

MINUTES OF CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
SPECIAL MEETING      DECEMBER 11, 1973

The special meeting was called to order by President James Alexander at 1:40 p.m. in the Personnel Department Examination and Conference Room, 801 Ninth Street.

Present: James Alexander, Frank Reynoso, Wilfred Street, Marion Woods, Joseph Yew.

Absent: None.

REQUEST FOR POSTPONEMENT OF HEARING TO APPEAL DISCIPLINARY ACTION

Toni Hansen, Senior Typist-Clerk, Police Department

Correspondence dated December 10, 1973, co-signed by Phillip Cunningham, Executive Director of Sacramento City Employees Association, and Deputy City Attorney G. Richard Brown requesting postponement of the hearing concerning Mrs. Toni Hansen's disciplinary action, which was scheduled for December 18, was received by the Board. Criminal proceedings are pending against Mrs. Hansen, and the request was for an indefinite postponement until adjudication of her case.

Motion was made by Mr. Street and seconded by Mr. Woods to grant the request. The motion was carried by the following vote:

Ayes: Alexander, Street, Woods.

Noes: None.

Absent: Reynoso, Yew (not having arrived as yet).

AMENDMENT OF CIVIL SERVICE BOARD RULES

Rule 11.9 Medical Standards - General

Deletion of Conflicting Rules 6.3(b), 7.7, and 9.5(j)

The proposed amendment of Rule 11.9, Medical Standards - General, and deletion of conflicting rules 6.3(b), 7.7, and 9.5(j) were presented to the Board at its meeting of November 13, 1973. The matter was tabled for consideration at this special meeting.

Mr. Wayne Harbolt, President of Sacramento Fire Fighters Union Local 522, suggested that clarification of the language of the rule to indicate medical examination upon appointment at the entrance level rather than "any appointment" be made. The City concurred.

Mr. Street questioned (1) whether the City should bear the entire cost of the third medical examination or whether the cost should be shared by the applicant on a 50-50 basis, and (2) whether the statement of "third physician mutually agreed upon" should be clarified to indicate that the City only would furnish the names of the physicians or whether both the City and the applicant would furnish names of physicians from which the third examining physician would be selected. Mr. Simons, City Safety Officer, reported that the costs of the third medical examinations were not known as yet as statements had not been received from the physicians who had conducted the examinations. It was

the consensus of the Board that the costs should be borne by the City until such expense can be determined. Concerning the clarification of "third physician mutually agreed upon", Mr. Simons informed the Board that the usual procedure, which is also followed by the Workmen's Compensation Appeal Board, is for the employer to furnish all of the names. It was the consensus of the Board that the City reserve the right to furnish all of the names, from which the applicant will select one for his third independent examination.

After discussion it was moved by Mr. Woods and seconded by Mr. Yew to adopt the amended Rule 11.9 and to delete the conflicting rules 6.3(b), 7.7, and 9.5(j). The motion was carried by the following vote:

Ayes: Alexander, Reynoso, Street, Woods, Yew.

Noes: None.

Absent: None.

Rule 11.9 reads as follows:

"Medical Standards - General. Prior to appointment at entrance level or reinstatement, every person shall be examined by the City Physician, who shall submit, on forms provided by the Director of Personnel, a medical report certifying the medical fitness of said person for the type of work to be performed. Except as otherwise provided in this section, the decision of the City physician as to medical fitness of any applicant for any entrance level position or reinstatement shall be final. Within thirty (30) days of notice of rejection for City employment for medical reasons, an applicant may appeal such decision by presenting to the Department of Personnel the written opinion of another physician which contradicts the findings and conclusions of the City Physician. The cost of this second medical report shall be borne entirely by the applicant.

"Upon receipt of a timely appeal in proper form, the Department of Personnel shall refer the matter to a third physician mutually agreed upon by the applicant and the Department of Personnel. The decision of the third physician shall be final and binding. The cost of the third medical examination shall be borne by the City of Sacramento.

"The Director of Personnel may, upon recommendation of any of the above-mentioned physicians, grant a reasonable period in which to clear up, cure, or remove any condition which is temporary and curable in nature."

#### STANDARDS FOR PERCEPTION OF SOUND FOR PATROLMAN, POLICEWOMAN, AND FIREFIGHTER

At its meeting of November 13, the Board had scheduled this meeting for consideration of the standards for sound perception for the classes of Patrolman, Policewoman, and Firefighter. The current hearing standards for the three classes within City service reads: "Normal hearing with each ear is required. Chronic recurrent running ear will reject."

Safety Officer Earl Simons' memorandum concerning the proposed hearing standards for Patrolman, Policewoman, and Firefighter informed the Board of a meeting held on October 24, 1973, to attempt to determine what constituted "normal hearing." Those attending the October 24 meeting were: Dr. Patrick

Clancy, City Physician; Dr. Max Sudhoff, Hearing Specialist; Police Captain William Mulderrig; Deputy Fire Chief Bruce Kanoff; Battalion Fire Chief Harry Powell, Fire Training Officer; and City Safety Officer Earl Simons. It was determined that normal hearing in the opinion of the physicians constituted the ability to hear at all frequency ranges with a maximum decibel allowance of from 20 - 25. The normal speech range is from 500 to 2000 HZ (cycles per second); the high frequency range is from 3000 to 8000 HZ. The maximum decibel allowance of 30 was recommended for the hearing standard for the three classes of Patrolman, Policewoman, and Firefighter.

Dr. Patrick Clancy, Examining Physician for the City of Sacramento and a member of the Occupational Safety and Health Standards Board of the State of California, which sets the standards for Health and Safety for all workers in California, explained the hearing sensitivity chart which was presented to Board members with Mr. Simons' memorandum. Dr. Clancy informed the Board that the proposed hearing standard was set to attempt to hire Patrolman, Policewoman, and Firefighter at entrance level with hearing standards which will allow for age deterioration. He further indicated that "normal hearing" would be at 20 - 25 decibels in all frequency levels from 250 - 8000 HZ and that the recommended standard at 30 decibels is liberal.

Dr. Robert Tice, Audiologist, Sacramento State University, and Dr. Max Sudhoff, Ear, Nose and Throat specialist, were also present. Dr. Sudhoff confirmed Dr. Clancy's statements and further stated that a person with hearing registering 40 db at entry level already indicates a hearing impairment and would be susceptible to further hearing deterioration over a period of years, at which time it could be determined to be job related and compensable under Workmen's Compensation laws.

Dr. Mathiasen, medical officer for the State Personnel Board, stated that the State's hearing requirement for safety personnel was written in the same type of statement which the City was attempting to revise. He indicated that the State has approximately 10,000 employees in the safety classifications and that the State's examination standards for hearing are set at 20 - 25 decibels. Dr. Mathiasen further stated that he felt that 30 decibels was too liberal.

Police Captain William Mulderrig and Battalion Fire Chief Harry Powell informed the Board that the Police Department and Fire Department would prefer the stricter level of hearing at 20 - 25 decibels. Police Sergeant Don Horger, President of Sacramento Police Officers Association, and Wayne Harbolt, President of Local 522, both requested adequate hearing standards be set for the safety of the safety employees and the citizens.

After further discussion, it was moved by Mr. Street to adopt the medical standards for hearing perception for Patrolman, Policewoman, and Firefighter as follows:

"Ears. Both ear drum heads (tympanic membranes) must be intact and ears must be free from infection or other chronic disease. Sound perception thresholds must be between -10db and 30db at frequency levels of 250, 500, 1000, 2000, 3000, 4000, 6000, and 8000 with audiometer standardized to International Standards Organization - 1964."

The motion was seconded by Mr. Yew.

and report to the Civil Service Board  
Mr. Woods moved to amend the motion to add that the Personnel Department review the feasibility of conducting a research study on hearing perception necessary to accomplish the work of members of the City's Fire and Police Departments.

Mr. Street accepted Mr. Woods' amendment to his motion, and Mr. Reynoso seconded the amendment.

The motion and the amendment were carried by the following vote:

Ayes: Alexander, Reynoso, Street, Woods, Yew.  
Noes: None.  
Absent: None.

The Board directed Mr. Simons, City Safety Officer, to use the hearing standard just adopted for applicants who had appealed their medical rejection due to their hearing deficiency if they are to be examined by a third physician.

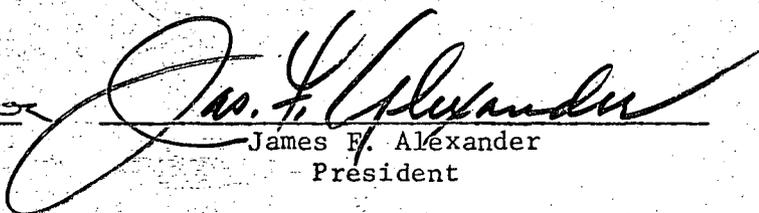
Supervising Attorney Paul G. Smith of the Legal Aid Society of Sacramento County, representing Mr. Steve Correa who had been rejected for hearing deficiency, requested that Mr. Correa be allowed to obtain a third medical examination with the previous standard of "normal hearing." Mr. Smith was informed that the previous standard for the hearing examination was stricter than the newly adopted standard. Mr. Correa's personal physician, Dr. Locke, indicated in his report that Mr. Correa had high frequency hearing loss and, therefore, the Board was of the opinion that the third examination was not warranted. However, Mr. Smith argued for the third examination as indicated in the letter from the Personnel Department dated October 23, 1973. The Board wished this matter be handled administratively.

Mr. Earl Simons then consulted with Mr. Smith to make further arrangements agreeable to both the applicant and the City.

Others in attendance at this meeting were Rene Quintinilla, supervised law student, and Gerrie Rowe and Emmett Richardson of the Sacramento Urban League.

The meeting was adjourned at 4:40 p.m.

  
William F. Danielson  
Secretary

  
James F. Alexander  
President