



CITY OF SAN JOSE, CALIFORNIA

CSC
Item 2b

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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Jon Fitch, Vice Chair
Margaret Akdeniz
Peter Soulé
Issac Vaughn

CIVIL SERVICE COMMISSION Minutes of the Commission November 1, 2010

The Civil Service Commission of the City of San José convened on November 1, 2010, in Room W242, San José City Hall, at 6:28 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Akdeniz and Vaughn
ABSENT: None

Presiding Officer Akdeniz stated this meeting had been called to order to hear the appeal of dismissal of Russ Ficklin. It was determined that the appellant, the appellant's representative, Daniel Jensen, Associate Deputy City Attorney Paul Ahn, representing the respondent, City of San José, Marcus Hermanson, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Mr. Jensen provided appellant exhibits to the Commission.

Mr. Ahn read stipulated facts into the record.

Opening statements were made by Mr. Ahn and Mr. Jensen.

Testimony was heard from, Office of Employee Relations Executive Analyst Marcus Hermanson and Information Technology Deputy Director Vijay Sammeta.

At 8:32 p.m., the Commission recessed and reconvened at 8:47 p.m. with Commissioners Brill, Akdeniz, Fitch, Soulé, and Vaughn present.

Testimony was heard from Employee Relations Deputy Director Gina Donnelly and appellant Russ Ficklin.

City Exhibits #A through #E were entered into evidence.

Appellant's Exhibits #1 and #2 were entered into evidence.

Closing arguments were made by Mr. Ahn and Mr. Jensen.

Rebuttal argument was made by Mr. Ahn.

Upon notice of submission, the Commission entered into Closed Session at 9:53 p.m. to deliberate. The Commission reconvened at 10:31 p.m. with Commissioners Brill, Akdeniz, Fitch, Soulé, and Vaughn present.

After much deliberation and discussion, the commission reached their determination and found that Mr. Ficklin violated the ethics code and ethics policy for the City of San José. The Commission also found that he lied which is in violation of City Policy. However they did not find that the discipline for violation of the sexual harassment policy was appropriate and recommended that he complete his 400 hour unpaid suspension and be reinstated to his position in the Department of Environmental Services.

The Commission adjourned at 10:34 p.m. to November 4, 2010 at 4:00 p.m.

MARGARET AKDENIZ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY

Nora Pimentel, CMC Deputy Secretary