

MINUTES OF CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
SPECIAL MEETING                      NOVEMBER 1, 1973

The special meeting was called to order by President James Alexander in the Personnel Department Conference Room at 2:25 p.m.

Present: James Alexander, Wilfred Street, Marion Woods.

Absent: Frank Reynoso, Joseph Yew.

The following hearings were to have been held on October 30; however, due to the lack of a quorum, the meeting was rescheduled for this date.

HEARING TO APPEAL DISCIPLINARY ACTION

Jimmy C. Fairbanks, Patrolman

Officer Fairbanks was discharged effective August 28, 1973, from his position as Patrolman based on the grounds that he had violated Civil Service Rule 17.5(v), acts which are incompatible to the City service. A request for hearing was filed by Mr. Fairbanks on August 29, 1973. (Reference: Minutes of 9/4/73; 9/25/73.)

Attorney Michael G. Harper of the Legal Aid Society of Sacramento County was the counsel for Mr. Fairbanks; Attorney Richard Brown was the advocate for the City; and Attorney Thomas Haas was the advisor to the Board.

Attorney Harper informed the Board that Mr. Fairbanks would be unable to answer to the City's charges without jeopardizing Mr. Fairbanks' rights regarding his pending criminal indictments before the federal and state courts. He requested that Mr. Fairbanks' case be continued until after adjudication of the pending criminal cases against his client.

Thereupon, motion was made by Mr. Street that Mr. Fairbanks' appeal be continued to a later date to be determined by the Civil Service Board and counsel for Mr. Fairbanks. The motion was seconded by Mr. Woods and carried by the following vote:

Ayes: Alexander, Street, Woods.

Noes: None.

Absent: Reynoso, Yew.

HEARING TO APPEAL DISCIPLINARY ACTION

Louis J. Binion, Maintenance Man I, Water and Sewer Division

Mr. Binion had been suspended for three days, September 12 through 14, 1973, for refusing to obey, on several occasions, orders to wear safety shoe caps when operating the jackhammer.

The Secretary read into the record the disciplinary letter of September 7, 1973, from Water and Sewer Division Manager Ray Jones to Mr. Binion, and Mr. Binion's letter received by the Personnel Department on September 18, 1973, requesting a hearing before the Board to appeal the three-day suspension.

Mr. Binion appeared without representation although he had been informed by the Employee Relations Administrator that he could be accompanied by counsel or representative.

Mr. Binion was sworn in by the Secretary, and he presented his own case. He stated that the reason for his not wearing the safety shoe caps, even though ordered to do so, was that the safety shoe caps were uncomfortable. He also stated that he was found sitting down and resting at about 2:00 p.m. one work day, after he had taken his lunch hour, by his supervisor who told him to get back to work. Mr. Binion told the Board that a person should not have to work when tired.

Mr. Binion was excused after answering questions of the Board members.

Mr. Don Fausset, Employee Relations Administrator for the City, called Lyn Sigston, Machinist Foreman, and Larry Comarsh, Assistant Plant Maintenance Superintendent, to testify to relate to the Board the circumstances leading up to the disciplinary action. Mr. Robert Haynes, Plant Maintenance Superintendent, and Oscar McCormick, Machinist Foreman, were also present but were not called to testify.

Mr. Sigston and Mr. Comarsh were first sworn in by the Secretary before giving their testimony. It was reported by the witnesses that Mr. Binion, initially for about a year and a half was a dependable, good worker, but had become increasingly indifferent, undependable, and unreliable. They informed the Board that on many occasions private discussions were held with Mr. Binion to attempt to assist him to correct his behavior.

Mr. Fausset introduced the following exhibits:

- #1 Letter of reprimand, dated August 23, 1973, from Lyn Siston to Mr. Binion.
- #2 Letter dated August 21, 1973, from Ray Jones to Louis Binion suspending him for three days from August 27 through 29, 1973, for failure to follow orders.
- #3 Letter dated March 16, 1973, from Oscar McCormick to Louis Binion reprimanding him.

Mr. Binion was given the opportunity to question the witnesses, after which the Board directed questions to the witnesses.

Members of the Board then met in closed session with appellant Louis Binion. After excusing Mr. Binion, the Board met further in executive session.

At approximately 3:55 p.m., the Board reconvened the meeting and announced that its unanimous decision was to deny Mr. Binion's appeal.

The meeting was adjourned at approximately 4:00 p.m.

  
William F. Danielson  
Secretary

  
James F. Alexander  
President