

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
EXECUTIVE SESSION MARCH 6, 1973

The Civil Service Board met in executive session in the Personnel Department Conference Room at 1:30 p.m., with President James Alexander presiding.

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

The purpose of the executive session was to continue the consideration of the request of William Motmans, James Hansen, Donald Fox, Henry Clark, and William Bennett to restore the assignment classification of Patrolman (Detective Division). (Reference: Minutes of January 23 and February 6, 1973)

The classification study of the Patrolman (Detective Division) classification, conducted by William Woska, Supervising Personnel Analyst, which was submitted to the City Attorney for review, was presented to the Board with the City Attorney's memorandum dated March 5, 1973, copy of which is attached.

After discussion, it was moved by Mr. Reynoso that a letter be drafted from the Civil Service Board to the City Council requesting the City Council to initiate discussions with the Sacramento Police Officers Association to attempt to modify the terms of the Memorandum of Understanding entered into, effective July 1, 1972, as it pertains to the Police Career Development Program as implemented and which eliminated the class of Patrolman (Detective Division) as it relates to six persons (William Motmans, James Hansen, Donald Fox, Henry Clark, William Bennett, and Albert Zine), and which will recommend restoration of these aforementioned six persons to the class of Patrolman (Detective Division).


The motion was seconded by Mr. Street and carried by the following vote:

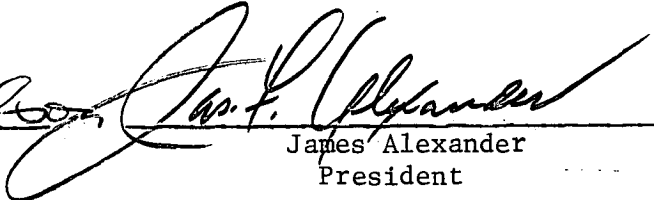
Ayes: Members Alexander, Reynoso, Street, Yew.
Absent: Member Woods.

Motion was then made by Mr. Street, seconded by Mr. Reynoso, and carried by unanimous vote that the position of Court/District Liaison Officer be reviewed with regard to possible reclassification. It was further stipulated that the report be prepared for use by April 24, 1973.

A further executive meeting was set for Tuesday, March 13, 1973, to review the draft of the proposed letter to the City Council.

The meeting was then adjourned.


William F. Danielson
Secretary


James Alexander
President



CITY OF SACRAMENTO

DEPARTMENT OF LAW
812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

JAMES P. JACKSON
CITY ATTORNEY
DAVID W. MC MURTRY
ASSISTANT CITY ATTORNEY
THOMAS HAAS
JOHN T. KETELSEN
NANCY SALZMAN
C. RICHARD BROWN
RICHARD H. HYDE
DEPUTY CITY ATTORNEYS
JOHN LIEBERT
LABOR RELATIONS COUNSEL

March 5, 1973

MEMORANDUM

TO: CIVIL SERVICE BOARD

FROM: THOMAS HAAS
Deputy City Attorney

RE: CLASSIFICATION STUDY, PATROLMAN (DETECTIVE DIVISION)

At its meeting of February 6, 1973, the Civil Service Board requested our office to review the classification study of the patrolman (detective division) with the goal of devising a method to return the five former incumbents to similar positions. The legal standard under which the Civil Service Board may establish classifications is as follows:

It is true that rules which are thus adopted and enforced must be reasonable in their application to the purpose for which the statute is enacted, and they must not be arbitrary or discriminatory. (citations omitted). A determined classification is presumed to be reasonable and valid, and will be upheld unless it appears to be palpably arbitrary. (citations omitted). Leftridge vs. City of Sacramento, 59 Cal.App.2d 516, 524 (1943).

The problem in classifying the patrolmen who formerly occupied assignment classes thus becomes one of discerning whether they can be placed in new classifications which would be neither unreasonable, arbitrary or discriminatory.

The Classification Study prepared by the Personnel Department contains the following evaluations:

1. "With the exception of Officer Motmans, the other four officers are performing investigative type assignments. There are approximately 80 other patrolmen in the Police Department performing as investigators." page 4.

2. "With the possible exception of the Court/District Attorney Liaison Officer, it is not possible to distinguish duties and responsibilities or draw a line of demarcation between the five positions and the 'class of positions' in the various work assignments within the Patrolman class." page 7.

3. "In regards to the Court/District Attorney Liaison Officer's position, more time would be needed to completely evaluate the position due to its unique character and the fact that it was once apparently performed by the Assistant Chief of Police. An individual analysis would also be made on one position in the Traffic Division with similar responsibilities." page 7.

From these conclusions it is difficult to escape the conclusion that creation of a new, separate classification for four of the five positions would be unreasonable, arbitrary and discriminate against at least 80 other patrolmen who are performing similar duties. Likewise there appears to be one other patrolman in the Traffic Division who could claim an unreasonable discrimination if the Court/District Attorney Liaison Officer alone was the subject of a new classification. As the personnel study concludes, further information would have to be developed on these two positions, however, before a final determination could be made.

Outside of the possibility of the classification approach, we are constrained to advise the Board its powers are severely limited. Another case involving Sacramento's Civil Service system concluded that "No power reposed in the city council, the board of civil service commissioners or the police department to adopt methods of appointment different from those prescribed by the Charter, nor could the essentials of the Charter requirements have been dispensed with by ordinance." Ticknor vs. City of Sacramento, 80 Cal.App.2d 284, 289, (1947). Faced with this standard, it is difficult to justify the creation of the assignment classifications, much less their resurrection by the Civil Service Board in another guise.

The guidance we are able to offer the Board towards its goal is thus limited by the legal restraints we have discussed above. From the facts we have been presented with, only one of the former assignment officers would conceivably merit a reclassification, and upon further investigation it may be necessary to include an additional Traffic Division Officer in such a new classification.

TH:gd