

MINUTES OF THE REGULAR MEETING
OF THE CIVIL SERVICE BOARD
CITY OF SACRAMENTO
NOVEMBER 2, 1982

The regular meeting of the Civil Service Board, City of Sacramento, was called to order by President Joseph L. Russell, in Conference Room 103, Department of Personnel, 801 - 9th Street, Sacramento, California, at 1:32 p.m.

Members Present: Ms. Gail A. Mabbutt
Ms. Pamela C. Placencia
Mr. Joseph L. Russell
Mr. Jonathan E. Mayhew

Member Absent: Mrs. Vivian C. Nance

MINUTES OF THE REGULAR MEETING OF OCTOBER 19, 1982

Motion was made to approve the minutes of the regular meeting of October 19, 1982, as read.

Motion: Mr. Mayhew
Second: Ms. Mabbutt

Motion was approved by unanimous roll call vote.

REPORTS OF DIRECTOR OF PERSONNEL

Mrs. Donna L. Giles, Director of Personnel, addressed the Board to inform the Members there is a fifth Tuesday in November and that a trip would be planned to visit the Data Processing Department if the Board were interested. The Board acknowledged interest and Mrs. Giles will get back to the Board with the particulars.

HEARING ON PLANNER EXAM APPEALS

It was decided that because the appeals would involve lengthy presentations, they would be acted upon later in the meeting.

APPEAL OF POLICE OFFICER ANDREW CRUZ

Deputy City Attorney Sam Jackson brought to the Board's attention that the appeal of Police Officer Cruz had been on the Civil Service Board Agenda for over three years and he was reporting, for the record, that Officer Cruz has opted to have the transcripts presented sent back to the Hearing Officer who will, in turn, send them to the Civil Service Board to go from that point. Mr. Jackson remarked that the matter will finally be cleared up.

CLASS SPECIFICATION REVISIONS

a. Zoo Attendant I & II - 2nd Reading

Motion was made to approve the class specification revisions for Zoo Attendant I and II for second reading.

Motion: Mr. Mayhew
Second: Ms. Mabbutt

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Motion was approved by unanimous roll call vote.

b. Stationary Engineer & Senior Stationary Engineer - 1st Reading

Mrs. Juanita Damerell, Consultant, was available for questions regarding the revisions to the specifications.

After some discussion, Mr. Mayhew indicated that he saw no reason not to pass to the second reading and approve the specification revisions. The Board concurred.

Mr. Garland Rosauro, Representative of Stationary Engineers, Local 39, said that he had no objection to going to a second reading at this time. However, Mrs. Damerell stated that Mr. Dennis Bonifield, also a representative of Local 39, had two minor changes and that the corrections were made to the specifications.

Motion was made to approve the class specification revisions for Stationary Engineer and Senior Stationary Engineer for first and second reading.

Motion: Mr. Mayhew
Second: Ms. Mabbutt

Motion to approve all the class specification revisions was approved by unanimous roll call vote.

EXAMINATIONS ANNOUNCED

- a. #1908 - Account Clerk I
- b. #1909 - Typist Clerk I
- c. #1912 - Instrument Technician
- d. #1913 - Programmer Analyst

There were no questions.

ELIGIBLE LISTS ESTABLISHED

- a. #1896 - Dispatcher III (Police)
- b. #1880 - Library Page
- c. #1901 - Librarian I
- d. #1903 - Librarian II

There was a brief discussion regarding the Library classes.

HEARING ON PLANNER EXAM APPEALS

- a. Linda Lange - Jr. Planner Examination
- b. Joyce Horizumi - Assistant Planner Examination, Associate Planner Examination
- c. Cynthia St. Louis - Assistant Planner Examination, Junior Planner Examination

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Mr. Vincent Harrington, Attorney-at-Law, represented all three appellants. Mr. Lee Savage, Deputy City Attorney, represented the City of Sacramento.

Mrs. Donna L. Giles, Director of Personnel and Secretary of the Board, handed out information to the Board Members that was sent by her to the union representative, Mr. Garland Rosauo, dated October 21, 1982, concerning the City's plan to handle each of the appeals.

Mr. Savage proceeded with his presentation, stating that Ms. Lange's appeal and Ms. Horizumi's Assistant appeal should be handled under Rule 4.9, which deals specifically with exam appeals, rather than Rule 1.3, which has a general appeal provision.

He began with a history of such appeals, citing the 1979 Police Sergeant's examination as a precedent. He said that the Board had interpreted 4.9 to allow only candidates who are disqualified to appeal, and that the Superior Court of Sacramento County had upheld this interpretation.

Mr. Harrington stated that the Sergeant's exam has no bearing on these appeals, and further raised issues of Rule 4.9 versus Rule 1.3.

Mr. Mayhew then asked if the Board would go into Executive Session. Mr. William Carnazzo, Deputy City Attorney, explained why the Board could use Executive Session during the appeals. Neither attorney objected and the Board recessed.

Upon return from a short recess, the Board went into Executive Session from 2:35 p.m. to 3:15 p.m.

Upon returning from Executive Session, Ms. Mabbutt made a motion that it was not found that either appellant was disqualified under the wording of Rule 4.9 and, therefore, appeals could not be heard.

Motion:	Ms. Mabbutt
Second:	Mr. Mayhew

Motion was approved by unanimous roll call vote.

Mr. Russell then asked for counsel opinion (Mr. Carnazzo) as to whether appeals could be heard under Rule 1.3. Mr. Carnazzo indicated that the rule has two aspects. He explained the differences and indicated that using the rule would be justified had Mrs. Giles abused her authority in interpreting the rule.

Mr. Harrington felt that Mrs. Giles acted unreasonably in deciding not to grant a hearing. Mr. Russell asked for information from Mr. Harrington that Mrs. Giles acted improperly. There was no additional information from Mr. Harrington.

Motion was then made to uphold the Director's action under Rule 1.3 to deny the Lange appeal on the Junior Planner exam and the Horizumi appeal on the Assistant Planner exam.

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Motion: Ms. Placencia
Second: Mr. Mayhew

Motion was approved by unanimous roll call vote.

It was then brought up to resolve the appeal of Ms. Horizumi on the Associate Planner exam -- that her appeal was not timely. Mr. Russell asked for an offer of proof why Mr. Harrington believed that the appeal should be granted. Mr. Harrington argued that the appeal was timely. Mr. Savage said it was not, since she had not appealed within 30 days of receiving her notice. He circulated a copy of her notice. Questions then came from the Board concerning the wording regarding 30 days and whether Ms. Horizumi made any calls to the Personnel office to find out about the 30 days. Mr. Russell stated that ignorance of the rule was no excuse and felt that proper notice was provided.

Motion was made to uphold the decision of the Director of Personnel denying Mr. Horizumi's appeal as untimely.

Motion: Ms. Mabbutt
Second: Mr. Mayhew

Mr. Russell and Mrs. Placencia indicated they did not like the motion and would vote against it. Roll call vote ended in a tie -- Ms. Mabbutt, Mr. Mayhew - aye; Mr. Russell, Ms. Placencia - no.

Mr. Russell then suggested that they proceed to the Cynthia St. Louis matter, and return later to Ms. Horizumi's Associate appeal.

At this time, Mr. Savage asked to have the Junior Planner list unfrozen because of the urgency of the Planning Department to recover from its backload of work. Mr. Mayhew said that the freeze, as was noted in the minutes of the last Board meeting, would expire at midnight, November 2, so no motion was needed.

Mr. Harrington then stated that Ms. St. Louis filed her appeal for the wrong examination. She meant to appeal the Junior and Assistant examinations rather than the Assistant and Associate examinations.

Ms. Mabbutt then made a motion to deny the appeal of Cynthia St. Louis on the Junior Planner exam, since she was not disqualified under the meaning of Rule 4.9.

Motion: Ms. Mabbutt
Second: Mr. Mayhew

Motion was approved by unanimous roll call vote.

Mr. Harrington then asked for a 5-minute recess.

Upon returning from recess, Mr. Harrington began to present his witnesses in the appeal of Cynthia St. Louis.

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Ms. St. Louis was sworn into testify in her own behalf.

Mr. Harrington presented as Exhibit 1, the Job Announcement for Assistant Planner. Ms. St. Louis answered questions regarding her employment, duties, etc. as a Limited Term Assistant Planner in the Planning Department doing Preservation work. Ms. St. Louis further indicated she received a fail notice in the exam process for Assistant Planner. She was then cross-examined by Mr. Savage. Members of the Board also asked questions of the witness.

Mr. John Kreft, Senior Administrative Assistant in the Planning Department, was then called as a witness and sworn in. Mr. Savage referred to information, labeled as Exhibit 2, that had been supplied by Mr. Kreft concerning persons invited to the oral exam for Assistant Planner.

Mr. Marty Van Duyn, Director of Planning for the City of Sacramento, was then called as a witness and sworn in. He was asked questions regarding his Preservation Section. Assistant Planner class specifications were presented and labeled as Exhibit 3. Mr. Harrington cross-examined and Members of the Board then asked questions. Department of Personnel staff were on hand to clarify questions regarding the specifications and the exam process.

Mr. John Worcester, Personnel Services Manager in the Personnel Department, was sworn in to answer staff questions.

Mrs. Verna Banks, Senior Personnel Analyst in the Personnel Department, was then sworn in to answer further questions regarding the Planner exams.

Summations were presented by both attorneys. Mr. Harrington continued to state that Rule 4.9 was violated.

It was then brought up whether Executive Session could be called. Mr. Carnazzo indicated that the right to grant Executive Session depended upon whether the appellant was agreeable. Ms. St. Louis objected to the Board calling Executive Session. The Board then recessed for five minutes.

Upon return from recess, Mr. Russell asked for the oral exam questions to be presented. A 5-minute recess was called so that the material could be obtained from Personnel records.

Upon return from the second recess, the oral exam questions were labeled as Exhibit 4 with the understanding that they would be sealed and not available for public use because of their highly confidential nature. Mr. Worcester then gave the Board two documents -- the exam questions and the answer guidelines for use by the Board.

Mr. Russell then asked for discussion from the Board.

Motion was made to deny the appeal.

Motion: Mr. Mayhew
Second: Ms. Mabbutt

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Motion was approved by the following roll call vote:

Ayes: Mr. Mayhew
 Ms. Mabbutt
 Mr. Russell

Noes: Ms. Placencia

The Board returned to the tie vote on Ms. Horizumi's Associate appeal. Motion was made by Ms. Placencia to table the issue until Board Member Vivian Nance could listen to the tape and cast her tie-breaking vote.

Motion: Ms. Placencia
Second: Mr. Mayhew

Motion was approved by the following roll call vote:

Ayes: Ms. Mabbutt
 Ms. Placencia
 Mr. Russell

Noes: Mr. Mayhew

There being no further discussion, President Russell declared the meeting adjourned at 6:42 p.m.



Joseph L. Russell
President



Donna L. Giles
Director