

**MINUTES OF REGULAR MEETING  
CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
May 16, 2006**

The meeting of the City of Sacramento Civil Service Board was called to order by Vice Chairman Pryor in the Hearing Room of Historic City Hall, 915 I Street, Second Floor, Sacramento, CA at 1:35 p.m.

**MEMBERS PRESENT:** Suzuki  
Pryor  
Thompson

**MEMBERS ABSENT:** Fine  
Robillard

**MINUTES OF CIVIL SERVICE BOARD MEETING OF APRIL 4, 2006**

Vice Chairman Pryor asked if there were any comments or corrections from the Board on the April 4, 2006 minutes. Board Member Suzuki moved the minutes be accepted as submitted. The motion was seconded by Board Member Thompson. The motion was carried as follows:

**Motion:** Suzuki  
**Second:** Thompson

The motion was approved by the following roll call vote:

**Ayes:** Suzuki  
Thompson  
Pryor

**Noes:** None

**Absent:** Fine  
Robillard

**REPORTS OF SECRETARY TO THE BOARD**

Gerrie Giffin reported that Item 5, under the Consent Calendar, revisions to the Real Property Agent Classifications is being pulled from the agenda by request of the Union. This item will be addressed at a future date.

### **ELIGIBLE LISTS ESTABLISHED**

This is an information item only.

### **CONSENT CALENDAR**

This item was pulled from the agenda as reported by the Board Secretary.

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

None

### **RECOMMENDED DECISION OF THE ARBITRATOR IN THE MATTER OF THE TERMINATION OF LESTER HENRY, SANITATION WORKER II**

The Board went into closed session at 1:39 p.m. The hearing room was cleared except for the parties of interest in the above matter.

Lan Wang, Sr. Deputy City Attorney was present on behalf of the City of Sacramento.

Marcia Mooney, Business Representative, Stationary Engineers Local 39, was present on behalf of the grievant, Lester Henry.

Both parties gave a brief summary of their arguments. Mr. Wang asked the Board to overturn the decision of the Arbitrator and uphold the City's disciplinary action of termination of Lester Henry. Ms. Rooney asked the Board to accept the proposed decision of the Arbitrator and return Mr. Henry to his position of Sanitation Worker II since he was on a medical absence during the time he was terminated.

Board Member Thompson inquired about whether Mr. Henry was subject to being recalled to work during the time of his medical leave while his license was invalid. Mr. Wang explained the City's procedure of leave requests being granted in 30-day blocks. Mr. Wang mentioned that since Mr. Henry's medical leave could end anytime, it was reasonable for the City to insist that he have a valid license.

Mr. Wang also mentioned a workers comp claim filed by the grievant and asked Workers Comp Claims Representative Cheryl Rutty to give a brief summary. Ms. Rutty said Mr. Henry filed a claim in 2002 for stress and for neck pain. The claim for stress was turned down and Mr. Henry saw a physician for the neck pain. Ms. Rutty mentioned that Mr. Henry was

medically released by a physician and was able to return to work, but went to another doctor on his own, a chiropractor that was not approved, and Mr. Henry was able to extend his medical leave. Mr. Wang said Mr. Henry had been off work for two years now. The Board also questioned Mr. Wang as to the City's policy in relation to the application of Rule 12 of the Civil Service Rules and whether appropriate discipline was exercised.

Ms. Mooney said Mr. Henry reported that he has been medically released, has his Class B License, and is ready to return to work.

After some discussion, a motion was made by Board Member Thompson to adopt the decision of the Arbitrator. The motion was seconded by Board Member Suzuki. The motion carried as follows:

**Motion:** Thompson  
**Second:** Suzuki

The motion carried by the following roll call vote:

**Ayes:** Suzuki  
Thompson  
Pryor

**Noes:** None

**Absent:** Fine  
Robillard

There being no further business, the meeting adjourned at 2:00 p.m.

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**THOMAS PRYOR**  
Vice Chairman

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**GERI HAMBY**  
Secretary