

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING AUGUST 9, 1977

HEARING TO APPEAL TERMINATION FROM EMPLOYMENT
David Wemple, Police Officer

The hearing was called to order by President Ronald Wright at 1:30 p.m. in the Personnel Department Conference Room #103, 801 Ninth Street.

Present: Alba Kuchman, Ronald Wright, Jimmie Yee.

Absent: Donna Giles, Wilfred Street.

The hearing was concerning the termination from employment of David Wemple, Police Officer, because of his inability to perform the duties of a police officer.

Attorney David P. Simmons represented the appellant. Attorney Terence Brown represented the City of Sacramento.

The following items were submitted:

A Statement of Issue dated July 19, 1977, stipulated to by Attorneys David Simmons and Terence Brown.

City Exhibits

Description

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| #1 | Psychiatric evaluation dated July 28, 1976 of David Wemple by Dr. C. Jess Groesbeck. |
| #2 | Psychiatric evaluation dated July 23, 1976, of David Wemple by Dr. G. Edward Sebastian. |
| #3 | Psychiatric evaluation dated June 23, 1977, of David Wemple by Dr. G. Edward Sebastian. |
| #4 | Order of Probation re David Wemple in December 1976. |

Attorney Simmons presented a verbal amendment to the Order of Probation.

Appellant's Exhibits

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| #A | Certified copy of the Minutes of the Hearing and Stipulated Award by Worker's Compensation Appeals Board issued on August 6, 1976. |
| #B | Interoffice memorandum from Safety Officer Earl Simons to Police Chief William Kinney, dated March 22, 1977, indicating the intent of the City to terminate Mr. Wemple's employment because of his inability to return to work. |

Appellant's
ExhibitsDescription

- #C August 9, 1977, note from Pat Toelle, Police Department Payroll Section, indicating vacation time, sick leave time, and holiday credit accumulated by David Wemple.
- #D Section 132 a of Government Labor Code.

No witnesses were called to testify. Appellant David Wemple did not testify.


Mr. David Simmons, Attorney for David Wemple, indicated that the evidences submitted were stipulated to by himself and Deputy City Attorney Terence Brown, except for the amendment to the Order of Probation which was presented verbally by Attorney Simmons. Attorney Simmons' contention was that his client was improperly terminated while on industrial leave of absence because of injury in performance of duty. Mr. Simmons indicated that Mr. Wemple had been paid by the City for his accumulated vacation time and holiday credit; however, that he was not paid for 118.45 hours of accumulated sick leave prior to his termination. He requested that his client be reinstated for 118.45 hours.

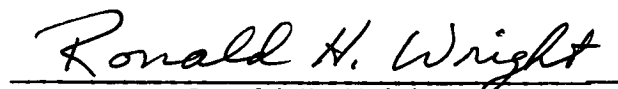
Attorney Terence Brown informed the Board of the circumstances where David Wemple had injured himself, that under these circumstances David Wemple could have been discharged, but that the City had allowed David Wemple to take industrial leave of absence with pay for a full year. Attorney Brown contended that the termination of David Wemple was proper and that payment of sick leave should not be allowed.

The Civil Service Board met in executive session at 3:30 p.m. with Deputy City Attorney Elizabeth Silver. Upon reconvening the open meeting, Mrs. Kuchman moved to continue the hearing. Mr. Yee seconded the motion which carried by unanimous vote.

The Board recommended that David Wemple file for disability retirement and that he submit a letter of resignation. The Board recommended that the City, simultaneously, withdraw the letters which notified Mr. Wemple of his termination. If these recommendations are not mutually carried out, the Civil Service Board indicated that the hearing would be rescheduled for further consideration.

The hearing adjourned at 4:45 p.m.


 William F. Danielson
 Secretary


 Ronald H. Wright
 President