

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING NOVEMBER 9, 1972

The Civil Service Board met in regular session in the Personnel Department Conference Room at 1:30 p.m., with President Yew presiding.

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

Absent: None.

The minutes of the meetings of September 27, October 3, and October 24, 1972, were approved as presented.

NEW EXAMINATIONS ANNOUNCED

#1230 Personnel Analyst II
#1231 Maintenance Man II (Promotional only)
#1232 Associate Planner
#1233 Survey Party Chief (Promotional only)
#1234 Painter Foreman (Industrial)
#1235 Construction Inspector I (Open and Promotional)
#1236 Plumber Foreman
#1237 Account Clerk
#1238 Accounting Technician
#1239 Patrolman (Continuous)
#1240 Parking Meter Coin Collector

ELIGIBLE REGISTER ESTABLISHED

<u>Exam. No.</u>	<u>Class Title</u>	<u>Date of Written Test</u>	<u>Personal Interview</u>	<u>Effective</u>
#1221	Accountant	9/16/72	11/1/72	11/8/72
#1227	Senior Accountant	9/16/72	11/1/72	11/8/72
#1228	Plant Operator II	9/26/72	10/19/72	11/3/72

APPLICATION OF CHARTER SECTION 44 TO FIRE CAPTAIN PROMOTIONAL EXAMINATION
(Continued from October 3, 1972)

Discussion was held concerning this matter at the Board meeting of October 3, 1972. Legal opinion dated October 30, 1972, pertaining to the applicability of Charter Section 44 to Fire Captain promotional examination was presented to the Board. A copy of the legal opinion is made a part of these minutes.

It was the opinion and recommendation of the City Attorney's office that, "the two-year rule of Charter Section 44 should apply to present engineers and deputy fire marshals. ... the use of the two-year rule requires that promotions to the rank of captain be limited to fire engineers and deputy fire marshals who have held that rank for at least two years." Deputy City Attorney Tom Haas was present to support the legal opinion of the City Attorney's office. It was Mr.

Haas' recommendation that, if the personnel structure of the Fire Department is to be continued as in the past, the Charter Section 44 should be amended.

The Secretary reported that 61 of 66 candidates would be disqualified from the Fire Captain examination if the language of Charter Section 44 is applied. It was the recommendation of the Fire Chief, Local 522, and the Personnel Director to allow the 66 candidates who had successfully completed the written portion of the Fire Captain examination to continue with the examination procedure. Board members identified that there are now eight vacancies of Fire Captain.

Mr. Woods expressed awareness that legal risks may be involved; however, to serve the best interest and to meet the needs of the City, it was his recommendation that the Board use its discretionary power and allow the 66 active competitors to complete the Fire Captain promotional examination.

Motion was then made by Mr. Street to permit all 66 candidates in the Fire Captain examination to continue in the examination process. The motion was seconded by Mr. Woods and carried by unanimous vote.

REQUEST FOR ADDITIONAL HEARING REGARDING BENEFITS AND RIGHTS AS REINSTATED EMPLOYEE
(Continued from October 3, 1972)

Elbert V. Johnson, Patrolman

This matter was placed on the agenda for this meeting at the request of the Board at its meeting of October 3, 1972.

Mr. Johnson's letter dated September 8, 1972, requesting consideration in securing his back pay, sick leave, annual leave, and seniority lost as the result of his discharge from City service in June 1962, was read by the Secretary. The City Attorney's opinion dated November 6, 1972, stating that the Board has no jurisdiction for setting a rehearing in this matter, was also read.

Mr. Street and Mr. Alexander, both Civil Service Board members, at the time of the hearings held on January 7, 21, and 28, 1969, for Mr. Johnson concerning his request for reinstatement, explained the steps taken to adopt a new Civil Service Rule to allow Mr. Johnson a hearing before the Board. Also, Mr. Street informed the Board that the specific conditions of reinstatement of Mr. Johnson were made to protect Mr. Johnson.

Motion was made by Mr. Street and seconded by Mr. Alexander to deny the request for rehearing by Mr. Johnson.

Mr. Woods then raised argument against the motion. Mr. Woods contended that there was no provision in the Charter that the Board could not rehear a case; that the decision of the then Board was unduly harsh; and that his concern was for the justice of the punishment as compared to disciplinary actions taken in more severe acts. Mr. Woods favored the review of the circumstances of the case. Mr. Reynoso was in agreement with Mr. Woods.

Councilman Rosenwald Robertson was present. Mr. Robertson was informed by Labor Relations Counsel John Liebert that the recourse available to Mr. Johnson, if the rehearing was denied, was for Mr. Johnson to file a request for hearing before the City Council.

After further discussion, motion was again made by Mr. Street to deny the request of Mr. Johnson for rehearing. The motion was seconded by Mr. Alexander, and the motion was carried by the following vote:

Ayes: Members Alexander, Street, Yew.

Noes: Members Reynoso, Woods.

Mr. Woods then moved to recommend to the City Council that Mr. Johnson be granted a hearing before the City Council for consideration of the remedies which Mr. Johnson is requesting. The motion was seconded by Mr. Reynoso, and carried by the following vote:

Ayes: Members Reynoso, Woods, Yew.

Noes: Members Alexander, Street.

REQUEST FOR HEARING FOR REINSTATEMENT FOLLOWING RESIGNATION

Gary Noblett, former Patrolman

Petition for hearing for the reinstatement of former Patrolman Gary Noblett was mailed to Board members on November 3, 1972. Gary Noblett and his attorney, John Virga, were in attendance.

Rule 15.7 and the policy concerning conditions to be met upon reinstatement following resignation were reviewed by the Secretary and Labor Relations Counsel John Liebert. The requirements which must be met are that an employee must have had five years of service with the City, and the department head must have indicated recommendation for reinstatement. Mr. Noblett did not meet either of these requirements.

After discussion, it was moved by Mr. Alexander and seconded by Mr. Woods to grant Mr. Noblett a hearing on November 28, 1972. The motion was carried by the following vote:

Ayes: Members Alexander, Street, Woods, Yew.

Abstained: Member Reynoso.

A request was made by Mr. Virga of Labor Relations Counsel John Liebert that all internal investigation discoveries be made available to him, including tape recordings. Mr. Liebert consented to contact the City Attorney's office in this regard.

REQUEST FOR HEARING REGARDING FIREFIGHTER PHYSICAL AGILITY TEST

Michael R. Mangan, Applicant

Michael Mangan, by his letter dated October 9, 1972, requested a hearing to retake the mile-and-a-half run portion of the Firefighter physical agility test. Mr. Mangan's contention was that he was hit by someone from behind, which caused him to fall and he, therefore, was not able to complete the mile-and-a-half in the twelve-minute time.

11-9-72

Personnel Selection Supervisor Bruce Austin presented the City's position in the matter and explained that 1,800 applicants had filed for the Firefighter examination and that 599 had participated in the physical agility test. The basis for the denial of a second chance was because of the many requests for retakes of the physical agility for various reasons. It was felt that a strict pass/fail would be the most equitable when dealing with 599 candidates.

Without further discussion, it was moved by Mr. Reynoso to allow Mr. Mangan an opportunity to run the mile-and-a-half against the clock to determine whether Mr. Mangan could pass that portion of the physical agility test. The motion was seconded by Mr. Woods and carried by unanimous vote.

EMPLOYEE STATUS FOLLOWING POSITION REALLOCATION

Paula Bonilla-Valdez, Intermediate Typist-Clerk
Terry Jimenez, Intermediate Typist-Clerk

Paula Bonilla-Valdez and Terry Jimenez had successfully served a training period in the Personnel Department as Junior Typist-Clerks and, in accordance with the classification specification, their positions had been reallocated to the Intermediate level by the Director of Personnel. It was the recommendation of the Personnel Director to grant them permanent status in their new classification.

Motion was made by Mr. Woods, seconded by Mr. Street, and carried by unanimous vote to grant permanent status to the above employees in the new classification of Intermediate Typist-Clerk, effective the beginning of the next pay period.

REQUEST FOR REINSTATEMENT FOLLOWING RESIGNATION

Horace Thomas, Refuse Collector

Request was made by Horace Thomas by letter dated September 19, 1972, for reinstatement as a Refuse Collector. Mr. Thomas had resigned from City service on June 15, 1972, due to personal reasons.

City Engineer Ronald Parker and Waste Removal Superintendent John Pieretti, by letter dated October 20, 1972, indicated their approval for reinstatement of this former employee.

It was moved by Mr. Street, seconded by Mr. Reynoso, and carried by unanimous vote to grant Mr. Thomas' request for reinstatement as Refuse Collector as soon as the next vacancy occurs in accordance with Rule 15.7.

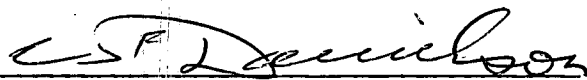
ITEMS HELD OVER TO NEXT REGULAR MEETING

The following items on the agenda were held over until the next regular meeting:

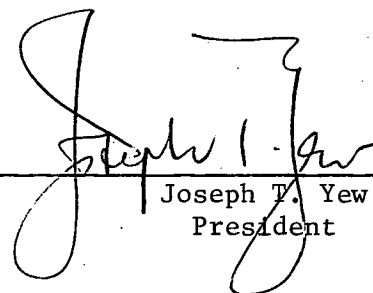
1. Information Report on Recent Use of Selective Certification
2. Proposed Revision of Class Specification
Storekeeper - (second reading)

- 3. Proposed Amendment to Classification Plan
Assistant Mechanical Engineer - (first reading)
Associate Mechanical Engineer
- 4. Amendment of Civil Service Rule 25, Employee Grievance Policy

The meeting was adjourned at 4:00 p.m.



William F. Danielson
Secretary



Joseph T. Yew
President