

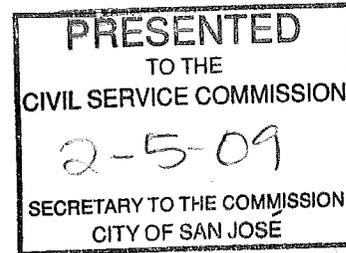


CITY OF SAN JOSE, CALIFORNIA

200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1265
FAX (408) 292-6207

CIVIL SERVICE COMMISSION

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



Minutes of the Commission Special Meeting January 15, 2009

The Civil Service Commission of the City of San José convened in regular session on January 15, 2009, in the City Council Chambers of San José City Hall at 4:04 p.m.

ROLL CALL

Present: Commissioners Busse, Fitch, Hightower, Soulé and Brill
Absent: None

ORDERS OF THE DAY

By motion unanimously adopted, the Orders of the Day were approved.

CONSENT CALENDAR

By motion unanimously adopted, the Consent Calendar was approved.

1. Information Only

- a. Hiring Summary – Memorandum from Human Resources dated January 6, 2009, listing complaints about hiring issues and a summary of hiring activity for the period November 16, 2008, through December 27, 2008, was filed.

2. The appeal from Chuck Wear, Senior Permit Specialist (3955) was filed. Senior Deputy City Attorney Brian Hopper appeared on behalf of the City and stated that Mr. Wear and the City have entered into a settlement agreement dated December 7, 2008.

3. The following minutes were approved:

a. December 4, 2008

END OF CONSENT CALENDAR

4. The following hearings were scheduled:

a. The appeal hearing of Police Officer Discipline, Case No. 08-45 was scheduled for February 26, 2009 at 6:30 p.m.

Deputy City Attorney Shannon Smyth-Mendoza, appearing on behalf of the City, and Larry Peterson, appearing on behalf of the appellant, were present. Hearing Officer Hightower advised that both parties participate in a prehearing conference with her one week prior to the hearing date, be prepared to discuss issues, witnesses and have already exchanged documents.

b. The appeal of dismissal of Joe A. Martinez, Maintenance Worker I (3113) was scheduled for March 18, 2009, at 6:30 p.m.

Deputy City Attorney Shannon Smyth-Mendoza, appearing on behalf of the City, and Operating Engineers Local Union No. 3 Business Representative Bill Pope, appearing on behalf of the appellant, were present. Hearing Officer Hightower advised that both parties participate in a prehearing conference with her one week prior to the hearing date, be prepared to discuss issues, witnesses and have already exchanged documents.

c. The appeal of dismissal of Robert Harris, Heavy Equipment Operator (3343) was deferred to the February 2009 agenda for rescheduling.

Deputy City Attorney Shannon Smyth-Mendoza, appearing on behalf of the City, and Phuong Nguyen, appearing on behalf of the appellant, were present. Both parties requested that the matter be placed on the February 2009 agenda for scheduling.

d. The appeal of dismissal of George Marcussen, Analyst II (1632) was scheduled for March 12, 2009, at 6:30 p.m.

Deputy City Attorney Shannon Smyth-Mendoza, appearing on behalf of the City, was present. Hearing Officer Hightower advised that both parties participate in a prehearing conference with her one week prior to the hearing date, be prepared to discuss issues, witnesses and have already exchanged documents.

- e. The appeal of suspension of Jessica Araiza, Public Safety Radio Dispatcher (8514) was scheduled for March 25 – 26, 2009, at 6:30 p.m.

Senior Deputy City Attorney Brian Hopper, appearing on behalf of the City, and AFSCME Representative Linda Dittes, were present. Hearing Officer Hightower advised that both parties participate in a prehearing conference with her one week prior to the hearing date, be prepared to discuss issues, witnesses and have already exchanged documents.

- f. The appeal of suspension of Sharon Fischer, Public Safety Radio Dispatcher (8514) was scheduled for April 15, 2009, at 6:30 p.m.

Deputy City Attorney Daisy Nishigaya, appearing on behalf of the City, and AFSCME Representative Linda Dittes, were present. Hearing Officer Hightower advised that both parties participate in a prehearing conference with her one week prior to the hearing date, be prepared to discuss issues, witnesses and have already exchanged documents.

5. Interview applicants to fill four (4) vacancies on the Council Salary Setting Commission.

Documents Filed: 1) Memorandum from City Clerk Lee Price dated January 7, 2009, to the Civil Service Commission regarding the Council Salary Setting Commission interviews and recommended interview questions; 2) Copies of applications for Eileen Consiglio, George Thibeault, Roy Truitt, and Diane Owen (redacted)

The Commission interviewed Eileen Consiglio, George Thibeault, and Diane Owen for the Council Salary Setting Commission. Applicant Roy Truitt was not available for interview and requested to be interviewed as soon as possible.

6. Consideration and appointment of applicants to the Council Salary Setting Commission.

Upon motion by Commissioner Busse, seconded by Commissioner Hightower, and unanimously passed, the Commission appointed Eileen Consiglio to a four-year term ending December 31, 2012, George Thibeault to a four-year term ending December 31, 2012, and Diane Owen to an unexpired term ending December 31, 2010. The Commission requested to interview Roy Truitt at the February meeting.

7. Discussion and direction regarding the exercise of the Commission's subpoena powers

Document Filed: 1) Memorandum from Vice-Chair Sharon Hightower dated January 6, 2009, to the San José Civil Service Commission recommending that: 1) the Commission determine that all requests for subpoenas for use at any hearing conducted by the Commission, by and through the hearing officer, for approval prior to being issued; and 2) any request for a subpoena to issue for purposes of a prehearing deposition shall be directed to the hearing officer for the commission.

Upon motion by Commissioner Busse, seconded by Commissioner Soulé, and unanimously passed, the Commissioner accepted Commissioner Hightower's recommendation and directed the City Attorney's Office to draft a resolution that the Commission determine that all requests for subpoenas for use at any hearing conducted by the Commission be presented to the commission, by and through the hearing officer, for approval prior to being issued.

Commissioner Hightower withdrew her second recommendation. No action was taken.

8. Issuance of subpoenas for Appeal of Police Officer Discipline, Case No. 08-45.

Document Filed: Correspondence from Larry Peterson dated January 8, 2009, requesting subpoenas to be issued for Case No. 08-45, Police Officer Discipline.

Deputy City Attorney Shannon Smyth-Mendoza, representing the City, and Larry Peterson, representing the appellant, were present. Because Commissioner Hightower's recommendation was accepted by the Commission, this item was moot. No action was taken.

9. Discussion regarding the Boards and Commission Focus Group and designating two Commission representatives to participate.

Document Filed: Memorandum from City Clerk Lee Price to the Rules and Open Government Committee dated October 17, 2009, regarding the framework for structural improvements to the City's Boards and Commissions program.

Commissioner Fitch was designated to attend the focus group session scheduled on February 9, 2009, at the Roberto Cruz/Alum Rock Branch Library from 7:00 p.m. – 9:00 p.m. Commissioner Soulé was designated to attend the focus group session scheduled on February 19, 2009 at the West Valley Branch Library – Community Room from 1:30 p.m. – 3:30 p.m. Chair Brill provided feedback on the recruitment process.

ORAL PETITIONS

There was none.

ADJOURN to Closed Session in Council Chambers pursuant to Government Code Section 54957:

- Appeal of withdrawal of conditional offer of employment for the position of Water Meter Reader

The meeting adjourned to Closed Session at 5:00 p.m.



BILL BRILL, CHAIR

ATTEST:
CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY



Michelle Radcliffe, Deputy Secretary