

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING APRIL 20, 1976

The regular meeting of the Civil Service Board was called to order at 1:45 p.m. by President Jimmie Yee in the Personnel Department Conference Room 103, 801 Ninth Street.

Present: Oreitha Eggleston-Hausey, Alba Kuchman, Wilfred Street, Ronald Wright, Jimmie Yee.

Absent: None.

MINUTES OF ROBERT D. BRILL HEARING CONTINUATION, MARCH 30, 1976:

Approved as submitted.

REPORTS OF DIRECTOR OF PERSONNEL

a. Mr. Danielson informed the Board that the City Council, at its meeting on April 13, considered the results of the joint meeting of the Council Budget and Finance Committee and Civil Service Board which was held on April 1, 1976. Mr. Danielson reported that two questions were referred to the full Council, as follows:

1. Does the Council want the Civil Service Board to refer such matters (Civil Service Board decisions which affect municipal budgetary costs) to the Council?
2. With regard to the specific issue on prior vacation credit, whether the City Council should recommend to the Civil Service Board that prior service "within a reasonable length of time" be provided, with employees laid off involuntarily to have a longer period of time and employees who have resigned voluntarily to have a shorter period of time, to be eligible for claiming of prior service.

As to question 1, the City Council requested that the Civil Service Board contact the City Council concerning matters under the Board's jurisdiction which would result in budgetary costs.

As to question 2, the City Council did not take action on the recommendation of the Council Budget and Finance Committee and the Civil Service Board. Therefore, the matter concerning vacation credit for prior service in the petition for hearing for definition and interpretation of City Charter Section 183 and Civil Service Board Rule 22 by Officer Ronald Jackson (Reference: Minutes of 7/1/75 and 8/5/75) will be placed on the agenda of May 4, 1976 without specific direction from the City Council.

b. For information of the Board, Mr. Danielson reported that the Council Personnel and Public Employees Committee met on April 19. He stated that the cost of providing pro-rata benefits to non-career employees, if they are converted

Mary A. Meany

to regular, career employees, was among subjects discussed. The Board requested that the report(s) submitted to the Council committee be provided them.

ELIGIBLE REGISTERS ESTABLISHED

<u>Exam.</u>	<u>Class Title</u>	<u>Effective</u>	<u>Expiration</u>
#1437	Fire Prevention Inspector (Promotional)	3/24/76	3/23/77
#1438	Fire Apparatus Operator (Promotional)	3/31/76	3/30/77
#1450	Parking Control Foreman (Promotional)	4/7/76	4/6/77

EXAMINATION ANNOUNCED

#1456 Assistant Box Office Supervisor

Mr. Wright moved to approve Examination Announcement #1456. Mr. Street seconded the motion, which carried by the following vote:

Ayes: Hausey, Street, Wright, Yee.

Noes: Kuchman.

FINDINGS AND CONCLUSIONS IN THE MATTER OF THE APPEAL OF THOMAS N. BRISTOW, POLICE OFFICER (continued from 4/6/76)

Attorney David Simmons, representing Thomas Bristow, informed the Board that he had objected to paragraphs 4, 5, 6(b), 9, 10(a), 10(b), 10(c), 11 and 12 of the Findings and Conclusions as submitted by Deputy City Attorney Savage. Attorney Simmons alleged that the evidence submitted does not support the Findings and Conclusions.

Attorney Savage submitted a copy of the transcript of the Bristow hearing for review by the Board. Attorney Savage rebutted the allegation of Attorney Simmons and indicated that the exhibits and the transcript support his Findings and Conclusions.

Mr. Yee acknowledged receipt of the transcript and informed the attorneys that the Board members present at the Bristow hearing (Wilfred Street, Marion Woods, Ronald Wright, and Jimmie Yee) would arrange to meet in executive session to review the Findings and Conclusions, the exhibits, and the transcript.

SCHEDULED HEARING DATE TO APPEAL DISCIPLINARY ACTION (THREE-DAY SUSPENSION)

<u>Appellant</u>	<u>Date</u>	<u>Time</u>
Wallace J. Groves, Police Officer	May 18, 1976	After regular meeting.

REQUEST FOR HEARING TO APPEAL DISCIPLINARY ACTION (DISMISSAL)

Renny J. Nelson, Parking Meter Checker, Traffic Engineering Division

By letter dated March 31, 1976, Ms. Nelson was dismissed from her Parking Meter Checker position, effective April 2, 1976. She was charged with violation of Civil Service Rule 17.2(d), inexcusable neglect of duty; (j), inexcusable absence without leave; (o) willful disobedience of a lawful rule, order or direction; and (t) any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service.

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Deputy City Attorney Savage informed the Board that he had discussed the matter with Attorney Ordas, Ms. Nelson's counsel, and that the matter may be resolved. He therefore requested that this item be postponed.

Motion was made by Mr. Wright to continue the matter to the next regular meeting. Mr. Street seconded the motion, which carried by unanimous vote.

AMENDMENT TO CIVIL SERVICE BOARD RULES AND REGULATIONS

Repeal of Rule 20.1, "Hours of Work"

It was staff's recommendation that Rule 20.1 be repealed inasmuch as the enabling authority, Charter Section 166, had been repealed by vote of the people in November 1973. Rule 20.1 currently reads as follows:

"Hours of Work. No officer or employee of the City, except in the Fire Department, shall be required to work more than eight (8) hours a day except in time of emergency. No officer or employee of the City shall be required to work more than six (6) days a week except in time of emergency. (Article XX, Section 166, City Charter.)"

It was the request of the Board that the entire Rule 20 be reviewed, revised if necessary, and the paragraphs renumbered prior to submission to the Board for consideration.

CIVIL SERVICE RULE CHANGES REQUIRED BY ENACTMENT OF CHARTER AMENDMENT ON EMPLOYEE DEVELOPMENT PROGRAMS (MEASURE E) APPROVED BY ELECTORATE IN NOVEMBER, 1975 - (first reading continued from 4/6/76)

Following review of the minor technical language changes, this item was moved to its second reading at the Board's next regular meeting.

LOCAL 522 REQUEST FOR AMENDMENT TO RULE 19.5, "DESTRUCTION OF RECORDS," TO INCLUDE LANGUAGE TO PURGE FROM EMPLOYEE FILES RECORDS OF DISCIPLINARY ACTION AFTER A GIVEN PERIOD OF TIME (2/3, 2/18, 3/2, 3/16, 4/6/76)

Mr. Wayne Harbolt, President, Fire Fighters Local 522, requested that, due to current negotiation proceedings, this item be postponed to the next regular meeting. Mr. Street moved to continue this matter to the next regular meeting. Mr. Wright seconded the motion, which carried by unanimous vote.

PROPOSED CIVIL SERVICE RULE CHANGES TO ESTABLISH LAYOFF AND REINSTATEMENT POLICY (continuation of first reading held 4/6/76)

Mr. Danielson clarified that Rule 16.4, which is not recommended by staff, represents an alternative whereby layoff provisions may be included within an approved memorandum of understanding and would supersede any conflicting provisions within the civil service rules. Mr. Danielson stated that amended Rules 2.1; 10.1 through 10.4; 11.3(c); 15.1 through 15.6; and 16.1 through 16.3 are the rules recommended by staff for adoption by the Board.

Mr. Danielson's memorandum of March 31, informed the Board that on March 30, 1976, a meet-and-consult session was held with recognized employee organizations. At that meeting, a concern was raised that the proposed rules do not provide

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"bumping rights". It was requested that the Board consider the policy question of whether or not "bumping rights" ought to be included in the layoff and reinstatement rules and, if so, under what circumstances.

Prior to further discussion concerning which body, Civil Service Board or City Council, should act on the layoff and reinstatement policy, Deputy City Attorney Elizabeth Hassard informed the Board that the Stationary Engineers Local 39 had instituted a suit against the City concerning the proposed layoff and reinstatement rules. She informed the Board that further discussion in open session should be withheld.

Mr. Wright moved that the Board meet in executive session concerning the litigation matter. The motion was seconded by Mrs. Hausey and carried by unanimous vote.


At approximately 2:45 p.m. the Board met in executive session; the open session was reconvened at 4:15 p.m.

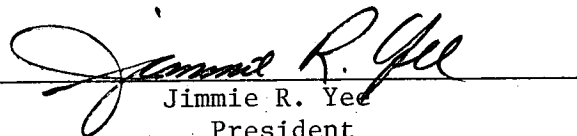
Mr. Wright moved that the Board direct the City Attorney to prepare amendments to the proposed layoff and reinstatement rules that would provide the following:

1. Delete the layoff procedure from the proposed layoff and reinstatement rules.
2. Amend the reinstatement procedure, specifically to indicate that last preference would be given employees who resign and thereafter request for and are granted reinstatement.
3. To make recommendation to the Board as to which section(s) of the rules should be retained with regard to items 1 and 2 above.

The motion was seconded by Mr. Street and carried by unanimous vote.

The meeting was adjourned at 4:30 p.m.


William F. Danielson
Secretary


Jimmie R. Yee
President