

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING DECEMBER 16, 1975

The regular meeting of the Civil Service Board was called to order by President Wilfred Street at 1:40 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Alba Kuchman, Wilfred Street, Jimmie Yee.
Absent: Ronald Wright.

EXECUTIVE SESSION RE APPEAL FROM DISCIPLINARY ACTION BY WAYNE L. SMITH,
MAINTENANCE MAN I, RECREATION AND PARKS DEPARTMENT

The Civil Service Board met in executive session to consider the testimonies heard and exhibits entered into evidence during Mr. Smith's hearing on December 9, 1975.

It was the unanimous decision of the Board, in executive session, to deny Mr. Smith's appeal.

A copy of the Findings and Conclusions is attached and made a part of these minutes.

MINUTES OF SPECIAL MEETING, NOVEMBER 11, 1975
(continued from December 2, 1975)

Approval of the November 11 minutes was deferred to the next regular meeting.

MINUTES OF SPECIAL MEETING, NOVEMBER 25, 1975: Approved as submitted.

MINUTES OF REGULAR MEETING, DECEMBER 2, 1975: Approved as submitted.

ELIGIBLE REGISTERS ESTABLISHED

<u>Examination No.</u>	<u>Class Title</u>	<u>Effective Date</u>	<u>Expiration Date</u>
#1268-R	Senior Stenographer-Clerk (continuous)	11/11/75	11/10/76
#1268-S	Senior Stenographer-Clerk (continuous)	11/12/75	11/11/76
#1431	Library Stores Clerk (Promotional)	11/26/75	11/25/76
#1444	Library Assistant II (Joint City- County List)	12/11/75	12/10/76

EXTENSION OF ELIGIBLE REGISTER NO. 1361, FIRE APPARATUS OPERATOR

Motion was made by Mrs. Kuchman, seconded by Mr. Yee, and carried by unanimous vote to approve the three-month extension of the eligible register No. 1361 for Fire Apparatus Operator (formerly called Fire Engineer) from December 30, 1975 to March 30, 1976.

OFF-AGENDA ITEMHEARINGS WITHDRAWN

Michael M. Martin, Police Officer
Robert E. Kelley, Police Sergeant

The Civil Service Board cancelled the hearings which were scheduled for Officer Martin and Sergeant Kelley for January 13, 1976, upon receipt of written withdrawal from Attorney David Simmons. Attorney Simmons indicated that the matters had been resolved.

CONTINUANCE OF THE REQUEST FOR HEARING TO APPEAL DISCIPLINARY ACTION

Luis Flores, Police Officer

As requested by Attorney David Simmons by written communication dated December 16, 1975, this matter was postponed until the next regular meeting.

CHANGE IN PREVAILING CONSTRUCTION HOURLY RATES

<u>Classification</u>	<u>Current Hr. Rate</u>	<u>1/1/76 Hr. Rate</u>
Industrial Painter	\$10.55	\$10.80
Painter	10.30	10.65
Painter Foreman (3-4 men)	10.945	11.315
Painter Foreman (5-9 men)	11.59	11.98
Industrial Painter Foreman (3-4 men)	11.21	11.475

In accordance with notification received from the District Council of Painters No. 16, motion was made by Mr. Yee and seconded by Mrs. Kuchman to approve the above listed construction hourly rates, effective January 1, 1976. The motion carried by the following vote:

Ayes: Street, Yee.
Abstained: Kuchman.
Absent: Wright.

AMENDMENT OF CLASSIFICATION PLAN

Proposed New Class Specification - first reading
Equipment Specification Writer

Assistant Personnel Analyst Robert Coons informed the Board of the duties and responsibilities of the proposed new class and the reason for its establishment. The job specification was presented to the Board for its consideration. Discussion was held and the Personnel Department staff was requested to review the appropriateness of the class title and the experience qualifications. The Board also requested that an organizational chart of the Equipment Maintenance Division be provided at its next regular meeting.

LEGAL OPINION RE CIVIL SERVICE BOARD'S AUTHORITY CONCERNING THE REASSIGNMENT OF ROBERT MCGEE AND RICHARD VASQUEZ FROM REFUSE COLLECTOR (TRUCK DRIVER) TO REFUSE COLLECTOR (continuation from 10/29, 11/18, 12/2/75)

Mr. Phillip Cunningham, Business Agent for Local 39/Sacramento City Employees Association, contended that, by authority of City Code Section 2.96, Messrs. McGee and Vasquez had been reassigned from Refuse Collector (Truck Driver) back to Refuse Collector; that Code Section 2.96 violates Charter Section 52a(3) and (4); and that the Civil Service Board should hear the matter.

Legal opinion was requested of the City Attorney's office concerning the Board's authority in this matter. Deputy City Attorney Tom Haas, in his legal opinion dated November 7, 1975, discussed the contentions raised by Mr. Cunningham. City Code Section 2.96, states as follows:

"Positions in the following classes shall be filled through assignment by a department head, and any employee so assigned may be removed therefrom by the department head without right of appeal: Patrolman (Detective Division), Refuse Collector (Truck Driver), Maintenance Man I (Street Cleaning), Maintenance Man I (Street Cleaning-Three-Wheel Vehicle)."

Attorney Haas indicated that, since the assignment to Refuse Collector (Truck Driver) conferred no Civil Service status, there could have been no reallocation within the meaning of Charter Section 52a(4) from which to appeal; that it was the City Attorney's opinion that the "assignment classes designated in Section 2.96 do not violate the provisions of City Charter Section 52a(3) and Section 52a(4) inasmuch as a return to the permanent class has been characterized by the courts as not involving discipline nor involving Civil Service status." Attorney Haas informed the Board that reassignment from Refuse Collector (Truck Driver) to Refuse Collector is legally permissible.

Salary differentials of positions which are filled by assignment by department heads were discussed. The Board then requested more information concerning 1) what the practice has been in appointments to Refuse Collector (Truck Driver) and 2) how long the men assigned as Refuse Collector (Truck Driver) have been on the job. The Board also wished to receive more information from the Waste Removal Division.

Mrs. Kuchman moved to table this matter until further information can be brought back to the Board members by the staff and the Waste Removal Division. The motion was seconded by Mr. Yee and carried by unanimous vote.

EXAMINATIONS ANNOUNCED

Mr. Amos Syas, representing Local 522, reported that he and Mr. Tom Holland, Personnel Selection Supervisor, had met prior to this meeting concerning the two fire promotional announcements. He informed the Board that it was their agreement to add "Fire Department policies and procedures" under "Scope of the Examination" in Announcement #1438, Fire Apparatus Operator.

Mrs. Kuchman was opposed to the Parking Meter Coin Collector examination being promotional.

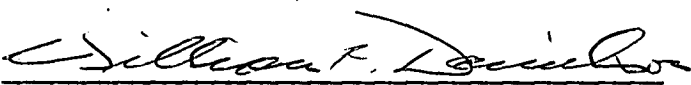
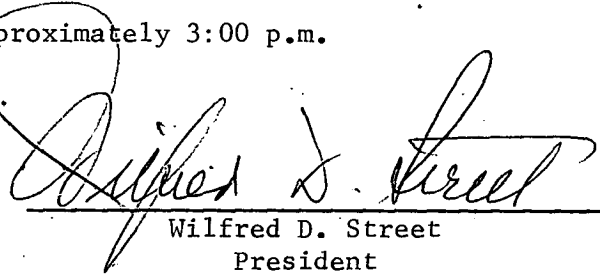
Motion was made by Mr. Yee, seconded by Mrs. Kuchman, and carried by unanimous vote to approve the following announcements:

- #1436 Fire Prevention Inspector II (Promotional)
- #1438 Fire Apparatus Operator (Promotional)
- #1443 Shop Foreman (Promotional)

Motion was made by Mr. Yee, seconded by Mrs. Kuchman, and carried by majority vote (Ayes: Street and Yee; Noes: Kuchman; Absent: Wright) to approve the following announcement:

- #1442 Parking Meter Coin Collector (Promotional)

The regular meeting was adjourned at approximately 3:00 p.m.

 <hr style="width: 100%;"/> William F. Danielson Secretary	 <hr style="width: 100%;"/> Wilfred D. Street President
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Attachment:
 Findings and Conclusions of Wayne L. Smith hearing.

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RANDOM SELECTION

#1434 Junior Typist-Clerk

The random selection process was held in the office of Board Member Jimmie Yee, 718 Alhambra Boulevard, Sacramento, on December 17, 1975, as instructed by Mr. Street.

Sixty numbers were randomly selected out of 374 for the next phase of the Junior Typist-Clerk Examination. Additionally, 65 candidates who are currently employed by the City in non-career positions will automatically be invited to continue to the next phase.

(See minutes of November 30, 1971 for the procedure used.)

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CIVIL SERVICE BOARD

CITY OF SACRAMENTO

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3 In the Matter of the)
Appeal of) FINDINGS AND CONCLUSIONS
4 WAYNE L. SMITH)
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6 The matter of the appeal of WAYNE L. SMITH came on regularly
7 for hearing on December 9, 1975. Members of the Board present
8 were: Wilfred D. Street, Chairman; Alba Kuchman; and Jimmie R.
9 Yee. Wayne L. Smith was represented by Charles H. Bitterling,
10 Attorney at Law. The City of Sacramento was represented by
11 Leliand J. Savage, Deputy City Attorney.

12 The hearing concluded on December 9, 1975, and the matter
13 was submitted to the Board for decision. On December 16, 1975,
14 the Board met in executive session to consider the matter. The
15 Board announced its decision in public session on December 16,
16 1975.

17 The Board finds that the evidence shows:

18 1. On June 4, 1975, Jose Urioste, Wayne Smith's leadman,
19 warned Wayne Smith not to leave his tools unattended and not to
20 leave his assigned work site without being authorized to do so.
21 Following this warning on June 11, 1975, Wayne Smith left his
22 tools unattended and left his assigned work site without auth-
23 orization to do so. Based on the foregoing, Wayne L. Smith
24 received a letter of reprimand dated June 11, 1975.

25 2. On July 31, 1975, Jose Urioste issued a written copy of
26 the work schedule with which his crew of men was to comply.
27 Wayne L. Smith received a copy of said work schedule on July 31,
28 1975.

29 3. On August 12, 1975, Wayne L. Smith failed to report to
30 work at the established starting time of 6:00 A.M. and, on the
31 same date, Jose Urioste found Wayne Smith taking a rest break
32 at 7:00 A.M. Arriving late for work and taking a rest break at

1 7:00 A.M. on August 12, 1975 each violated the work schedule
2 issued July 31, 1975. As a result of these incidents, Wayne L.
3 Smith received a disciplinary letter dated August 22, 1975 sus-
4 pending him for one day without pay effective September 4, 1975.
5 This suspension did not occur since Wayne L. Smith's employment
6 was terminated before September 4, 1975.

7 4. On August 25, 1975, as the first assignment of the day,
8 Jose Urioste ordered Wayne L. Smith to fill a small hole in the
9 Southside Park. When Jose Urioste checked later that morning,
10 he found that Wayne L. Smith had not filled the hole. Jose
11 Urioste again ordered Wayne L. Smith to immediately fill the
12 hole.

13 Some time later that morning, Jose Urioste found Wayne L.
14 Smith had again failed to fill the hole as directed and Jose
15 Urioste ordered Wayne L. Smith for a third time to immediately
16 fill the hole. Jose Urioste then left Southside Park.

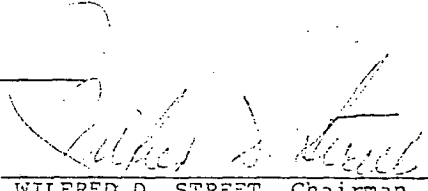
17 Wayne L. Smith did not comply with the third direct order.
18 After Jose Urioste left Southside Park, Wayne L. Smith telephoned
19 Joe Sertich at the City Cemetery. Sertich immediately notified
20 Darrell Martineau and Ron Billat who, after investigation, trans-
21 ferred Wayne L. Smith's work assignment to Land Park.

22 At a disciplinary interview held on August 26, 1975, Wayne
23 L. Smith admitted that he failed to follow Jose Urioste's direct
24 orders and that he had threatened Jose Urioste's life.

25 From the foregoing, the Board concludes:

- 26 1. The appeal of Wayne L. Smith should be, and is, denied;
27 and,
28 2. The action of the appointing authority was taken for
29 cause and is sustained.

30 DATED: January 20, 1976

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32 WILFRED D. STREET, Chairman

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Alba Kuchman
ALBA KUCHMAN

Jimmie R. Yee
JIMMIE R. YEE

HEARING TO APPEAL LETTER OF REPRIMAND

Paul M. Hronec, Maintenance Man I

The hearing for Paul M. Hronec, Maintenance Man I, Recreation and Parks Department, was called to order by President Wilfred Street at 3:00 p.m. following the conclusion of the regular meeting.

Present: Alba Kuchman, Wilfred Street, Jimmie Yee.

Absent: Ronald Wright.

Paul M. Hronec, Maintenance Man I, received a letter of reprimand dated August 25, 1975, from Solon Wisham, Director of Recreation and Parks. The letter stated that after the completion of Mr. Hronec's probationary period, during which his manner had been exemplary, his performance was unsatisfactory in the following respects: a) sporadic tardiness; b) taking too much time to do work assignments and loitering; c) photographing other employees and stating it was his intention to keep records on other employees, and d) lacking initiative in the application to his assigned duties.

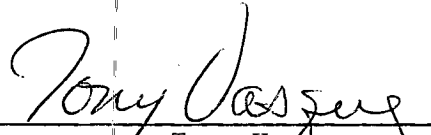
By letter dated August 27, 1975 to the Civil Service Board, Paul M. Hronec appealed the letter of reprimand.

Larry Dowe, Employee Relations Representative, represented the City. Mr. Hronec represented himself.

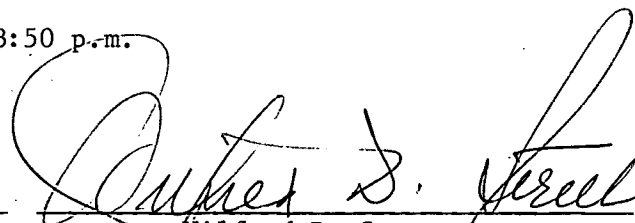
Testimonies were heard from Joe Sertich, Park Foreman I; Juan Jimenez, Maintenance Man I; and John Bramble, Assistant Parks Superintendent, on behalf of the City of Sacramento Recreation and Parks Department. Testimony was heard from the appellant, Paul M. Hronec, Maintenance Man I, on behalf of himself.

Continuation of Mr. Hronec's hearing was deferred to 12:30 p.m., December 30, 1975, prior to the regular meeting.

The hearing was adjourned at 3:50 p.m.



Tony Vasquez
Acting Secretary



Wilfred D. Street
President