



CITY OF SAN JOSE, CALIFORNIA

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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Sharon L. Hightower, Vice Chair
Dave Busse
Richard J. Giovannetti
Leon Louie

Minutes of the Commission November 1, 2007

The Civil Service Commission of the City of San José convened in special session on November 1, 2007, in the City Council Chambers of San José City Hall at 6:29 p.m.

Present: Commissioners Busse, Giovannetti Hightower, Louie and Brill
Absent: None

CONTINUE TO HEAR THE APPEAL OF DETERMINATIONS OF HUMAN RESOURCES DIRECTOR REGARDING PROTESTED QUESTIONS TO THE FIRE CAPTAIN EXAMINATIONS QUESTIONS #35, #38, and #63

Documents Filed: 1) William Lovens' protest dated October 3, 2007 regarding Question #35; 2) Consultant Ken Hargis' prepared response to protest and excerpts from the International Association of Fire Fighters Memorandum of Agreement and the San José Fire Department Routine Operations Policies and Procedures; 3) Robert Herrera's protest dated October 5, 2007 regarding Question #38; 4) Consultant Ken Hargis' prepared response to protest and excerpts from the San José Fire Department Routine Operations Policies and Procedures; 5) Robert Herrera's protest dated October 5, 2007 regarding Question #63; and 6) Consultant Ken Hargis' prepared response to protest and excerpts from the Multiple Patient Management Plan Countywide Medical Response System.

Question #35 regarding the Department's physical examination policy

Mr. Ken Hargis, consultant who assisted in developing exam questions for the Fire Captain exam, presented his reasons why Question #35 should not be deleted. Appellant William Lovens explained the reasons for his position that Question #35 should be deleted. Mr. Hargis and Mr. Lovens responded to Commissioner's questions. Fire Engineers Reggie Williams and Barry Ehlers spoke in favor of deleting Question #35. Fire Paramedic Robert Herrera and Fire Engineer Eric Lopez spoke in favor of retaining Question #35. There was continued discussion among staff and the Commissioners. Upon motion by Commissioner Hightower and seconded by Commissioner Louie, the motion to retain Question #35 did not pass. Vote: 2-3-0. Noes: Brill, Busse, and Giovannetti. The determination of Human Resources Director regarding protested Question #35 was upheld and Question #35 will be deleted.

Question #38 regarding the City's sick leave policy

Appellant Robert Herrera presented his reasons for his request that Question #38 should be retained as keyed with answer "A" as the correct answer. Mr. Hargis presented his argument as to why answers "A" and "C" are correct. Battalion Chief Curtis Jacobson spoke in favor of retaining answer "A" only. There was continued discussion among staff and the Commissioners. Upon motion by Commissioner Busse, seconded by Commissioner Hightower and unanimously passed, the Commission retained answer "A" as keyed. Vote: 5-0-0.

Question #63 regarding Level 2 application

Appellant Robert Herrera presented his reasons for his request that Question #63 should be deleted. Mr. Hargis presented his argument as to why answers "A" and "D" are correct. Fire Engineers Reggie Williams and Barry Ehlers spoke in favor of deleting Question #63. Fire Engineer Eric Lopez spoke in favor of retaining answer "A" as keyed. Discussion ensued between staff and Commissioners. Upon motion by Commissioner Busse, seconded by Commissioner Hightower, and unanimously passed, the Commission retained answer "A" as the keyed answer. Vote: 5-0-0.

ADJOURNMENT

The meeting adjourned at 7:30 p.m. to November 5, 2007 at 6:00 p.m. to continue to hear the appeal of discipline of Police Officer, Case No. 07-18 (Hopper/Peterson).

BILL BRILL, CHAIR

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, SECRETARY, MMC

Cay Denise MacKenzie, Administrative Manager