

CITY OF SACRAMENTO
CIVIL SERVICE BOARD

HEARING
BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

February 16, 1977

The hearing concerning the appeal of James Gordon, Equipment Serviceman II, was held on Wednesday, February 16, 1977, before Gilbert E. Elmore, Administrative Law Judge, in the Personnel Department Conference Room, 801 Ninth Street.

There were no exhibits introduced by the appellant.

The following exhibits were introduced by the City:

- Exhibit 1 Joint Statement of Issues
 Disciplinary Letter
 Request for Hearing
 Notice of Hearing
 --the above items were not entered
 as evidence
- Exhibit 2 Xerox copy of Log Record dated
 January 4, 1977--entered as evidence
- Exhibit 3 Lyle Kelley's Inspection List on cars
 serviced during January 4th, 1977,
 graveyard shift--entered as evidence
- Exhibit 4 Equipment Serviceman II Specification
 Sheet--not entered as evidence
- Exhibit 5 A Previous 3-Day Suspension Letter
 (note--6 years old)--not entered as
 evidence

Mr. James Gordon, Equipment Serviceman II, testified on his own behalf.

Witnesses who appeared on behalf of the City were:

Lyle Kelley, Shop Foreman

Richard Brookins, Equipment Maintenance Superintendent

The recommended decision and the order adopting the decision are attached.

BEFORE THE CIVIL SERVICE BOARD

CITY OF SACRAMENTO

STATE OF CALIFORNIA

In the Matter of the Appeal)
of:)

JAMES GORDON)
Equipment Serviceman II)

CSB NO. HO-77-4

N-9303

PROPOSED DECISION

The above-entitled matter came on for hearing before Gilbert E. Elmore, an Administrative Law Judge of the Office of Administrative Hearings, February 16, 1977 in Sacramento, California.

Appellant James Gordon was present and was represented by Wayne Wheeler, Machinists and Mechanics Local #2182, 967 Venture Court, Sacramento 95825.

Respondent was represented by Larry L. Dow, Employee Relations Representative, City of Sacramento.

Evidence was received and the matter was submitted. After consideration, the Administrative Law Judge proposes:

FINDINGS OF FACT

I

Effective January 26, 1977, Appellant was suspended for a period of one day from his position as an Equipment Serviceman II with the Equipment Maintenance Division of the Engineering Department in the Civil Service of the City of Sacramento. The procedural requirements of the applicable rules for disciplinary procedure have been met.

II

On January 4, 1977, Appellant was on duty on the graveyard shift at the Public Garage. During that shift Appellant reported Preventative Maintenance and Brake Check on seven vehicles. In servicing five of those units Appellant failed to detect and service items on each vehicle which are required to be serviced as part of his performance of the preventative maintenance procedure. Included in the items required to be serviced by Appellant and not serviced by him on these five vehicles were numerous safety items including bad master cylinders, improperly inflated tires, a disconnected brake warning light and a non functional gun lock. Other items missed by Appellant although not directly related to the safety of the unit were standard service functions which he should have performed.

III

Appellant has been employed by the City as an Equipment Service Man since June 23, 1970 and had demonstrated that he is capable of doing good work in that position. At the time of the omissions of Appellant as herein found, the Police Garage was running behind in its work. Appellant was working rapidly in an effort to keep up with the work load. He did service 7 vehicles that night rather than the 3 to 4 which would normally be inspected. However, his standard of performance on those vehicles was not acceptable.

DETERMINATION OF ISSUES

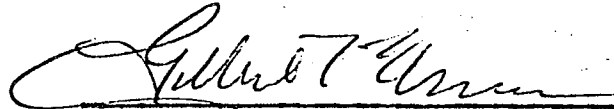
Cause for discipline of Appellant existed pursuant to Sections 17.2(c) and 17.2(d), City of Sacramento, Civil Service Rules.

ORDER

The suspension for one day of James Gordon from his position as an Equipment Serviceman II in the Equipment Maintenance Division of the Engineering Department, City of Sacramento, is affirmed and his appeal therefrom is denied.

The foregoing constitutes my proposed decision in this matter. I recommend its adoption as the decision of the Civil Service Board of the City of Sacramento.

Dated: March 2, 1977



GILBERT E. ELMORE
Administrative Law Judge
Office of Administrative Hearings



CITY OF SACRAMENTO

DEPARTMENT OF PERSONNEL

801 NINTH STREET, ROOM 201
SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5729

WILLIAM F. DANIELSON
DIRECTOR OF PERSONNEL

March 15, 1977

Mr. Gilbert E. Elmore
Administrative Law Judge
Office of Administrative Hearings
Department of General Services
915 Capitol Mall, Room 106
Sacramento, California 95814

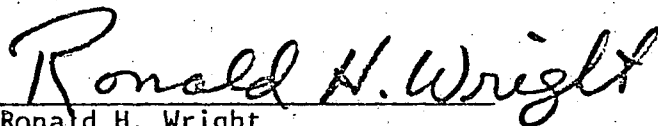
Dear Mr. Elmore:

Re: Appeal of JAMES GORDON, Equipment Serviceman II
Your File: N-9303

The City of Sacramento Civil Service Board considered your recommended decision in the above matter at its meeting of March 15, 1977. It was the order of the Civil Service Board that your recommendation be adopted as its decision in the matter of the appeal of James Gordon.

Very truly yours,

CITY OF SACRAMENTO
CIVIL SERVICE BOARD


Ronald H. Wright
President

cc: Office of Administrative Hearings
Attention: Calendar Clerk
Wayne Wheeler, International Association of
Machinists and Aerospace Workers
Ronald Parker, City Engineer
Don A. Fausset, Employee Relations Division
R. J. Brookins, Equipment Maintenance Superintendent
James Gordon, Equipment Serviceman II, Appellant

bcc: ✓ D. W. Heins, Employee Services Division - File