

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING December 18, 1973

The regular meeting of the Civil Service Board was called to order by President James Alexander at 1:45 p.m. in the Personnel Department Conference Room.

Present: James Alexander, Marion Woods, Joseph Yew.
Absent: Wilfred Street, Frank Reynoso.

The minutes of the meetings of October 29, November 10 and 17, and December 1, 1970; and December 4, 1973, were approved as presented.

The minutes of the meeting of December 11, 1973, were approved following the addition of the following words as underlined below on page 4, first paragraph:

"Mr. Woods moved to amend the motion to add that the Personnel Department review and report to the Civil Service Board on the feasibility of conducting a research study on hearing perception necessary to accomplish the work of members of the City's Fire and Police Departments."

NEW EXAMINATIONS ANNOUNCED

#1316 Senior Stationary Engineer
#1317 Stationary Engineer

ELIGIBLE REGISTERS ESTABLISHED

#1286 Junior Typist-Clerk
#1301 Plant Operator I
#1305 Deputy City Clerk
#1314A Personnel Analyst I

RECENT USE OF SELECTIVE CERTIFICATION FOR CLASS OF STREET CONSTRUCTION LABORER

Report on this matter was postponed at the request of the President.

CHANGE IN PREVAILING CONSTRUCTION HOURLY RATES

In accordance with the contract rate adjustment for the classifications represented by the International Association of Machinists and Mechanics Local 2182, motion was made by Mr. Yew and seconded by Mr. Woods to approve the construction hourly rate increase, effective February 1, 1974. The motion was carried by the following vote:

Ayes: Alexander, Woods, Yew.
Absent: Reynoso, Street.
Noes: None.

The current and newly approved rates are as follows:

<u>Classification</u>	<u>Current Hourly Rate</u>	<u>New Hourly Rate</u>
Blacksmith Welder	\$7.55	\$7.80
Machinist	7.55	7.80
Machinist Helper	6.04	6.24
Machinist Foreman	8.305	8.58

AMENDMENT OF CLASSIFICATION PLANProposed Revision of Class Specification
Field RepresentativeProposed New Class Specification
Senior Field Representative

Supervising Personnel Analyst William Woska informed the members of the Board that as a result of a study made by the Personnel Department staff, three separate billing activities were consolidated under a new Utility Billing Division under the Department of Finance. Six positions of Field Representative were authorized, five of which have been filled. The sixth position was being recommended at this time to be filled by a lead Field Representative who would have the responsibility for planning, reviewing, and supervising the work of the five Field Representatives.

The Civil Service Board was requested to approve the new classification of Senior Field Representative at the recommended salary of \$775-\$941 for presentation to the City Council and to adopt the amended job specification for Field Representative and the new job specification for Senior Field Representative.

In accordance with Board policy, action on this matter was held over until the next regular meeting.

(Mr. Reynoso arrived during the above discussion.)

POLICY DETERMINATION FOR SENIORITY CREDITS FOR PROMOTIONAL EXAMINATION FOR POLICE LIEUTENANT

The members of the Civil Service Board were requested to act on a policy determination as to which class or classes of positions in the Police Department will be declared to be in the line of promotion, pursuant to Rule 8.3, for promotional examination for Police Lieutenant.

Both Patrolmen and Sergeants were permitted to file for the previous Police Lieutenant examination in 1969. Police Lieutenant, at that time, was a new classification, and there were not enough Sergeants who qualified under the provisions of Charter Section 44. Candidates for the current Police Lieutenant promotional examination were required to have two years in the grade of Police Sergeant as required by City Charter Section 44.

Civil Service Rule 8.3 reads:

"Seniority. Credit shall be given candidates for seniority, which credit shall be based upon the total time served in the class or classes of positions which have been declared to be in the line of promotion, on the basis of 1/4 point to be added to the average of complete proficiency in the other subjects of the examination, taken as a whole, for each full year of service. No credit shall be allowed for service rendered under a temporary appointment."

City Charter Section 44 reads in part:

"Positions in the higher classes shall be filled, as far as is practicable and consistent with the best interests of the service, by promotion following competitive tests of employees in lower classes holding permanent civil service status. The civil service board shall, by rule, establish regulations for promotional eligibility, except that in the police and fire departments, all higher uniform positions in the classified service shall be filled from eligible registers established as a result of promotional examination only, and no such member shall be eligible for promotion to a higher class until he has served at least three years in such department and that in subsequent promotions the member must have held the rank from which he is promoted for at least two years."

The issue to be determined was whether seniority credits will be based upon total time served in the class of Sergeant only or whether seniority credits should be determined based upon total time as Patrolman and Sergeant.

Those speaking in favor of determining seniority credit within the class of Police Sergeant were Don Horger, President of SPOA; Police Captain William Mulderrig, representing Police Chief Kinney; and Director of Personnel William F. Danielson.

Mr. Woods moved that seniority credit dating from the time of appointment as a Sacramento police officer be determined for the current Police Lieutenant examination.

The motion was seconded by Mr. Reynoso; the motion failed due to tie vote as follows:

Ayes: Reynoso, Woods.
 Noes: Alexander, Yew.
 Absent: Street.

This subject will again be considered at the next regular meeting, January 8, 1974.

REPORT OF CITY ATTORNEY REGARDING AUTHORITY OF CIVIL SERVICE BOARD TO IMPOSE DISCIPLINE

Mr. Phillip Cunningham, Executive Director of SCEA, coincidental to the request for hearing on behalf of Mrs. Toni Hansen, Senior Typist-Clerk in the Police Department, who was suspended and discharged from City service, had raised the question concerning the interpretation of Rules 17.1 and 17.6, which reads:

17.1 "Disciplinary Power. The City Manager, or other official or Board in whom is vested disciplinary or removal power, shall be allowed full freedom in his or its action on such matters, it being the intent and spirit of this article to provide a fair and honest approach to municipal employment for every inhabitant of the city, but, in no sense, to handicap or curtail the responsible administrative officer in securing efficient service. (Article VIII, Section 51, City Charter.)"

17.6 "Notice of Disciplinary Action. In any case of disciplinary action taken against an employee, the employee shall be notified in writing of the action being taken against him, and said notification shall contain specific charges set forth clearly and with such particularity as will enable the employee to understand the charges made against him, and to answer to them, and copy of such notification shall be filed with the Board, with the original of such notification to be personally served on the employee forthwith, or mailed to his usual place of residence. The Board may order the suspension of any employee against whom charges have been filed, pending a hearing thereon."

It was the opinion of the City Attorney that the Civil Service Board has no authority to impose discipline upon a City employee. The legal opinion further stated that the Board's duty on disciplinary matters was to hear appeals from classified employees who are disciplined by the appointing authority, as provided under Charter Section 52a(3).

As Mr. Cunningham was not present at this meeting, a copy of this legal opinion will be mailed to him by the Secretary.

Mr. Michael Syas and his father, Fire Captain Amos Syas, appeared before the Board concerning Michael Syas' letter received by the Personnel Department on Monday, December 3, 1973. Mr. Syas requested permission to come before the Board to ask questions concerning the Personnel Analyst I examination. The Acting Personnel Director mailed a letter to Mr. Syas informing him that his request had been received too late to be calendared for the December 4 meeting and that his request would be calendared on the December 18 agenda.

Mr. Syas, however, attended the December 4 meeting, and the Civil Service Board acted to revise the Personnel Analyst I announcement by deleting the sentence which stated that relatives of employees of the City would not be considered for the Personnel Analyst I examination. Mr. Syas' request, therefore, was not calendared on the December 18 agenda.

Mr. Michael Syas informed the Board members that he was on the active Personnel Analyst I list which will expire in May 1974; that because his father is a City employee, he was not considered for appointment. He stated that he had taken both written and oral tests and placed on the Personnel Analyst I eligible list; that the recent Personnel Analyst I examination was based on oral only; and that the newly established list was merged according to score with the remaining names on the old list. Mr. Syas alleged that good faith was not exercised by the Personnel Department in the administration of the Personnel Analyst I examination.

Mr. Woods questioned the legality of merging two examinations when the examination process was different, whether or not the Personnel Director's policy had any impact on the final scores of the competitors, and the validity of a two-member oral board without an outside member. Mr. Woods alleged that a two-member oral board was contrary to the guidelines for oral boards set forth by the Civil Service Board.

A review of the minutes of the meeting at which time the Board adopted the guidelines for an oral board indicated that the guidelines adopted were for fire promotional examination oral boards only.

Mr. Reynoso indicated that the Personnel Analyst I eligible list's abolishment and the administering of a new examination could be a solution, or that another alternative would be for the Board to interview the applicant, determine his score, and place him on the new list as the Board had acted in the Dennis O'Sullivan case in 1970.

Mr. Danielson informed the members of the Board that there were two vacancies in the Selection Division of the Personnel Department for Personnel Analyst I. Inasmuch as there were insufficient names on the eligible list to fill the two positions, immediate recruitment was conducted on a continuous basis for Personnel Analyst I following review and approval by the Board at the meeting of December 4, 1973, and that the two top persons on the eligible list (one Black and one Spanish surnamed) had been hired.

Mr. Danielson stated that it had been the policy in agencies which he previously had served not to hire employees in the Personnel Department who have relatives working for the city, city boards, or city council, and that he had made known this policy upon his arrival in Sacramento as Personnel Director in July 1970. Mr. Danielson said there had been no occasion, however, for such a policy to be applied.

Mr. Danielson informed the Board that to abolish the Personnel Analyst I list and to void the appointments of the two persons properly hired from the list would have the effect of irreparable harm to the Personnel Department's ability to conduct a selection program and would constitute a major set back to the City's affirmative action program. Mr. Danielson said that, if the Board should abolish lists because of the inclusion on the oral board of management persons, many other eligible lists also would need to be abolished.

Mr. Woods expressed his concern that a law suit is being contemplated by Michael Syas' attorney. Mr. Woods went on record to disclaim the Personnel Department policy, establishment of an oral board with two members without an outside member, lack of comparability in the testing process when lists are merged, and non-certification from an eligible list with three names remaining for one of the vacancies.

A brief recess was called, following which further off-agenda items were considered prior to the Board's adjournment into executive session to consider the matter concerning the Personnel Analyst I examination which was brought before the Board by Mr. Syas, as follows:

REQUEST FOR VOLUNTARY DEMOTION

Glen M. Ellis, Patrolman to Dispatcher Clerk

Mr. Ellis requested for voluntary demotion from Patrolman to Dispatcher Clerk in the Police Department. His request had the approval of the Police Chief.

Motion was made by Mr. Yew and seconded by Mr. Reynoso to grant Mr. Ellis' request for voluntary demotion to Dispatcher Clerk with permanent status. The motion was carried by unanimous vote.

CLARIFICATION OF MEASUREMENT CONCERNING RESIDENCE REQUIREMENT WITHIN 25 AIR-MILE RADIUS FOR CERTAIN CLASSIFICATIONS WITHIN CITY SERVICE

Mr. Danielson informed the Board that a police officer had purchased in good faith property within a 25 nautical mile radius but outside the 25 statute mile radius indicated on the map which was presented to and adopted by the Civil Service Board in 1971.

Captain William Mulderrig, on behalf of the Police Chief, stated that there were other similar situations within the Police Department where property had been purchased on the basis of 25 air mile radius which is defined as being the same as nautical miles in the dictionary. It was reported that the Police Chief had indicated his concurrence to the use of nautical miles.

Mr. Woods moved that the intent of the Civil Service Board, when adopting the air mile provision under Rule 6.1(a), be interpreted as nautical mile (6076.1154 feet).

The motion was seconded by Mr. Reynoso and carried by the following vote:

Ayes: Alexander, Reynoso, Woods, Yew.
Absent: Street.
Noes: None.

4:45 p.m.

The President requested that Mr. Danielson contact Messrs. Ralph Netz, Manager of the Northern California Region Labor Negotiators and Management Consultants, and Wesley A. Keyson, Employee Relations Specialist of SCEA, who were present to represent Ronald Fender, Parking Foreman I applicant whose hearing was scheduled at approximately 2:30 p.m. on this date, and request that Mr. Fender's hearing be postponed. Mr. Danielson and Employee Relations Administrator Don Fausset then left the meeting to meet with Messrs. Netz and Keyson who were waiting in the outer office. They agreed to the postponement; however, no new hearing date was set.

After further discussion concerning the matter brought before the Board by Michael Syas, the Board adjourned into executive session.

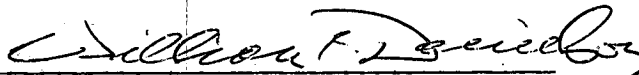
Upon reconvening the meeting Mr. Yew moved to have Mr. Syas, whose name is on the Personnel Analyst I list which will expire in May 1974, be made available for possible certification in other classifications which are comparable to the Personnel Analyst I classification; that the Personnel Director be authorized to implement such procedures in the future where there is a similarity between the classification for which an applicant has already qualified and other openings within City service, subject only to prior approval of the Civil Service Board.

The motion was seconded by Mr. Woods and carried by the following vote:

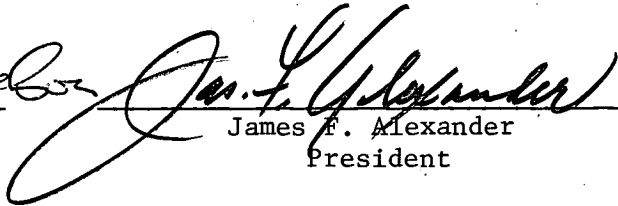
Ayes: Alexander, Reynoso, Woods, Yew.
Absent: Street.
Noes: None.

It was the consensus of the members of the Board that they should review, in conjunction with Attorney Thomas Haas, the Civil Service Board Rules or the lack of rules concerning the composition of oral boards and the examination process to be used when lists are to be merged.

The meeting was adjourned at approximately 6:00 p.m.



William F. Danielson
Secretary



James F. Alexander
President