

Patricia L. Palafox

El Paso City Civil Service Hearing Officer

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September 9, 2024

Civil Service Commission
c/o Mary Wiggins, Civil Service Commission Secretary
By hand delivery to: Symone Menchaca
300 N. Campbell
El Paso, Texas 79901

Re Civil Service Appeal Kirk Douglas CSC 24-PR-01PP

Dear Ms. Wiggins:

Enclosed are my Recommendation and Exhibits from this Appeal. The City submitted a 3 ring binder with their exhibits, and Mr. Douglas submitted two exhibits, A-1 and A-2. Please process them as usual for the Civil Service Commission. If the Commission desires my presence at the meeting during which they will consider this appeal, please let me know by e mail. It has been the usual procedure in the past few years that they have desired my presence to answer questions and clarify issues.

Neither party requested that the hearing be recorded pursuant to the written rules for doing so. Therefore, I have not recorded the hearing.

Sincerely,



Patricia L Palafox
Hearing Officer

cc: Symone Menchaca, Human Resources

EXHIBITS FROM KIRK DOUGLAS: A-1 AND A-2



**City of El Paso
Parks and Recreation Department
Injury/Incident Report
(NON-EMPLOYEE)**



Complete this report immediately following any injury/incident and notify the immediate supervisor.
Reports are due to the Parks and Recreation Administrative Office within 2 business days.

Incident Date:	2/23/2024	Incident Time:	6:30-10:00	AM	<input checked="" type="checkbox"/>	PM	
Incident Location:	Challo Acosta Sports Center						
Person(s) Involved:	Sabrina, scorekeeper and Kirk Douglas						
Parent's Name (if minor):							
Street Address:	4321 Delta Dr.						
City:	ELP	State:	TX	Zip Code:	79903	Phone:	915-212-2040

Type of Injury/Incident (Continue on Page 2, if more space needed)			
Inappropriate staff behavior			
Describe What Happened (Continue on Page 2, if more space needed)			
I was located in the Tony Ponce gym and Kirk Douglas was located in the Yvan Rechy gym. Several times in between his games and the half times, he came into the Tony Ponce gym. I believe that he was there to try and talk to Sabrina and felt quite confident that he was overtly staring at her and not there to talk to anyone or watch the games. Sabrina was quite uncomfortable each time he walked in and I had to reassure her a couple times that she will not be left alone and we will escort her to her car. That seemed to help her relax and she thanked me.			
Action Taken (Continue on Page 2, if more space needed)			
I remained with Sabrina throughout the night and if I needed to use the restroom, Saory or Malachi would sit with her.			
EMS Called?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Transported to _____
Police Called?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	PD Case No _____
Witnesses	Check One		Title (if applicable)
Name	Staff	Other	
Rebecca Freeman-Henricks	<input checked="" type="checkbox"/>		Sports Site Specialist
Saory Spence	<input checked="" type="checkbox"/>		Recreation Leader
Sabrina, scorekeeper		<input checked="" type="checkbox"/>	Scorekeeper
Employee Completing Injury/Incident Report			
Employee Name (print)	Title	Signature	Date
Rebecca Freeman-Henricks	Sports Site Specialist	<i>[Signature]</i>	2/23/2024
Reviewed			
Reviewer	Employee Name (print)	Signature	Date
Site Supervisor / Coordinator	Malachi Gonzalez	<i>[Signature]</i>	2/26/24
Division Manager	Malachi Gonzalez	<i>[Signature]</i>	2/26/24
Assistant Director			
Interim Director	Pablo Caballero		

Exhibit: A-1

Incident Report





PARKS & RECREATION DEPARTMENT

3/12/24 Date:

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

1. What is your title and how long have you been in that position?

RESPONSE: + 6 months
+ Recreational leader

2. Who is your immediate supervisor?

RESPONSE: + Ruben Martinez

3. Please describe your work relationship with Recreation Leader, Kirk Douglas.

RESPONSE:

We have a coworker relationship other than that we dont have a relationship. He is hard to work with since he is lazy and doesnt follow directives.

4. How would you describe the work relationship with Recreation Leader, Kirk Douglas and other staff members?

RESPONSE:

They all have a coworker relationship. I have seen other coworkers bump heads with him. because he doesnt follow directives.

3/12/24
Date



Saory Spence
Signature

EXHIBIT A-2



PARKS & RECREATION DEPARTMENT

Date:

5. On February 23, 2024, it is alleged that Recreation Leader, Kirk Douglas, was trying to talk to Sabrina and was making her feel uncomfortable. Please describe in detail your observations regarding Kirk's behavior during the alleged incident.

RESPONSE:

~~Feb 23, 2024 I was working at Acosta~~

Feb 23, 2024 I was working at Acosta

but I did not witness the incident happen.

During that ^{day} I wasn't aware of the situation ~~that~~ that occurred. I was later told by other scorekeepers

also I was informed that Kirk cannot work at Tony Ponce gym or be near Sabrina.

6. Why do you think Kirk was at the Tony Ponce gym to talk to Sabrina?

RESPONSE:

I'm not sure of his intentions.

3/12/24
Date

Sorely Spence
Signature



PARKS & RECREATION DEPARTMENT

Date:

7. Have you noticed Kirk have the same type of behavior with other employees?

RESPONSE:

Not that I know of
But I have notice he is a flirt with
scorekeepers.

8. What did Sabrina tell you that made her feel uncomfortable?

RESPONSE:

Sabrina didnt tell me anything
regardin the situation.

3/12/24
Date

Sandy Spene
Signature



PARKS & RECREATION DEPARTMENT

Date:

9. What was Kirk's reaction after you remained with Sabrina for the rest the night?

RESPONSE:

I did not interact with Sabrina
Feb 23, 2024.

10. Are there any other witnesses who may provide additional information?

RESPONSE:

Rebecca Hendricks
Malachi Welch

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

RESPONSE:

~~Q10~~
I'm not sure the exact date but I was told by Kirk when we were working Basketball together that he wanted to work with the new scorekeeper. I'm not sure if this is relevant. But it shows his intentions aren't good

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

3/12/24
Date

Saem Spencer
Signature