

City of Las Vegas

BOARD OF CIVIL SERVICE TRUSTEES
CITY HALL, 400 STEWART AVENUE
CITY CLERKS FIRST FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov

MINUTES

January 11, 2012

4:30 PM

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. UNLESS OTHERWISE STATED, ITEMS MAY BE TAKEN OUT OF THE ORDER PRESENTED AT THE DISCRETION OF THE CHAIRPERSON. TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 PER CD THROUGH THE CITY CLERKS OFFICE.

1. [CALL TO ORDER](#)

Minutes:

CHAIR WHITE called the meeting to order at 4:30 p.m.

PRESENT: CHAIR WHITE and MEMBERS STEINMAN, ROCHA, BEALS, and SPURLOCK

Also Present: SECRETARY DAN TARWATER, CHIEF DEPUTY CITY ATTORNEY MORGAN DAVIS and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER

2. [ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW](#)

Minutes:

ANNOUNCEMENT MADE: - This meeting has been properly noticed and posted at the following locations: City Hall Plaza, 400 Stewart Avenue, Vending Area; City Clerk's Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge; Las Vegas Library, 833 Las Vegas Boulevard North; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue

3. [PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED](#)

Minutes:

None.

4. [For possible action to approve the Final Minutes by reference of the Regular Meeting of December 14, 2011](#)

Motion made by PRISCILLA ROCHA to Approve

Passed For: 4; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS; Against-(None); Abstain-(DAVID W. STEINMAN); Did Not Vote-(None); Excused-(None)

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NOTE: MEMBER STEINMAN abstained because he was not present for the meeting of December 14, 2011.

5. Discussion for possible action to certify the Eligible List for Communications Specialist (promotional); Communications Specialist (open); Corrections Officer (promotional); Corrections Officer (open); Deputy City Marshal (promotional); Deputy City Marshal (open); Environmental Systems Technician Trainee (promotional); Environmental Systems Technician Trainee (open); Fire Captain (promotional); Municipal Court Marshal (promotional); Municipal Court Marshal (open); Streets & Sanitation Crew Leader (promotional)

Motion made by DAVID W. STEINMAN to Approve

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, DAVID W. STEINMAN, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS;
Against-(None); Abstain-(None); Did Not Vote-(None); Excused-(None)

6. Discussion for possible action to certify the Job Descriptions for Segal Class/Comp : Building Services Electrician, formerly Building Services Electrician II [revised]; Community Program Specialist, formerly Recreation Leader I/II (X) [revised]; Community Program Supervisor, formerly Leisure Activities Supervisor [revised]; Facilities Maintenance Supervisor [revised]; Inclusion Recreation Specialist, formerly Adaptive Recreation Leader [revised]; Insurance Services Specialist, formerly Employee Benefits Specialist, Safety/Liability Specialist, and Workers Compensation Specialist [revised]; Legal Secretary, formerly Legal Secretary and Legal Secretary-Criminal Division [revised]; Maintenance Worker, formerly Maintenance Worker I/II (X) [revised]; Payroll Assistant, formerly Payroll Assistant I [revised]; Pool Technician [revised]; Principal Aquatic Specialist, formerly Aquatics Supervisor [revised]; Principal Community Program Specialist, formerly Leisure Services Coordinator [revised]; Rapid Response Crew Leader [revised]; Rapid Response Supervisor, formerly Rapid Response Team Supervisor [revised]; Senior Community Program Specialist, formerly Recreation Activities Specialist and Senior Recreation Leader [revised]; Senior Inclusion Recreation Specialist, formerly Senior Adaptive Recreation Leader [revised]; Transportation Planning Modeler, formerly Transportation Planning Modeler (X) and Senior Transportation Planning Modeler (X) [revised]

Motion made by PRISCILLA ROCHA to Approve

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, DAVID W. STEINMAN, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS;
Against-(None); Abstain-(None); Did Not Vote-(None); Excused-(None)

7. Discussion for possible action on the receivability of the Notice of Appeal Edmund Belanger

Motion made by DAVID W. STEINMAN to Deny, thereby not receiving the appeal

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

ANDREAS SPURLOCK, DAVID W. STEINMAN, MALCOLM WHITE, PRISCILLA ROCHA, EVELYN BEALS;
Against-(None); Abstain-(None); Did Not Vote-(None); Excused-(None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY MORGAN DAVIS discussed the rules on appeals. EDMUND BELANGER, appellant, filed an appeal concerning the promotional test for Fire Battalion Chief and it is at the discretion of the board to receive the appeal. If the appeal is received, a date will be set to hear the appeal. Today's decision is solely to decide whether or not to receive the appeal. The purpose of the board is set within its rules, which state that when not in conflict with collective bargaining agreements or the Personnel Policy Manuals, they are to provide for (a) recruitment examination and placement procedures, (b) the classification of positions, (c) procedures for promotions of employees, (d) procedures for discrimination actions against in the discharge of employment, and (e) provide for appeals with respect to actions taken on (c) and (d) above. On first blush, the purpose is not to hear appeals on recruitment examination and placement

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procedures, but on procedures for promotions and discrimination. Furthermore, according to Section 3, an employee in classified service may appeal any final administrative action. In general, in deciding whether or not to receive an appeal, the Board needs to consider the following basic questions: 1) Does the person filing the appeal have standing in front of the board? In this case, that is without question as the appellant is a classified employee. 2) Is the employee trying to appeal a decision governed by the Boards rules and within its power to hear? In CHIEF DEPUTY CITY ATTORNEY DAVIS opinion, recruitment procedures are not the type the board should be hearing, but promotion matters do overlap somewhat. Employees are able to appeal any final administrative action that is defined as an action taken by the department director or his/her designee. He then reviewed the boards rules that establish certain procedural requirements that have to be met before considering an appeal.

MEMBER STEINMAN received clarification from CHAIR WHITE that the Board was being asked to reverse its decision on the certification of the promotion list. CHIEF DEPUTY CITY ATTORNEY DAVIS explained that the Board does not have the authority to repeal the certification of a list, which in essence reverses the appointment of a Battalion Chief. MEMBER STEINMAN also received confirmation from CHIEF DEPUTY CITY ATTORNEY DAVIS that hearing an appeal related to test procedures was a gray area because some exams affect promotions. The board should be considering if this final action was done in a timely manner that afforded the appellant time to appeal according to the Boards provisions. MEMBER STEINMAN noted the list was certified on October 26, 2011.

CHAIR WHITE explained that one of the key factors in past appeal decisions was the adherence to Board rules regarding timelines.

MR. BELANGER, Captain, Las Vegas Fire and Rescue, referred to a notice to appeal that he alleged was received by DAN TARWATER, Human Resources Director, on October 31, 2011, well within the ten-day guideline. Written correspondence showed that one of his test questions was correct, and he was able to prove another question was correct by showing Human Resources the answer in a book. He further explained that he had asked CHIEF DEPUTY CITY ATTORNEY DAVIS to recuse himself due to CHIEF DEPUTY CITY ATTORNEY DAVIS actions as MR. BELANGERS union representation in another case. CHIEF DEPUTY CITY ATTORNEY DAVIS stated he did not see a need to recuse himself because he has no decision-making authority in this case.

CHAIR WHITE asked CHIEF DEPUTY CITY ATTORNEY DAVIS if the timeline was in keeping with the rules. In CHIEF DEPUTY CITY ATTORNEY DAVIS opinion, the timeline was not met because the appeal was filed against the Boards decision to certify the promotional list and not against a final administrative action as earlier defined. CHAIR WHITE stated he had never experienced an appeal of the Boards decision. CHIEF DEPUTY CITY ATTORNEY DAVIS explained that the Board does not get to hear an appeal of its own decision. The rules provide for the Board to set an appellant judgment of a department director or designee and the Board is the outside entity.

MEMBER STEINMAN had MR. BELANGER clarify a prior statement regarding his history with CHIEF THOMAS MIRAMONTES, Chief, Las Vegas Fire and Rescue, which led to a discussion involving several other staff members and their handling of MR. BELANGERS medical history. MEMBER STEINMAN recalled a conversation where MR. BELANGER stated he could not appeal until he had had been denied. MR. BELANGER explained that he had waited to file an appeal until the Board had certified the list. CHAIR WHITE stated that the Board cannot hear an appeal on its own decision.

MEMBER ROCHA received confirmation from CHIEF DEPUTY CITY ATTORNEY DAVIS that MR. BELANGER is asking to appeal the Boards decision. CHIEF DEPUTY CITY ATTORNEY DAVIS then re-read MR. BELANGERS opening statements in his written appeal letter.

MR. BELANGER questioned who would respect the rights of the employees if the Civil Service Board will not hear them.

MEMBER STEINMAN clarified that if MR. BELANGER had appealed the administrative action, the Board would have had the right to hear the appeal. MR. BELANGER explained he had not been aware of the appeal process. MEMBER STEINMAN clarified that MR. BELANGER had an opportunity to speak before the Board on October 26, 2011, and that discrepancies should have been filed then. MR. BELANGER explained that he did file a discrepancy complaint with MR. TARWATER on October 31, 2011. He stated he does not feel he was given a fair opportunity to present his case at any point during the process.

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8. **CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE BOARD. NO SUBJECT MAY BE ACTED UPON BY THE BOARD UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED**

Minutes:

None.

9. **ADJOURNMENT**

Minutes:

The meeting was adjourned at 5:07 p.m.

Respectfully submitted:

Gabriela Portillo-Brenner, Deputy City Clerk

Dan Tarwater, Secretary

Facilities are provided throughout City Hall for the convenience of disabled persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerks office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The Citys TDD number is 386-9108.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

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