CSC 4-1-2010
Item #2B

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
Meeting Report
March 4, 2010

ROLL CALL

PRESENT: Chair Brill, Vice Chair Fitch, Commission Members Busse, Côté, and Soulé

ABSENT: None

STAFF: Deputy City Clerk Michelle Radcliffe

The Civil Service Commission of the City of San José convened on March 11, 2010, in Room W242, San José City Hall, at 6:08 p.m.

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of dismissal of Richard Davilla, Heavy Equipment Operator (3343). It was determined that the appellant's representative, Bill Pope, Senior Deputy City Attorney Colleen Winchester, representing the respondent, City of San José, Department of Transportation Deputy Director Jim Ortbal, and Marco Mercado, representing the Office of Employee Relations, were present.

Presiding Officer Côté noted that the appellant was not present. Mr. Pope advised that he had spoken with Mr. Davilla who did not indicate any intention to appear at the hearing this evening. Ms. Winchester noted for the record that this was the second night scheduled for the hearing of the appeal and that Mr. Davilla had failed to appear on March 4th, the first night of the hearing, indicating only a few hours advance notice that he was not able to come due to medical reasons. Despite being advised that he was required by Presiding Officer Côté to submit a doctor's excuse, he failed to do so. Ms. Winchester read into the record the text of San José Municipal Code Section 3.04.1440 stating failure of the employee to appear at the hearing shall be deemed a withdrawal of his answer and the action of the appointing authority shall be final. Mr. Pope did not make a rebuttal statement and thanked the Commission for their time and consideration.

Due to Mr. Davilla not appearing at the hearing, his answer was deemed withdrawn and the termination decision of the Appointing Authority became final without the need for action by the Commission.

EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY

Michelle Radcliffe, CMC, Deputy Secretary