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# CITY OF SAN JOSE, CALIFORNIA

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## CIVIL SERVICE COMMISSION

Bill Brill, Chair  
Jon Fitch, Vice Chair  
Dave Busse  
Peter Soulé  
Emily Côté

## CIVIL SERVICE COMMISSION Minutes of the Commission December 14, 2009

The Civil Service Commission of the City of San José convened on December 14, 2009, in Room W242, San José City Hall, at 8:02 p.m.

PRESENT: Commissioners Brill, Busse, Fitch, Soulé and Côté  
ABSENT: None

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of termination of Hilda Wong, Staff Technician. It was determined that the appellant, Hilda Wong, the appellant's representative, Robert Baker, City Attorney Daisy Nishigaya, representing the respondent, City of San José, and Marco Mercado, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Continued testimony was heard from Mike Sung, Administrative Officer.

Deputy City Attorney Nishigaya entered into evidence three written stipulations that were signed by her and Mr. Baker. The parties agreed to enter into evidence the written stipulations in lieu of the City calling the three witnesses referenced therein. The agreed upon stipulated facts are Jeanne Groen: Exhibits 11, 12, 13, and 17 are authentic. Ms. Groen prepared Exhibit 17 and presented it to Ms. Wong. David DeLong: Exhibits 14, 15, and 19 are authentic. Mr. DeLong prepared Exhibit 19 and presented it to Ms. Wong. Kelly Spivey: Exhibit 18 is authentic. Ms. Spivey prepared Exhibit 18 and presented it to Ms. Wong.

A copy of City's Objections to Appellant's Evidence and Witness; [Proposed] Order on Objections was submitted.

The City entered Exhibit No. #1-22 into evidence.

Testimony was heard from Appellant Hilda Wong.

Closing arguments were made by Ms. Nishigaya and Mr. Baker.

Upon notice of submission, the Commission entered into Closed Session at 10:52 p.m. to deliberate. The Commission reconvened at 11:04 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

The Commission thanked both parties for their presentations. The Commission voted unanimously to sustain Charges No. #1, 3 and 4 in full. Charge No. #2 was sustained with the exception of the second portion of the calling the co-worker a kiss ass. The Commission voted (5-0) to uphold the termination of Hilda Wong.

The Commission adjourned at 11:05 p.m. to December 15, 2009 at 6:00 p.m. to hear the appeal of withdrawal of Firefighter recruit, Case No. 09-06 (Hutchins/Appellant) (Closed Session).

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EMILY CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION  
LEE PRICE, SECRETARY

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Nora Pimentel, Deputy Secretary