

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING SEPTEMBER 4, 1973

The regular meeting of the Civil Service Board was called to order by President James Alexander at 1:20 p.m. in the Personnel Department Conference Room.

Present: James Alexander, Frank Reynoso, Marion Woods, Joseph Yew.
Absent: Wilfred Street.

The minutes of the meetings of August 21 and 28, 1973, were approved as presented.

NEW EXAMINATIONS ANNOUNCED

#1286 Junior Typist-Clerk
#1288 Police Lieutenant (Promotional only)
#1289 Engineering Technician
#1290 Building Inspector I

ELIGIBLE REGISTERS ESTABLISHED

#1255 Plumbing Inspector I
#1280 Engineering Aide II

CHANGE OF PREVAILING CONSTRUCTION HOURLY RATE

In accordance with the amended Laborers' Contract negotiated by the Northern California District Council of Laborers, as approved by the Construction Industry Stabilization Committee, providing a ten-cent wage adjustment for all classifications represented by the Laborers' Union, motion was made by Mr. Yew, seconded by Mr. Reynoso, and approved by unanimous vote (with Mr. Street and Mr. Woods being absent) to approve the construction hourly rates listed below to be effective immediately:

<u>Classification</u>	<u>Current Rate</u>	<u>Contract Rate</u>
Asphalt Raker	\$5.685	\$5.785
Asphalt Shoveler	5.535	5.635
Buckeye Spreader Operator	5.685	5.785
Cement Worker	5.535	5.635
Jackhammer Operator	5.685	5.785
Laborer	5.435	5.535

President Alexander requested that, because the City is not allowed to pay hourly construction wage adjustments retroactive to the effective date in the agreed upon contract, future wage adjustments be calendared at the next earliest meeting of the Board. The Secretary reported that it is existing practice to do so.

EMPLOYEE STATUS FOLLOWING POSITION REALLOCATION

Lucille Yoshioka, Intermediate Typist-Clerk

Recommendation was received from Mr. Forrest Long, Purchasing Agent, that Lucille Yoshioka be reallocated from Junior Typist-Clerk to the Intermediate level

after having successfully completed her training period at the lower level. The Personnel Director had approved the reallocation, and the Board was requested to grant permanent status to this employee.

Motion was made by Mr. Yew, seconded by Mr. Reynoso, and carried by unanimous vote (Mr. Street and Mr. Woods being absent) to grant permanent status to Ms. Yoshioka.

REQUEST FOR HEARING TO APPEAL DISCIPLINARY ACTION

Jimmy C. Fairbanks, Patrolman

By letter dated August 28, 1973, from Acting Police Chief John P. Kearns, Mr. Fairbanks was notified of his discharge from the Police Department as of August 28, 1973. This disciplinary action was based on the grounds that Mr. Fairbanks violated Civil Service Board Rule 17.5(v) for unlawful possession of and transfer of a machine gun in violation of the Gun Control Act of 1968 and for possession of a machine gun which was not registered to him.

Mr. Fairbanks appealed his discharge by letter dated August 29 and requested a hearing before the Board.

Motion was made by Mr. Reynoso and seconded by Mr. Woods (who arrived during the above discussion) to grant Mr. Fairbanks a hearing to appeal his discharge. The hearing date was set for Tuesday, September 25, 1973, at 1:30 p.m.

REQUEST FOR HEARING TO APPEAL DISCIPLINARY ACTION

Troy Diggs, Refuse Collector

Mr. Diggs was notified by letter dated August 20, 1973, from Refuse Collection Superintendent Reginald Young of his twenty-day suspension from his duties as a Refuse Collector. This action was taken because Mr. Diggs, without permission, failed to appear for work for a period of eleven working days from August 3 through August 17.

Mr. Phillip Cunningham, Executive Director of Sacramento City Employees Association, requested a hearing on behalf of Mr. Diggs to appeal this disciplinary action.

Motion was made by Mr. Reynoso to waive the Civil Service Board requirement that a written request for a hearing must have been received by the Board within five days of receipt of disciplinary action notice and to grant Mr. Diggs a hearing. The motion was seconded by Mr. Yew and carried by unanimous vote, with Mr. Street being absent. Hearing date: September 25, following Jimmy Fairbanks' hearing.

REQUEST FOR HEARING TO APPEAL MEDICAL REJECTION BY CITY PHYSICIAN

Roger Sharrer, Patrolman applicant

Mr. David P. Simmons, Attorney for Mr. Sharrer, requested that the setting of a hearing date be postponed until September 18. The Board agreed.

REQUEST FOR LEAVE OF ABSENCE

Carla N. Vasquez, Librarian III

Mr. Harold Martelle, City-County Librarian, submitted his letter of August 17 approving the request for leave of absence of Miss Vasquez, Librarian III, for a period of one year commencing October 1, 1973. The purpose for Miss Vasquez'

request for leave of absence was that she will continue her education at the University of Chicago where she has been accepted as a doctoral candidate in Library Science.

It was moved by Mr. Reynoso, seconded by Mr. Wall, and carried by unanimous vote, Mr. Street being absent, to approve the one-year leave of absence from October 1, 1973, through September 28, 1974.

HEARING TO APPEAL DISCIPLINARY ACTION

Carla Vasquez, Librarian III

Miss Carla Vasquez had received a disciplinary letter from City-County Librarian Harold Martelle dated August 16, 1973, suspending her from her duties as Librarian III for a four-hour period on the afternoon of August 15. The disciplinary action was taken because of her insubordination and having wilfully disobeyed a direct order from her supervisor to leave the Library premises on the afternoon of August 15. Miss Vasquez appealed the four-hour suspension by her letter dated August 17.

Among persons present at this hearing were: Appellant Carla Vasquez; Deputy City Attorney Richard Brown representing the City; Assistant City Attorney David McMurtry, advisor to the Board; and Don A. Fausset, Labor Relations Administrator.

Upon questioning by Attorney Richard Brown, Mr. Woods reported that he had been contacted by Miss Vasquez but had not discussed with her the matter pertaining to the case. Other members of the Board reported that they had not been in communication with Miss Vasquez concerning her case.

Miss Vasquez was sworn in by the secretary, and the chairman requested that she state her case. Miss Vasquez introduced a copy of her three-page letter dated August 21 to the Board together with her initial request for leave of absence addressed to the Civil Service Board dated August 14. Miss Vasquez presented her own case and requested that her letter be read by the Board members and that it serve as her testimony.

Mr. Woods, upon reading Miss Vasquez' letter, requested that she and the administration attempt to resolve the matter without proceeding further before the Board. Miss Vasquez stated that she had already done so, but having been unsuccessful, she requested that the Board consider the matter.

In the three-page letter, Miss Vasquez informed the Board in detail the occurrences leading up to the incident of August 15, including previous occurrences which the Board ruled to be unrelated to the specific cause of the four-hour suspension. The Board informed Miss Vasquez that the occurrences which were not relevant to the matter before the Board be handled as a separate case.

Miss Vasquez stated that her August 14 letter addressed to the Board and its cover letter from Mr. Martelle to the Board, both of which had been approved by the City-County Librarian and the Deputy Director of Library Administration, had been removed from her desk and were destroyed. Miss Vasquez' contention was that no one had the right to search her desk, to remove documents, and to destroy

such documents. Miss Vasquez stated that she had not disobeyed a direct order to leave the Library dock area as she could not be ordered away from a public area. She further stated that when she was told of her suspension, she requested that that action be put in writing and, thereupon, Mr. Martelle had handwritten the suspension letter. Miss Vasquez stated that she agreed to leave the premises upon being told by Mr. Martelle that she would not be served the disciplinary letter if she left; however, upon her arrival at work the next morning, she was handed a typewritten letter of suspension.

Employee Relations Administrator Don Fausset, City-County Librarian Harold Martelle, and Deputy Director of Library Administration Robert Wall were called individually to testify by Miss Vasquez. Each of them, after being sworn in by the secretary, related his part in the August 15 incident, and each was questioned by Miss Vasquez, Mr. Brown, and the Board.

Attorney Richard Brown as well as the Board members objected to the introduction of incidents which had occurred previously within the Library Department which did not have relevance to the suspension, and the testimonies were confined to matters pertinent only to the four-hour suspension.

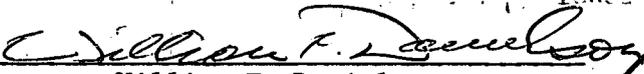
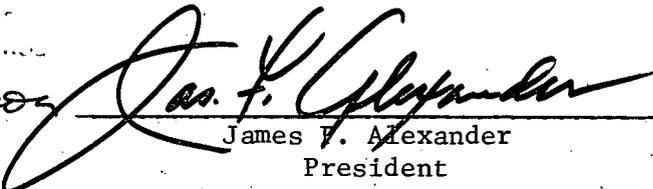
Mr. Brown stated that, in light of Miss Vasquez' insubordination and disobedience of a direct order, the four-hour suspension was mild and requested the Board to uphold the disciplinary action.

Miss Vasquez presented her closing statement and stated that if the Board should uphold the disciplinary action, she would then take further recourse.

The Board adjourned into closed session to consider the testimonies given at approximately 4:45 p.m., and the meeting was reconvened at 5:05 p.m.

It was the unanimous decision of the Board that the appeal of Miss Carla Vasquez be denied.

The meeting was adjourned at 5:10 p.m.

	
William F. Danielson Secretary	James F. Alexander President