

**MINUTES OF REGULAR MEETING
CIVIL SERVICE BOARD
CITY OF SACRAMENTO
August 6, 2002**

The meeting of the City of Sacramento Civil Service Board was called to order by Board President Hoh in the Civil Service Board Room 101, 921 - 10th Street, Sacramento, CA at 1:37 p.m.

MEMBERS PRESENT: Lopez
Prado
Suzuki
Hoh

MEMBERS ABSENT: Fine

MINUTES OF CIVIL SERVICE BOARD MEETING OF JULY 16, 2002

A motion was made by Board Member Lopez and seconded by Board Member Suzuki to approve the minutes of the July 16, 2002 meeting.

Motion: Lopez
Second: Suzuki

The motion was approved by the following roll call vote:

Ayes: Lopez
Suzuki
Prado

Absent: Fine

Abstain: Hoh

REPORTS OF SECRETARY TO THE BOARD

None.

CONSENT CALENDAR

None.

ELIGIBLE LISTS ESTABLISHED

Informational item only.

SEPARATE MATTERS

None.

CITIZENS ADDRESSING THE CIVIL SERVICE BOARD ON MATTERS NOT ON THE AGENDA

None.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957 - EMPLOYEE DISCIPLINE

The Board adjourned into closed session to consider a matter of employee discipline. The room was cleared. Prior to the Board hearing the case, the Appellant's attorney was asked if he wanted to reschedule to a meeting when all of the Board Members would be present. The Appellant's Attorney elected to proceed with the hearing with the attending Board Members.

Present were Appellant's Attorney, Kasey Clark, and Paul Gale, Deputy City Attorney, representing the appointing authority.

Mr. Gale gave a detailed analysis of the ALJ's decision and stated that the Order should be adopted. He explained that Mr. Brown's behavior clearly warranted termination. If you are a City employee and behave like Mr. Brown did, then you are going to lose your job.

Mr. Clark stated the issue was not the conduct of Mr. Brown while he was a CSO, but while he was a Police Officer. Mr. Clark argued that if the behavior was so bad, then why did the City place him back as a CSO prior to seeking termination.

Mr. Gale argued that under Civil Service Rule 7c an employee who is promoted and fails probation can go back to his previous job. Mr. Gale stated that they were investigating the case during the time Mr. Brown was

demoted to CSO, and that Mr. Brown's behavior was bad enough for dismissal.

President Hoh asked about all the other years that Mr. Brown has worked for the City and if there was any record of discipline. Mr. Clark stated that there was not.

Board Member Suzuki noted that all the problems happened while Mr. Brown was a Police Officer.

Board Member Lopez made a motion to adjourn into private session with just the Board members and the Board's attorney present pursuant to Civil Service Rule 12.10(c) 6ii.

Motion: Lopez
Second: Prado

The motion was approved by the following roll call vote:

Ayes: Lopez
Prado
Suzuki
Hoh

The Board then asked Mr. Clark if he had any objections to the Board deliberating privately. Mr. Clark stated that he did not have a problem with this. The room was cleared at 2:05 p.m.

At 2:20 p.m. the closed session was resumed.

Board Member Lopez stated that the Board was troubled by The Appellant's conduct. She moved to modify the Administrative Law Judge's decision as follows:

Proposed Decision:

Page One, Third Paragraph – Mr. Paul A. Gale change “represented respondent Civil Service Board” to “represented respondent City appointing authority”.

Page One, Paragraph 1 – change “Alfred Brown (“respondent”) to “Alfred Brown (“appellant”) and throughout the remainder of the Proposed Decision.

Page 13, Paragraph 1 – change the sentence “The appeal of respondent Alfred Brown is DENIED” to read “The appeal of appellant Alfred Brown is MODIFIED”.

Page 13, Paragraph 2 – change the sentence “The Order terminating respondent Alfred Brown from City employment is AFFIRMED” to read “The Order is modified. Appellant Alfred Brown is suspended for 90 days without pay and reinstated to his former position as a Community Services Officer.

Motion: Lopez
Second: Suzuki

The motion was approved by the following roll call vote:

Ayes: Lopez
Prado
Suzuki
Hoh

There being no further business the Board adjourned at 2:30 p.m.

RONALD HOH
President

GERI HAMBY
Secretary