

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING APRIL 8, 1969

The Civil Service Board met in special session in the City Hall Council Chambers at 3:00 p.m.

PRESENT: Members Alexander, Diepenbrock, Erickson, Genshlea, Street

ABSENT: None

The meeting was called to order by the President, Mr. Diepenbrock, who advised that the agenda consisted of hearing an appeal from Mr. George Allen for reinstatement to his former position of Patrolman, under provisions of Section 10.5 of the Civil Service Board rules and regulations.

Mr. Diepenbrock further advised that the proceedings of this hearing were being recorded.

Letter from Clarence S. Brown, Attorney-at-Law, representing Mr. George Allen, dated March 21, 1969, and making the official request for reinstatement, was read and ordered filed. Mr. Brown and Mr. Allen were both present.

Mr. James Jackson, City Attorney, gave a summary of the events, as outlined in the report of investigating officers, which led to the suspension and discharge of Mr. Allen from his position as Patrolman in the Sacramento Police Department on June 22, 1962. Mr. Jackson was questioned by the members of the Board on points contained in the report. A copy of the police investigation report was submitted to be made part of the record.

Mr. Clarence Brown, attorney representing Mr. Allen, was requested to present his case on behalf of Mr. Allen. Mr. Allen was called by Mr. Brown to give a complete description of the events which led to his discharge. Mr. Allen was questioned on many points of his testimony by members of the Board.

Official communications in Mr. Allen's personnel file, relating to reasons

for and the effective date of his discharge, were read by the Secretary.

Mr. Allen was questioned as to his employment since discharge, the reasons for wishing to return to the Police Department since his salary on the Police Department would probably be less than he was presently earning; and was questioned as to reasons why he had made no apparent attempt to obtain a hearing as did Mr. Elbert Johnson, another officer involved in the incident who has been reinstated.

Mr. Allen stated that he has been steadily employed as a chef since his discharge, that he enjoyed the work as a Patrolman and wanted to clear the record insofar as his involvement in the incident was concerned, and that he had in fact materially assisted Mr. Johnson in his attempts to obtain a hearing.

Mr. Allen summed up by stating that at no time did he ever enter the house in question, although admitting that he had been drinking and had become involved in a heated argument with a Mr. Clifford, the deputy sheriff also involved in the incident, and felt that he should not have been discharged from the Police Department as a result.

There being no further witnesses and no further questions by the City Attorney or by Mr. Allen and his attorney, Mr. Diepenbrock advised that the Board would go into executive session to make a decision.

In executive session, the case was discussed at length, and the following conclusions were agreed upon by the members of the Board:

1. That Mr. Allen was intoxicated and created a disturbance during the early morning hours of June 19, 1962, and was found not equipped with his service revolver as required by Police Department regulations. As a consequence thereof, it was the consensus of the Board that he had been guilty of conduct unbecoming an officer;
2. That for this conduct Mr. Allen should have been disciplined, but the disciplinary action applied (discharge from City service) was unduly harsh and severe;

3. That, regrettably, there was no procedure available to Mr. Allen to seek relief from the severity of the discipline imposed because his discharge resulted from the unanimous action of the City Council as authorized by the recently repealed Section 178 of the City Charter;
4. That, in the opinion of the Civil Service Board, the discipline previously imposed should be reduced, and Mr. Allen be permitted to return to service in the Sacramento Police Department in his former capacity as Patrolman.

Motion was made by Mr. Street that Mr. Allen be placed on the reinstatement list for the class of Patrolman, in accordance with provisions of Section 10.5 of the Rules and Regulations, and that he be reappointed as soon as the first vacancy occurs, subject to the following conditions:

1. There shall be no reimbursement from the City of Sacramento for back pay or other expenses incurred by him;
2. He shall return to Step C of the current salary range for Patrolman (\$776 per month) and complete one year of service, including previous time in this step, before being eligible to advance to Step D;
3. He shall be credited with seventeen (17) days of sick leave which he had accumulated prior to his discharge; and
4. Upon reappointment he shall be eligible for three (3) weeks of annual vacation allowance beginning in 1970 (pro-rated according to the number of months actually worked in 1969).

Motion was seconded by Mr. Erickson and carried by the following vote:

AYES: Members Alexander, Diepenbrock, Erickson, Genshlea, Street

NOES: None

Mr. Brown and Mr. Allen were then called back into the meeting, and the Board's decision was delivered by Mr. Diepenbrock.

There being no further business, the meeting adjourned at 4:30 p.m.


 SECRETARY


 PRESIDENT