

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING MAY 11, 1976

The special meeting of the Civil Service Board was called to order by President Jimmie Yee at 1:30 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Oreitha Eggleston-Hausey; Alba Kuchman; Wilfred Street; Ronald Wright; Jimmie Yee.

Absent: None.

It was moved, seconded, and carried by unanimous vote that the Board meet in executive session to discuss the Stationary Engineers Local 39 vs. City of Sacramento litigation matter.

The open session was called to order at 2:30 p.m.

REPORTS OF DIRECTOR OF PERSONNEL

Communication from Attorney Eugene C. Treaster re Larry Rodriguez' Automatic Resignation due to Failure to Return from Leave of Absence

Mr. Rodriguez had been on an approved leave of absence from May 8, 1975 through February 7, 1976. By letter dated January 22, 1976, the Recreation and Parks Department notified Mr. Rodriguez of the imminent expiration of his leave of absence and informed him of the procedure which he must follow to return to work. By letter dated February 12, 1976, the Recreation and Parks Department informed Mr. Rodriguez that he was considered to have automatically resigned, based on Civil Service Rule 15.5, "Failure to Return from Leave of Absence", inasmuch as he had not returned to work upon expiration of his leave of absence.

On April 16, 1976 Attorney Treaster, on behalf of Larry Rodriguez, requested the Civil Service Board to consider the case. The Board was informed that Mr. Rodriguez' claim for industrial injuries had been denied by the City and that the case is currently pending before the Workers' Compensation Appeals Board.

After discussion, the Board requested that Personnel Department staff contact Attorney Treaster and inform him of the Civil Service Board's jurisdiction in Mr. Rodriguez' case.

It was moved by Mr. Wright, seconded by Mr. Street, and carried by unanimous vote to postpone consideration of Attorney Treaster's communication of April 16, 1976 to the next regular meeting.

AMENDMENT TO POLICE OFFICER EXAMINATION ANNOUNCEMENT #1321-F

Mr. Wright moved to continue this matter to the next regular meeting. Mrs. Hausey seconded the motion, which carried by the following vote:

Ayes: Hausey, Kuchman, Wright, Yee.
Noes: Street.

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REMOVAL OF RESTRICTIONS IMPOSED BY CIVIL SERVICE BOARD ON CERTIFYING FROM POLICE LIEUTENANT PROMOTIONAL LIST #1412 ESTABLISHED 9/29/75.

(Reference: Minutes of 5/4/76)

Mr. Wright moved to remove the restrictions placed by the Board on the Police Lieutenant Promotional List #1412; Mrs. Kuchman seconded the motion, which carried by the following vote:

Ayes: Kuchman, Street, Wright, Yee.
Abstained: Hausey.

Mr. Danielson notified the Board members that the next Police Lieutenant examination may be conducted by the assessment center method. He informed the Board that the Personnel Department staff is currently investigating this method and, if the City decides to use this method, the Board would be informed. He also reported that, if the assessment center method is not used, recommendation will be made to the Board to provide for a 60% weight on the written test and 40% on the oral for the next Police Lieutenant promotional examination.

PROPOSED CIVIL SERVICE RULE CHANGES TO ESTABLISH LAYOFF AND REINSTATEMENT POLICY third reading

Inasmuch as a court ruling had not yet been rendered, this matter was postponed to the next regular meeting. The Board indicated that it would consider this subject on May 18 whether or not a court decision has been made.

REQUEST FOR DEFINITION AND INTERPRETATION OF CITY CHARTER SECTION 183, "VACATIONS", AND CIVIL SERVICE BOARD RULE 22, "VACATION ADMINISTRATION". (7/1, 8/5, 9/16, 10/29, 12/2/75; 2/3; Joint Council Budget and Finance Committee/CSB meeting of 4/1; 4/20; 5/4/76)

Ronald Jackson, Police Officer

Attorney David Simmons, representing Officer Ronald Jackson in this matter, was unable to be present, and it was recommended that this item be postponed.

Mr. Danielson reviewed the results of the Board's April 1 joint meeting with the Council Budget and Finance Committee. He also reviewed the Council's action concerning the two questions referred to the full Council as the result of the joint meeting: 1) The Council wished to be notified of Board actions which would result in a cost impact to the City. 2) The Council did not act on the joint recommendation of the Council Budget and Finance Committee and the Civil Service Board with regard to prior vacation credit -- whether the City Council should recommend to the Civil Service Board that prior service "within a reasonable length of time" be provided with employees laid off involuntarily to have a longer period of time and employees who have resigned voluntarily to have a shorter period of time to be eligible for claim of prior service.

Therefore, this matter was before the Board without specific direction from the City Council. After discussion, the Personnel Department staff was requested to provide the Board with the following information, which may have a bearing on the ultimate layoff and reinstatement rules:

1. For what period of time are leaves of absence granted?
2. Is it unreasonable for an employee who is on an educational leave of absence to remain on such leave until his/her education is completed?

3. Is an employee who is on an educational leave of absence compelled to resign if such leave is not sufficiently long to complete his/her education?
4. How many educational leaves of absence are there now?
5. What are the lengths of time for those leaves of absence?
6. Provide a draft of a rule protecting vacation credit for prior service where an employee is involuntarily laid off and subsequently reinstated, if such rule is not in the current rules.
7. Review layoff and reinstatement rules; provide equity re vacation credit for prior service between employees involuntarily laid off and subsequently reinstated and employees who voluntarily resigned and subsequently reemployed.
8. Staff to recommend the time frame for an employee to be eligible for claiming prior service for vacation credit.

LOCAL 522 REQUEST FOR AMENDMENT TO RULE 19.5, "DESTRUCTION OF RECORDS", TO INCLUDE LANGUAGE TO PURGE FROM EMPLOYEE FILES RECORDS OF DISCIPLINARY ACTION AFTER A GIVEN PERIOD OF TIME (2/3, 2/18, 3/2, 3/16, 4/6, 4/20, and 5/4/76)

Mr. Street moved to deny the Local 522 request (letter of January 26, 1976) to amend Rule 19.5 to include language to purge from employee files records of disciplinary action after a given period of time. The motion was seconded by Mrs. Kuchman; discussion followed.

The motion carried by three-to-two vote, and Local 522's request was denied.

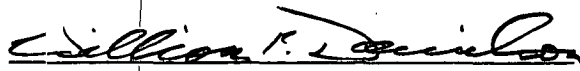
Ayes: Hausey, Street, Yee.
Noes: Kuchman, Wright.

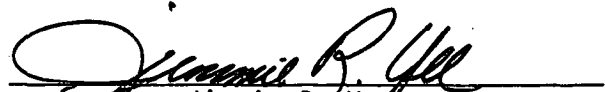
Mr. Wright moved to accept Local 522's request (letter of March 29, 1976) to remove disciplinary action records from employee files after a given period of time and to place these records in the custody of the City Clerk's office, for possible use in litigation matters. Mrs. Kuchman seconded the motion.

The motion failed by three-to-two vote and, therefore, Local 522's amended request of March 29, 1976 was denied.

Ayes: Kuchman, Wright.
Noes: Hausey, Street, Yee.

The meeting was adjourned at 3:30 p.m.


William F. Danielson
Secretary


Jimmie R. Yee
President