

**MINUTES
OF THE NEW BRAUNFELS CIVIL SERVICE COMMISSION
MEETING OF MARCH 27, 2017**

The Civil Service Commission of the City of New Braunfels, Texas, convened on March 27, 2017, in the Braunfels Room of the New Braunfels City Hall Building.

Commissioners present were: Chairperson Paul Ericksen, Vice-Chairperson Cesar Castilleja 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; Val Acevedo, City Attorney; Kenneth Jacks, Fire Chief; Derek Wren, Assistant Fire Chief; Rick Edwards, Battalion Chief; Donald Obuch, Battalion Chief; Ethan Lindner, Battalion Chief; Patrick O'Connell, Fire Captain; Eric Wyatt, Fire Lieutenant; Lee Barker, Fire Engineer; Justin Doegey, Fire Engineer; Clinton Hindman, Fire Engineer; Chris Nored, Fire Engineer; and Cody Williams, Fire Engineer.

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 MARCH 16, 2017.

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

2. DISCUSS AND CONSIDER APPROVAL ON NOTICE OF APPEAL BY 3 FIRE ENGINEERS OF QUESTIONS NUMBERS 14, 73, 75, 87 AND 119 FROM THE FIRE LIEUTENANT PROMOTIONAL EXAMINATION CONDUCTED ON MARCH 13, 2017 FOR THE NEW BRAUNFELS FIRE DEPARTMENT.

Civil Service Director Gary Wuest presented the item and introduced Fire Engineer Cody Williams to the Commission.

Fire Engineer Cody Williams presented his appeal of question number 14 from the Fire Lieutenant Promotional Examination. He presented printed material from three other chapters of the reference material to the Commission which he stated included conflicting information regarding question number 14.

Chairperson Ericksen asked Chief Jacks what would be the general range.

Chief Jacks answered that he has seen several different numbers within the same range in different books, with five being the consistent number within the range.

Vice-Chairperson asked Chief Jacks the other ranges were included in other books that were not reference books.

Chief Jacks answered yes.

Commissioner Welsch asked if the material Fire Engineer Williams provided is from the same reference book and Cody Williams answered yes.

Commissioner Welsch goes on to state that according the supporting material provided, the most correct answer is b. 2 to 7.

Civil Service Assistant asked Fire Engineer Williams which answer he chose.

Fire Engineer Williams stated he chose answer d. 1 to 5.

Civil Service Director Gary Wuest presented statistics on how many test takers answered correctly and how many answered in-correctly. There were a total of 23 test takers and 16 answered correctly and 7 incorrectly.

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

Civil Service Director Gary Wuest presented the item and introduced Fire Engineer Justin Doegey to the Commission.

Fire Engineer Justin Doegey presented his appeal of question number 73 from the Fire Lieutenant Promotional Examination. Fire Engineer Doegey stated to the Commission that he selected c. Combustible wood frame as the correct answer. He further explained that this was taught while he attended Fire Academy and that the whole structure is wood, then the entire structure can burn. He further explained that he found contradicting information in other referenced books regarding this question.

Vice-Chairperson Castilleja asked for statistics on question number 73.

Civil Service Director Gary Wuest stated that 5 answered correctly and 18 answered incorrectly.

Chairperson Ericksen asked Fire Engineer Doegey if the "presence of extensive concealed voids" is not mentioned more than "combustible wood frame" in the reference materials.

Vice-Chairperson Castilleja added three out of the five reference books.

Fire Engineer Doegey answered that the concealed voids is a very specific issue, and that the main concern is it a wood structure.

Vice-Chairperson Castilleja stated that within the study material how often is "concealed voids" is mentioned.

Fire Engineer Doegey answered that combustible wood frame is only mentioned in one reference book.

Commissioner Welsch asked any comments from Chief Jacks.

Chief Jacks stated that on the test booklet it states which book the question was referenced from.

Fire Engineer Doegey asked Chief Jacks without reading the reference material, how he would answer the question.

Fire Chief Jacks stated, without studying the reference material he would answer combustible wood frame.

Chairperson Ericksen made a motion to sustain the answer key; Vice-Chairperson Castilleja seconded the motion, which was unanimously approved.

Fire Engineer Justin Doegey presented his appeal of question number 75 from the Fire Lieutenant Promotional Examination. Fire Engineer Doegey stated to the Commission that he answered c. Regulations of combustible interior finishes. He stated to the Commission again there is contradicting information regarding this question in other referenced books.

Fire Engineer Doegey asked Fire Captain O'Connell and Battalion Chief Ethan Lindner for their comment.

Fire Captain O'Connell and Battalion Chief both declined to answer.

Chairperson Ericksen asked if there were specific codes changed, besides the sprinklers.

Fire Engineer Doegey answered yes, that three codes were changed.

Vice-Chairperson Castilleja made a motion to sustain the answer key; Chairperson Ericksen seconded the motion, which was unanimously approved.

Civil Service Director Gary Wuest presented the item and introduced Fire Engineer Clinton Hindman to the Commission.

Fire Engineer Clinton Hindman presented his appeal of question number 87 from the Fire Lieutenant Promotional Examination. Fire Engineer Hindman stated in the reference book it states that the highest rating required by the building code is four hours and it does not mention four or more hours. According to the reference material the sentence before states that the highest rating is two or more, therefore he answered the question as c. two, because he knew it was not more than four.

Vice-Chairperson Castilleja asked for statistics from Civil Service Director Gary Wuest.

Civil Service Gary Wuest stated that 11 answered correctly and 12 answered incorrectly.

Chairperson Ericksen stated that according to the reference material provided states four hours and does not mention four or more hours.

Chairperson Ericksen made a motion to eliminate the test question; Vice-Chairperson Castilleja seconded the motion, which was unanimously approved.

Fire Engineer Clinton Hindman presented his appeal of question number 119 from the Fire Lieutenant Promotional Examination. Fire Engineer Clinton explained to the Commission that he believed the question does not provide enough information to answer the question correctly. He stated he chose answer b. Class III, but believed both answers a and b are correct.

Vice-Chairperson Castilleja asked for insight from Chief Jacks.

Chief Jacks answered that both answers a and b are both correct, based on the study material.

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

3. DISCUSS AND CONSIDER APPROVAL AND CERTIFICATION OF THE ELIGIBILITY LIST FOR FIRE LIEUTENANT FROM THE PROMOTIONAL EXAMINATION CONDUCTED ON MARCH 13, 2017 DEPENDING ON THE OUTCOME OF ITEM 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.

City Attorney Val Acevedo stated that the item will be postponed to the next meeting.

Vice-Chairperson Castilleja made a motion to postpone Item 3; Chairperson Ericksen seconded the motion, which was unanimously approved.

4. 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.

Should any final decision, or final vote be required in the opinion of the members of the Civil Service Commission, with regard to any matter considered in such closed or executive meeting or session, then the final act, final decision, or final vote shall be either: a) In the open meeting covered by the notice upon the reconvening of the public meeting, or b) At a subsequent public meeting of the Civil Service Commission upon notice thereof, as the Commission shall determine.

Chairperson Ericksen announced the Commission will be retiring into Executive Session.

The Civil Service Commission, Chairperson Ericksen, Vice-Chairperson Castilleja, and Commissioner Welsch, retired into Executive Session with Civil Service Director Gary Wuest, Civil Service Manager Tom Bushur, Civil Service Assistant Lori Stidham and Bettye Lynn (outside legal counsel) via telephone at 9:36 am.

The Civil Service Commission reconvened into open session at 10:06 am. Chairperson Ericksen announced no action was taken during Executive Session.

5. DISCUSS AND TAKE ACTION ON APPEAL OF TEMPORARY SUSPENSION FILED BY FIRE DEPARTMENT EMPLOYEE DONALD OBUCH ON MARCH 21, 2017

Chairperson Ericksen asked Battalion Chief Donald Obuch if he had any questions or discussions.

Battalion Obuch explained to the Commission he was not sure of the status of his appeal.

Civil Service Director Gary Wuest explained to Battalion Chief Obuch that the purpose of this item is to approve or deny his appeal. He further explained that he may present his reason for his appeal, but not to include details of the suspension.

Battalion Obuch presented his appeal to the Commission.

City Attorney Val Acevedo explained to the Commission that she represents Chief Jacks in this matter and that the validity of the suspension is not in question, but rather the appeal from Battalion Obuch to the Commission regarding the use of vacation time in lieu of suspended time. She further explained that based on the Local Rules it is the Chief's understanding that Battalion Chief Obuch forfeited his right to an appeal by requesting in writing his wish to use vacation time in lieu of suspended unpaid time, which was approved by the Chief. City Attorney Val Acevedo referenced Local Rule, Section 143.052, and paragraph two to the Commission, which supports the Chief's argument. City Attorney Val Acevedo asked the Commission based on the Local Rules that the Commission take no action and deny Battalion Chief Obuch's appeal.

Vice-Chairperson Castilleja made a motion to deny the appeal; Commissioner Welsch seconded the motion, which was unanimously approved.

6. FUTURE AGENDA ITEMS

Civil Service Assistant Lori Stidham distributed an updated list of possible meetings to approve eligibility lists and promotional appeals to the Commission.

ADJOURNMENT: Meeting adjourned at 10:16 a.m.

Date Approved: April 5, 2017

Paul Ericksen

Commission Member

A. F. Welsch, Jr.

Commission Member

Attest:

Gary Wuest

GARY WUEST, Recording Secretary