuesday, July 23, 2024 12:38 PM  
**To:** Menchaca, Symone <[menchacas@elpasotexas.gov](mailto:menchacas@elpasotexas.gov)>  
**Cc:** Wiggins, Mary L. <[WigginsML@elpasotexas.gov](mailto:WigginsML@elpasotexas.gov)>; Nicholson, James E. <[NicholsonJE@elpasotexas.gov](mailto:NicholsonJE@elpasotexas.gov)>; Thompson, Paul A. <[ThompsonPA@elpasotexas.gov](mailto:ThompsonPA@elpasotexas.gov)>  
**Subject:** CSC appeal for employee

Good afternoon, I got your contact from the city website. I used to send CSC appeals to Mary Holguin but was informed she retired.

I have an employee who wishes to file an appeal to the Civil Service Commission. Can you please let me know who to mail the appeal form to? Do we still use the form attached for the appeal? Is there anything else that needs to be filed with this form?

Thanks for your assistance on this matter.

--

Paul Thompson

Lieutenant/EPFD

1<sup>st</sup> Vice President, Local-51

El Paso Association of Firefighters