

**MINUTES
CITY OF NEW BRAUNFELS CIVIL SERVICE COMMISSION MEETING
July 29, 2014**

The Civil Service Commission of the City of New Braunfels, Texas, met on July 29, 2014 at the New Braunfels Municipal Building in Council Chambers.

Commissioners present were: Chairperson Jan Kotylo, Vice-Chairperson Pat Clifton and Commissioner Fritz Welsch, Jr.

City Staff present were: Gary Wuest, Human Resources/Civil Service Director; Tom Bushur, Human Resources/Civil Service Manager; Lori Stidham, Senior Human Resources Assistant/Civil Service Assistant; Becca Pence, Human Resources Specialist; Derek Wrenn, Assistant Fire Chief; Joe Vargas, Assistant Police Chief; Val Acevedo, City Attorney; Michael Wehman, Battalion Chief; Rick Edwards, Battalion Chief; Ethan Lindner, Fire Captain; Xavier Larralde Fire Lieutenant; Garrick Herbert, Fire Lieutenant; Robert Garcia, Fire Engineer; Chris Peltier, Police Sergeant; Randy Bryan, Police Officer and Bill Morta.

The meeting was called to order by Chairperson Kotylo at 2:59 p.m.

ITEM 1. APPROVAL OF MINUTES FROM THE MEETING ON JULY 9, 2014.

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

ITEM 2. DISCUSSION AND POSSIBLE ACTION FOR APPROVAL AND CERTIFICATION OF THE ELIGIBILITY LIST FOR FIRE CAPTAIN FROM THE PROMOTIONAL EXAMINATION CONDUCTED ON MAY 28, 2014.

Civil Service Director Gary Wuest and Civil Service Assistant Lori Stidham presented and discussed the item.

Vice-Chairperson Clifton made a motion to approve; Chairperson Kotylo seconded the motion, which was unanimously approved.

ITEM 3. DISCUSSION AND POSSIBLE ACTION ON NOTICE OF APPEAL BY ONE FIRE CAPTAIN OF THE FOLLOWING QUESTION NUMBUBERS 6, 21, 41, 67, 85, 88, 113, 137 AND 139 FROM THE BATTALION CHIEF PROMOTIONAL EXAMINATION CONDUCTED ON JULY 1, 2014 FOR THE NEW BRAUNFELS FIRE DEPARTMENT.

Civil Service Director Gary Wuest presented the item. Civil Service Assistant Lori Stidham introduced Fire Captain Ethan Lindner who presents his appeal for the following questions:

Chairperson Kotylo asked what is taken into the testing room for a promotional examination.

Civil Service Assistant Lori Stidham answered reference books are not allowed in the testing room and the Human Resources Department provide the pencils, calculators and hands out the test booklets. She went on to explain if any of the test takers bring a cell phone, they are instructed to place their phone under their chair, under the table or against the wall.

Question #6: Fire Captain Ethan Lindner presented his appeal of question number 6, by stating he marked B as the correct answer. He stated that the referenced books Chief Officer and the Hazardous Material give conflicting answers. To this question and believes the correct answer is B, immediately.

Vice-Chairperson Clifton according to the reference material that was provided supports both A and B as correct answers.

Commissioner Welsch stated he believed the key words are formal debriefing and a debriefing may be done immediately after an incident, but for a formal debriefing answer A would be the most correct answer.

Chairperson Kotylo made a motion to sustain question number 6; Commissioner Welsch seconded the motion, which was unanimously approved.

Question # 21: Fire Captain Ethan Lindner presented his appeal for question number 21; he marked the correct answer as B, covalent.

Chairperson Kotylo read from the reference material charged particles, atoms or groups of atoms form ions or complex ions, and covalent bonding is just holding together.

Fire Captain Ethan Lindner stated that the wording of the question, you can draw conclusions either way.

Vice-Chairperson Clifton thought that answer B, covalent seemed to be a correct answer as well. He stated the key word under covalent was sharing electron, which he thought was part of the answer and transferring electrons to another sounds like sharing, but oppositely charged particles is ionic.

Chairperson Kotylo stated that three test takers chose the correct answer and one did not.

Chairperson Kotylo made a motion to sustain question number 21; Commissioner Welsch seconded the motion, which was unanimously approved.

Question #41: Vice-Chairperson Clifton read from the reference material that would support that both answers A and B are correct.

Commissioner Welsch stated that both answers A and B are correct, and Chairperson Kotylo agreed that both answers are correct.

Commissioner Welsch asked Fire Captain Ethan Lindner what answer he chose and he responded answer B.

Vice-Chairperson made a motion to overrule the answer key; Chairperson Kotylo seconded the motion, which was unanimously approved.

Question #67: Fire Captain Ethan Lindner presented his appeal for question number 67, he believes all the answers given could not be the correct answer and the reference material does not support the answer to the question.

Vice-Chairperson Clifton made a motion to eliminate question number 67; Chairperson Kotylo seconded the motion, which was unanimously approved.

Question #85: Fire Captain Ethan Lindner presented his appeal for question number 85, by stating he marked B as the correct answer. He again stated that the reference books Chief Officer and Hazardous Materials give conflicting answers to the same question.

Vice-Chairperson Clifton stated according to the reference material provided, it supports the correct answer as D, Planning. He also added he could not find anything in the reference material to support another correct answer.

Civil Service Director Gary Wuest reminds the Commission they may ask for a second opinion from Chief or other members of the audience.

Assistant Fire Chief Wrenn stated that Fire Captain Ethan Lindner is correct and that question number 85 has two correct answers.

Vice-Chairperson Clifton asked Fire Chief Wrenn if the incident command system only for hazmat. Assistant Fire Chief Wrenn answered no it is not.

Vice-Chairperson Clifton stated that the question does not specify hazmat.

Fire Captain Ethan Lindner apologizes to the Commission for not being prepared, and explained he was not allowed to write the questions down when he reviewed his test.

Civil Service Director Gary Wuest explains to the Commission according to Chapter 143, copying or photo copying is not allowed.

Vice-Chairperson Clifton stated they should be allowed to come in early to prepare for an appeal.

Civil Service Assistant Lori Stidham explained to the Commission they are permitted to review their test booklet and answers after the examination. She goes on to explain they are able to bring material supporting their appeal to the Commission, but there are not allowed to copy or take their test booklet from the Human Resources offices when reviewing their test.

Civil Service Assistant Lori Stidham explains to the Commission that the back-up for each question was provided from the testing company as to where the question and answer is referenced from.

Vice-Chairperson Clifton stated according to the reference material provided, it supports the answer to the question is correct.

Fire Lieutenant Xavier Larralde stated that the questions come from a test bank, and the question can be eliminated, so it would not appear on another test. He also stated regarding the incident command system, if there is not a hazmat team, you would call Planning and request a hazmat team. The Planning division would then contact Logistics to request a hazmat team. He went on to explain that most small fire departments do not have a hazmat team, but larger department usually do and it would be under Operations.

Police Sergeant Chris Peltier stated to the Commission that there is nothing in Chapter 143 that states test questions cannot be copied and what is in the local rules in an internal policy.

Civil Service Director Gary Wuest explained to the Commission by reading from Chapter 143.034 that a promotional candidate may not remove the examination or copy a question used in the examination. He further explained that does support the local rules and if the Commission wishes to discuss at a future meeting.

Chairperson Kotylo asked if that was in regards to appeals, Civil Service Director Gary Wuest answered yes.

Fire Captain Ethan Lindner stated he understands due to copyrights of the testing companies, but he believes they should be able to make some notes when reviewing a test.

Chairperson Kotylo made a motion to eliminate question number 85; Commissioner Welsch stated if there are two correct answers then the answer key should be overruled. Vice-Chairperson Clifton stated the question should be sustained. After discussion, Vice-Chairperson Clifton seconded the motion, which was unanimously approved.

Question #88: Fire Captain Ethan Lindner presented his appeal for question number 88, by stating he chose answer C as the correct answer. He explained that interoperability not only includes compatibility of radio systems, but this includes procedures and protocols that agencies and jurisdictions share.

Assistant Fire Chief Wrenn agreed and stated that Fire Captain Ethan Lindner is correct.

Chairperson Kotylo stated that three out of the four test takers chose C as the correct answer.

Chairperson Kotylo made a motion to overrule the answer key for question number 88; Vice-Chairperson seconded the motion, which was unanimously approved.

Question #113: Chairperson Kotylo stated that three out of the four test takers chose the incorrect answer, but all chose different answers.

Vice-Chairperson Clifton asked Fire Captain Ethan Lindner what reference material he found that supports the answer degradation.

Fire Captain Ethan Lindner explained that when a suit is purchased you should know how quickly a suit degrades.

Vice-Chairperson Clifton stated that in the reference material provided supports the correct answer as permeation.

Vice-Chairperson made a motion to sustain question number 113; Commissioner Welsch seconded the motion, which was unanimously approved.

Question #137: Fire Captain Ethan Lindner presented his appeal, by stating he chose the correct answer as B.

Vice-Chairperson Clifton stated that answer is regarding horizontal organization, and the question is referring to functional organization.

Chairperson Kotylo further explained the question is looking for functional supervision organization.

Chairperson Kotylo made a motion to sustain question number 137; Vice-Chairperson Clifton seconded the motion, which was unanimously approved.

Question #139: Chairperson Kotylo stated she found the answer as location of command post in the reference material.

Fire Captain Ethan Lindner stated he forgot why he marked the question wrong and that he marked D as the correct answer.

Vice-Chairperson Clifton stated according to the reference material provided it supports the correct answer as A, location of command post.

Vice-Chairperson Clifton made a motion to sustain question number 139; Chairperson Kotylo seconded the motion, which was unanimously approved.

ITEM 4. DISCUSSION AND POSSIBLE ACTION FOR APPROVAL AND CERTIFICATION OF THE ELIGIBILITY LIST FOR BATTALION CHIEF FROM THE PROMOTIONAL EXAMINATION CONDUCTED ON JULY 1, 2014 DEPENDING ON THE OUTCOME OF ITEM 3.

No action was taken on this item, due to the Battalion Chief tests will be regarded and then presented on the next agenda for approval.

ITEM 5. DISCUSSION AND POSSIBLE ACTION FOR APPROVAL AND CERTIFICATION OF THE NEW BRAUNFELS FIRE DEPARTMENT SERVICE/SENIORITY HISTORY DATED JULY 29, 2014.

Civil Service Assistant Lori Stidham presented and discussed the item.

Chairperson Kotylo made a motion to approve; Vice-Chairperson seconded the motion, which was unanimously approved.

ITEM 6. DISCUSSION AND POSSIBLE ACTION FOR APPROVAL AND CERTIFICATION OF THE NEW BRAUNFELS POLICE DEPARTMENT SERVICE/SENIORITY HISTORY DATED JULY 29, 2014.

Civil Service Assistant Lori Stidham presented and discussed the item.

Vice-Chairperson Clifton made a motion to approve; Chairperson Kotylo seconded the motion, which was unanimously approved.

ITEM 7. DISCUSSION AND POSSIBLE ACTION TO UPDATE AND AMEND THE CITY OF NEW BRAUNFELS FIREFIGHTERS AND POLICE OFFICERS CIVIL SERVICE COMMISSION RULES AND REGULATIONS LOCAL RULES BY ADDING ILLICIT SUBSTANCE DISQUALIFIER.

Civil Service Assistant Lori Stidham and Police Officer Randy Bryan presented and discussed the item.

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

Fire Lieutenant Garrick Herbert asked the Commission what the new disqualifier that was added and if the Commission could read it aloud.

Chairperson Kotylo read the added illicit substance disqualifier that was added to the local rules.

EXECUTIVE SESSION

DELIBERATE PENDING/CONTEMPLATED LITIGATION, SETTLEMENT OFFER(S), AND MATTERS CONCERNING PRIVILEGED AND UNPRIVILEGED CLIENT INFORMATION DEEMED CONFIDENTIAL BY RULE 1.05 OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION 551.071, OF THE TEXAS GOVERNMENT CODE.

Chairperson Kotylo announced that the Commission will be retiring into Executive Session.

The Civil Service Commission, Chairperson Jan Kotylo, Vice-Chairperson Pat Clifton, and Commissioner Fritz Welsch, retired into Executive Session with City Attorney Val Acevedo, Civil Service Director Gary Wuest, Civil Service Manager Tom Bushur and Civil Service Assistant Lori Stidham at 3:36 pm.

The Civil Service Commission reconvened into open session at 4:05 pm. Chairperson Kotylo announced no action was taken during executive session.

Future Agenda Items

Civil Service Director Gary Wuest announced to the Commission that another Civil Service meeting will be scheduled to approve the Battalion Chief Eligibility List. The next Civil Service meeting was tentatively scheduled for Tuesday, August 12, 2014 at 1:00 pm.

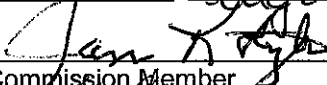
Motion to adjourn was made.

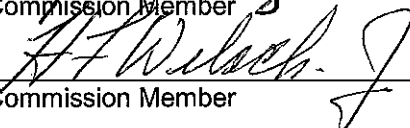
ADJOURNMENT: Meeting adjourned at 4:06 p.m.

Attest:



GARY WUEST, Recording Secretary

Date Approved: August 15, 2014


Commission Member


Commission Member