

12/2/75

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING DECEMBER 2, 1975

The regular meeting of the Civil Service Board was called to order by President Wilfred Street at 1:35 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Alba Kuchman, Wilfred Street, Ronald Wright, Jimmie Yee.
Absent: None.

MINUTES OF REGULAR MEETING, NOVEMBER 4, 1975

Approved as submitted by majority vote, Mr. Wright abstaining.

MINUTES OF SPECIAL MEETING, NOVEMBER 11, 1975

Continued to the next regular meeting. The Board requested the secretary to include in the minutes a report of the discussion which was held with Attorney David Simmons, after the conclusion of the Elbert Johnson hearing, concerning whether or not police officers' Career Development Program evaluation reports should be filed in the Personnel Department files.

MINUTES OF REGULAR MEETING, NOVEMBER 18, 1975

Approved by unanimous vote. Mr. Yee abstained on the approval of the portion of the minutes relating to the Reed Gibson hearing.

REPORTS OF DIRECTOR OF PERSONNEL

Mr. Danielson reported that:

a. A letter dated November 19 from John L. Wood, Firefighter applicant, appealing the age maximum for Firefighter had been received too late to be placed on the agenda for this meeting. (Mr. Wood was present.) Mr. Wood, age 39, had applied for the Firefighter examination, the closing date for which was November 28, 1975.

Mr. Wood had also filed a complaint with the federal Wage and Hour Division of the Department of Labor under the Age Discrimination for Employment Act, which protects persons between the ages of 40 and 65 from discrimination from employment because of age.

The Firefighter announcement required that a Firefighter applicant must be at least 21 and not over 35 years of age on the last day to file application.

After discussion, the matter of age minimum and maximum was tabled for further discussion at a future meeting.

b. The Personnel Selection Division staff requested that random selection be held for a dispatcher clerk applicant who had been inadvertently omitted from the random selection process held at a previous meeting. It was reported that

each person on the random selection list for Dispatcher Clerk had two changes in five. It was therefore requested that the omitted applicant be given the same chance to be selected for oral interview.

Motion was made by Mr. Wright that said person be added to the list of Dispatcher Clerk applicants scheduled to be interviewed. The motion was seconded by Mr. Yee and carried by the following vote:

Ayes: Street, Wright, Yee.
Abstained: Kuchman.

ELIGIBLE REGISTERS ESTABLISHED

<u>Exam. No.</u>	<u>Class Title</u>	<u>Effective Date</u>	<u>Expiration Date</u>
#1317-C	Stationary Engineer (continuous)	11/5/75	11/4/76
#1419	Traffic Control Maintenance Man II. (Prom.)	10/30/75	10/29/76
#1429	Machinist Helper	11/19/75	11/18/76

REQUEST FOR LEAVE OF ABSENCE EXTENSION.

Larry Z. Rodriquez, Maintenance Man I, Recreation and Parks Dept.

Request was received from Mr. Rodriquez, currently on an approved medical leave of absence from May 8, 1975 through November 7, 1975, for additional leave. A supporting statement from his doctor was also received by the Board. The requested extension had the approval of the Director of Recreation and Parks and the City Manager.

The staff recommendation was to grant Mr. Rodriquez an additional 90-day leave.

It was moved by Mrs. Kuchman, seconded by Mr. Yee, and carried by unanimous vote to grant Mr. Rodriquez' request for leave of absence through February 7, 1976.

LEGAL OPINION AS REQUESTED BY CIVIL SERVICE BOARD RE ITS AUTHORITY CONCERNING THE REASSIGNMENT OF ROBERT McGEE AND RICHARD VASQUEZ FROM REFUSE COLLECTOR (TRUCK DRIVER) TO REFUSE COLLECTOR (continuation from 10/29 and 11/18/75)

At the request of Phillip Cunningham, Business Agent for Stationary Engineers Local 39/Sacramento City Employees Association representing the above two employees, the Board agreed by unanimous vote to postpone consideration of the matter until its next regular meeting.

CONTINUANCE OF THE MATTER RE DISMISSAL OF APPEAL OF STEVEN R. GRIFFIN TO COMPLY WITH PEREMPTORY WRIT

Deputy City Attorney Tom Haas informed the members of the Board that an appeal had been filed by Steven R. Griffin with the Court of Appeals and, therefore, recommended that this matter be tabled.

It was moved by Mr. Wright, seconded by Mrs. Kuchman, and carried by unanimous vote to table this matter indefinitely.

AMENDMENT TO CIVIL SERVICE BOARD RULES AND REGULATIONS

- a. Proposed addition of Rule 22.17 re vacation administration to allow City service prior to resignation or layoff to be credited for vacation calculation purpose where an employee re-enters City service (continuation from 8/5, 9/16 and 10/29/75)

As the Board had requested on October 29, Supervising Personnel Analyst William Woska reported that six jurisdictions (three cities immediately larger in population and three immediately smaller in population than the City of Sacramento) had been surveyed, together with County of Sacramento and State of California, as to their vacation administration policy when a break in service occurs. He reported that City of Santa Ana and the State of California provide credit for all prior career service for vacation accrual purposes. City of Oakland provides credit for prior service if the break in service is two years or less. City of Anaheim provides credit for prior service if the break in service is no more than 30 days. Cities of San Jose, Santa Ana and Fresno and County of Sacramento have policies similar to City of Sacramento -- credit being allowed for prior service if separation is as a result of layoff, military leave or other temporary separations, and where Civil Service Board grants reinstatement privileges.

A review was made of an alphabetical listing of all employees of the City with dates of employment with a break in service. It was found that there were approximately 800 such employees, 25% of whom had prior career service. Also, investigation revealed that the average length of prior service was 2.1 years and the average length of current service was 12.3 years, or 14.4 years of service time for vacation accumulation purposes. After 15 years of service, City employees earn four weeks of vacation time and may sell back one week annually in lieu of taking the fourth week. Those employees affected would have their vacation accumulation increased from three to four weeks approximately one and a half years earlier.

Mr. Woska reported that, with an average salary of \$1100 per month, the first-year additional cost to the City would be \$50,000 if the 200 employees elected to sell back their fourth week of vacation time. The second-year cost would likewise be \$50,000.

Inasmuch as Board action would involve expenditure of funds, it was requested that the Secretary write Mayor Isenberg to request a joint meeting with him, the City Manager, or an appropriate committee concerning this matter.

- b. Proposed revision of Rule 17, "Suspension, Demotion, Removals and Hearings" - (Ninth Reading)

Among those in attendance to discuss this matter were: Attorney David Simmons representing Sacramento Police Officers Association; Wayne Harbolt, President of Sacramento Fire Fighters Local 522; Phillip Cunningham, Business Agent, Local 39/SCEA; Deputy City Attorney Leliand Savage; Don A. Fausset, Employee Relations Administrator; and Larry Dow, Employee Relations Representative.

Rule 17 as presented at this meeting had been generally agreed upon between Deputy City Attorney Savage and the recognized employee organizations, except for certain sections which could not be resolved.

The secretary read, paragraph by paragraph, the December 2 draft of the proposed Rule 17. Discussion was held and the language of each paragraph was either agreed upon or modified.

The major objections raised re paragraph 17.2, "Causes for Disciplinary Action":

17.2(k) re use of sick leave. Attorney Simmons contended that sick leave is earned; that City employees, after accumulation of 480 hours of sick leave, may sell back 25% of unused sick leave which was earned in that year; and that, therefore, sick leave must be considered a right and not a privilege.

Mr. Fausset, Employee Relations Administrator, informed the Board that, if sick leave were declared to be a right, the City in no way could prevent a "strike by sick leave."

17.2(s) re political activity. Objection was raised by Mr. Harbolt. After discussion, this paragraph was struck from the proposed Rule 17.

17.2(u) This paragraph stated, "Any conduct not included in the foregoing which is inimical to, or incompatible with, employment by the City," and was included under "Causes for Disciplinary Action."

It was the contention of Attorney Simmons that the language was too vague and also unconstitutional. After discussion, it was requested of Attorney Savage to rewrite the paragraph in line with the discussion held.

17.3 Definition of "Disciplinary Action", (a) Letters of Reprimand:

Mr. Fausset objected to the inclusion of letters of reprimand as a disciplinary action. He suggested that, instead, reprimand letters be removed from an individual's personnel file after a certain length of time. This suggestion had the approval of the employee organization representatives, however, Deputy City Attorney Lee Savage indicated that such letters should remain in the files particularly if an employee may appeal and be granted a hearing concerning a reprimand letter.

No further action was taken concerning exclusion or inclusion of reprimand letters under "Definition of 'Disciplinary Action'".

The Board recessed, following discussion of Rule 17.6, at approximately 6:00 p.m. to reconvene the next day, Wednesday, December 3, 1975, at 2:00 p.m., to continue consideration of Rule 17.

WEDNESDAY, DECEMBER 3, 1975

The continuation of the hearing on Rule 17 was called to order by President Wilfred Street at 2:00 p.m.

Present: Alba Kuchman, Wilfred Street, Ronald Wright, Jimmie Yee.
Absent: None.


Among those present were Attorney Simmons, Wayne Harbolt, Deputy City Attorney Savage, Don Fausset, and Larry Dow.

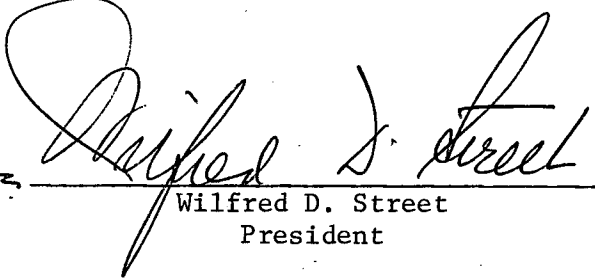
Paragraphs 17.7 through 17.16 were read by the Secretary. Modified paragraph 17.2(u) was submitted by Attorney Savage and concurred with by those present.

The statement concerning expunging reprimand letters from personnel files, which Wayne Harbolt wished included in Rule 17, was deferred until he could be present. Mr. Harbolt had excused himself earlier to attend a prior commitment.

It was moved by Mr. Wright, seconded by Mr. Yee, and carried by unanimous vote to set December 30, 1975, as the adoption date of Rule 17.

The meeting was adjourned at approximately 4:30 p.m.


William F. Danielson
Secretary


Wilfred D. Street
President