

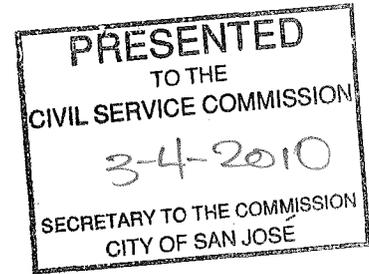


CITY OF SAN JOSE, CALIFORNIA

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CIVIL SERVICE COMMISSION

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



Minutes of the Commission Regular Meeting February 4, 2010

The Civil Service Commission of the City of San José convened in regular session on February 4, 2010 in the City Council Chambers of San José City Hall at 4:07 p.m.

ROLL CALL

Present: Commissioners Busse, Côté, Fitch, 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 25, 2010, listing complaints about hiring issues and a summary of hiring activity for the period June 28, 2009, through January 23, 2010, was filed.

2. The following minutes were approved:

- a. January 7, 2010 (Regular Meeting)

3. The appeal of withdrawal of employment offer for position of Firefighter Recruit, Case No. FF 09-02 was filed.

END OF CONSENT CALENDAR

4. The following hearings were scheduled:

- a. The appeal of Police Officer Discipline, Case No. 10-02. (Item will be continued to the next regular scheduled meeting March 4, 2010 for further scheduling.) Written time waiver was filed. (Winchester/Brown)
Heard in conjunction with Item B

Senior Deputy City Attorney Colleen Winchester, appearing on behalf of the City, and Craig Brown on behalf of the appellant, were present.

- b. The appeal of Police Officer Discipline, Case No. 10-03. (Item will be continued to the next regular scheduled meeting March 4, 2010 for further scheduling.) Written time waiver was filed. (Winchester/Brown)

5. Discussion and consideration of changing end time of appeal hearings and setting limits to amount of days hearings are set. (Chair)

Commission Legal Counsel Vera Todorov provided an overview of the Commission's jurisdiction. She indicated that the Commission could establish a procedure to end hearings at a set time, but suggested that the procedure include a way for the Commission to act to extend the hearing time at their discretion. She further suggested that she conduct additional research on due process issues related to setting limits on the length of hearings and will report back to the Commission on March 4, 2010. Based on that analysis and discussion, the Commission could consider options for establishing procedural rules or guidelines to accomplish that goal. Discussion ensued.

Upon motion by Commissioner Busse, seconded by Commissioner Cote, and unanimously passed, the Commission agreed to have this item continued to the next regular scheduled meeting of March 4, 2010 for further discussion. (Vote: 5-0-0)

Upon motion by Commissioner Cote, seconded by Commissioner Busse, and unanimously passed, the Commission agreed to have appeal hearings conclude at 10 p.m. unless it is to finish witness testimony or finish a case for an additional 30 minutes. (Vote: 5-0-0)

OPEN FORUM

ADJOURNED at 4:42 p.m. to February 8, 2010 at 6:30 p.m. to hear the appeal of Police Officer Discipline, Case No. 09-21 (Hopper/Appellant)



BILL BRILL, CHAIR

ATTEST:
CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY



for Nora Pimentel, Deputy Secretary