

CIVIL SERVICE COMMISSION

Meeting Report

May 6, 2010

ROLL CALL

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

ABSENT:

STAFF: Senior Deputy City Attorney Vera Todorov, Assistant City Clerk Dennis Hawkins,
Deputy City Clerk Nora Pimentel, and Deputy City Clerk Ruth Krantz

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 April 26, 2010, listing complaints about hiring issues and a summary of hiring activity for the period June 28, 2009, through April 17, 2010, was filed.
2. The following minutes were approved:
 - a. April 1, 2010

END OF CONSENT CALENDAR

3. The following hearings were scheduled:

- a. The appeal of suspension of Heather Chapman, Public Safety Communications Specialist (8515) was scheduled for August 9, 2010 at 6:00 p.m. Written time waiver was filed. (Winchester/Dittes)

Senior Deputy City Attorney Colleen Winchester, appearing on behalf of the City, and AFSCME Representative Linda Dittes, appearing on behalf of the appellant, were present.

- b. The appeal of dismissal of Police Officer, Case No 09-62 was re-scheduled for July 26, 2010, and July 28, 2010, at 6:00 p.m. Written time waiver was filed (Hopper/Bowman)

Senior Deputy City Attorney Brian Hopper, appearing on behalf of the City, and Doug Foley from the Office of Terry Bowman, appearing on behalf of the appellant, were present.

- c. The appeal of dismissal of Judy Wehling, Custodian (3211) was scheduled for August 25, 2010, at 6:00 p.m. Written time waiver was filed. (Nishigaya/Dittes)

Senior Deputy City Attorney Daisy Nishigaya, appearing on behalf of the City, and AFSCME Representative Linda Dittes, appearing on behalf of the appellant were present.

- d. The scheduling of the appeal of dismissal of John Oberg, Associate Engineer was deferred to June 3, 2010. Written time waiver was filed. (Winchester/Ostrowski))

- e. The appeal of dismissal of Regan Young, Electrician (3153) was scheduled for June 29, 2010 and June 30, 2010, at 6:00 p.m. Written time waiver was filed. (Hopper/Cohn)

Senior Deputy City Attorney Brian Hopper, appearing on behalf of the City, and Steven Cohn, appearing on behalf of the appellant, were present.

- f. The scheduling of the appeal of dismissal of Randell Valente, Senior Maintenance Worker (3115) was taken off calendar.

- g. The appeal of suspension of Gerard Bal, Air Conditioning Mechanic (3162) was scheduled for July 19, 2010. Written time waiver was filed. (Ahn/Pope)

Associate Deputy City Attorney Paul Ahn, 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.

4. Consideration and adoption of revisions to the Prehearing Standing Order for Disciplinary Appeals. Continued from April 1, 2010

Commission Legal Counsel Vera Todorov commented on what the Commissions direction was as it relates to the Standing Order. Assistant City Clerk Dennis Hawkins stated that the draft of the Standing Order was circulated to the City Administration and Labor Bargaining Units for feedback.

Senior Deputy City Attorney Brian Hopper briefly provided his comments to the Commission.

The Commission approved the Standing Order as amended and directed the Office of the City Clerk to circulate to the revised Standing Order to the representatives with upcoming hearings.

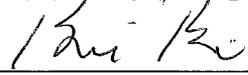
FUTURE AGENDA ITEMS

There were none.

OPEN FORUM

There was none.

ADJOURNED The Commission adjourned at 4:45 p.m. to 6:00 p.m. to hear the appeal of dismissal of Tommy Nelson, Maintenance Worker I (3113) (Nishigaya/Bope)



BILL BRILL, CHAIR

ATTEST:
CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY



Nora Pimentel, Deputy Secretary



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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 May 6, 2010

The Civil Service Commission of the City of San José convened on May 6, 2010, in Room W242, San José City Hall, at 6:32 p.m.

PRESENT: Chair Brill, , Vice Chair Fitch, Commission Members Busse, Soulé and Côté.
ABSENT: None

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of termination of Tommy Nelson, Maintenance Worker. It was determined that the appellant, Tommy Nelson, the appellant's representative, Bill Pope, Deputy City Attorney Daisy Nishigaya, Deputy City Attorney representing the respondent, City of San José, and Assistant Director of Transportation Jim Ortbal, were present and all parties were ready to proceed.

Opening statements were made by Ms. Nishigaya and Mr. Pope.

The City entered Exhibit No. #1-5 into evidence.

Testimony was heard from Department of Transportation Administrative Services Officer Stephanie Dueltgen. Testimony was heard from Department of Transportation Deputy Director Kevin O'Connor.

At 7:00 p.m., the Commission recessed and reconvened at 7:10 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

Testimony was heard from San José City Police Officer Cynthia Johnson.

Appellant's Exhibit A "Courtesy Notice of Warrant" was entered into evidence..

Testimony was heard from Department of Transportation Assistant Director Jim Ortbal.

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At 8:00 p.m., the Commission recessed and reconvened at 8:20 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

Testimony was heard from Department of Transportation Maintenance Supervisor Ernie Espitia.

Testimony was heard from Appellant's witness Kathryn Olgin.

Testimony was heard from Appellant Tommy Nelson.

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

Upon notice of submission, the Commission entered into Closed Session at 9:10 p.m. to deliberate. The Commission reconvened at 9:20 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present. The Appellant waived his right to be present for the reading.

The Commission thanked both parties for their presentations. The Commission voted unanimously to sustain Charge No. #1 in full and to uphold the dismissal. (5-0-0)

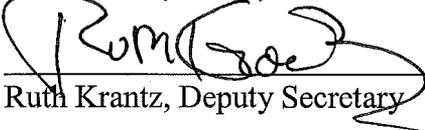
The Commission adjourned at 9:25 p.m. to June 3, 2010 at 4:00 p.m.



EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY


Ruth Krantz, Deputy Secretary