

MINUTES OF THE REGULAR MEETING  
OF THE CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
JULY 15, 1980

The regular meeting of the Civil Service Board, City of Sacramento, was called to order by Vice-President Campos at 1:32 p.m. in the Conference Room, Personnel Department, 801 - 9th Street, Sacramento, California.

Members present:       Mr. Jonathan Mayhew  
                              Mrs. Vivian C. Nance  
                              Mr. Luis J. Campos

Members absent:        Mr. Joseph L. Russell  
                              Mr. Wilfred D. Street

MINUTE OF THE REGULAR MEETING OF JULY 1, 1980

Motion was made to approve the minutes of the regular meeting of July 1, 1980.

Motion:        Mr. Mayhew  
Second:        Mr. Campos

Motion was approved by the following roll call vote:

Ayes:         Mr. Mayhew  
                  Mr. Campos

Abstain:      Mrs. Nance

REPORTS OF DIRECTOR OF PERSONNEL

Mrs. Donna L. Giles, Director of Personnel addressed the Board and questioned if the members wished to have a special meeting on July 29, 1980 as this was a month that had a fifth Tuesday. The Board decided not to schedule a special meeting at this time.

REQUEST FOR TRANSFER

Roberta Halverson (Cashier - Account Clerk)

Ms. Halverson was in the audience; there were no questions by the Board members.

Motion was made to grant the request of Roberta Halverson for a transfer from the position of Cashier to Account Clerk.

Motion:        Mrs. Nance  
Second:        Mr. Mayhew

Motion was approved by unanimous roll call vote.

ELIGIBLE LISTS ESTABLISHED

- a. #1734 - Electrician
- b. #1754 - Stores Clerk.

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There were no questions on the Eligible Lists.

EXAMINATION TO BE ANNOUNCED

#1712 - Sanitation Worker III (Promotional)

Mrs. Nance questioned the difference between the positions of Sanitation Worker II and III; Ms. Susan Davidson, Associate Personnel Analyst replied.

Motion was made to approve Examination #1712 - Sanitation Worker III (Promotional).

Motion: Mrs. Nance  
Second: Mr. Mayhew

Motion was approved by unanimous roll call vote.

RECOMMENDED DECISIONS OF THE ADMINISTRATIVE LAW JUDGE

a. Ernest Knox

Mr. Garland Rosauro, Business Representative, Local #39, addressed the Board and stated that he was representing Mr. Knox. He informed the Board that Mr. Knox had worked for the City for seven years prior to this incident. Mr. Rosauro referred to a work-related injury sustained by Mr. Knox in 1978 for which he had been receiving treatment and medication up to and including the time he received his termination letter.

Mr. Joseph L. Russell entered the meeting at 2:39 p.m.

There was some discussion on this issue and various concerns were voiced including the fact that Mr. Knox is not using "speed" or any other controlled substance, and that the effects of his industrial accident have diminished to the point where it would no longer affect his job performance if he were rehired.

Mr. David Benjamin, Deputy City Attorney answered questions from the Board, and referred to Civil Service Rule 12.8 which governs the alternatives the Board can take on the recommended decisions of Administrative Law Judges.

Mr. Sam Jackson, Deputy City Attorney, addressed the Board and recommended that the Board accept the Administrative Law Judge's decision, as it was based on the appellant's actions at the time he was given the disciplinary letter.

Motion was made to adopt the findings of the Administrative Law Judge, with a reduction of the penalty to allow Mr. Knox to return to work without back pay as soon as administratively possible.

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Motion: Mr. Mayhew  
Second: Mr. Russell

After some additional discussion, motion was made to table the motion on the floor.

Motion: Mr. Russell  
Second: Mrs. Nance

Motion was approved by unanimous roll call vote.

The Board went into executive session at 2:01 p.m.  
The meeting reconvened at 2:20 p.m.

Vice-President Campos announced that it was the decision of the Board to adopt the decision of the Administrative Law Judge in its entirety, but reduce the penalty to suspension without pay through July 15, 1980.

Ayes: Mrs. Nance  
Mr. Mayhew  
Mr. Campos  
Noes: None  
Abstain: Mr. Russell

b. Adolph Huber/Ronald McSpadden (Continued)

Mr. Mel Coben, Attorney at Law, addressed the Board and stated that Mr. Ronald McSpadden was deceased, and he was representing his widow, Mrs. Ann McSpadden.

Mr. Coben questioned the jurisdiction of the Board in the instance of a deceased employee. Mr. Benjamin, Deputy City Attorney, informed the Board that in his opinion they did have jurisdiction to hear this matter, because Mr. McSpadden was alive when he appealed, and the appeal did not become moot because of his death.

There was some discussion on this issue.

The Board went into executive session at 2:55 p.m.  
The meeting reconvened at 3:20 p.m.

Motion was made that the Board determine the merits of the appeal of Ronald McSpadden.

Motion: Mr. Russell  
Second: Mrs. Nance

Motion was approved by unanimous roll call vote.

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Mr. David Simmons, Attorney at Law addressed the Board and stated that he was representing Adolph Huber. Both he and Mr. Coben presented arguments on behalf of the appellants, and requested that the Board personally interview Mr. Haraguchi, who had lodged the charge of theft against the two Police Officers.

Mr. Sam Jackson, Deputy City Attorney, addressed the Board and emphasized that the decision of the Administrative Law Judge was based on many days of testimony, and recommended that the Board adopt the recommended decision of the Administrative Law Judge.

There was some discussion on the events of the evening when Mr. Haraguchi charged that Officers Huber and McSpadden robbed him, and the denomination of the notes in question.

The Board went into executive session at 4:35 p.m.  
The meeting reconvened at 5:00 p.m.

Vice-President Campos announced that it was the decision of the Board that the recommended decision of the Administrative Law Judge be adopted for both Adolph Huber and Ronald McSpadden, and that the appeals be denied.

Ayes:	Mr. Russell
	Mrs. Nance
	Mr. Campos
Noes:	None
Abstain:	Mr. Mayhew

POLICE SERGEANTS' EXAMINATION APPEALS (Continued)

Mr. Mel Coben, Attorney at Law, addressed the Board and passed a letter to the Board Members dated July 15, 1980.

There was some discussion on these appeals, and on whether the matter should be heard by the Board or by an Administrative Law Judge.

Motion was made that the Secretary to the Board seek approval from the City Manager's office to have an Administrative Law Judge appointed, as an exception to the rule in this particular case, and that he conduct a hearing along the lines that the Board will establish, and that he be directed to make factual determinations and render a proposed decision.

Motion:	Mr. Russell
Second:	Mr. Mayhew

Motion was approved by unanimous roll call vote.

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Mr. William Carnazzo, Deputy City Attorney, addressed the Board and requested a determination as to how many appeals should be considered - the eight individuals who had failed the examination, or the twelve individuals (the eight who had failed and the four who were appealing their position on the eligible list).

Mr. Coben requested that all twelve individuals be considered.

Motion was made, notwithstanding any previous action taken by this Board, that the appeals of Steven Hall, Michael Kime, Lloyd Kearns, and Adrien Garcia be denied, based on the provisions of Rule 4.9 which does not entitle successful applicants to appeal rights.

Motion: Mr. Russell  
Second: Mrs. Nance

Motion was approved by unanimous roll call vote.

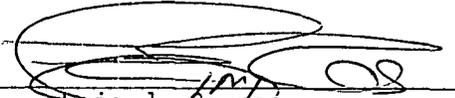
Mr. Jonathan Mayhew left the meeting at 6:05 p.m.

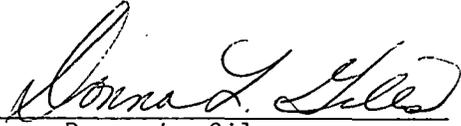
Mr. Carnazzo requested that the Board determine the procedure whereby the Administrative Law Judge could conduct a hearing, and referred to the recommendations outlined in his letter to the Board dated July 11, 1980. He informed the Board that the successful candidates had been informed of the meeting, and Mr. Benjamin requested that this matter be tabled in order to give the successful applicants time to make a decision as to whether or not they may wish to seek representation on their behalf at the hearing.

Mr. Carnazzo again requested that Mr. Coben define the issues of the appeals and Mr. Coben indicated that he would not limit himself to defining just one or two issues, but agreed that 4.9(b) "Improper procedure in the administration of a test". would be a consideration.

The Board agreed to continue the matter to the next regular meeting for further discussion.

There being no further business, Vice-President Campos adjourned the meeting at 6:18 p.m.

  
Luis J. Campos  
Vice-President

  
Donna L. Giles  
Secretary to the  
Board