

MINUTES OF CIVIL SERVICE BOARD
CITY OF SACRAMENTO
SPECIAL MEETING NOVEMBER 27, 1973

The special meeting was called to order by Acting President Frank Reynoso at 2:20 p.m. in the Personnel Department Conference Room.

Present: Frank Reynoso, Wilfred Street, Joseph Yew.

Absent: James Alexander, Marion Woods.

HEARING TO APPEAL TERMINATION FROM CITY SERVICE DUE TO PHYSICAL CONDITION
Joseph Rudolph, former Refuse Collector

(Reference: Minutes of meetings held August 7 and October 2, 1973)

Attorney Theodore T. N. Slocum of Attorney Milton McGhee's office represented Mr. Rudolph; Attorney Richard Brown was the City's advocate; and Attorney Thomas Haas was the advisor to the Board.

Attorney Slocum, without an opening statement, called Joseph Rudolph to testify. Mr. Rudolph was sworn in by Acting Secretary Dunbar Heins. Mr. Rudolph was questioned concerning allegations made in the City's notice of termination and about his injuries.

Attorney Brown questioned whether the Board had the jurisdiction over Mr. Rudolph's case; however, in view of the prior meetings concerning this matter, it was the consensus of the Board that it proceed with the hearing. Thereupon, Attorney Brown cross-examined Mr. Rudolph.

Mr. Rudolph testified that he had been in constant contact with the Waste Removal Division during his absence due to his injuries, contrary to the allegation made in the City's notice of termination. Mr. Rudolph stated that he had sustained an on-the-job injury to his back on August 4, 1970, and was off work for approximately four-and-a-half months. He returned to work in December 1970, and performed light duty work as a night watchman and janitorial work until December 1, 1971. On December 1, 1971, Mr. Rudolph was involved in a personal auto accident and sustained head injuries. Prior to that accident, Mr. Rudolph was involved in a personal auto accident in September 1971 in which he aggravated his back injury, but he was able to continue working.

Mr. Rudolph returned to work on February 8, 1972. On that same day, after three hours of work, he sustained a back injury while on duty and has been off work ever since.

Mr. Rudolph testified that he did not receive a year's pay from the City as stated in the notice of termination; however, upon questioning by Attorney Brown, he stated that he did receive his salary checks regularly. Mr. Rudolph stated that he received workmen's compensation awards for both industrial injuries and that the City had paid for medical costs. Attorney Slocum stated that an aggregate amount of approximately \$5,617.00 was received by Mr. Rudolph as workmen's compensation awards.

Mr. Rudolph reported back to work in December 1972, after being released by Dr. Edward Morris as being able to perform light duty work. Upon reporting to work, Mr. Rudolph was referred to Safety Officer Earl Simons who informed him that he would have to return to his permanent class of Refuse Collector (Truck Driver). As a result of Mr. Rudolph's inability to perform the duties of the classification of Refuse Collector (Truck Driver), in accordance with Rule 17.5(k), Mr. Rudolph was terminated from City service.

The Board asked Mr. Rudolph if he was requesting reinstatement to his former classification of Refuse Collector (Truck Driver) and whether, in his present condition, he could perform the duties of that classification. Mr. Rudolph replied that he was requesting reinstatement to his former classification but that he could not perform the duties of Refuse Collector (Truck Driver).

As there were no further questions, the matter was taken under submission, and the Board adjourned into executive session at approximately 3:20 p.m.

Acting President Reynoso reconvened the meeting at 4:00 p.m., and Mr. Street read the Board's decision as follows:

Mr. Rudolph's appeal from termination from City service due to his physical condition was denied.

The Board, in good consciousness, felt that it could not reinstate Mr. Rudolph in his permanent position in the classification of Refuse Collector (Truck Driver) due to his inability to perform the laboring requirements of the job.

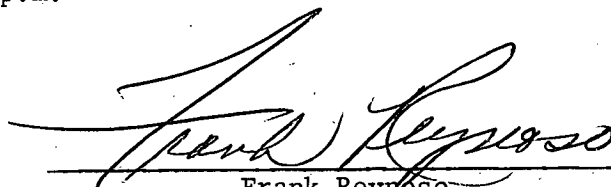
The Board felt that, although it could not order it, the City should attempt to place employees who have long years of service with the City and who are in a situation where termination is contemplated due to their physical condition in another classification where they could perform the duties required.

The Board further requested that Mr. Rudolph be counselled concerning his rights to apply to the Sacramento City Employees Retirement System for industrial disability retirement.

The meeting was adjourned at 4:15 p.m.



D. W. Heins
Acting Secretary



Frank Reynoso
Acting President