

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING JUNE 6, 1978

The regular meeting of the Civil Service Board was called to order by President Ronald Wright at 1:40 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Juanita Damerell, Donna Giles, Ronald Wright.
Absent: Luis Campos, Wilfred Street.

MINUTES OF MAY 16, 1978 MEETING: Approved as submitted (Mrs. Damerell abstaining).

REPORTS OF DIRECTOR OF PERSONNEL

Acting Secretary William Woska informed the Board that the California Supreme Court has granted a hearing in the case of the Sacramento County Civil Service Commission's minority hiring rule (District Attorney John M. Price vs. Sacramento County Civil Service Commission). The court's decision will have a direct effect on the City of Sacramento's selective certification rule.

ELIGIBLE REGISTERS ESTABLISHED

<u>Exam.</u>	<u>Class Title</u>	<u>Effective</u>	<u>Expiration</u>
#1579	Machinist Helper	5/25/78	5/24/79
#1584	Construction Inspector I	5/18/78	5/17/79
#1590	Plant Operator I	5/24/78	5/23/79

EXTENSION OF ELIGIBLE REGISTER #1540, ASSISTANT TO ART GALLERY DIRECTOR, FROM JUNE 13, 1978 TO JUNE 12, 1979

MOTION: Mrs. Damerell moved to approve the extension as recommended by staff.
SECOND: Mrs. Giles.
CARRIED: Unanimous vote.

REQUEST FOR HEARING TO APPEAL POSITION ALLOCATIONS AS A RESULT OF THE OPERATIONS AND MAINTENANCE CLASSIFICATION STUDY

- a. Tony Freitas, General Repairman b. Richard M. Winn, General Repairman
Ralph Secor, General Repairman

MOTION: Mrs. Damerell moved to grant the requests for hearing and to schedule the hearings for June 20, 1978, as the first item on the agenda.
SECOND: Mrs. Giles.
CARRIED: Unanimous vote.

COMMUNICATION RECEIVED FROM MR. WESLEY A. KEYSON, STATIONARY ENGINEERS, LOCAL 39, ON BEHALF OF MRS. LINDA BARROS, LIMITED-TERM DISPATCHER-CLERK
(continued from 5/2/78; 5/16/78)

Deputy City Attorney David Benjamin, at the time of his previous review of the transition rule (Rule 11.13), concluded that Mrs. Barros would have no appeal

rights. However, Attorney Benjamin indicated that his conclusion was in error; that Rule 1.3 states that any action of the Director of Personnel taken as agent of the Board may be appealed within thirty calendar days. Attorney Benjamin indicated that, in this case, there was a failure to recommend by the Personnel Director; however, the case would be appealable under Rule 1.3.

It was the consensus of the Board members to consider Mrs. Barros' appeal to be timely.

MOTION: Mrs. Giles moved to grant the request for hearing and to schedule the hearing for June 27, 1978.
 SECOND: Mrs. Damerell.
 CARRIED: Unanimous vote.

REQUEST FOR HEARING TO APPEAL REMOVAL OF NAME FROM ENTRY-LEVEL CAREER EMPLOYMENT ELIGIBLE REGISTER

Manuel Montanez, Candidate

Mr. Montanez, a candidate on the Entry-Level Career Employment eligible list, was removed from the list pursuant to Civil Service Board Rule 6.3(a)(2), "Disqualification and Removal from List", on April 12, 1978. Mr. Montanez appealed this action by letter of May 4, 1978.

MOTION: Mrs. Damerell moved to grant the request for hearing and to schedule the hearing for June 27, 1978, at 1:30 p.m.
 SECOND: Mrs. Giles.
 CARRIED: Unanimous vote.

COMMUNICATION FROM ATTORNEY ROBERT J. SULLIVAN ON BEHALF OF OFFICER MICHAEL BUSCH REQUESTING EXTENSION OF POLICE SERGEANT ELIGIBLE REGISTER #1493 (continued from 5/16/78)

Subsequent to the May 16 Civil Service Board meeting, Officer Busch was appointed as Police Sergeant. Officer Busch, therefore, was no longer a party of interest in this matter. Police Captain Felix Luna, on behalf of the Police Chief, indicated that the Police Department did not wish the Police Sergeant list extended. No objection was raised to the department's position.

MOTION: Mrs. Damerell moved to deny the request of Attorney Sullivan to extend the Police Sergeant Eligible Register #1493.
 SECOND: Mrs. Giles.
 CARRIED: Unanimous vote.

AMENDMENT TO CLASSIFICATION PLAN

a. Proposed Revision of Class Specification

Sanitary Inspector - third reading

MOTION: Mrs. Damerell moved to approve the Sanitary Inspector specification, although she preferred more specific language than "considerable" under the heading of Experience.
 SECOND: Mrs. Giles.
 CARRIED: Unanimous vote.

b. Proposed Revision of Class Specification and Title Change

Dispatcher-Clerk - first reading

Associate Personnel Analyst Susan Davidson explained the changes proposed: deletion of "Clerk" from the title; deletion of references to clerical duties and experience and to substitute supportive nature of the classification; and housekeeping changes.

Ms. Davidson indicated that input as well as concurrence was received from the Police Department, Fire Department, and Local 39/SCEA. It was recommended that the revised specification be adopted.

Suggestions were made by Board members to delete the word "recent" under the heading of Experience and to include under Examples of Duties language to justify the required knowledges and abilities.

According to Board procedure, this item was held over for second reading at the next regular meeting.

c. Proposed New Classification (Reference: Minutes of January 4 and 24, 1978)

Claims Representative - first reading

Associate Personnel Analyst Julie Mayesh presented the classification study of the Administrative Trainee position in the Finance Department occupied provisionally by Ronald C. Petersen. Ms. Mayesh reported that there have been no changes in the duties and responsibilities assigned to the position since the position was initially changed to Administrative Trainee. However, a new class of Claims Representative was being recommended for this position because of the duties and responsibilities unique to the position.

Ms. Mayesh reported that Mr. Petersen, the incumbent, must qualify by competitive examination for the new class of Claims Representative and be reachable for appointment in accordance with Civil Service Board Rule 4.7.

According to Board procedure, this item was held over for second reading at the next regular meeting.

SETTING OF HEARING DATE TO DISCUSS APPEALS RE FIREFIGHTER AGILITY TEST

At the Board meeting of May 16, a tentative hearing date to consider the concerns raised in the recent Firefighter agility test was scheduled for June 13, 1978. This date was to be confirmed by the full Board.

Mr. William Woska, Acting Secretary and Personnel Management Administrator, informed the Board that, depending on the outcome of the June 6 election, there is a possibility that the examination process for Firefighter may be cancelled.

MOTION: After discussion, Mrs. Damerell moved to defer any further consideration of the hearing concerning appeals regarding the Firefighter agility test until such time as determination is made by staff as to whether or not the examination will be continued.

6/6/78

-4-

SECOND: Mrs. Giles.
CARRIED: Unanimous vote.

MOTION: Mrs. Giles moved to place this matter under the pending items to be considered prior to any further consideration of the Firefighter examination.

SECOND: Mrs. Damerell.
CARRIED: Unanimous vote.

STAFF REPORT RE NON-CAREER EMPLOYEES TRANSITIONED INTO CAREER SERVICE BETWEEN SEPTEMBER 1, 1977 AND FEBRUARY 28, 1978

The report indicated that 57 persons were transitioned into the career work force between September 1, 1977, and February 23, 1978. Since the implementation of the Employee Development Program and the transitioning rule in November 1976, there have been a total of 105 persons who have been transitioned into the career work service.

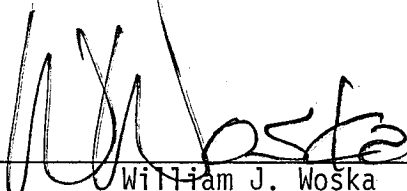
This report was received and filed.

AMENDMENT TO CIVIL SERVICE BOARD RULES AND REGULATIONS

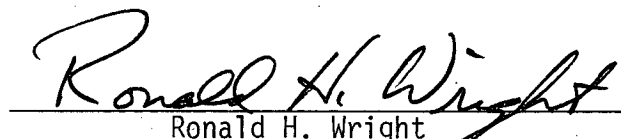
As two of the Board members were absent and because two of the Board members present at this meeting were required to leave early, this item was continued to a special meeting called for Tuesday, June 13, 1978, at 1:30 p.m.

Board President Wright requested that a staff member be present at the June 13 special meeting to inform the Board of the layoff procedure.

The meeting adjourned at 2:45 p.m.



William J. Woška
Acting Secretary



Ronald H. Wright
President

SANITARY INSPECTOR

NATURE OF WORK:

Under direction to conduct field inspections, collect water samples and investigate complaints concerning water quality.

DISTINGUISHING CHARACTERISTICS:

A Sanitary Inspector works out of the water treatment plant laboratory. Incumbents work with considerable independence in the field to insure compliance with City Ordinances, Water and Sewer Division regulations, and State Health Codes concerning the quality of water throughout the distribution system.

EXAMPLES OF DUTIES:

Collects water samples throughout the City for laboratory analysis from storage facilities, consumer outlets, private water suppliers, distribution mains, and other water sources.

Investigates complaints from consumers concerning water quality, volume, and pressure.

Conducts periodic inspections and tests of backflow prevention devices.

Conducts routine physical and chemical tests in the field and laboratory on water samples.

Keeps and maintains records concerning inspections, testing procedures, results of tests, citizen complaints, investigations and corrective actions.

Investigates complaints concerning unauthorized use of water.

Performs related duties as required.

DESIRABLE QUALIFICATIONS:

Education:

Six or more semester units of college level chemistry, bacteriology, or biology.

Experience:

Considerable public contact making independent decisions.

KNOWLEDGES, ABILITIES, AND SKILLS:

Knowledge of:

Geography of the City including the location and layout of streets.
State Health Codes relating to water quality control.
Local City ordinances and Water and Sewer Division regulations pertaining to water services.

Ability to:

Make mathematical computations involving basic algebraic equations.
Learn and interpret City rules, regulations, and ordinances that apply to water quality control and distribution.
Make field and laboratory tests using pressure gauges, turbidimeter, chlorine test equipment, backflow prevention test equipment, and less complex laboratory test equipment.
Read technical manuals indicating locations of water mains, valves, and hydrants throughout the distribution system.
Make clear concise reports and keep records.
Establish and maintain effective working relationships with employees and the public.

NECESSARY SPECIAL QUALIFICATIONS:

Possession of a valid California Driver License at time of appointment.

Adopted: 1/1/67

Revised: 6/6/78

Title Change:

Abolished:

Class Code: 03460

CITY OF SACRAMENTO
CIVIL SERVICE BOARD

HEARING

BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

June 12, 1978

The hearing concerning the appeal of Marcia Morlatt, Library Page, was held Monday, June 12, 1978 at 9:00 a.m. before Robert R. Coffman, Administrative Law Judge, in the Personnel Department Conference Room, 801 Ninth Street.

The following exhibits were introduced by the City:

- Exhibit 1 Pleadings--entered as evidence
- Exhibit 2 Ms. Morlatt's Employee Evaluation Sheet - dated August 28, 1977--entered as evidence
- Exhibit 3 1976, 1977, 1978 Vacation/Sick Leave Control Calenders--entered as evidence
- Exhibit 4 Memorandums from Jo Armstrong to the Record documenting Ms. Morlatt's absences--entered as evidence
- Exhibit 5 Department's Rules and Regulations re sick leave, vacation, absence reporting and requests--entered as evidence
- Exhibit 6 Memorandum from Lois Shumaker to Marcia Morlatt - dated January 23, 1978--entered as evidence
- Exhibit 7 Documentation of formal disciplinary actions taken before Ms. Morlatt's dismissal--entered as evidence
- Exhibit 8 Memorandum from Ms. Morlatt to Mr. Aveney - dated April 4, 1977--entered as evidence
- Exhibit 9 Memorandum from Jo Armstrong to the Record - dated March 30, 1977--entered as evidence
- Exhibit 10 Memorandum from Jo Armstrong to the Record - dated April 4, 1977--entered as evidence

Witnesses who appeared on behalf of the City were:

Jo Armstrong, Library Technician I
Lois Shumaker, Librarian IV
Harold D. Martelle, Jr., City/County Librarian

CITY OF SACRAMENTO
CIVIL SERVICE BOARD

HEARING

BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

June 12, 1978

The following exhibit was introduced by the appellant:

Exhibit A Memorandum from Ms. Morlatt dated May 7, 1977--
entered as evidence

There were no witnesses on behalf of the appellant, other than herself.

The hearing adjourned at 11:25 a.m.

BEFORE THE CIVIL SERVICE BOARD
 CITY OF SACRAMENTO
 STATE OF CALIFORNIA

In the Matter of the Appeal)	
of:)	
)	CSB NO. HO-78-9
MARCIA MORLATT)	
)	N-11580
from Dismissal from her position)	
as Library Page)	

PROPOSED DECISION

The above-entitled matter came on for hearing before Robert R. Coffman, an Administrative Law Judge of the Office of Administrative Hearings, on June 12, 1978 in Sacramento, California.

Appellant Marcia Morlatt was present and was represented by Phillip M. Cunningham, her attorney.

The Appointing Authority was represented by Larry L. Dow, Employee Relations Representative, City of Sacramento.

Evidence was received, the hearing was closed and the matter was submitted. The Administrative Law Judge certifies this decision and recommends its adoption.

FINDINGS OF FACT

I

Appellant Marcia Morlatt at all times material was a Library Page with the Sacramento City-County Library. Appellant's appointing power was H. D. Martelle Jr., City-County Librarian.

II

On or about April 28, 1978, Appellant was served with a letter of disciplinary action, such action being dismissal effective at the end of the work day, April 28, 1978.

III

On October 5, 1976, Appellant was given an official letter of reprimand pursuant to Rule 17.2(j), Inexcusable Absence Without Leave. The basis for this reprimand was the citation of

several instances wherein Appellant failed to report for duty and/or failed to report her absence in a timely manner to her supervisor.

IV

During the period October 5, 1976 to February 23, 1977 there were 29 instances wherein Appellant failed to report for duty and/or failed to report her absence in a timely manner to her supervisor.

V

On February 23, 1977, Appellant was suspended without pay for a period of 3 days, effective March 1, 1977, pursuant to Rule 17.2(j), Inexcusable Absence Without Leave.

VI

On May 18, 1977, Appellant was suspended without pay for a period of 5 days, effective May 25, 1977, pursuant to Rule 17.2(j), Inexcusable Absence Without Leave, in that she failed to report for duty and failed to timely notify her supervisor of her absence, in the following instances:

March 18, 1977	4 hours
March 29, 1977	8 hours
April 22, 1977	8 hours
May 4, 1977	4 hours
May 11, 1977	5 hours

In addition, Appellant failed to report for duty at the prescribed time and was docked for unauthorized absences, as follows:

March 21, 1977	30 minutes
March 26, 1977	24 minutes
April 2, 1977	48 minutes
April 4, 1977	12 minutes
April 5, 1977	12 minutes
April 6, 1977	18 minutes
April 7, 1977	30 minutes
April 14, 1977	12 minutes

VII

During the period June 1, 1977 to April 21, 1978, Appellant failed on at least 16 occasions to report for duty or to timely notify her supervisor of her absence.

VIII

Appellant was orally counselled by supervisors on numerous occasions, and received several memos from supervisors, regarding her inexcusable absences.

At the time of the May 1977 suspension the City-County Librarian informed Appellant that further instances of inexcusable absences would result in her dismissal.

IX

The usual reasons given her supervisors by Appellant for her absences included partying the night before work, failure to awake in the morning, and personal problems.

Appellant feels that most of her absences were attributable to excessive drinking. She believes that her life, subsequent to her dismissal in April, is more stable. She is purchasing a home and intends to marry in September.

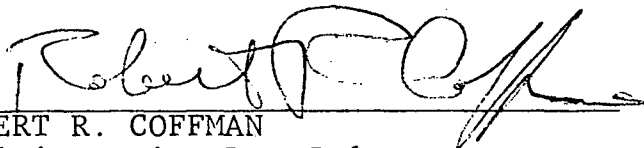
DETERMINATION OF ISSUES

Cause was established for discipline under Sections 17.2(j), Inexcusable Absence Without Leave, and 17.2(d) Inexcusable Neglect of Duty, of the Civil Service Board Rules.

ORDER

The appeal is denied. The dismissal is affirmed.

Dated: B-14-78.


ROBERT R. COFFMAN
Administrative Law Judge
Office of Administrative Hearings

6/12/78



CITY OF SACRAMENTO

DEPARTMENT OF PERSONNEL

801 NINTH STREET, ROOM 201
SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5270

WILLIAM F. DANIELSON
DIRECTOR OF PERSONNEL

July 6, 1978

Mr. Robert R. Coffman
Administrative Law Judge
Office of Administrative Hearings
Department of General Services
915 Capitol Mall, Room 106
Sacramento, California 95814

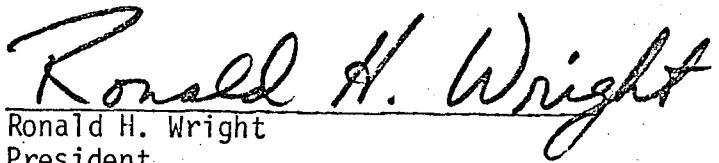
Dear Mr. Coffman:

Re: Appeal of Marcia Morlatt, Library Page
Your File: N-11580

The City of Sacramento Civil Service Board considered your recommended decision in the above matter at its meeting of July 5, 1978. It was the order of the Civil Service Board that your recommendation be adopted as its decision in the matter of the appeal of Marcia Morlatt, Library Page.

Very truly yours,

CITY OF SACRAMENTO
CIVIL SERVICE BOARD


Ronald H. Wright
President

cc: Office of Administrative Hearings
Attention: Calendar Clerk
Phillip M. Cunningham, Stationary Engineers,
Local 39
Don Fausset, Employee Relations Division
Harold Martelle, City-County Librarian
Marcia Morlatt