

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING APRIL 17, 1979

The special meeting was called to order by President Wilfred Street at 7:30 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Luis Campos, Juanita Damerell, Vivian Nance, Joseph Russell, Wilfred Street.

Absent: None.

GENERAL DISCUSSION CONCERNING THE USE OF POLYGRAPH EXAMINATIONS

Mr. Walter J. Slipe, City Manager, explained that under the Charter, the City Council appoints the City Manager, City Treasurer, City Attorney, and the City Clerk. These four officers serve at the pleasure of the City Council. All other employees are appointed by the City Manager who is empowered to take disciplinary action. The classified employees may appeal such disciplinary action to the Civil Service Board.

Mr. Slipe explained that he would not require the use of polygraph examinations for minor incidents; however, for felonies and misdemeanors, polygraph examinations may be considered and used, depending on the circumstances.

Mr. Slipe reported that, in the current investigation of the Parking Lot theft, there was not sufficient information to warrant the use of the polygraph examination. Mr. Slipe expressed serious concerns about the rule which is being considered by the Board at this meeting.

Mr. Garland Rosauero of Local 39 stated that he had stopped the three employees in question from taking the polygraph examinations. Mr. Rosauero wished that a policy be established to protect City employees from being intimidated.

Deputy City Attorney David Benjamin advised the Board that the City Manager has full authority to discipline employees, and the Board has no authority, by rule, to take the disciplinary power away from the City Manager. The Civil Service Board, however, may hear appeals from disciplinary action and may overturn a disciplinary action.

It was the consensus of the Board that three actions can be initiated:

1. Amend the pertinent Civil Service Rule.
2. Recommend an amendment to Charter Section 91.
3. Recommend to City Council to contact a legislator to initiate a change to the Labor Code.

MOTION: Mrs. Damerell moved that proposed Rule 12.2-1, submitted for consideration at the Board's request, not be adopted.

SECOND: Mrs. Nance.

CARRIED: Unanimous vote.

MOTION: Mrs. Damerell moved that the City Attorney be requested to present, for Board consideration at its next regular meeting (May 1, 1979), a proposed amendment to Rule 12.2(o), to incorporate the following:

In the event a disciplinary action is based upon a refusal to take a polygraph examination, the Board shall take into consideration all facts surrounding the rule violation and need not be limited to refusal to take said polygraph examination.

SECOND: Mr. Campos.

CARRIED: Unanimous vote.

Mr. Rosaura indicated that he would attend the Personnel and Public Employees Committee meeting when Section 91 is to be considered. His intention is to request equal protection for all City employees. The Board was of the consensus that it would be appropos for Civil Service Board representation at the same time.

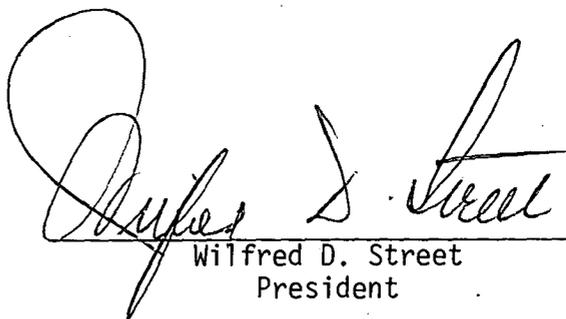
The Secretary was requested to draft an appropriate letter requesting the proper legislator to ask a legislative counsel for clarification as to the legality of requiring City employees to participate in polygraph examinations in view of the provisions of the Labor Code, Police Officer's Bill of Rights, and the Equal Protection laws.

Another possibility which was discussed was to write the City's lobbyist about a bill which would equalize the rights of City employees.

The meeting adjourned at 9:30 p.m.



Donna L. Giles
Secretary



Wilfred D. Street
President