



CITY OF SACRAMENTO



SACRAMENTO CITY EMPLOYEES' RETIREMENT SYSTEM

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RICHARD E. SNYDER
RETIREMENT SYSTEM MANAGER
SECRETARY TO THE BOARD

May 19, 1987

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Proposed Change to City Code Section 34.1407

Summary.

It is proposed that Section 34.1407 of the City Code be changed to permit the recording of proceedings of a retirement appeal hearing before a Hearing Officer, Office of Administrative Hearings, by either a tape recorder or by a certified shorthand reporter.

Background.

Section 34.1407 of the City Code currently reads:

The proceedings at the hearing shall be recorded by a tape recorder. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense.

The above language mandates that administrative hearings be held in a facility which is equipped with an adequate audio recording system. The only facility which is readily available for such hearings is Room 103, 801 Ninth Street.

Over the past years, Room 103, 801 Ninth Street, has been used for regular scheduled meetings of the Civil Service Board, Administration, Investment and Fiscal Management Board and the Retirement Hearing Commission. This room is also in steady use for Civil Service examinations, Civil Service hearings and other City meetings. The net effect is that retirement appeal hearings in Room 103 are now being set as many as four months in advance of the hearing date. This facility's scheduling problems delay the resolution of employees' retirement appeals, which is undesirable to all parties.

Discussion.

A simple resolution to the problem of delayed retirement appeal hearings is to provide an option for recording proceedings during such hearings by tape recorder or by a certified shorthand reporter. A certified shorthand reporter has recorded all retirement appeal hearings for nearly ten years and it is expected that this practice will continue. By deleting the mandate for tape

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recording of proceedings, other facilities may be used for such hearings, including the two chambers maintained by the Office of Administrative Hearings at 501 J Street. The use of such additional facilities should expedite the retirement appeal hearing schedule.

In order to resolve the problem outlined above, it is proposed the City Code Section 34.1407 be changed to read as follows:

Section 34.1407 Record of oral evidence at hearing.

The proceedings at the hearing shall be recorded by a tape recorder or by a certified shorthand reporter.

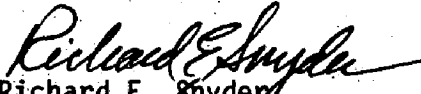
This proposed change to the City Code has been submitted to all recognized City employee organizations for comment. Written support for the proposed change was received from one employee organization. No objections were received from any employee organization.

During a May 8, 1987 meeting, the Retirement Hearing Commission, by unanimous vote, recommended adoption of the proposed ordinance to the City Council.

Recommendation

It is recommended that the Law and Legislation Committee forward the attached proposed ordinance to the full City Council with a recommendation for adoption.


Respectfully submitted,


Richard E. Snyder
Retirement System Manager

RECOMMENDATION APPROVED:


Donna L. Giles, Director of Personnel

RECOMMENDATION APPROVED:


Walter J. Slife, City Manager

Attachment

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING CHAPTER 34 OF
THE SACRAMENTO CITY CODE RELATING TO
RETIREMENT HEARING COMMISSION PROCEDURES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 1407, Chapter 34, Article XIV of the Sacramento City Code is amended to read as follows:

Section 34.1407 Record of oral evidence at hearing.

The proceedings at the hearing shall be recorded by a tape recorder or by a certified shorthand reporter.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

Sec. 34.1407 Record of oral evidence at hearing.

The proceedings at the hearing shall be recorded by a tape recorder/ *either party may provide a certified shorthand reporter to maintain a record of the proceeding at the party's own expense/* or by a certified shorthand reporter.