

MINUTES OF CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
REGULAR MEETING            JANUARY 18, 1977

The regular meeting of the Civil Service Board was called to order by President Jimmie Yee at 1:30 p.m. in the Personnel Department Conference Room, 801 Ninth Street.

Present: Donna Giles, Alba Kuchman, Wilfred Street, Ronald Wright, Jimmie Yee.

Absent: None.

INTRODUCTION OF NEW CIVIL SERVICE BOARD MEMBER

New Board member Mrs. Donna L. Giles was introduced. Mrs. Giles' term of office commenced on January 12, 1977, and will expire on December 31, 1981.

ELECTION OF OFFICERS FOR CALENDAR YEAR 1977

The following officers were elected for the year 1977:

President..... Ronald H. Wright  
Vice-President..... Alba Kuchman  
Representative to the  
Retirement Hearing Commission..... Jimmie R. Yee

MINUTES OF REGULAR MEETING, JANUARY 4, 1977: Approved as submitted.

REPORTS OF DIRECTOR OF PERSONNEL

Acting Secretary William Woska presented a progress report concerning the transitioning (Employee Development) program.

ELIGIBLE REGISTERS ESTABLISHED

<u>Exam.</u>	<u>Class Title</u>	<u>Effective</u>	<u>Expiration</u>
#1434-B	Junior Typist-Clerk (Police)	1/6/77	1/5/78
#1486	Senior Dispatcher-Clerk (Promotional)	1/7/77	1/6/78

NEW EXAMINATIONS ANNOUNCED

- #1529 Traffic Signal Technician
- #1532 Senior Accountant (Promotional)
- #1535 Electrician

It was moved by Mr. Yee, seconded by Mrs. Giles, and approved by unanimous vote to approve the above announcements.

#1531 General Repairman (Promotional)

Following discussion concerning the feasibility of this examination being announced as promotional, Mr. Street moved to approve announcement #1531 for General Repairman as submitted. Mr. Yee seconded the motion which carried by

three-to-two vote (Mrs. Giles and Mrs. Kuchman dissenting).

- #1533 Fire Prevention Inspector I (Promotional)
- #1534 Fire Prevention Inspector II (Promotional)

Mr. Amos Syas, representing Sacramento Area Fire Fighters Local 522, objected to the educational requirements as written on the examination announcements for Fire Prevention Inspector I and II (Promotional). Mr. Syas indicated that the union would approve the announcement if the educational requirement can be accomplished within two years after appointment, rather than the requirement of completion of the four college-level Fire Science courses in order to apply for the Fire Prevention Inspector I examination. Deputy Fire Chief Rose supported Mr. Syas' statement.

Personnel Management Administrator and Acting Secretary William Woska explained the procedure which the Civil Service Board normally follows in amending a class specification (Rules 4.3 and 4.5).

After further discussion, Mr. Street moved to defer consideration of the examination announcements #1533 and #1534 to the next regular meeting.

#### EXTENSION OF ELIGIBLE REGISTERS

Mr. Yee moved to extend the following lists as requested by staff. Mrs. Kuchman seconded the motion which carried by unanimous vote.

<u>Exam.</u>	<u>Class Title</u>	<u>Effective</u>	<u>Expiration</u>
#1416	Firefighter	2/28/77	2/27/78
#1436	Fire Prevention Inspector II	1/25/77	4/1/77
#1437	Fire Prevention Inspector I	3/23/77	4/1/77
#1438	Fire Apparatus Operator	3/30/77	12/31/77

#### SUMMARY REPORT: USE OF SELECTIVE CERTIFICATION DURING 1976

An informational report was given concerning the use of selective certification during 1976. The following positions were filled:

<u>Number of Positions</u>	<u>Selective Certification</u>	<u>Class</u>
1	Minority	Recreation Supervisor I
2	Female	Firefighter
4	Minority	Police Officer
1	Minority	Firefighter

#### REQUEST FOR VOLUNTARY DEMOTION

Virginia I. Poirier, Senior Stenographer-Clerk to Intermediate Stenographer-Clerk

Mrs. Virginia Poirier's request for voluntary demotion from Senior Stenographer-Clerk in the Water and Sewer Division of the Engineering Department to the class of Intermediate Stenographer-Clerk in the Personnel Department was considered. Approval had been obtained from both department heads. Staff recommendation was to approve the request.

Mr. Street moved to approve Mrs. Poirier's request; Mr. Yee seconded the motion which carried by unanimous vote.

STAFF REPORT PER CIVIL SERVICE BOARD REQUESTInformation re Employees Participating in the Special Transfer Program as a Result of Waste Removal and Street Cleaning Consolidation

A report was presented identifying employees who had participated in the special transfer program as a result of the consolidation of the Waste Removal and Street Cleaning functions. The specific information which the Board had requested at its meeting of January 4, 1977, was the ages of all employees who had expressed interest in the special transfer process to determine whether there had been discrimination against older employees, as alleged by Mr. Cervantes. It was the consensus of the Board that there was no discrimination because of age. Employees who were transferred were identified by asterisks.

AMENDMENT TO CLASSIFICATION PLANProposed Revision of Class Specification

Maintenance Man Truck Driver (previously submitted as Maintenance Worker (Mobile))

Mr. Phillip Cunningham, Business Representative of Local 39, expressed his concurrence with the proposed revised specification. Mr. Street moved to approve the revised specification of Maintenance Man Truck Driver. Mrs. Giles seconded the motion which carried by unanimous vote.

AMENDMENT TO CIVIL SERVICE BOARD RULES AND REGULATIONSa. Amendment to Rule 15.2 (addition of subparagraph (e))

It was moved by Mrs. Giles, seconded by Mr. Street, and carried by unanimous vote to adopt the addition as follows:

"15.2 Duration

"(e) The Secretary of the Board is Authorized to Administer Rule 15.2 as Agent for the Board. The Secretary shall report any action taken as agent for the Board pursuant to this rule at the Board's next regular meeting. Any action of the Secretary pursuant to this rule is subject to appeal to the Board within 30 days of such action, as provided in Rule 1.3."

b. Amendment to Rule 17.8, "Setting Hearing Date"

It was moved by Mrs. Kuchman, seconded by Mrs. Giles, and carried by unanimous vote to amend Rule 17.8, as follows:

"17.8 Setting Hearing Date. When the Secretary of the Board receives a notice of appeal which complies with the requirements of Rule 17.7, the Secretary shall forthwith schedule the matter for hearing with a hearing officer. Any person may appeal to the Board pursuant to Rule 1.3 from the Secretary's action in scheduling a hearing."

c. Consideration of Proposed Amendment to Rule 13.3, "Transfer to a Different Class", and Addition of Rule 13.3.5, "Reduction in Force Program" Withheld

Acting Secretary William Woska indicated that, when the proposed rule was initially presented to the Board, there was concern that layoffs may result as a result of the consolidation of the Waste Removal/Street Cleaning functions. Therefore, to attempt to avoid layoffs, the proposed amendment to Rule 13 was submitted for consideration. Mr. Woska stated that now, however, with the Council's action to establish the mobile work force and the adoption of the revised Maintenance Man Truck Driver specification, the problem no longer exists. Mr. Woska reported that there were 71 positions which were to be transferred: 47 positions were transferred through the special transfer program; 36 positions were filled in the mobile work force. An excess of 12 positions were transferred to date. At this time there are three Maintenance Man Truck Driver positions and three Maintenance Man positions for which transfers have not yet been made. It was reported that there are currently available 12 Refuse Collector positions to which transfers can be made. For the reasons stated, it was requested that the Civil Service Board withhold consideration of the amendment to Rule 13.3 and the addition of Rule 13.3.5.

Mr. Philip Cunningham, Business Representative for Stationary Engineers Local 39, reported that the rule amendments had been negotiated between Local 39 and the City's negotiating team and, therefore, recommended adoption by the Board. Mr. Cunningham indicated that four employees needed positions to which to transfer; that management had agreed that they would be allowed to transfer to positions other than Refuse Collector. Mr. Cunningham indicated that Local 39 and management were in favor of the rule change.

Mr. John Varozza, Assistant City Engineer and Chairman of the Waste Removal and Street Cleaning Consolidation, indicated that the consolidation is nearing completion and that it was not urgent at this time to pass the proposed amendments.

It was the consensus of the Board that the entire Rule 13 concerning transfers should be reviewed by staff and recommendation be made to the Board for consideration. The Board requested that the subject be placed under "Pending Items" and that a progress report be presented to the Board at the first meeting in February.

REQUEST FOR CIVIL SERVICE BOARD TO HEAR DISCIPLINARY ACTION APPEAL  
Bernis D. Ferguson, Police Officer

Attorney David P. Simmons, by petition dated January 7, 1977, requested that the full Board hear the appeal of his client, Bernis D. Ferguson, inasmuch as an Administrative Law Judge would not be available for two consecutive days, February 7 and 8, 1977. The hearing had been set for one day only on February 7.

At this meeting, however, Attorney Simmons withdrew his request. The matter was again referred to a Hearing Officer. The motion was made by Mr. Yee, seconded by Mrs. Giles, and carried by unanimous vote.

VOLUNTARY DEMOTION AS A RESULT OF SPECIAL TRANSFER PROGRAM

Mr. Tash requested voluntary demotion as a result of the special transfer program following the consolidation of the Waste Removal/Street Cleaning functions.

It was moved by Mr. Street, seconded by Mr. Yee, and carried by four-to-one vote (Mrs. Kuchman dissenting) to approve the voluntary demotion as follows:

Tom Tash, Refuse Collector to Maintenance Man I, with permanent status, "y-rated" at \$1009 per month (Step "E" of the salary range for Refuse Collector).

REQUEST FOR HEARING TO APPEAL DECISION OF FIRE CAPTAIN QUALIFICATION APPRAISAL BOARD

William Boulware, Applicant

Mr. Street moved to grant Mr. Boulware's request for hearing. Mr Yee seconded the motion which carried by unanimous vote.

The hearing date was set for Tuesday, February 15, 1977. Mr Boulware requested that the tape recording of his interview be made available at the hearing. The staff agreed.

REQUEST FOR HEARING TO APPEAL DENIAL OF REQUEST FOR SUPPLEMENTAL EMPLOYMENT

Terri Hadin, Intermediate Typist-Clerk, Police Department

Mr. Phillip Cunningham, Business Representative, Stationary Engineers Local 39, on behalf of Ms. Hadin appealed the denial of her request to obtain supplemental employment.

Mr. Street moved to grant the request for hearing. Mrs. Giles seconded the motion which carried by unanimous vote.

The hearing date was set for February 8. 1977.

RECOMMENDATION OF ADMINISTRATIVE LAW JUDGE RE APPEAL OF GLEN FUGITT, BOOKMOBILE DRIVER-CLERK, APPROVED AND ADOPTED BY CIVIL SERVICE BOARD

The recommendation submitted by Philip H. Hanley, Administrative Law Judge, Office of Administrative Hearings, in the matter of the appeal of Glen Fugitt, whose hearing was held on January 12, 1977, was approved and adopted by the Civil Service Board.

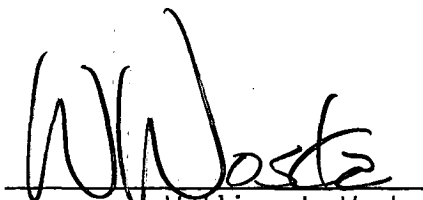
RANDOM SELECTION

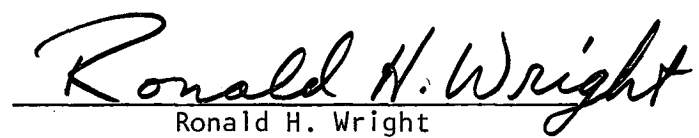
#1489 Senior Account-Clerk

Mrs. Giles assisted the Personnel Management Services Division staff in the random selection procedure for Senior Account-Clerk.

There were 80 applicants who met the desirable qualifications; 12 applicants currently employed by the City are to be included in the next phase of the examination; and 20 numbers were randomly selected.

The meeting adjourned at approximately 4:00 p.m.

  
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 William J. Woska  
 Acting Secretary

  
 \_\_\_\_\_  
 Ronald H. Wright  
 President

MAINTENANCE MAN TRUCK DRIVER

NATURE OF WORK:

Under general supervision, to perform semi-skilled work involved in operating trucks or similar lighter equipment with a rated weight capacity of at least one ton and less than six tons as a major assignment, and to do related work as required.

DISTINGUISHING CHARACTERISTICS:

A Maintenance Man Truck Driver performs duties similar to those assigned to the class of Maintenance Man II but is required to drive equipment as described above at least 50% of the time. The class (Maintenance Man Truck Driver) differs from Maintenance Man III in that a Maintenance Man III may operate a truck of more than a six-ton rated weight capacity as a regular assignment.

Incumbents may, as the need arises, be assigned to the City's Mobile Work Force.

EXAMPLES OF DUTIES:

Drives a truck and other similar equipment as a regular assignment.  
Operates trucks with winch and high ranger attachments.  
Loads and unloads trucks.  
Operates chipper.  
Performs minor maintenance work on and services assigned vehicle with gas, oil, and water.  
Transports personnel, materials, and equipment.  
Operates boom trucks in removing trees and stumps.  
Operates earth boring drills in planting new trees.  
Acts in a lead capacity over subordinates.  
Maintains records as may be required.

DESIRABLE QUALIFICATIONS:

Education:

Ability to read and write the English language at a level necessary for efficient job performance.

Experience:

One year of experience in driving a truck.

Necessary Special Qualifications:

Possession of a valid California Operator's License. (A Class II Operator's License may be required for certain positions.)

DESIRABLE QUALIFICATIONS: (Continued)

Knowledges, Abilities, and Skills:

Knowledge of the operation and maintenance requirements of trucks and power driven equipment together with the ability to make minor adjustments and repairs and perform routine vehicle maintenance.

Knowledge of the traffic laws, ordinances, and rules involved in truck and equipment operation.

Knowledge of the methods and materials used in servicing and repairing automotive equipment.

Ability to understand and carry out written and oral instructions and to maintain simple written reports and records.

Ability to learn the general layout of the City and to learn assigned routes if necessary.

Ability to operate trucks and other equipment safely.

Ability to perform heavy manual labor for extended periods of time.

Ability to use hand and mechanical tools and equipment and develop skill in the operations to which assigned.

Adopted: 1/20/70

Revised: 9/5/72, 1/18/77

Title Change:

Abclished:

CITY OF SACRAMENTO  
CIVIL SERVICE BOARD

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

January 26, 1977

The hearing concerning the appeal of Chester Buckner, Maintenance Man I, Park Services, was held on Wednesday, January 25, 1977, before Rudolph H. Michaels, Administrative Law Judge, in the Personnel Department Conference Room, 801 Ninth Street.

There were no exhibits introduced by the appellant.

The following exhibits were introduced by the City:

- Exhibit 1      Disciplinary Letter  
                 Request for Hearing--both not entered  
   as evidence
- Exhibit 2      Joint Statement of Issues--not evidence
- Exhibit 3      Opening Statement--not evidence

Witnesses who appeared on behalf of the appellant were:

Diane Stevenson, Occupant of 4117 Catala Way  
Chester Buckner, Maintenance Man I, Park Services,  
Appellant

Witnesses who appeared on behalf of the City were:

Carol Cooper, Citizen  
Johnnie Bramble, Assistant Superintendent of Parks

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

BEFORE THE CIVIL SERVICE BOARD  
CITY OF SACRAMENTO  
STATE OF CALIFORNIA

In the Matter of the Appeal of )  
 )  
CHESTER BUCKNER )  
 )  
Maintenance Man I )  
Park Service Division )  
Recreation and Parks Department )  
\_\_\_\_\_ )

CSB NO. HO-76-4  
N-9109

PROPOSED DECISION

This matter came on regularly for hearing before Rudolf H. Michaels, an Administrative Law Judge of the Office of Administrative Hearings, on January 26, 1977 in Sacramento, California.

The respondent Director of the Department of Recreation and Parks was represented by Daniel W. Bonebrake and Larry L. Dow, Employee Relations Representatives.

The appellant was present and was represented by Wes Keyson, Business Representative, Stationary Engineers Local No. 39, AFL-CIO.

Evidence was received, the hearing was closed and the matter was submitted. The Administrative Law Judge makes the following

FINDINGS OF FACT

I

Respondent Solon Wisham, Jr. is the Director of Recreation and Parks of the City of Sacramento and the appointing power of appellant Chester Buckner.

## II

The notice of disciplinary action and the appeal therefrom comply with the regulations of the Civil Service Board of the City of Sacramento.

## III

At all times material herein, appellant was employed as a Maintenance Man I, Park Service Division, Department of Recreation and Parks, City of Sacramento.

## IV

On October 10, 1976, a Sunday, appellant, while on duty as a Maintenance Man I on the weekend parks cleanup shift, spent the hours from approximately 10:00 a.m. to noon at 4117 Catella Street, in Sacramento, during which time he parked a city-owned pickup truck and trailer at this address, disconnected the trailer, pushed it into a driveway, loaded some debris including some carpet padding into it, and eventually removed this debris from the premises.

## V

Appellant's official lunch period on October 10, 1976 was one-half hour. He started working at about 5:45 a.m. and quit at about 1:45 p.m. on that day.

## VI

Prior to disciplinary action, the incident was thoroughly investigated by appellant's superiors, appellant was fully informed of the charges, and was given two opportunities to present his own account of the events.

## VII

Disciplinary action in form of suspension without pay for two working days was taken effective November 16 and 17, 1976. Appellant agrees that if cause for disciplinary action is found, the action taken was reasonable and appropriate under the circumstances.

## DETERMINATION OF ISSUES

### I

Appellant's conduct described in Findings IV and V

constitutes

- 1. Inexcusable neglect of duty and cause for disciplinary action under Civil Service Rule 17.2(d); and
- 2. Unauthorized use of City property and separate cause for disciplinary action under Civil Service Rule 17.2(q).

II

Disciplinary action of two days' suspension without pay was reasonable and proper and does not constitute an abuse of discretion.

III

The appeal ought to be dismissed and the disciplinary action taken ought to be affirmed.

ORDER

- 1. The appeal of Chester Buckner from disciplinary action of two days' suspension without pay is dismissed.
- 2. The disciplinary action taken by respondent Director of the Department of Recreation and Parks is affirmed.

The foregoing constitutes my proposed decision in this matter. I recommend its adoption as the decision of the Civil Service Board of the City of Sacramento.

Dated: January 31, 1977

*Rudolf H. Michaels*

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RUDOLF H. MICHAELS  
 Administrative Law Judge  
 Office of Administrative Hearings

The City of Sacramento Civil Service Board has adopted as its decision the recommended decision of Rudolf H. Michaels, Administrative Law Judge, in the matter of the appeal of Chester Buckner, Maintenance Man I, Park Service Division, Recreation and Parks Department.

Dated February 15, 1977.

City of Sacramento  
Civil Service Board

*Ronald H. Wright*  
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Ronald H. Wright  
President