

**MINUTES OF REGULAR MEETING
CIVIL SERVICE BOARD
CITY OF SACRAMENTO
November 6, 2007**

The meeting of the City of Sacramento Civil Service Board was called to order by Chairperson Pryor in the Hearing Room of Historic City Hall, 915 I Street, Second Floor, Sacramento, CA at 1:30 p.m.

MEMBERS PRESENT: Robillard
Manders
Thompson
Pryor

MEMBERS ABSENT: None
*Lopez arrived at 1:35

MINUTES OF CIVIL SERVICE BOARD MEETING OF OCTOBER 16, 2007

The Board received the minutes of the October 16, 2007 meeting. Chairperson Pryor asked if the Board had any comments. Board Member Thompson requested "Police Matters to be considered" be corrected to "Policy Matters to be considered." Mr. Thompson moved to accept the minutes as amended. The motion was seconded by Mr. Robillard. The motion to approve went as follows:

Motion: Thompson
Second: Robillard

The motion carried with the following roll call vote:

Ayes: Thompson
Robillard
Manders

Abstain: Pryor

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No comments or questions.

CITIZENS ADDRESSING THE BOARD ON MATTERS NOT ON THE AGENDA

None

APPEAL OF FIRE APPARATUS OPERATOR EXAM

Mr. Gale, City Attorney, advised the Board: The Civil Service Board Rules call for a full evidentiary hearing and the Board should waive the rules if it doesn't wish to conduct a full evidentiary hearing. Additionally, any witnesses should be sworn in. Mr. Thompson moved to waive rules. Ms. Lopez seconded the motion. The motion to approve went as follows:

**Motion: Thompson
Second: Lopez**

The motion carried with the following roll call vote:

**Ayes: Thompson
Robillard
Manders
Lopez
Pryor**

Mr. Picha's representative, Linda Parisi, submitted an exhibit to the Board and Mr. Cosgrove, Sr. Personnel Analyst. Ms. Parisi's argument was that the application is written in the negative, rather than the affirmative and may have been confusing for Mr. Picha. Mr. Picha assumed that he did not need to submit any documentation other than the application because he is a current City employee and the exam was only open to current City employees.

Mr. Picha was sworn in by Chairperson Pryor.

Mr. Pryor called a recess to allow the City to review the appellant's exhibit.

Mr. Cosgrove stated the applicant did not relate current job related experience, so the application was disqualified.

Mr. Thompson recalled the City had a similar issue with an applicant that was disqualified for similar reasons in 2006. He inquired about how the City changed the application process as a result. Mr. Cosgrove submitted exhibit D that reflected the changes. Mr. Cosgrove related that the City clearly states the requirement to list current and/or past job related experience in the application materials.

Ms. Lopez commented that it appears that there are two theories to the appellant's argument: 1) the application has ambiguous instructions and 2) it is not over burdensome for the City to check documents for current employees to confirm their qualifications.

Mr. Cosgrove responded that the city receives thousands of applications. Therefore the City cannot check employee applicant qualifications. Further, it is the applicant's job to provide the detailed information on the application. Mr. Cosgrove explained that 28 applications were received for this exam and only Mr. Picha did not indicate qualifying experience.

Mr. Thompson questioned Mr. Picha, "Knowing what you know now, was it an omission on your part, or did you believe you did not need to complete qualifying experience?"

Mr. Picha replied that he wrongly interpreted the instructions.

Ms. Lopez questioned, "Did you ask anyone to clarify the instructions?"

Mr. Picha replied that he did not request Human Resources staff to clarify the instructions because he believed to understand the instructions at the time he completed the application. Mr. Picha believed he had advised the City he was a current employee at the time he completed the application.

Ms. Parisi responded to Ms. Lopez' assessment of the appellant's arguments. She argued that it is relatively simple to cure the ambiguity of the application by changing the application to read, "list current and past work experience." She asserted that the application as a whole provides that Mr. Picha is a qualified applicant.

Board Member Manders moved to grant appeal. The motion died for lack of second.

Board Member Thompson moved to deny appeal. Ms. Lopez seconded the motion. The motion to approve went as follows:

Motion: Thompson
Second: Lopez

The motion carried with the following roll call vote:

Ayes: Thompson
Robillard
Lopez
Pryor

Noes: Manders

Mr. Gale, City Attorney, informed the appellant that judicial review of this decision is governed by Section 194.6 of the California Code of Civil Procedure.

POLICY MATTERS TO BE CONSIDERED

Mr. Gale advised the Board at the last meeting of the procedural methods for hearings scheduled for the November 20th meeting:

- Option #1 – Offer of Proof.
- Option #2 – Oral testimony.
- Option #3 – Paper Hearing.

Per Civil Service Board Rule 12.10(e), the Board must waive standard hearing procedures upon selection of one of the three options. The Board may decide on different methods, depending on each case circumstance.

Mr. Thompson moved to select Option #1, Offer of Proof and waive the standard procedural Rules pursuant to Rule 12.10 (e). The motion was seconded by Ms. Lopez. The motion to approve went as follows:

Motion: Thompson
Second: Lopez

The motion carried with the following roll call vote:

Ayes: Thompson
Robillard
Pryor
Lopez
Manders

Noes: None

BOARD IDEAS, QUESTIONS, AND ANNOUNCEMENTS

Board Member Lopez reported that she saw Pat Yasui, staff to the Board, who said hello to everyone.

Mr. Robillard inquired about the City's reasoning for only accepting on-line applications for promotional positions. Mr. Cosgrove advised that the City is moving toward electronic documents through our eCAPS program.

Mr. Robillard requested that Eric Brown, Personnel Analyst, provide Ms. Geri Hamby, Human Resources Director, a compliment regarding a recent radio commentary. Radio Host Graswich complimented the City for providing a "live person" for callers to speak to, and offering great customer service.

There being no further business, the meeting adjourned at 2:39 pm.

THOMAS PRYOR
Chairperson

GERRIEE GIFFIN
Acting Secretary