

CITY OF SACRAMENTO
CIVIL SERVICE BOARD

HEARING
BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

October 7, 1977

The hearing concerning the appeal of Tony Calloway, Refuse Collector, was held Friday, October 7, 1977, at 1:30 p.m. before Robert R. Coffman, Administrative Law Judge, in the Personnel Department Conference Room, 801 Ninth Street.

The following exhibits were introduced by the City:

- Exhibit 1 Pleadings
- Exhibit 2 Copy of Mr. Calloway's yearly work schedule
--entered as evidence
- Exhibit 3 May 9, 1977, letter of reprimand to Tony Calloway
from Reginald Young -- entered as evidence
- Exhibit 4 May 23, 1977, letter withholding in-grade salary increase
to Tony Calloway from Reginald Young -- entered as
evidence
- Exhibit 5 June 3, 1977, Preliminary Notice of Intent to Discipline
to Tony Calloway from Reginald Young -- entered as evidence
- Exhibit 6 June 14, 1977, Suspension letter to Tony Calloway from
Reginald Young -- entered as evidence
- Exhibit 7 July 22, 1977, Preliminary Notice of Intent to Discipline
to Tony Calloway from Reginald Young -- entered as evidence
- Exhibit 8 August 5, 1977, letter of termination to Tony Calloway
from Reginald Young -- entered as evidence

Witnesses who appeared on behalf of the City were:

Reginald Young, Waste Removal Superintendent
Leon Purnsley, Acting Refuse Collection Supervisor

The recommended decision and the order adopting the decision are attached.

OCT 20 1977

PERSONNEL DEPT.

BEFORE THE CIVIL SERVICE BOARD
CITY OF SACRAMENTO
STATE OF CALIFORNIA

In the Matter of the Appeal)
of:)
TONY CALLOWAY)
from Dismissal from his Position)
as Refuse Collector, Division of)
Waste Removal)

CSB NO. HO-77-8

N-10276

PROPOSED DECISION

The above-entitled matter came on for hearing before Robert R. Coffman, an Administrative Law Judge of the Office of Administrative Hearings, on October 7, 1977 in Sacramento, California.

Appellant Tony Calloway was present but was not otherwise represented.

Respondent was represented by Larry L. Dow, Employee Relations Representative, City of Sacramento.

Evidence was received, the hearing was closed and the matter was submitted.

This decision is certified and recommended for adoption.

FINDINGS OF FACT

I

Appellant Tony Calloway at all times material was a Refuse Collector with the Division of Waste Removal of the City of Sacramento. Appellant's appointing power was Reginald Young, Superintendent, Division of Waste Removal, City of Sacramento.

II

On or about August 5, 1977, Appellant was served with a notice of disciplinary action, such action being dismissal effective at the end of the work day, August 5, 1977. Appellant filed a timely appeal from such dismissal.

III

During the period January 1, 1977-August 5, 1977, Appellant reported late for work on approximately 30 occasions.

IV

During the period January 1, 1977-August 5, 1977, Appellant was absent without leave on approximately 31 occasions.

V

Appellant was counselled by a supervisor on April 11, 1977 and on April 14, 1977 concerning his excessive lateness and absenteeism.

On May 9, 1977 Appellant was issued a letter of reprimand by the Superintendent of the Division of Waste Removal for being late to work and for being absent without leave.

On May 23, 1977 the Superintendent withheld Appellant's in-grade salary increase, due on June 1, 1977, for a period of at least 30 days. This action was taken after Appellant was absent without leave on May 16, 18 and 20. Appellant was given written notice that other disciplinary measures would be forthcoming if his attendance did not improve.

In June 1977 Appellant was suspended from work without pay for the period of one work day. This action was taken after Appellant was absent without leave on May 26, 27 and 31.

Subsequent to the June preliminary notice of intent to suspend for one day, Appellant was absent without leave on June 13, 16, and 29, July 21 and 28, and August 5. Appellant was also late for work on approximately 8 occasions during June-July 1977.

VI

Failure of a refuse collector to appear for work, and

to report late for work, without proper prior notification, adversely affects the functioning of the Division of Waste Removal.

VII

Appellant has been a full-time employee since September, 1975.

Appellant attributes his absences largely to problems involving transportation to work, legal problems and personal matters involving a female companion. Appellant feels that he has now solved these problems.

Appellant was informed by supervisors that the above reasons given by Appellant for his absences were not acceptable and would not be tolerated in the future. He thereafter continued to be absent as found herein.

DETERMINATION OF ISSUES

Cause has been established for discipline under Sections 17.2(d) (Inexcusable Neglect of Duty), (j) (Inexcusable Absence Without Leave), and (o) (Willful Disobedience of a Lawful Rule, Order or Direction) of the Civil Service Board Rules.

~~ORDER~~ RECOMMENDED DECISION

The appeal is denied. The dismissal of Appellant is affirmed.

Dated: 10-19-77



ROBERT R. COFFMAN
Administrative Law Judge
Office of Administrative Hearings



CITY OF SACRAMENTO

DEPARTMENT OF PERSONNEL

801 NINTH STREET, ROOM 201
SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5729

WILLIAM F. DANIELSON
DIRECTOR OF PERSONNEL

November 7, 1977

Mr. Robert R. Coffman
Administrative Law Judge
Office of Administrative Hearings
Department of General Services
915 Capitol Mall, Room 196
Sacramento, California 95814

Dear Mr. Coffman:

Re: TONY CALLOWAY
File No. N-10276

The City of Sacramento Civil Service Board considered your recommended decision in the above matter at its meeting of November 1, 1977. The Civil Service Board amended your Proposed Decision by changing the heading on page 3 from "Order" to "Recommended Decision".

It was the order of the Civil Service Board that your recommendation be adopted as its decision in the matter of the appeal of Tony Calloway.

Very truly yours,

CIVIL SERVICE BOARD

Ronald H. Wright
Ronald H. Wright
President

cc: Office of Administrative Hearings
Attention: Calendar Clerk
Ronald Parker, City Engineer
Reginald Young, Refuse Collection Supt.
Don A. Fausset, Assist. Personnel Director/
Employee Relations
Tony Calloway

10/14/77

The October 14, 1977, hearing scheduled before an Administrative Law Judge was cancelled by Deputy City Attorney Terence Brown. Bobby Emmons' case is pending now before the Retirement Hearing Commission.