



Office of the City Attorney

MAYOR
Oscar Leaser

Via E-Mail: menchacaS@elpasotexas.gov

CITY COUNCIL

September 25, 2024

District 1
Brian Kennedy

Re: City's Written Brief and Response to Recommendation – Douglas, Kirk; DOI: 02/16/2024 – 10 Day Suspension 24-PR-01PP

District 2
Dr. Josh Acevedo

Dear Civil Service Commission:

District 3
Cassandra Hernandez

Over the course of a full day, on August 14, 2024, Hearing Officer Palafox heard the discipline appeal of Mr. Douglas. After hearing the testimony of all ten (10) witnesses, asking many questions, and reviewing the substantial documentary evidence, Hearing Officer Palafox issued a detailed 11-page recommendation.

District 4
Joe Molinar

District 5
Isabel Salcido

The *Recommendation of Hearing Officer* (the "Recommendation"), explains in detail that the City, pursuant to §6.13-6-7 of the City Charter, established by a preponderance of the evidence that it has just grounds for the suspension of Mr. Douglas. As such, based on the merits – the evidence presented and facts established in the hearing, Hearing Officer Palafox recommends that the suspension be sustained. The City respectfully asks the Commission to uphold and accept this appropriate finding under the City Charter §6.13-8, based on the hearing officer's careful consideration of all the arguments and evidence.

District 6
Art Fierro

District 7
Henry Rivera

District 8
Chris Canales

CITY MANAGER
Dionne Mack

However, as a preliminary procedural matter, the Recommendation contains a short section on pages 3 & 4, titled *C. Timeliness of Discipline Notice to Employee*. The Recommendation goes on to state: "I find that the **Notice of Suspension** was served on Kirk Douglas one day too late and the discipline should not be sustained." See pg. 4 (emphasis added). The Recommendation also refers to this an "untimely disciplinary **Notice of Suspension**." See pg. 11 (emphasis added). The Hearing Officer explains that this timeliness issue was not brought up by anyone at the hearing, and that she considered the issue based on Civil Service Commission Rule 8, Section 3 (titled: *Notice of Proposed Disciplinary Action, Procedure, and Limitation on Action*) – and specifically subsection (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."

The City provides this brief to clarify a misunderstanding in the Recommendation and pursuant to the Commission's policy on written briefs and in

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Appeal of Kirk Douglas





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response to the Hearing Officer raising this claimed non-compliance timing issue. This is a discussion of an issue (timing) and evidence attached to this brief that was not previously considered by the Hearing Officer, because the issue was not raised until the Recommendation was issued. The City provides testimony evidence in the form of an affidavit from Sr. Human Resources Analyst Alejandra Rivera, who also testified at the hearing and Mr. Douglas had an opportunity to question Ms. Rivera.

In short, the City's disciplinary action was proper and was timely under the specific Commission's Rule 8, Section 3 – **Notice of Proposed Disciplinary Action**. In this case, and any disciplinary action taken by the City, there is an important distinction and difference between a "Proposed Notice of Suspension" and a final "Notice of Suspension."

The Hearing Officer correctly states that the **Notice of Suspension** was given to Mr. Douglas on June 20, 2024 – but that fact is not important here, and not subject to the 120-day deadline (June 19, 2024). The 120-day deadline only applies to the **Proposed Notice of Suspension**.

Commission Rule 8 makes this distinction:

Rule 8, Section 2 pertains to the "**Disciplinary Notice**" (in other words, the final Notice).

Rule 8, Section 3 follows and pertains to the "**Notice of Proposed Disciplinary Action... and Limitation of Action.**"

On June 3, 2024, the department head Pablo Caballero and Alejandra Rivera met with and provided Mr. Douglas with the Proposed Notice of Suspension. At that meeting, Mr. Douglas was provided the proposed notice and additional documents, which he acknowledged by signing the memorandum. A snapshot is included here and attached as an exhibit.

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Appeal of Kirk Douglas



DELIVERING EXCEPTIONAL SERVICES



Office of the City Attorney

MAYOR
Oscar Leeser

Parks and Recreation Department

CITY COUNCIL

District 1
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District 2
Dr. Josh Acevedo

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salcido

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Art Fierro

District 7
Henry Rivera

District 8
Chris Canales

CITY MANAGER
Dionne Mack

TO: Kirk Douglas, Recreation Leader (031205, 5695)
FROM: Pablo Caballero, Director
DATE: June 3, 2024
SUBJECT: Acknowledgement

This memorandum is to acknowledge you receipt of the following documents regarding the Proposed Notice of Suspension provided to you on June 3, 2024.

- Proposed Notice of Suspension (8 pages)
- Supporting Documents (62 pages)
- Acknowledgements (2 pages)
- Discipline History (9 pages)
- Disciplinary Policy and Matrix (11 pages)

I am acknowledging receipt of the above documents.


Signature

6/3/24
Date

Karla M. Nieman – City Attorney

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0033 /Facsimile: 915-212-0034/ www.elpasotexas.gov

Appeal of Kirk Douglas





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Dionne Mack

CITY OF EL PASO, TEXAS PROPOSED NOTICE OF SUSPENSION		
Name: Kirk Douglas	Last 4 #'s of SS #: 5695	Date: June 3, 2024
Position: Recreation Leader	Employee ID #: 031205	
Address: 3900 Desert Daze Pt El Paso, TX 79938		
From: Parks & Recreation	Subject: Suspension Without Pay	
<p>THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY SUSPENDED FOR <u>10</u> WORKDAYS EFFECTIVE: _____ TO _____</p> <p>THE FOLLOWING ARE THE STATUTORY REASONS OR GROUNDS AND SPECIFICATIONS OF FACTS WHICH HAVE NECESSITATED THIS ACTION:</p> <p>CHARGES:</p> <p>YOU HAVE VIOLATED THE FOLLOWING CITY OF EL PASO CIVIL SERVICE COMMISSION CHARTER PROVISIONS, ORDINANCES, RULES AND REGULATIONS:</p> <p>CITY CHARTER – ARTICLE VI – Civil Service</p> <p>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.</p> <p>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.</p> <p>E. Being wantonly offensive in conduct or language. P. For just cause.</p>		
<p>I HAVE RECEIVED A COPY OF THIS NOTICE</p> <p><i>Kirk Douglas</i> Employee's Signature</p> <p>Date: <u>4/5/24</u></p> <p>BY CERTIFIED MAIL NUMBER: _____</p>		<p><i>[Signature]</i> DEPARTMENT HEAD</p> <p>COPY RECEIVED AND FILED HUMAN RESOURCES BY _____ DIRECTOR</p>

Importantly, Rule 8, Section 3 (e) only requires the City to provide an employee with the proposed disciplinary action being contemplated by the department head. On June 3, 2024, the City complied, because Mr. Douglas was provided the proposed notice over 2 weeks before the June 19, 2024, 120-day deadline.

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

This distinction is important because the purpose of the proposed notice is simply to let an employee like Mr. Douglas know that the department head is

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Appeal of Kirk Douglas





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contemplating taking the proposed action and to give the employee an opportunity to review the documents that form the basis for the proposed disciplinary action. As Rule 8, Section 3 provides, this initial meeting simply triggers a process by which the employee and department head may engage in a discussion with a view toward reaching an agreement.

In this case, on June 20, 2024, Mr. Douglas met with the department head and Ms. Rivera again, but no agreement was reached. So, Mr. Douglas was provided with the final Notice of Suspension under Rule 8, Section 2. Rule 8, Section 2 does not impose a time limit for the City to serve the employee with the final Notice of Suspension. It is simply a final version. The City attempted to meet with Mr. Douglas prior to June 20, but he was unavailable due to being on vacation and leave for several days, and there was a City holiday during that time.

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)

Mr. Douglas was given full opportunity to present his full defense, call witnesses, and cross-examine the City's witnesses. In fact, in addition to testifying himself, Mr. Douglas called two other witnesses over the course of the hearing. However, Hearing Officer Palafox, nonetheless determined that evidence showed that the evidence supported the City's suspension, and the Parks & Recreation Director had the authority to suspend Mr. Douglas based on the facts established the evidence presented.

Karla M. Nieman – City Attorney

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Appeal of Kirk Douglas





Office of the City Attorney

MAYOR
Oscar Leeser

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Marquez".

CITY COUNCIL

Matt Marquez
Assistant City Attorney

District 1
Brian Kennedy

cc: Ms. Patricia Palafox (Via-Email: Palafoxpatricia@sbcglobal.net)
Mr. Kirk Douglas (Via-Email: douglasKE@elpasotexas.gov)

District 2
Dr. Josh Acevedo

District 3
Cassandra Hernandez

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Joe Molinar

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Karla M. Nieman – City Attorney

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0033 /Facsimile: 915-212-0034/ www.elpasotexas.gov

Appeal of Kirk Douglas



DELIVERING EXCEPTIONAL SERVICES

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

IN THE MATTER OF

KIRK DOUGLAS, APPELLANT

AND

THE CITY OF EL PASO

§
§
§
§
§
§
§

DOCKET NO. 24-PR-01PP

**CITY OF EL PASO'S EXHIBIT LIST TO
WRITTEN BRIEF & RESPONSE TO RECOMMENDATION**

#	DESCRIPTION	DATE
	<i>City of El Paso Employee Investigation</i>	
C-16	Employee Acknowledgment Memo & Proposed Notice of Suspension Kirk Douglas – 10 Day	6/3/2024
C-17	Affidavit – Alejandra Rivera – Sr. Human Resources Analyst	9/26/2024
C-18	Civil Service Commission Rule 8, Sections 2 & 3	
C-19	Employee Calendar Dates	6/3/2024 to 6/20/2024



Parks and Recreation Department

MAYOR
Oscar Leoser

TO: Kirk Douglas, Recreation Leader (031205, 5695)

FROM: Pablo Caballero, Director

DATE: June 3, 2024

CITY COUNCIL

SUBJECT: Acknowledgement

District 1
Brian Kennedy

This memorandum is to acknowledge you receipt of the following documents regarding the Proposed Notice of Suspension provided to you on June 3, 2024.

District 2
Dr. Josh Acevedo

- Proposed Notice of Suspension (8 pages)
- Supporting Documents (62 pages)
- Acknowledgements (2 pages)
- Discipline History (9 pages)
- Disciplinary Policy and Matrix (11 pages)

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salcido

District 6
Art Fierro

I am acknowledging receipt of the above documents.

District 7
Henry Rivera

District 8
Chris Canales


Signature

6/3/24
Date

**INTERIM CITY
MANAGER**
Cary Westin

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





CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas
Position: Recreation Leader

Last 4 #'s of SS #: 5695
Employee ID #: 031205

Date: June 3, 2024

Address: 3900 Desert Daze Pl
El Paso, TX 79938

From: Parks & Recreation
Subject: Suspension Without Pay

THIS IS TO NOTIFY YOU THAT YOUR EMPLOYMENT WITH THE CITY OF EL PASO IS HEREBY **SUSPENDED** FOR 10 WORKDAYS EFFECTIVE: _____ TO _____.

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:

- E. Being wantonly offensive in conduct or language;
- P. For just cause.

I HAVE RECEIVED A COPY OF THIS NOTICE

Kirk Douglas
Employee's Signature

Date: 6/3/24

BY CERTIFIED MAIL NUMBER: _____

[Signature]
DEPARTMENT HEAD

COPY RECEIVED AND FILED

HUMAN RESOURCES

BY: _____
DIRECTOR

DISTRIBUTION: Original – Human Resources Department; Copy – Department



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas
Position: Recreation Leader

Last 4 #'s of SS #: 5695
Employee ID #: 031205

Date: June 3, 2024

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:

- e. Is wantonly offensive in his conduct or language towards the public, an elected or appointed official, the head of any department, or his fellow employees; is abusive, threatening, or uses coercive treatment to another employee or a member of the public, or provokes or instigates violence; or abusive to an animal in the care or control of the employee; or (Amended 8/25/09, 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 KD



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas
Position: Recreation Leader

Last 4 #'s of SS #: 5695
Employee ID #: 031205

Date: June 3, 2024

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

Section 4. Resignation Before Appeal Decision

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

Section 5. Disqualification for Reappointment

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

Section 6. Non-Certification of Suspended Persons

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

Section 7. Election to Forfeit Annual Leave

Regular employees suspended for not more than ten (10) working days may elect to forfeit annual leave for a period equal to the suspension, or to the extent of the employee's annual leave balance, subject to approval of the Department Head. The election provided for herein, shall work a waiver of the employee's right to appeal the disciplinary action to the Commission,

EMPLOYEE'S INITIALS KD



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas

Last 4 #'s of SS #: 5695

Date: June 3, 2024

Position: Recreation Leader

Employee ID #: 031205

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 – SEXUAL HARASSMENT PREVENTION POLICY AND PROCEDURES (August 9, 2021)

I. PURPOSE

The City of El Paso is committed to fostering a work environment free from sexual harassment. This policy establishes procedures and responsibilities for reporting, investigating, and resolving suspected and alleged sexual harassment.

Sexual harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964, (as amended), the Civil Rights Act of 1991 and related State of Texas statutes.

EMPLOYEE'S INITIALS KD



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas
Position: Recreation Leader

Last 4 #'s of SS #: 5695
Employee ID #: 031205

Date: June 3, 2024

IV. POLICY

Sexual Harassment is strictly forbidden. Any behavior that constitutes inappropriate workplace behavior is prohibited, regardless of intent or severity, even if it does not meet the definition of Sexual Harassment above. Retaliation against employees for opposing alleged or suspected sexual harassment or for filing a charge, testifying, assisting, or participating in any manner in a Sexual Harassment investigation, proceeding, or hearing is strictly prohibited.

The City will immediately investigate all allegations of Sexual Harassment, which includes any behavior defined above as Sexual Harassment. Any supervisor, coworker or other Agent, of the City who knew or should have known of the alleged Sexual Harassment and did not take immediate action to correct it may be personally liable, in accordance with Texas Labor Code, Chapter 21.

V. PROCEDURES

C. INVESTIGATION AND DISCIPLINE

If an investigation reveals that the complaint is substantiated, prompt disciplinary action and other appropriate measures designed to stop the Sexual Harassment immediately and to prevent its recurrence, will be taken.

VI. SCOPE

In addition to incidents that occur on a City campus or property, the City may investigate and take disciplinary action in response to incidents that take place during official functions of the City, or incidents that have a substantial connection to the interest of the City, regardless of the location in which the incident(s) occur.

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, 2018)

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:

EMPLOYEE'S INITIALS KD



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas
Position: Recreation Leader

Last 4 #'s of SS #: 5695
Employee ID #: 031205

Date: June 3, 2024

A. Basis for Discipline

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

B. Information Gathering and Processing

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

IV. DISCIPLINARY MATRIX

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

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

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

The following are the categories of discipline:

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

1. Identify which State or Federal laws, rules, policies, and/or regulations were violated,

EMPLOYEE'S INITIALS KD



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas	Last 4 #'s of SS #: 5695	Date: June 3, 2024
Position: Recreation Leader	Employee ID #: 031205	

2. Contain narrative specifications (charges) and
3. Include a record of previous discipline, if any. The Notice of Suspension shall be administered by the Department Head. The Department Head, along with supervisors, shall work with the Human Resources Director for specifications. The Notice of Suspension must always be reviewed by the City Attorney's Office before being administered to the employee.

V. APPLICATION OF THE DISCIPLINARY MATRIX

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

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

Level 3 Violation – Sexual Harassment – incident of a sexual nature – 1st Offense: 10-day Suspension

Date Received by Human Resources: February 20, 2024

120th Day Deadline, pursuant to CSC Rule 8 Section 3(e): June 19, 2024

SPECIFICATIONS:

A Fact-Finding Process/Investigation was initiated by Human Resources on February 20, 2024 after a member of the public, working as a Score Keeper, alleged being sexually harassed by you.

Based on the fact-finding process, there is evidence to support violations of the Sexual Harassment Prevention Policy and Procedures, as follows:

EMPLOYEE'S INITIALS KD



CITY OF EL PASO, TEXAS
PROPOSED NOTICE OF SUSPENSION

Name: Kirk Douglas
Position: Recreation Leader

Last 4 #'s of SS #: 5695
Employee ID #: 031205

Date: June 3, 2024

On February 16, 2024, in the course and scope of your employment, you engaged in a conversation with a non-City Score Keeper, while she was engaged in conducting business on City property. On February 17, 2024, the day immediately following your interaction, the score keeper reported the details of your interaction.

Specifically, she reported to Parks and Recreation staff that you began making conversation, and you began asking questions about her age and more personal aspects, such as her relationship status. She informed you that she was only 18 years old, and you asked whether she would date an older guy. She reported that she responded no, but you insisted on essentially trying to minimize your age difference and that you could work things out.

Further, she reported that during the interaction you repeatedly asked her for her social media (Instagram) information, and she told you no multiple times. Similarly, she reported that you repeatedly asked for her phone number, and she had to keep saying no. Overall, she directly reported that the situation made her feel uncomfortable, because of your persistence and not taking no for an answer.

In March and April of 2024, you were asked about this occurrence by investigators/analysts with Human Resources. You acknowledged that you spoke to the Score Keeper about her Instagram account. When the Score Keeper did not give you her Instagram information, you stated that you made a comment to her that Instagram is a public place and questioned her as to why she would not give you her Instagram information if she does not post any "explicit photos". Whether your words were "explicit photos" or "nudes", this insistent questioning on personal matters was still offensive and inappropriate for the workplace. Your repeated and persistent actions went beyond attempting to engage in conversation or getting to know the Score Keeper in a friendly manner.

Additionally, a witness confirmed that you repeatedly stood at the entrance of the gym where the Score Keeper was working and stared at her on more than five (5) occasions causing her to feel uncomfortable in the workplace.

Your actions are in violation of the Sexual Harassment Prevention Policy and Procedures. According to the policy, Sexual Harassment is strictly forbidden. Any behavior that constitutes inappropriate workplace behavior is prohibited, regardless of intent or severity. The policy is designed to stop this type of behavior and prevent its reoccurrence. Your actions and behavior are not in alignment with City's Mission, Vision or Values and will not be tolerated.

Your disciplinary history reflects the following:

On May 8, 2024, you received a **three (3) day suspension** for Disobeying a Direct Order.

Based on the above specifications, the City of El Paso Parks & Recreation Department has determined that your services are to be suspended for **ten (10) workdays**. Be advised that a recurrence of this or of a similar type incident will result in more severe disciplinary action, up to and including termination of your employment with the City of El Paso.

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

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

IN THE MATTER OF

KIRK DOUGLAS, APPELLANT

AND

THE CITY OF EL PASO

§
§
§
§
§
§
§

DOCKET NO. 24-PR-01PP

AFFIDAVIT OF ALEJANDRA RIVERA – SR. HUMAN RESOURCES ANALYST

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

BEFORE ME the undersigned authority, appeared Alejandra Rivera, who, being by me duly sworn, said as follows:

1. “My name is Alejandra Rivera. I am over the age of eighteen (18) years, of sound mind, and capable of making this affidavit. I have never been convicted of a crime and am competent to make this affidavit. The sworn factual statements below are within my personal knowledge and are true and correct.

2. I am one of the Senior Human Resources Analysts (“HR”) with the City of El Paso. I specifically work in the City’s Human Resources Department’s – Employee Relations section. I have worked with the City for about 5 years, since October 2019. I began my career with the City as a HR Analyst, and promoted to a Senior HR Analyst in October 2022. Prior to beginning my professional career with the City, I graduated from the University of Texas of El Paso in 2018, with a degree in human resources.

3. I was assigned to be the lead HR investigator/analyst in this matter. I conducted the investigation over a period of several weeks. I helped prepare the Proposed Notice of Suspension served on Mr. Douglas. As part of HR’s employee relations section, I am routinely involved in disciplinary matters with employees from Parks & Recreation and other City departments.

4. Once the investigation was completed and Proposed Notice of Suspension was prepared and reviewed, the next step was to serve Mr. Douglas with the notice of proposed disciplinary action being contemplated by the Department Head, in this case Pablo Caballero, the Director of the City’s Parks & Recreation Department.



5. On Friday May 31, 2024, myself and Director Caballero were scheduled to meet with Mr. Douglas at the City's "City 3" building to serve Mr. Douglas with the Proposed Notice of Suspension. However, Mr. Douglas did not attend the meeting that day, so we rescheduled for the following Monday June 3, 2024, to promptly provide him with the notice.
6. On Monday June 3, 2024, myself and Director Caballero met with Mr. Douglas. Mr. Douglas was served with the Proposed Notice of Suspension, dated June 3, 2024. The Proposed Notice of Suspension was signed by Mr. Douglas on the bottom left-hand corner of page 1. Attached to this Affidavit is the Proposed Notice of Suspension, signed June 3, 2024.
7. Additionally, at the June 3, 2024, meeting Mr. Douglas was also provided with the written materials in the possession of Director Caballero that formed the factual and evidentiary basis for the proposed disciplinary action. Specifically, Mr. Douglas was provided with several categories of documents and signed an Acknowledgement Memorandum that he received those documents on that day. Attached to this Affidavit is the June 3, 2024 memorandum signed by Mr. Douglas. The purpose of such a meeting is to simply provide the employee with the discipline notice and documents, so the employee can review the details.
8. During the meeting on June 3, 2024, Mr. Douglas was informed that within 10 working days of the notice, he had the option to request a conference meeting with Director Caballero. This 10-day window is meant for an employee, such as Mr. Douglas, to review the notice and documents and decide whether they want to request a conference with the Director to discuss the matter and proposed disciplinary action. In this case that was a 10-day suspension. However, Mr. Douglas did not request the conference to meet with Director Caballero.
9. Once the 10-day window passed, a follow up meeting was scheduled for June 20, 2024, to provide Mr. Douglas with the final Notice of Suspension. The 10-day mark would have occurred on June 17, 2024, but Mr. Douglas was on vacation and leave for several days, and there was a City holiday as well.
10. On June 20, 2024, Mr. Douglas met with myself and Director Caballero. Mr. Douglas was provided with the opportunity to take vacation leave in lieu of suspension, but Mr. Douglas declined. The final Notice of Suspension, dated June 20, 2024, was signed by Mr. Douglas and he began serving the 10-day suspension. Attached to this Affidavit is the final Notice of Suspension, signed June 20, 2024.
11. I am familiar with the manner in which HR and other City department records are created and maintained by virtue of my duties and responsibilities as a Senior Human Resources Analyst. The records are kept in the course of regularly conducted activities by HR and City departments, and it is the regular practice to make these records.

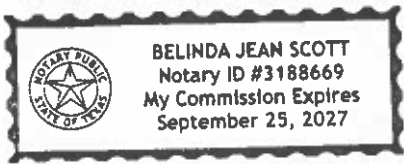
Affiant states nothing further."

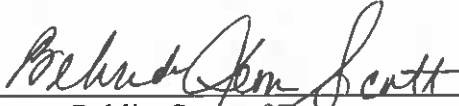
Signed this 26 day of September, 2024.


Alejandra Rivera

BEFORE ME, personally appeared Alejandra Rivera, proved to me through a government issued identification to be the person whose name is subscribed in the foregoing instrument and acknowledged to me that he executed the same for purposes and considerations thereby expressed.

SWORN TO AND SUBSCRIBED before me on this 26th day of September, 2024.




Notary Public, State of Texas

**CIVIL SERVICE
RULES AND REGULATIONS**

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1/20/15; 11/15/16; 3/7/17; 9/19/17;11/28/17



**CIVIL SERVICE
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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: (Amended 7/31/07)

- a. Has been convicted of, or entered a period of deferred adjudication with community supervision for, a felony or Class A or B misdemeanor; or (Amended 9/17/13)
- b. Has willfully, or through culpable negligence been guilty of brutality or cruelty to an inmate or prisoner of a city institution or to a person in custody, provided the act committed was not necessarily or lawfully done in self defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody; or (Amended 3/6/12)
- c. Has been under the influence of intoxicants or drugs or the use thereof while on duty; or
- d. Has contracted a disease or has some physical or mental ailment or defect which makes him unfit for Civil Service, to the extent permissible under federal and state laws. (This subsection may not be availed in any case to effect the discharge of an employee where such employee is entitled to and intends in due course to seek leave of absence for the purpose of procuring proper treatment for such disease if it is curable within the maximum of 12 month time allowed hereunder for leave of absence. Action hereunder will not in anywise affect the right of one suffering physical injury or disability arising from course of employment in the Civil Service to retirement or disability payments under any existing retirement or disability payments, or to participate in any retirement or disability plan adopted by the City); or (Amended 11/13/84, 8/25/09, 9/17/13)
- e. Is wantonly offensive in his conduct or language towards the public, an elected or appointed official, the head of any department, or his fellow employees; is abusive, threatening, or uses coercive treatment to another employee or a member of the public, or provokes or instigates violence; or abusive to an animal in the care or control of the employee; or (Amended 8/25/09, 3/6/12, 9/17/13)
- 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)
- 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)
- h. Abandons his position, has repeated unexcused absences or tardies, abuses leave privileges, or is absent without notification or without the provision of a valid or acceptable reason for the absence; or (Amended 9/17/13)
- i. Fails to meet or maintain qualifications, including but not limited to, failing to obtain or maintain required certificates, licenses or other credentials established for the employee's position or classification; or (Amended 9/17/13)
- j. Has induced, or has attempted to induce an officer or employee in the service of the City to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order; or has taken any fee, gift, or other valuable thing in the course of his work or in connection with it, for his personal use from any person, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than accorded other persons; or (Amended 8/25/09)

k. Deliberately or carelessly acting in a manner that endangers the safety of self or others; or (Amended 9/17/13)

l. Except as permitted in paragraph (q) below, engaging in the following political activity is prohibited and the employee will be subject to disciplinary action for the following conduct (Amended 1/20/15):

- (1) actively engaging in the management or organizational committee of any municipal campaign;
- (2) acting as a worker at the polls in a municipal election;
- (3) participating in the solicitation of money in a municipal election;
- (4) contributing money or other valuables for any political purpose in connection with municipal elections;
- (5) while on duty, engaging in the distribution of any political material;
- (6) while on duty, promoting or engaging in the candidacy of any candidate or political party during any election period, whether it be a partisan or municipal election;
- (7) using city time or resources for any political purpose;
- (8) while wearing a city uniform, engaging in any political activity;
- (9) attempting to influence the vote or political action of any city employee whether superior or subordinate, while on duty;
- (10) attempting to influence, through threat or coercion, the vote or political action of any city employee whether superior or subordinate, while on or off duty;
- (11) recruiting or encouraging other city employees to support or participate in municipal elections;
- (12) accepting political paraphernalia while on duty or on city property;
- (13) using your city title or position in an endorsement for any political election.

Anything not prohibited above is permitted, to include the following:

- (1) engaging in the organizational efforts of partisan elections;
- (2) participating in partisan election steering committees;
- (3) demonstrating their political preference in partisan or municipal elections by displaying political paraphernalia representative of their political preference, so long as the employee is off duty, not in uniform, and not in a city facility, and does not use his city position or title; (Amended 8/25/09)
- (4) participating in the dialogue of community forums in any election;
- (5) endorsing the candidate of their choice in any elections so long as the employee is off duty, not in uniform, and not in a city facility, and does not use his city position or title; (Amended 8/25/09)
- (6) participating in all matters related to their candidate's election in partisan elections;
- (7) joining political clubs and organizations;
- (8) participating in all partisan activities related to the election process.

(Amended 05/07/02)

m. Violates the City's Ethics Ordinance; or (Added 7/31/07)

- n. Refusal to follow the lawful order of a superior or supervisor; or (Added 7/31/07)
- o. Subjecting a fellow employee or subordinate to unlawful intimidation, harassment or retaliation; or (Added 7/31/07)
- p. For just cause; or (Added 7/21/07)
- q. As permitted by law, and as provided in Rule 10, an employee may become a candidate for public office while maintaining his or her employment with the City; however, the employee must continue to fulfill all the duties and responsibilities associated with his or her city employment. An employee is prohibited and will be subject to disciplinary action for campaigning or taking affirmative action for the purpose of gaining nomination or election to public office while on duty, while using city time or resources, and/or while in city uniform. (Added 1/20/15)

Section 2. Disciplinary Notice.

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

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

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

b. Within ten (10) working days of receipt of the notice of proposed disciplinary action, the employee may request a conference with the Department Head. Within five (5) working days of receipt of the employee's response, the Department Head shall meet with the employee, provided further that this period may be extended with the mutual consent of the Department Head and the employee. No witnesses may be called to testify as part of the employee's explanation or response. During the conference, the employee, their representative, and the Department Head shall engage in discussions with a view toward reaching a consensus and agreement relative to the proposed disciplinary action. No part of the discussions that take place during the conference may be offered into evidence at any subsequent hearing, except for the limited purpose of determining compliance or non-compliance with the provisions of this Rule as provided in paragraph "f" and for impeachment purposes. In the event such a consensus is

reached, the execution by the employee of documents finalizing the settlement agreement shall constitute a waiver of the employee's right to appeal to the Commission, and the employee shall be so advised in plain language. (Amended 09/09/03, 01/06/04, 8/25/09; 1/20/15)

c. Respecting discharge, those departments currently using a pre-termination hearing shall not be required to have a conference as contemplated hereinabove provided that the time between notification and hearing shall be at least five (5) days and further provided that there shall be no change to current practices regarding violations of applicable federal laws. (Amended 09/09/03, 01/06/04, 8/25/09)

d. The employee is entitled to have a representative of their choice assist them in the preparation and presentation of their response, provided further that in the event the representative is an employee of the City, he shall use vacation leave or personal days for such time as may be required for the representative to attend the conference. If the employee does not have any accrued vacation or personal days, the employee will be placed on unpaid administrative leave for such time as may be required for the representative to attend the conference. The employee must provide his Department Head with two days notice of the request to take the above leave. The Department Head may disapprove the request if the leave significantly interferes with the operational needs of the department. (Amended 09/09/03, 01/06/04, 8/25/09)

e. A proposed written notice of disciplinary action must be served on an employee within 120 calendar days from the date Human Resources is made aware of the occurrence of the incident giving rise to the discipline, provided however that this period of limitation shall be tolled if an investigation is being conducted by a law enforcement authority into criminal charges against the employee arising out of the same incident. Once a Department Head receives notice from the employee that charges have been preferred, through an indictment or information, or that the criminal investigation has been concluded without the preferral of charges, then the time period will resume running. (Amended 09/09/03, 01/06/04, 8/25/09, 09/19/17)

f. Any issue of non-compliance with these provisions will be considered by the hearing officer and/or Commission upon the appeal of the disciplinary action. (Amended 01/06/04)

g. Excluding Section 3 (e), in computing any time periods set forth in this Rule, Saturdays, Sundays, and City Holidays shall not be included. (Amended 01/06/04, 09/19/17)

h. Nothing in this Rule shall prevent suspension of the employee from service without pay in appropriate circumstances. (Amended 01/06/04)

i. A copy of this Rule shall be attached to each notice of proposed disciplinary action. (Passed 1/6/04)

Section 4. Resignation Before Appeal Decision.

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

Section 5. Disqualification for Reappointment.

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

Marquez, Matthew G.

Subject: Proposed Notice of Suspension (Kirk Douglas/Alondra Aleman)
Location: City 3

Start: Mon 6/3/2024 9:00 AM
End: Mon 6/3/2024 10:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Rivera, Alejandra
Required Attendees: Caballero, Pablo E.



Marquez, Matthew G.

Subject: Kirk Douglas Final Notice of Suspension
Location: City 3

Start: Thu 6/20/2024 9:00 AM
End: Thu 6/20/2024 9:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Rivera, Alejandra
Required Attendees: Caballero, Pablo E.

Douglas, Kirk E

031205

6/01/2024 - 6/21/2024, Selected range of dates

1 Employee(s) Selected

Date	Schedule	Pay Code	Amount	In	Transfer	Out	In	Transfer	Out	Shift	Daily	Period
Sat 6/01	9:00AM-3:00PM			9:02AM		12:59 PM				4.0	4.0	4.0
Sun 6/02												4.0
Mon 6/03	10:00AM-6:30PM			9:58AM		12:30 PM				2.5		
				1:00P M		6:28P M				5.5	8.0	12.0
Tue 6/04	9:30AM-6:00PM			9:33AM		5:58P M				8.5	8.5	20.5
Wed 6/05				9:59AM		11:48 AM				1.8		
				12:18PM		4:00P M				3.7		
		SLP	1.9	4:00PM							7.4	27.9
Thu 6/06	1:00PM-9:30PM			10:58 AM		4:01PM	4:31PM		9:34 PM	10.1	10.1	38.0
Fri 6/07	10:00AM-6:30PM			8:02A M		2:02P M				6.0	6.0	44.0
Sat 6/08												44.0
Sun 6/09												44.0
Mon 6/10	11:30AM-8:00PM			11:03 AM		4:50PM	5:20PM		7:28 PM	8.0	8.0	52.0
Tue 6/11	11:30AM-8:00PM			11:32AM		3:00PM	3:30PM		7:58PM	8.0	8.0	60.0
Wed 6/12		VAC	8.0	8:00AM							8.0	68.0
Thu 6/13		VAC	8.0	8:00AM							8.0	76.0
Fri 6/14		SLF	8.0	8:00AM							8.0	84.0
Sat 6/15												84.0
Sun 6/16												84.0
Mon 6/17		SLF	8.0								8.0	92.0

Date	Schedule	Pay Code	Amount	In	Transfer	Out	In	Transfer	Out	Shift	Daily	Period
Tue 6/18		LWO	2.0									
		VAC	6.0								8.0	100.0
Wed 6/19		Juneteenth	8.0								8.0	108.0
Thu 6/20		LWO	0.07									
	9:00AM-6:15PM			9:00AM		1:31PM	2:02PM		5:30 PM	7.93	8.0	116.0
Fri 6/21		SUS	8.0								8.0	124.0
	12:30AM-9:00PM											

Totals

All

All

Account	Pay Code	Amount	Wages
51270/51270-000056205/0/0/0/0	EV	9.1	\$0.00
51270/51270-000056205/0/0/0/0	HOL	8.0	\$0.00
51270/51270-000056205/0/0/0/0	LWO	2.07	\$0.00
51270/51270-000056205/0/0/0/0	REG	66.03	\$0.00
51270/51270-000056205/0/0/0/0	SLF	16.0	\$0.00
51270/51270-000056205/0/0/0/0	SLP	1.9	\$0.00
51270/51270-000056205/0/0/0/0	SUS	8.0	\$0.00
51270/51270-000056205/0/0/0/0	VAC	22.0	\$0.00
51270/51270-000056205/0/0/0/0	WorkedtimeCPC	66.03	\$0.00