

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING DECEMBER 5, 1972

The meeting was called to order by President Joseph Yew at 1:30 p.m. in the Personnel Department Examination and Conference Room.

Present: Members Alexander, Reynoso, Street, Woods, Yew.

Absent: None.

PROTESTS, APPEALS, AND REQUESTS FOR HEARING REGARDING PATROLMAN PHYSICAL AGILITY TEST

Donald W. Evans	Rick Brown	H. W. Soper
Gregory A. Pilkington	Jeffrey V. Lee	Robert A. Zube
John L. Valle	Mark McLaughlin	John E. Merial

The appeals received following the physical agility and fitness test for the Patrolman examination, held on November 19, 1972, were presented to the Board. The Secretary reported that continuous testing was being held for Patrolman with interviews to conclude on December 7, 1972. Approximately eight positions are to be filled for the Police Academy class to begin on January 8, 1973. As appointments must be made immediately, and to allow consideration for those applicants whose appeals may be granted by the Board, it was requested that the Board take action at this meeting. Messrs. Evans, Pilkington, and Valle appealed disqualification from the chin-up portion of the physical agility test; Messrs. Brown, Lee, and McLaughlin appealed the step test and heart pulse rate test; Messrs. Zube and Merial appealed the height requirement of 5'7"; and Mr. Soper, the procedure taken for the physical agility and fitness test.

Mrs. Verna Banks, Personnel Analyst I, described the physical agility and fitness test for Patrolman and reported to the Board that the various tests were decided upon after thorough research to test for strength, agility, flexibility, and endurance. Officer Farnsworth, a proctor for the physical agility test, was also present to support the testing procedures. Mrs. Banks agreed with the appellants appealing the chin-up test that there was a discrepancy between the written chin-up instruction of "pull yourself up until chin touches the bar" and the actual verbal instruction given on the field where the applicants were told that the chin must clear the bar.

After discussion, motion was made by Mr. Street to allow Messrs. Evans, Pilkington, and Valle, who appealed the chin-up test, to continue through the examination, their final score to be held in abeyance until final decision of the Board. The motion was seconded by Mr. Alexander and carried by unanimous vote.

Mr. Woods moved to deny the appeals of Messrs. Brown, Lee, and McLaughlin concerning the step test and heart pulse test. The motion was seconded by Mr. Alexander and carried by the following vote:

Ayes: Members Alexander, Street, Woods.

Noes: Members Reynoso, Yew.

Motion was made by Mr. Reynoso to allow Messrs. Zube and Mercial, who appealed the 5'7" height requirement, to continue in the examination process, subject to Board action at a later date on the possibility of lowering the height requirement for Patrolman. The motion was seconded by Mr. Alexander and carried by unanimous vote.

Mr. Soper's letter did not specifically state the exact step of the physical agility test about which he was appealing, but records of the physical agility test revealed that he had failed the tensiometer test. The appeal was taken to be a general protest of the testing procedure. Motion was made by Mr. Woods to deny the appeal. The motion was seconded by Mr. Street and carried by the following vote:

Ayes: Members Alexander, Street, Woods, Yew.

Abstained: Member Reynoso.

HEARING OF PETITION FOR REINSTATEMENT FOLLOWING RESIGNATION

Gary Noblett, former Patrolman (Continuation from November 28, 1972)

The hearing of Mr. Noblett's petition for reinstatement after resignation was resumed commencing at 2:45 p.m.

Board members present were: Messrs. Alexander, Street, Woods, and Yew. Board member Reynoso excused himself following consideration of the above matter (Item 1 on the agenda).

Each witness was sworn in by Secretary William F. Danielson prior to giving testimony.

Labor Relations Counsel John Liebert cross-examined Mr. Noblett at length on his testimony given on November 28, 1972. Mr. Noblett was also questioned regarding his injuries and accidents during 1970 and 1971. Mr. Noblett was questioned concerning his hand injury which occurred at the Velvet Cork or at the time of the arrest of a man on November 10, 1970. An on-duty injury report of Mr. Noblett's hand injury was made on November 21, 1970. Mr. Noblett was also questioned by Attorney Liebert about his back injury which occurred in August 1970. Mr. Noblett admitted that he had reported the back injury as an on-duty injury when, in fact, the injury had occurred during rafting on the American River. A motorcycle accident which occurred in 1971 was also discussed.

Mr. Noblett was then questioned by his attorneys and by Board members prior to being excused.

Lt. John Carey was sworn in by the Secretary. Lt. John Carey gave testimony concerning the examination procedures for Patrolman in the cities of Los Angeles and Oakland where Mr. Noblett had taken Patrolman examinations and provided as evidence the rating sheets from the City of Oakland.

Mr. Ronald Joseph Tomaiuolo was sworn in. Mr. Ralph Nase, attorney for Mr. Tomaiuolo, requested that questioning be restricted to the period up to and including November 1969. Mr. Tomaiuolo related his acquaintance with Mr. Noblett from the winter of 1968 and the activities which took place at the Moore-Noya house.


Officers Don Steed and Robert Gillies were called to testify on their relationship with Mr. Noblett and to relate to the Board their knowledge concerning the undercover work of Officer Noblett and of the rumors which they heard at the time of and subsequent to the two resignations. Officer Gillies testified regarding his knowledge of Officer Noblett's hand injury and back injury.

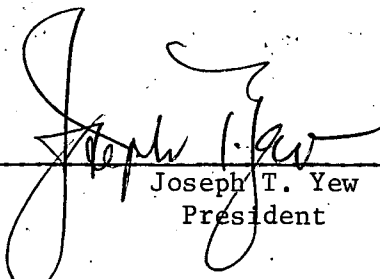
Prior to each witness being excused, questions were directed to the witnesses by Attorneys Virga and Long and by Board members.

Labor Relations Counsel John Liebert presented the following exhibits as City's evidence:

<u>City Exhibit</u>	<u>Description</u>
#1	Letter from G. Burroughs, Chief Deputy District Attorney, Office of the District Attorney, Sacramento County, dated December 4, 1972, to John Liebert re Charles Paulson.
#2	City of Sacramento Report of Industrial Injury dated November 24, 1970, re Gary Noblett's hand injury. Employee Duty Status dated December 29, 1970.
#3	City of Sacramento Report of Industrial Injury dated August 31, 1970, re Gary Noblett's back injury. Employee Duty Status dated August 31, 1970, September 8, 1970, and September 10, 1970.
#4	Resignation From Employment form signed by Gary Noblett dated November 28, 1971.
#5	Letter of resignation dated November 24, 1971, from Gary Noblett to Chief Kinney.
#6	Letter from Attorney Joseph Cooper dated February 28, 1972, to the Civil Service Board requesting reinstatement of Gary Noblett.
#7	Three rating sheets from Oakland Police Department on the ratings of interview with Gary Noblett, all dated January 27, 1972.

The meeting was adjourned at 11:30 p.m. The hearing was scheduled to be resumed on December 12, commencing at 1:30 p.m.


 William F. Danielson
 Secretary


 Joseph T. Yew
 President