

MINUTES OF CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
SPECIAL MEETING                      MAY 23, 1972

The Civil Service Board met in special session in the Council Chamber at 1:50 p.m., with President Yew presiding.

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

Absent: None.

The Secretary informed the Board that, in reference to the hearings scheduled for Officers Val R. Schiele and Ronald Shields for this date, continuance had been requested by the City's Labor Relations Counsel and agreed to by Rodney A. Klein, Attorney for Officers Schiele and Shields. The hearing date, therefore, was rescheduled for Tuesday, June 27, 1972.

HEARING TO APPEAL DISCIPLINARY ACTION

Clint M. Grady, Gardener

President Yew informed the parties present that this special meeting was for the purpose of hearing the appeal of Clint M. Grady from disciplinary action. President Yew also informed those present that the proceedings would be recorded on tape.

The disciplinary letter dated January 29, 1971, from Solon Wisham, Jr., Director of Recreation and Parks, to Clint M. Grady was read by the Secretary. Mr. Grady had received a 30-day suspension which commenced on January 29, 1971, and had been permanently discharged from his position as gardener in the Parks Division of the Recreation and Parks Department, effective February 28, 1971. It was alleged that Mr. Grady had fraudulently secured employment with the City.

In attendance at this hearing were: Appellant, Clint M. Grady; Donald W. Fraulob, Attorney for Mr. Grady; Deputy City Attorney G. Richard Brown, representing the City; Erling Linggi, Assistant Director, Recreation and Parks; Gene Robinson, Parks Superintendent; and Deputy City Attorney Thomas Haas, Counsel for the Civil Service Board.

Deputy City Attorney G. Richard Brown, representing the City, presented to the Board and to Mr. Fraulob, appellant's attorney, the following exhibits:

<u>City's Exhibit</u>	<u>Description</u>
#1	Employment application form filled out by Clint M. Grady, page 1 of which indicated that he had never received workman's compensation.
#2	Report of Medical Examination form, dated July 25, 1967, filled out by Clint M. Grady at the time of his physical examination prior to employment, which indicated that he had no heart trouble; that he had had kidney stone problem in 1958; that he had no back trouble; that he had never filed for any type of compensation due to illness; and the omission of the entire portion relating to information concerning hospitalization.

City's  
ExhibitDescription

- #3 Letter dated March 18, 1964, from the State Compensation Insurance Fund, which handles workmen's compensation claims, addressed to State Employees' Retirement System, which indicated that Mr. Grady had received temporary disability workman's compensation during August 1961 through April 1964; August 1962 through September 1963; October 1963 through March 1964 and still continuing at that time.
- #4 Medical report dated March 10, 1964, signed by Dr. Charles Fleming of Reno, Nevada, to State Employees' Retirement System on the treatment of Mr. Grady for his back trouble.
- #5 Hospital report signed by Dr. King showing hospitalization between August 11 and 16, 1961, for back trouble.
- #6 Hospital report signed by Dr. King showing seven days' hospitalization for back trouble in January 1962.
- #7 Hospital report signed by Dr. James Gillmore showing three days' hospitalization in October 1963 for back trouble.
- #8 Report by William Teipner, M.D., regarding hospitalization during January and February 1964 for treatment of cervical and pelvic injury.
- #9 Hospital report signed by Dr. King showing one-day hospitalization in March 1963 for hypertension and heart failure.
- #10 Hospital report signed by Dr. King showing hospitalization for five days in February 1959.
- #11 Hospital report signed by Dr. King showing hospitalization for four days again in February 1959.
- #12 Hospital report signed by Dr. King showing two days' hospitalization in September 1959.
- #13 Record of the minutes of the hearing before the Workmen's Compensation Appeals Board on January 23, 1971, when Mr. Grady applied for workman's compensation benefit.

In closing, Deputy City Attorney Brown indicated that pertinent and important information had been omitted by Mr. Grady on his application form; that Mr. Grady had indicated on the application form and on the medical report form that he had never received workman's compensation when in fact he had; that Mr. Grady had stated he had no back injury when he had had a long history of back trouble; and that the entire portion of the question regarding hospitalization had been omitted. The certification, signed by Mr. Grady, states that all statements are correct and that omissions or misstatements may be cause for discharge from City service.

Mr. Donald Fraulob, Attorney for Clint M. Grady, appeared before the Board. Mr. Fraulob's contention was that omission and falsification of the application does not warrant a discharge and that other alternatives could have been taken. Mr. Fraulob requested the Board to overturn the discharge to protect the disability retirement benefit due to Mr. Grady.

Clint M. Grady was then duly sworn in by the Secretary. Mr. Grady described his 1969 back injury and the treatment received by him.

Upon motion by Mr. Street, second by Mr. Reynoso, and unanimous vote, the meeting was adjourned into closed session at 3:00 p.m.

The meeting reconvened at 3:25 p.m. It was the unanimous decision of the Board that Mr. Clint M. Grady's appeal be denied.

COMMUNICATION DATED MAY 11 FROM SACRAMENTO FIRE FIGHTERS UNION, LOCAL 522,  
REGARDING PROMOTIONAL ORAL BOARDS (continued from May 16, 1972)

William Bruce, Civil Service Representative from Local 522, appeared before the Board. As requested by the Board at its meeting of May 16, Mr. Bruce had inquired as to prospective oral panel members for promotional examinations; however, he stated he had not yet received replies.

Mr. Bruce reiterated that Local 522's request was that oral interview panels be as objective and as impartial as possible. Local 522's specific request was for the Board to screen the selection of promotional oral board members or to create a guideline for selection standards to avoid reoccurrence of a panel such as that chosen for the Deputy Fire Marshal promotional examination. The interview panel consisted of Sacramento Fire Marshal William Powell, Chief Lonnie Johnson of the Florin Fire District, and Personnel Analyst Donald Sandman.

Mr. Danielson stressed that experts in the field were asked to serve on the board to attempt to obtain the best qualified candidates and that it was standard practice to include departmental representatives.

Mr. Woods and Mr. Reynoso were of the opinion that candidates' technical knowledge is proven by the written examination; therefore, the oral interview portion of the examination should be geared to bring forth other qualities in the candidates.

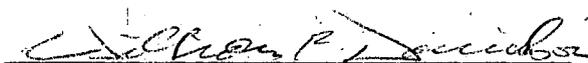
Mr. Danielson then offered to draft an outline of the criteria used in the selection of oral interview panels. Thereupon, it was requested that suggested criteria also be obtained from the Fire Department and from Local 522 in the procedure and standards to be used for oral board selection, and that an informal meeting could perhaps be held among interested parties to review the suggestions.

Mr. Woods moved that, if legally possible, the oral board for the upcoming Fire Captain promotional examination not be chosen until the Board has had an opportunity to review subjective criteria for oral board selection guidelines from the Personnel Officer, Fire Chief, and Local 522. The motion was seconded by Mr. Reynoso, and carried by the following vote:

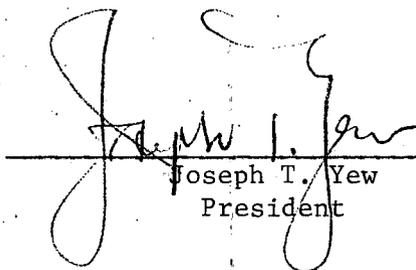
Ayes: Members Reynoso, Street, Woods, Yew.  
Abstained: Member Alexander.

Mr. Woods further moved to request for legal opinion to ascertain whether the Board would have the authority to take such action. The motion was seconded by Mr. Alexander, and the vote was unanimous. ✓

The meeting was adjourned at 4:10 p.m.



William F. Danielson  
Personnel Officer



Joseph T. Yew  
President