

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING OCTOBER 7, 1975

The Regular meeting was called to order by President Wilfred Street at 10:00 a.m., in the Personnel Department Conference Room, 801 Ninth Street.

Present: Alba Kuchman, Wilfred Street, Ronald Wright, Jimmie Yee.
Absent: Marion Woods.

MINUTES OF AUGUST 27 and 28, and SEPTEMBER 3, 1975

Approved as submitted.

MINUTES OF SEPTEMBER 16, 1975

Approved as amended.

REPORTS OF DIRECTOR OF PERSONNEL

Mr. Danielson reported that:

a. A letter had been received from the City Attorney's office just prior to the Board meeting that Governor Brown had vetoed Assembly Bill 700.

b. A letter dated September 1, 1975 had been received from Gail P. Pennebaker, Observer Director, League of Women Voters, and a copy was given to the Board for information.

c. Registered letters had been sent to both Toni Hansen and Sabino Trujillo in accordance with the Board's instructions at their meeting of September 16, 1975 advising both parties that, unless they contact the Secretary to the Board by September 26, 1975 to make arrangements for conducting the hearing, the Board would dismiss the appeal. The Board was informed that no communication had been received from Toni Hansen, and a motion was made by Mrs. Kuchman to dismiss the appeal, and seconded by Mr. Wright. The vote was unanimous. The Secretary reported further that a communication had been received from Mr. Trujillo who reported that he was still in jail and that he was interested in going ahead with his appeal. It was not clear whether Mr. Trujillo had a new attorney of record and no action was taken pending further information.

d. As of October 1, 1975, the Sacramento City Employees Association has become a part of Stationary Engineers, Local #39.

Marie Shore
Marie Shore

e. Presented the Board with a copy of his report to the City Council on "City Employment Goals and Timetables".

APPROVAL OF PREVAILING CONSTRUCTION WAGE RATES FOR SUBMISSION TO CITY COUNCIL AS REQUIRED BY SECTION 58.501 SACRAMENTO CITY CODE RE "WAGES PAID UNDER CONTRACT WITH CITY".

Mr. William Woska, Supervising Personnel Analyst, reported that under Section 58.501 of the Sacramento City Code it is incumbent upon the Civil Service Board to approve and recommend to the City Council these rates for wages paid under outside contracts with the City. After a brief discussion a motion was made by Mr. Wright, and seconded by Mr. Yee for approval. The vote was as follows: Ayes: Street, Wright, Yee. Mrs. Kuchman abstained.

ELIGIBLE REGISTERS ESTABLISHED

- #1408 Police Sergeant (Promotional)
- #1409 Plumbing Inspector I
- #1418-A Senior Accountant
- #1427 Library Assistant I (Joint City-County List)
- #1428 Library Page (Joint City-County List)

SCHEDULING OF HEARING DATES

a. Hearing to Appeal Disciplinary Action

- (1) Joe Lewis Hunter, Refuse Collector
- (2) Robert E. Kelley, Police Sergeant
- (3) Michael M. Martin, Patrolman
- (4) Wayne L. Smith, Maintenance Man I, Rec. & Parks
- (5) Jesse Edwards, Refuse Collector
- (6) James Davis, Refuse Collector (Extra Board)

Deferred until the meeting of October 29, 1975.

REQUEST FOR HEARING TO APPEAL DENIAL OF IN-GRADE SALARY INCREASE

Mary Thornhill, Intermediate Typist-Clerk

Mr. Phillip M. Cunningham, Sacramento City Employees Association/Local #39, representing Mrs. Thornhill, appeared before the Board stating that this was a grievance being appealed to Step 3 under Civil Service Board Rule 25.4. Mr. Larry L. Dow, Employee Relations Representative, who wrote the grievance answer dated September 23, 1975, denying Mrs. Thornhill's grievance, appeared before the Board reiterating his claim that this matter falls under Civil Service Board Rule 4.7(c). After a brief discussion a motion was made by Mr. Wright and seconded by Mrs. Kuchman to grant a hearing.

The vote was unanimous. The hearing date was set for November 25, 1975 at 1:30 p.m.

REQUEST FOR HEARING TO APPEAL DISCIPLINARY ACTION

- a. Paul M. Hronec, Maintenance Man I, Rec. & Parks
(Cont'd from September 16, 1975)

The Civil Service Board at its meeting of September 16, 1975 reviewed the letter dated August 27, 1975 from Mr. Hronec concerning the letter of reprimand received from the Recreation and Parks Department dated August 25, 1975. The Board was unable to determine whether Mr. Hronec's letter was a response to the letter of reprimand or a request for hearing. Consequently a letter, dated September 18, 1975, was sent to Mr. Hronec in an effort to make this determination. A phone call was received from Mr. Hronec on September 22, 1975 at which time he stated that his letter should be treated as a request for hearing. A motion was made by Mrs. Kuchman and seconded by Mr. Wright to grant the request for hearing, with the stipulation that Mr. Hronec be advised to contact the City Attorney's office in order to set a date for the hearing. The vote was unanimous.

- b. Ronald R. Nichols, Deputy Fire Marshal

Mr. Nichols received a letter of reprimand from the Fire Department dated September 17, 1975 stating he had violated Sections (e) Insubordination; (q) Willful disobedience; (s) Improper use of City property or equipment. After a brief discussion a motion was made by Mrs. Kuchman and seconded by Mr. Wright to grant a hearing. The vote was unanimous.

- c. Lillian Kness, Relief Telephone Operator

Mrs. Kness received a letter of reprimand from the Purchasing Department dated September 25, 1975 stating that she had violated Civil Service Board Rule 17.5, Section (d) Inexcusable neglect of duty. A motion was made by Mrs. Kuchman and seconded by Mr. Wright to grant a hearing. The vote was unanimous. The hearing date was deferred until a later Board meeting.

REQUEST FOR REINSTATEMENT AFTER RESIGNATION

- Julie Ann Souza, former Dispatcher Clerk

Mrs. Souza had been employed as a Dispatcher Clerk in the Police Department for approximately two years prior to her resignation September 1, 1975. She applied for reinstatement on September 19, 1975. It was the staff's recommendation

that, Mrs. Souza be reinstated based on a letter of recommendation from the Chief of Police and the apparent difficulty in recruiting competent dispatcher clerks for the Police Department. A motion was made by Mrs. Kuchman and seconded by Mr. Wright to approve the reinstatement. The vote was unanimous.

REQUEST FOR LEAVE OF ABSENCE EXTENSION

a. Barbara A. Wiedner, Library Assistant I

A letter dated September 19, 1975 had been received from Ms. Wiedner requesting a six months' extension of her leave of absence up to and including March 20, 1975. The leave extension was approved by Mr. Harold Martelle, City-County Librarian, and it was the staff's recommendation to approve the request. A motion was made by Mrs. Kuchman and seconded by Mr. Yee for approval. The vote was unanimous.

b. Gary Quinn, Gardener, Recreation and Parks

Mr. Quinn requested a five-month extension of his leave of absence covering the period September 16, 1975 through February 7, 1976. The Director of Recreation and Parks had approved this request, and it was the staff's recommendation that the extension be approved. A motion was made by Mrs. Kuchman and seconded by Mr. Yee for approval. The vote was unanimous.

c. Ronald L. McSpadden, Police Officer

On April 12, 1974 Officer McSpadden requested and was granted an eleven-month leave of absence due to injuries received in a motorcycle accident. Since the expiration of that leave, Officer McSpadden was granted two more extensions of his leave which carried him through October 1, 1975. A letter was received from Chief Kinney requesting an additional month's extension in order to allow further evaluation by a doctor of Officer McSpadden's injuries. It was the staff's recommendation to approve this extension. A motion was made by Mrs. Kuchman and seconded by Mr. Yee for approval. The vote was unanimous.

AMENDMENT TO CIVIL SERVICE BOARD RULES AND REGULATIONS

- a. Rule 2.1, Definition of Probationary Period
Rule 12.1, Appointments Subject to Probationary Period
(Second Reading)
(Extension of probationary period for Firefighter
from six months to one year.)

Mr. William Woska, Supervising Personnel Analyst, noted that the Board had been informed at the first reading on

September 16, 1975 that it was the opinion of Fire Department Administration that the extended period would allow the Fire Department to better evaluate the employee under actual field operations, and that several meetings had taken place between the staff, Fire Department management and representatives of IAFF, Local #522, and that the recommendation had the support of all parties concerned. It was the staff's recommendation therefore that the Board take the necessary action to extend the probationary period for Firefighters, pursuant to its authority under Charter §49. After a lengthy discussion a motion was made by Mr. Yee and seconded by Mr. Wright to adopt the amendment to Civil Service Board Rule 12.1. The vote was as follows: Ayes: Street, Wright and Yee. Noes: Kuchman.

After a brief discussion a motion was made by Mr. Wright, and amended by Mrs. Kuchman that the amendment to Rule 2.1, be adopted with the exception that the words "his or her" between demonstrate and fitness be deleted. The motion was seconded by Mr. Yee and the vote was unanimous.

b. Proposed Revision of Rule 17, Suspensions, Demotions, Removals and Hearings - eighth reading

A motion was made by Mr. Wright and seconded by Mr. Yee, that the final hearing on Rule 17 be held on December 2, 1975. The vote was unanimous.

REQUEST FOR ELIMINATION OF HEIGHT REQUIREMENT FOR FIREFIGHTER CLASS

Virginia Carlson

William R. Powell, Fire Chief appeared before the Board in response to Mrs. Carlson's petition to the Board for the elimination of the height requirement for Firefighter. Chief Powell stated for the record that the Fire Department had no feelings one way or the other regarding women firefighters. Chief Powell stated that this was not an issue as far as women are concerned. The Fire Chief stated that the only position the Fire Department has is one of safety, based on the height of the equipment, the weight of the equipment, and the ability of a person under 5'7" to utilize that equipment and perform in a team concept. The Fire Department presented to the Board a series of photographs and a video tape presentation to illustrate their contention.

Mr. Wayne Harbolt, President, IAFF Local #522, stated that his position was the same as that of Fire Administration, mainly one of safety.

The Secretary, Mr. William F. Danielson, stated that he was in full support of the Fire Chief in this issue after an extensive review of the equipment and procedures involved.

After a lengthy discussion a motion was made by Mr. Wright and seconded by Mrs. Kuchman to drop the height requirement for firefighter in the City of Sacramento. The vote was as follows: Ayes: Street, Wright, Kuchman. Noes: Yee.

Meeting was adjourned at 12:30 p.m., and reconvened at 1:30 p.m.

EXAMINATIONS TO BE ANNOUNCED

- #1416 Firefighter
- #1421 Recreation Supervisor I
- #1425 Tree Trimmer Foreman I (Promotional)
- #1426 Carpenter
- #1429 Machinist Helper
- #1430 Dispatcher Clerk

Mr. Wayne Harbolt, President, IAFF, Local #522, appeared before the Board regarding the examination announcement for firefighter. Mr. Harbolt stated that the examination announcement was discriminatory to the firefighters, inasmuch as it contained the entire contents of their negotiated contract, and this was not the case for other job announcements. Mr. Danielson replied that the job of firefighter was unique, and the examination announcement was written in order that the duties of a firefighter would be clearly understood by anyone applying for the job of firefighter. Mr. Danielson stressed the importance for affirmative action purposes of a clear statement on the announcement of a 24-hour fire duty period, the fire duty schedule, and a firefighter's compensation and benefits.

After a lengthy discussion a motion was made by Mr. Wright as follows: that the calendar in the proposed examination stay as is; that the schedule of benefits stay as is; that the paragraph underneath the calendar be changed to show the bi-weekly rates and the approximate monthly rates; and finally under "Working Conditions" second paragraph, last sentence be changed to readThe remainder of the 24 hours on-call standby time is generally used at the employee's option. During the 24-hour on-duty period all meals and sleeping will be done at the firehouse - or words to that effect..... The motion was seconded by Mrs. Kuchman and the vote was unanimous. A second motion was made by Mr. Wright for approval of the other items listed under Examinations to be Announced. The motion was seconded by Mrs. Kuchman and the vote was unanimous.

10/7/75

CONSIDERATION BY CIVIL SERVICE BOARD OF USE OF ADMINISTRATIVE HEARING OFFICER TO CONDUCT HEARINGS ON APPEALS FROM DISCIPLINARY ACTION, WITH HEARING OFFICER TO MAKE FINDINGS OF FACT AND RECOMMENDATION TO THE CIVIL SERVICE BOARD (Continuation from 8/5/75 and 8/19/75)

At the request and invitation of the Board at their September 16, 1975 meeting Mr. Philip Hanley, Administrative Law Judge of the Office of Administrative Hearings; Mr. Gerald Pauly, Mr. Steve Lakich and Ms. Juanita Damerell from the County of Sacramento were present to discuss the use of an independent Hearing Officer on appeals from disciplinary action.

Mr. Hanley presented the Board with a booklet describing the duties and function of the Office of Administrative Hearings. He reported that their office heard approximately 3,000 cases last year out of a total of 4,000 cases filed throughout the state. The majority of these cases were held for state agencies. However, under the Government Code local entities can contract with the state for these services. The hearings are conducted using the rules and regulations of the entity involved. Whether the hearing is taped or a court reporter is used is up to the agency involved.

The Office of Administrative Hearings prepare the Findings of Fact together with their recommendation, which the agency involved is under no compunction to accept. The cost for this service is \$44.00 per hour, which is set by the state. The hearing officer usually sits alone in lieu of a board or commission and makes his recommendation to them.


Ms. Juanita Damerell, Secretary to the Civil Service Commission of the County of Sacramento, advised the Board on the County's experience in the use of the Office of Administrative Hearings. Ms. Damerell presented the Board with a copy of Section 11 of the Commission's rules pertaining to disciplinary matters. During the period 1973-1975 the Commission received a total of 76 appeals from disciplinary action of which 48 were referred to the Office of Administrative Hearings. Ms. Damerell stated that the attitude of the Commission is that the appellant is better served having the case referred to a Hearing Officer, for two basic reasons - the Hearing Officer has more time, the other is that all the Hearing Officers are extremely well-trained judges. The Commission has the authority to accept or reject and modify the penalty proposed by the Hearing Officer.

Mr. Gerald Pauly and Mr. Steve Lakich addressed the Board regarding their experience with the Hearing Officer only as it relates to the acceptance of the represented employee organizations within the County, which they stated is favorable.

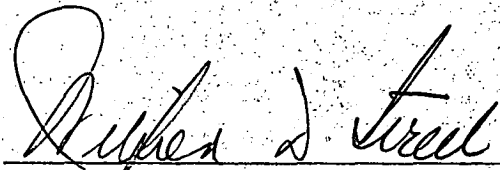
10/7/75

After a lengthy discussion the Board indicated that it might be useful to compare previous and existing Sacramento County Charter language and practice along with the City of Sacramento Charter language and our practice related to the use of Hearing Officers.

Mr. Street thanked the Board's guests for appearing before them and for the information received, and the meeting was adjourned at 3:00 p.m.



William F. Danielson
Secretary



Wilfred D. Street
President

(Marie Shores)