

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
REGULAR MEETING DECEMBER 7, 1971

The Civil Service Board met in regular session in the City Hall Council Chambers, 915 I Street, at 1:30 p.m., with President Woods presiding.

Present: Members Alexander, Reynoso, Street, Woods, Yew.
Absent: None

The Acting Secretary drew the Board's attention to the changes on the fourth and fifth pages of the minutes of the November 30 meeting relating to the selective certification for Parking Lot Attendants. The names of applicants #28 and #197 were added to the list of persons invited to the oral interview on the basis of their status as relief Parking Lot Attendants working for the City. It was moved by Mr. Alexander and seconded by Mr. Reynoso that the minutes of the meeting of November 30 be approved with the changes indicated above. The motion was unanimously carried.

NEW EXAMINATION ANNOUNCED:

#1183 Deputy Fire Marshal (Promotional)

CHANGES IN PREVAILING CONSTRUCTION HOURLY RATE:
(Teamster Contract)

<u>Classification</u>	<u>New Hourly Rate</u>	<u>Effective</u>
Truck Driver (to 4 yds.)	\$6.075	December 7, 1971
Truck Driver (4 and less than 8 yds.)	6.17	December 7, 1971
Truck Driver (8 to 12 yds.)	6.61	December 7, 1971
Water-Truck Driver (under 2500 gal.)	6.185	December 7, 1971
Winch-Truck Driver	6.385	December 7, 1971
Heavy Duty Transit Driver	6.62	December 7, 1971
Self-Propelled Sweeper Operator	6.61	December 7, 1971

In accordance with rates outlined in the agreement between the Northern California Teamster Locals and the Associated General Contractors, motion was made by Mr. Alexander and seconded by Mr. Street that the above new hourly rates be approved effective December 7, 1971. The motion was carried by unanimous vote.

EVALUATION REPORT OF THE RANDOM SELECTION OF FIFTY PARKING LOT ATTENDANTS

The Acting Secretary summarized the report by quoting from his letter of December 1, 1971:

"The report shows that the group of fifty persons invited for interview is very similar in its characteristics to the starting group of 208 applicants. It suggests that we are able to have confidence in the fairness of the Random Selection procedure."

The Acting Secretary further commented that the problem, as seen by the Personnel Department, was to reduce the size of the current extremely large candidate groups by means of procedures that are fair to minority job applicants. He indicated that the Personnel Officer also wished to avoid a big increase in staff at an expense of \$100,000 a year, or more, for new personnel to interview hundreds of job applicants. He concluded that the random selection procedure offers promise as a means of dealing with the problem of very large groups of applicants in a manner which is fair and within the resources of present or moderately increased staff.

FURTHER REQUEST FOR HEARING TO APPEAL MEDICAL DISQUALIFICATION FOR FIREFIGHTER
Steven Middleton, Firefighter candidate

Mr. Middleton read a prepared statement stating the events that occurred since his taking the Firefighter written test which he felt would warrant a rehearing of his appeal which was heard before the Board on January 5, 1971. Mr. Middleton emphasized his desire for a current, thorough medical examination, including tests for diabetes.

Mr. James Jackson, City Attorney, addressed the Board in his capacity of legal advisor to the Board. Mr. Jackson indicated that Mr. Middleton's name had been erroneously retained on the eligible register for Firefighter after the Civil Service Board denied Mr. Middleton's appeal from medical disqualification following a hearing on January 5, 1971. Accordingly, the certification of his name to a vacancy in the Fire Department in October 1971 was improper. Following the certification, Mr. Middleton was interviewed and then referred for medical examination. At this point, the error was recognized by Dr. Brown, the City's Chief Physician, and further activity in regard to the certification was suspended. Mr. Jackson advised that he did not believe that Mr. Middleton was entitled to completion of the October 1971 medical examination because of the prior action of the Board denying his appeal from the previous medical disqualification.

Mr. Jackson also questioned the legal basis for a Board action in reopening an appeal case approximately eight months after its previous definite action. He suggested that a line of California court cases makes clear that, under Section 52a of the City Charter, the Board does not have the power or authority to reopen, review, reconsider or change its finding or decision.

The members of the Board questioned Mr. Middleton at some length. Questions were raised which suggested that Mr. Middleton should have questioned the correctness of the certification of his name in October 1971 since he knew that the Board had denied his appeal from medical disqualification in January.

Motion was made by Mr. Reynoso that Mr. Middleton's request for a hearing to further appeal his medical disqualification be denied. The motion was seconded by Mr. Street and carried by unanimous vote.

REQUEST FOR HEARING TO APPEAL COMPULSORY LEAVE OF ABSENCE
Daniel G. Ware, Patrolman

Mr. James Long, Attorney at Law, representing Mr. Ware, requested a hearing to appeal compulsory leave of absence imposed upon his client from November 4, 1971.

He based his request on the proposition that he could produce evidence that Mr. Ware is capable of effectively continuing his employment with the City as a Patrolman. Mr. Ware was given the compulsory leave of absence for medical reasons associated with overweight.

Mr. James Jackson, City Attorney, stated that this matter might be taken up through the City's grievance procedure. However, to expedite the issue, it was stipulated by both attorneys to bring this case directly before the Board at an early date. This procedure was agreed to in consideration of Mr. Ware's loss of income while on leave of absence.

It was moved by Mr. Alexander and seconded by Mr. Street that Mr. Ware be granted a hearing on December 21, 1971, to appeal compulsory leave of absence ordered for medical reasons. The motion was carried by the following vote:

Ayes: Members Alexander, Street, Woods, Yew.
 Abstained: Member Reynoso abstained due to conflicting interest.

REQUEST FOR LEAVE OF ABSENCE

James Pooser, Recreation Supervisor I

Communication from Solon Wisham, Jr., Director of the Recreation and Parks Department, dated December 1, 1971, requesting leave of absence without pay in behalf of Mr. James Pooser, Recreation Supervisor I, from January 31, 1972, through June 6, 1972, was considered. Mr. Wisham's letter indicated that the college work is job related and would be in the City's best interest to approve the leave. Mr. Pooser is planning to continue graduate study at Sacramento State College during the spring semester.

Motion was made by Mr. Alexander and seconded by Mr. Street to grant Mr. Pooser the requested leave of absence without pay. The motion was carried by unanimous vote.

EMPLOYEE STATUS FOLLOWING POSITION REALLOCATION

George Dunphy	Maintenance Man III
Frank Marino	Maintenance Man III
Joe Perrone	Maintenance Man III
Daniel Simoes	Maintenance Man III

This matter came to the Board's attention as the final step in the procedure which had been discussed in formal negotiation with the Sacramento City Employees Association. It was agreed that a study would be made to determine which Maintenance Man II employees had lead responsibility over four or more employees on a full-time basis. The employees who would qualify would be allocated to the Maintenance Man III classification, while all employees presently holding status in that class would be allocated to the Maintenance Man IV classification.

It was moved by Mr. Street and seconded by Mr. Yew that the Civil Service Board approve reallocation of the four employees named above from their present classification of Maintenance Man II to the classification of Maintenance Man III with permanent status, effective December 1, 1971. The motion was carried by unanimous vote.

PROCEDURE TO BE USED FOR THE LIBRARY PAGE EXAMINATION

The Acting Secretary read a report indicating that Sacramento County has agreed to notify prospective City job applicants of the forthcoming County examination for Library Page. The County has agreed to examine City job applicants and to make its eligible list available to the City for use in filling vacancies in City positions of Library Page that may occur between now and June 30, 1971.

The Acting Secretary indicated that this unusual procedure is undertaken pursuant to the action of the City Council and of the Board of Supervisors authorizing the consolidation of the Library system under County Administration, effective July 1, 1972. Following the action of the two governing bodies, this matter was placed on the ballot and approved by the electorate in November 1971. These actions provide the authority for cooperation between the City Personnel Department and the County Civil Service Commission and its staff on civil service examinations and other personnel actions occurring between now and the effective date of the merger of the two libraries.

The Acting Secretary anticipates a need to bring other personnel matters relating to the consolidation of the City and County Libraries to the attention of the Civil Service Board in the coming months. He indicated that meetings were contemplated which would include the City Personnel Officer, the County Personnel Director, and the City-County Librarian for the purpose of discussing personnel management implications of the merger.

Although no motion was introduced, Board members indicated concurrence with the procedure proposed for Library Page.

CORRESPONDENCE FROM MR. STEELY REGARDING CIVIL SERVICE RULE 11.12, SELECTIVE CERTIFICATION


As a matter of information, the Acting Secretary drew attention to a letter of November 24, 1971, with attachments, from Mr. John L. Steely. The letter deals with the selective certification rule and practice. Although Mr. Steely is a City Fire Captain, the letter appeared to be written in terms of his interest as a citizen.

Mr. Steely did not appear to speak in regard to his letter. The Board took the letter under advisement.

Miss Barbara Fisher and Mr. Wade Clifton, a retired Fire Captain, directed questions to the Board in regard to the basis for the selective certification rule. Mr. Clifton expressed a belief that selective certification would lead to the employment of less well qualified persons. The Chairman of the Board responded with a review of the hiring practice information developed in the Pace Maker study of 1970; the City Council's Affirmative Action Policy of May 20, 1971; and the recent adoption by the Civil Service Board of the selective certification rule as a means of accomplishing rapid action on the new policy.

The meeting was adjourned at 3:45 p.m.


 Bruce F. Austin
 ACTING SECRETARY


 Marlon J. Woods
 PRESIDENT