



CITY OF SAN JOSE, CALIFORNIA

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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Sharon L. Hightower, Vice Chair
Dave Busse
Peter Soulé
Jon Fitch

CIVIL SERVICE COMMISSION Minutes of the Commission February 5, 2009

The Civil Service Commission of the City of San José convened on February 5, 2009, in Room W242, San José City Hall, at 6:00 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Hightower
ABSENT: None

Presiding Officer Hightower stated this meeting had been called to order to hear the appeal of dismissal of Augustine Martinez, Maintenance Supervisor. It was determined that the appellant, the appellant's representative, Mark Renner, Senior Deputy City Attorney Colleen Winchester, representing the respondent, City of San José, and Allison Suggs, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Testimony was heard from appellant Augustine Martinez.

At 7:23 p.m., the Commission recessed and reconvened at 7:33 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Hightower present.

Continued testimony was heard from Mr. Martinez.

Appellant's Exhibits No. #SJ0049 through #SJ0155 were entered into evidence.

Closing arguments were made by Ms. Winchester and Mr. Renner.

Upon notice of submission, the Commission entered into Closed Session at 8:46 p.m. to deliberate. The Commission reconvened at 9:16 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Hightower present.

The Commission expressed concerns about supervisors in City departments admittedly not knowing what to do when complaints are brought forward by employees and suggested that additional training and enforcement of policies be conducted, particularly in the Environmental Services Department. The Commission reviewed and considered all evidence in this case and stated that it was difficult

case and not an easy decision. The Commission voted unanimously to sustain all charges and the discipline of termination was appropriate.

The Commission adjourned at 9:19 p.m. to February 23, 2009, at 6:30 p.m. to hear the appeal of discipline of Police Officer, Case No. 08-45.

SHARON L. HIGHTOWER, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, SECRETARY

Michelle Radcliffe, Deputy Secretary