

**MINUTES
OF THE NEW BRAUNFELS CIVIL SERVICE COMMISSION
MEETING OF APRIL 26, 2017**

The Civil Service Commission of the City of New Braunfels, Texas, convened on April 26, 2017, in the Braunfels Room of the New Braunfels City Hall Building.

Commissioners present were: Chairperson Paul Ericksen and Commissioner Fritz Welsch.

City Staff present were: Gary Wuest, Human Resources/Civil Service Director; Tom Bushur, Human Resources/Civil Service Manager; Lori Stidham, Human Resources Associate/Civil Service Associate; Becca Pence, Human Resources Specialist; Val Acevedo, City Attorney; Kenneth Jacks, Fire Chief; Joe Vargas, Assistant Police Chief; Debbie Cunningham, Police Officer; Jeffrey Meier, Police Officer, and Jason Tucker, Police Officer.

The meeting was called to order by Chairperson Ericksen at 9:00 a.m. in the Braunfels Room in the City of New Braunfels City Hall Building.

INDIVIDUAL ITEMS FOR CONSIDERATION:

1. APPROVAL OF MINUTES FROM THE MEETING ON APRIL 20, 2017.

Commissioner Welsch made a motion to approve; Chairperson Ericksen seconded the motion, which was unanimously approved.

2. DISCUSS AND CONSIDER APPROVAL ON NOTICE OF APPEAL BY 3 POLICE OFFICERS OF QUESTION NUMBERS 4, 17, 26, 27, 78, 84, AND 96 FROM THE POLICE CORPORAL PROMOTIONAL EXAMINATION CONDUCTED ON APRIL 10, 2017 FOR THE NEW BRAUNFELS POLICE DEPARTMENT.

Civil Service Director Gary Wuest presented the item and asked for Police Officer Jason Tucker to come forward to present his appeal to the Commission.

Police Officer Jason Tucker presented his appeal of question number 4 from the Police Corporal Promotional Examination.

Jason Tucker explained to the Commission he believed the answer did not support the theory of the reference book.

Chairperson Ericksen stated he believed the correct answer was supported by the reference material.

Commissioner Welsch stated he believed the most correct answer to be D.

Commissioner Welsch asked for comments from Assistant Police Chief, Joe Vargas.

Assistant Police Chief Joe Vargas stated he believed the reference material supported the correct answer as D.

Chairperson Ericksen made a motion to sustain the test question; Commissioner Welsch seconded the motion, which was unanimously approved.

Civil Service Director Gary Wuest asked for Police Officer Jeffrey Meier to come forward to present his appeal to the Commission.

Police Officer Jeffrey Meier presented his appeal of question number 17 to the Commission.

Jeffrey Meier stated that he believed that there is more than one correct answer to this question and there is similar wording in the paragraph above the referenced paragraph regarding the answer to this question.

Chairperson Ericksen stated he did see the similar wording in the above paragraph, but did find the reference material did support the correct answer on the test booklet.

Chairperson Ericksen asked for comments from Assistant Police Chief Joe Vargas.

Assistant Police Chief Joe Vargas explained to the Commission according to the test instructions, to choose the most correct answer. According to the reference material the most correct answer to be C.

Commissioner Welsch stated he believed the correct answer to be C.

Chairperson Ericksen made a motion to sustain the test question; Commissioner Welsch seconded the motion, which was unanimously approved.

Civil Service Director Gary Wuest asked Jason Tucker to continue with his next appeal of question number 26.

Police Officer Jason Tucker presented his appeal of question number 26 stated the question uses the word failure and the reference material uses the word omission. He stated he believed these words have the same meaning; therefore he answered the question as true.

Chairperson Ericksen stated he read inside the state, does not state inside or outside the state.

Commissioner Welsch asked Assistant Police Chief Joe Vargas for comments.

Assistant Police Chief Joe Vargas stated he believed the language of the question was a bit confusing.

Chairperson Ericksen made a motion to eliminate the test question; Commissioner Welsch seconded the motion, which was unanimously approved.

Police Officer Jason Tucker continued with his appeal of question 27 and explained to the Commission the question referred to an affirmative offense, which does not exist. The correct terminology is affirmative defense.

Assistant Police Chief Joe Vargas and City Attorney Val Acevedo both agreed with Police Officer Jason Tucker and stated the correct term is affirmative defense.

Chairperson Ericksen made a motion to eliminate the test question; Commissioner Welsch seconded the motion, which was unanimously approved.

Civil Service Director Gary Wuest asked Police Officer Jason Tucker to continue with his appeal of question 78.

Police Officer Jason Tucker stated to Commission to withdraw his appeal of question number 78.

No appeal for question number 78, this question will stand as is.

Civil Service Director Gary Wuest asked if Police Officer Peter Carollo there to present his appeal of question number 84.

Police Officer Peter Carollo was not in attendance to present his appeal of question number 84.

No appeal for question number 87, this question will stand as is.

Civil Service Director Gary Wuest asked for Police Officer Jason Tucker to present his final appeal of question number 96.

Police Officer Jason Tucker presented his appeal of question 96, by explaining to the Commission that he believed that both answers B and D were correct statements in reference to the question.

Chairperson Ericksen asked for comments from Assistant Police Chief Joe Vargas.

Assistant Police Chief Joe Vargas stated that he agreed with Police Officer Jason Tucker.

City Attorney Val Acevedo explained to the Commission that both answers B and D are correct statements.

Chairperson Ericksen made a motion to overrule the answer key and allow both answers B and D to be correct; Commissioner Welsch seconded the motion, which was unanimously approved.

3. DISCUSS AND CONSIDER APPROVAL AND CERTIFICATION OF THE ELIGIBILITY LIST FOR POLICE CORPORAL FROM THE PROMOTIONAL EXAMINATION CONDUCTED ON APRIL 10, 2017 DEPENDING ON THE OUTCOME OF ITEM NUMBER 2.

Civil Service Director Gary Wuest explained to the Commission that test booklets will be re-graded, therefore there is no action required on this item.

4. DISCUSS AND CONSIDER APPROVAL AND CERTIFICATION OF THE ELIGIBILITY LIST FOR FIRE ENGINEER FROM THE PROMOTIONAL EXAMINATION CONDUCTED ON APRIL 3, 2017.

Civil Service Director Gary Wuest presented and discussed the item.

Chairperson Ericksen asked if there were any changes to the list.

Civil Service Assistant Lori Stidham explained that the first four ranks did not change, however the employees in ranks 5, 6, and 7 did change rank order.

Commissioner Welsch asked how many vacancies for Fire Engineer.

Civil Service Manager Tom Bushur answered there are four vacancies.

Commissioner Welsch made a motion to approve; Chairperson Ericksen seconded the motion, which was unanimously approved.

5. EXECUTIVE SESSION - The Commission may retire to an Executive Session on any agenda item as provided under Chapter 551.074 (personnel matters) and 551.071 (consultation with attorney concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct) of the Texas Government Code and/or Section 143.053(d) of the Texas Local Government Code, as applicable.

No items for executive session.

6. FUTURE AGENDA ITEMS

Civil Service Assistant Lori Stidham distributed an updated list of possible meetings to the Commission.

ADJOURNMENT: Meeting adjourned at 9:22 a.m.

Date Approved: May 1, 2017

[Signature]
Commission Member

[Signature]
Commission Member

Attest:

[Signature]
GARY WUEST, Recording Secretary