



**MINUTES OF THE REGULAR MEETING  
OF THE  
CIVIL SERVICE BOARD OF THE CITY OF ALAMEDA  
WEDNESDAY, OCTOBER 12, 2005**

1. The meeting was called to order at 5:12 p.m.
2. **ROLL CALL:** Members Michael Rich, Michael Robles-Wong, William J. Smith, and Executive Secretary Karen Willis.

**ABSENT:** Member Roberto Rocha.

**STAFF PRESENT:** Terri Highsmith, Assistant City Attorney, Donna Mooney, Deputy City Attorney and Marsha Merrick, Executive Assistant, Human Resources.

**OTHERS IN ATTENDANCE:** Marion Miller, ACEA President, Mary M. Leichliter, Attorney and Mrs. Goins, spouse of Dominic Goins.

3. **MINUTES:** The minutes of the regular meeting of July 13, 2005 were presented for approval. Member Rich asked that his comment from that meeting be shown in the October 12, 2005 minutes in regards to two promotional recruitments – Storekeeper and Development Coordinator. Member Rich felt these examinations could have been handled as open/competitive, questioning whether there would have been a large enough candidate base to choose from within the City. With this stipulation to the October 12, 2005 minutes, Member Rich made a motion to accept the July 13, 2005 minutes as presented, seconded by Member Smith and carried by a 3-0 vote.

The amended minutes of the regular meeting of April 7, 2005 were also presented for Board approval. Member Smith moved to accept, Member Rich seconded and carried by a 3-0 vote.

4. **CONSENT CALENDAR:** Member Smith made a motion to accept the Consent Calendar as presented, seconded by Member Rich and carried by a 3-0 vote.

**SUMMARY REPORT FOR EXAMINATION ELIGIBLE LISTS AND CLASSIFICATIONS FOR THE MONTHS OF JULY, AUGUST AND SEPTEMBER 2005:**

<b>4-A ELIGIBLE LISTS ESTABLISHED:</b>	<b>DATE ESTABLISHED</b>
Administrative Technician I (Promotional)	08/12/05
Apprentice Lineworker	08/24/05
Line Working Supervisor	08/24/05
Police Lieutenant (Promotional)	07/06/05
Public Works Maintenance Team Leader	08/16/05
Senior Clerk (Promotional)	08/12/05
Telecom Operations Superintendent	08/24/05
Utility Construction Compliance Specialist	07/26/05

4-B	ELIGIBLE LISTS EXTENDED:	DATE ESTABLISHED
	Combined Building Inspector	03/10/05
	Planner III	01/20/05
	Police Sergeant (Promotional)	09/15/04
	Financial Analyst	01/26/05
	Fire/Building Code Compliance Officer	09/21/04
	Maintenance Worker II	09/02/04
	Public Works Supervisor	08/17/04
	Senior Construction Inspector	01/18/05

4-C	ELIGIBLE LISTS EXPIRED/CANCELLED:	DATE ESTABLISHED
	Assistant Engineer	01/03/05
	Buyer	01/13/05
	Code Compliance Officer	08/25/03
	Development Manager	01/18/05
	Distribution Engineer	09/03/03
	Office Assistant	01/11/05
	Program Specialist I/II (Clean Water Program)	09/30/03
	Reconstruction Specialist II (Promotional)	03/03/05
	Senior Electrical Engineer	08/19/04
	Senior Management Analyst – Human Resources	07/17/03
	Street Light Maintenance Technician	03/05/05
	System Dispatcher	03/24/05
	Traffic Signal Maintenance Technician	09/29/03

4-D **LIST OF SPECIFICATIONS:**

Combination Building Inspector	Permit Technician I
Development Services Division Manager	Permit Technician II
Golf Course Maintenance Superintendent	Safety Officer
Golf Services Manager	Sales and Service Supervisor
Information Systems Network Analyst	Sr. Combination Building Inspector

NOTE: Member Rich requested that on future agendas, notations be made indicating whether the job specifications are newly established or revised.

5. **REGULAR AGENDA ITEMS**

5-A The Activity Report for the period of June 1, 2005 through August 31, 2005 was reviewed.

5-B Rule of the list survey results were reviewed. All agencies surveyed continue to use the same method as was in place in mid-2002 when original survey was performed. Member Robles-Wong provided explanation to Member Smith on how the rule of 3, 5, 10 and rule of the list works.

Member Robles-Wong would like to see Alameda go to rule of the list at least for all open examinations. Member Rich again expressed reservations to this method, and after some discussion, put forth an alternative providing that examinations requiring professional certifications might be acceptable. Member Robles-Wong asked that staff please provide a list for the Board's review of all Alameda positions that require professional certifications. Member Smith indicated he was still undecided, and split the middle.

Fire Department EEO Statistics for 1999 and 2001 were reviewed. The results were pre- and post-rule of the list respectively. It was determined that there was only about a 1-2% difference in ethnicity statistics between the 1999 and 2001 reports, not enough to prove that going to rule of the list would be an added value to diversifying the organization.

5-C Procedure on Appeals (Article XI) was moved to the end of the agenda, to follow the scheduled closed session appeal hearing.

6. **ORAL COMMUNICATIONS, NON-AGENDA (PUBLIC COMMENT)**

ACEA President Marion Miller expressed concern of potential conflict of interest when two attorneys from the same office represent the Civil Service Board, and also present the case against the appellant in a disciplinary appeal hearing. Assistant City Attorney Highsmith addressed these concerns and stated that the case is never discussed between attorneys prior to the hearing, and Ms. Highsmith's sole responsibility is to advise the Board on procedure when questions arise. Ms. Highsmith is not there to render her opinion on final Board decisions.

On a separate issue, Ms. Miller requested that she receive all of the attachments that go along with the Civil Service Board agenda when it is released. Staff will accommodate this request in all meetings going forward.

7. **CIVIL SERVICE BOARD COMMUNICATIONS (COMMUNICATIONS FROM BOARD)**

Member Smith noted that he had been talking to Councilmember Frank Matarrese regarding phone calls he receives from citizens who are concerned with groundskeeping done by City employees and also regarding city vehicles that are leaking oil on our streets.

8. **CIVIL SERVICE BOARD COMMUNICATIONS (COMMUNICATIONS FROM STAFF)**

A position reclassification memo was shared with the board to advise them that a Public Works employee was being upgraded to a higher position. The employee has been performing the duties of this classification for several years, and is currently being compensated via our y-rate method. The Board asked a few clarifying questions surrounding the circumstances.

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***A short break was taken from 6:20 p.m. to 6:27 p.m. prior to adjourning to closed session.***

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9. **ADJOURNMENT TO CLOSED SESSION:** 6:28 P.M.

**CLOSED SESSION CONCLUDED AND REGULAR MEETING RESUMED AT 7:36 P.M.**

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:** Board Chair Robles-Wong announced the Board's unanimous decision that, due to the fact that the appellant was again not present at this hearing, the appellant has therefore, as a consequence, waived his right to a hearing before the Civil Service Board.

Item 5-C, Procedure on Appeals (Article XI) was continued at this point.

Assistant City Attorney Highsmith stayed on to answer the Board's questions, which were for the most part procedurally based.

Member Smith asked about the possibility of sequestering witnesses. Ms. Highsmith explained that because the prior hearing to which they were referencing was held as an open session, the witnesses were also members of the public, and could not, therefore, be barred from the proceedings. The Board could ask the witnesses to leave the room while other testimony was being given, but this request could not be enforced. If this were a closed session setting, the witnesses would be sequestered and brought in one at a time for their testimonies.

The subject of impartial legal advice arose again, and Ms. Highsmith reiterated the position of the City Attorney's office in that there is no correspondence prior to a hearing between the Board's attorney and the attorney presenting the case against the appellant.

Ms. Highsmith also advised the Board on procedures for handling objections.

Member Robles-Wong asked that a small change be made to ARTICLE XI. PROCEDURE ON APPEALS under Section 3. NOTICE AND DECISION of the Civil Service Rules which states in part "...Within ten (10) days after the hearing is concluded and the matter submitted for decision, the Board shall make its written decision..." To be more specific, the Board asks this statement be amended to read "...Within ten (10) **business** days..." Member Robles Wong made the motion to effect this change; Member Smith seconded and was carried by a 3-0 vote. Staff will follow-up with noticing all appropriate parties and soliciting opinions on the subject.

10. **ADJOURNMENT:**

Chair Robles-Wong asked for a motion to adjourn, which was provided by Member Smith, Member Rich seconded, and carried by a 3-0 vote. There being no further business to come before the Board, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Karen Willis  
Human Resources Director &  
Executive Secretary to the Civil Service Board