

CITY OF SACRAMENTO
CIVIL SERVICE BOARD

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

December 12, 1977

The hearing concerning the appeal of JAMES N. TRIPPLETT, Refuse Collector (Extra Board), was held on Monday, December 12, 1977, at 9:00 a.m. before Charles H. Bobby, Administrative Law Judge, in the Personnel Department Conference Room #103, 801 Ninth Street, Sacramento, California.

James N. Tripplett represented himself.

Larry Dow, Employee Relations Representative, represented the City.

The following exhibits were entered by the City:

- Exhibit #1 Pleadings.
- Exhibit #2 Mr. Dow's opening statement.
- Exhibit #3 Tallied work record of James N. Tripplett.
- Exhibit #4 5/12/77 letter of reprimand to James N. Tripplett.
- Exhibit #5 5/23/77 letter of one-day suspension to James N. Tripplett.

- Exhibit A Undated note (on two 3x5 cards) signed by James N. Tripplett addressed to the Civil Service Board appealing his termination.

There were no exhibits entered by the Appellant.

Witnesses who testified on behalf of City of Sacramento:

Leon Purnsley, Acting Refuse Collection Supervisor
Reginald Young, Refuse Collection Superintendent

Appellant had no witnesses, other than himself.

The Administrative Law Judge's recommended decision and the order of the Civil Service Board to approve the recommended decision, dated 1/27/78, are attached.

By Mary Amemiya
Senior Stenographer-Clerk



CITY OF SACRAMENTO

DEPARTMENT OF PERSONNEL

801 NINTH STREET, ROOM 201
SACRAMENTO, CALIF. 95814
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WILLIAM F. DANIELSON
DIRECTOR OF PERSONNEL

January 27, 1978

Mr. Charles H. Bobby
Administrative Law Judge
Office of Administrative Hearings
Department of General Services
915 Capitol Mall, Room 106
Sacramento, California 95814

Dear Mr. Bobby:

Re: Appeal of James N. Tripplett, Refuse Collector (Extra Board)
Your File: N-10341

The City of Sacramento Civil Service Board considered your recommended decision in the above matter at its meeting of January 24, 1978. 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 N. Tripplett, Refuse Collector (Extra Board).

Very truly yours,

CITY OF SACRAMENTO
CIVIL SERVICE BOARD

Alba Kuchman
Alba Kuchman
President

cc: Office of Administrative Hearings
Attention: Calendar Clerk
Ronald Parker, City Engineer
Reginald Young, Refuse Collection Superintendent
Don A. Fausset, Assist. Pers. Dir./Employee Relations
James N. Tripplett

bcc: Dunbar W. Heins, Employee Services Adm.

BEFORE THE CIVIL SERVICE BOARD

CITY OF SACRAMENTO

In the Matter of the)
Appeal from Dismissal of)
JAMES N. TRIPPLETT,) N-10341
Appellant.) CSB No. HO-77-7

PROPOSED DECISION

This matter came on regularly for hearing at 9:00 o'clock, a.m., on December 12, 1977, at Sacramento, California, before Charles H. Bobby, the assigned Administrative Law Judge. Appellant James N. Tripplett appeared in propria persona; the appointing authority was represented by Larry L. Dow, Employee Relations Representative II, City of Sacramento.

Evidence was received and the matter was submitted for decision on December 12, 1977. The following Proposed Decision is certified and recommended for adoption as the Decision in this matter.

FINDINGS OF FACT

I

Appellant James N. Tripplett has been employed as an "Extra Board Refuse Collector" by the City of Sacramento.

II

On July 26, 1977, Appellant was notified in writing (Exhibit 1) by his appointing authority Reginald Young, Superintendent, Division of Waste Removal, that his employment would be terminated as of the close of business August 5, 1977 for the following cause:

"1. On May 4th of 1977, you were counselled concerning your "excessive lateness and absenteeism".

"2. On May 12th of 1977, a letter containing a written

reprimand for violation of Rule 17.2 Sections (d) and (o) was forwarded to you.

"3. On June 1, 1977, you were suspended, without pay, for one (1) day because of your continued violation of Rule 17.2 Sections (d) Inexcusable neglect of duty and (o) Willful disobedience of a lawful rule, order or direction.

"4. Subsequent to the above suspension, without pay, you were inexcusably absent on June 13th and July 18th of 1977. Your record also reflects seven (7) occasions on which you were late for work; June 6, 21, 22, 27, July 6, 8, and 21st of 1977."

III

"Extra Board" work is defined in Rule 2.1, Civil Service Rules as follows:

"Employment with temporary status in the class of Refuse Collector, where it is necessary for the employee to appear for work daily, but who may work only when other employees are absent for any reason."

IV

Appellant's assignment required that he report for work no later than 5:45 o'clock, a.m., Monday through Friday, or, if he was not going to report at that time, that he previously notify his employer of that fact and the reasons therefor.

V

Failure to report for work on time causes substantial problems for the Division of Waste Removal, including problems of personnel assignment and financial cost (overtime).

VI

During the period January 1, 1977 through May 4, 1977 Appellant was late for work seventeen (17) times and was absent from work on nineteen (19) occasions. Seven (7) absences were claimed as sick leave; five (5) of the seven fell on Monday or Friday. Eight (8) of the absences involved Appellant's failure to appear for personal reasons, including car trouble and oversleeping. Four (4) of the absences were for personal business reasons.

VII

On May 4, 1977 Appellant was counselled about his tardiness and absenteeism and cautioned that it was unacceptable.

VIII

On May 12, 1977 Appellant was given a written reprimand. (Exhibit 4).

IX

Between May 5 and May 20, 1977, Appellant was absent from work a total of four (4) days, three (3) days claimed sick leave and one (1) day failure to report.

X

On May 23, 1977 Appellant was given written notice of a one (1) day suspension (June 1, 1977) and stating the reasons therefor (Exhibit 5).

XI

Despite the counselling, written reprimand and notification of one (1) day suspension for tardiness and absenteeism, (Findings VII, VIII and X), during the period May 23 through July 26, 1977, Appellant was absent from work a total of nine (9) days upon a claim of sick leave, two (2) days failure to report, and one (1) day involving a court appearance, and was late for work a total of seven (7) times.

XII

Appellant's absenteeism and tardiness are excessive and inexcusable, resulting in the main from circumstances of his own making and over which only he had control and therefore responsibility.

DETERMINATION OF ISSUES

I

Appellant's absenteeism and tardiness and failure to notify before start of shift constitute inexcusable neglect of duty within the meaning of Rule 17.2, (d), constituting cause for dismissal.

II

Appellant's failures to timely report for work or, in the alternative to notify the office, constitute inexcusable neglect of duty (Determination I), however, the evidence fails to establish a willful disobedience of a lawful rule, order or direction within the meaning of Rule 17.2(o).

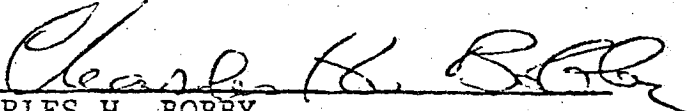
III

The appeal should be denied.

ORDER

The appeal of James N. Tripplett from dismissal from employment is denied.

Dated: *December 30, 1977*



CHARLES H. BOBBY
Administrative Law Judge
Office of Administrative Hearings