

Meeting Minutes

Tuesday, December 14, 2021
10:00 AM
Commission Chambers

Civil Service Board

Troy Sutton, Chairperson
Rodrigo Jimenez, Chief Examiner
Rafael Cabrera, Board Member
Ulysses Garcia, Board Member
Travis Lindsey, Board Member

Pledge of Allegiance

The meeting was called to order at 10:10 am with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Rodrigo Jimenez	Chief Examiner	Present
Rafael Cabrera	Board Member	Present
Ulysses Garcia	Board Member	Present
Travis Lindsey	Board Member	Present

Adoption of Agenda

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - November 30, 2021

Chair Sutton asked if there were any revisions to the Agenda. Hearing none, a motion to adopt the Agenda as printed was considered and resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Cabrera, Jimenez, Garcia, Lindsey

B. Personnel Matters

B.1 Copy of a memorandum from Interim Chief Manuel A. Morales, Department of Police, requesting an extension of probationary period of Kelly Romero, Crime Scene Investigator I, for six (6) additional months beyond December 28, 2021. (DISCUSSION)

Following an appearance by CSI Romero, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Board Member Lindsey, seconded by Board Member Jimenez, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Lindsey, Garcia

B.2 Copy of a memorandum from Cesar M. Garcia-Pons, Director, Planning Department, requesting an extension of probationary period of Michelle Varas, Planner II, for five (5) additional months beyond December 18, 2021. (DISCUSSION)

Following appearances by Ms. Varas, Director Garcia-Pons, and Sue Trone, Chief of Comprehensive Planning, and questioning by Board members Cabrera and Garcia, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Garcia, that this matter be Approved, failed by the following vote:

AYES: Garcia, Sutton

NO: Jimenez, Cabrera, Lindsey

The Motion having FAILED, the Board continued discussion and entered a motion to GRANT a three (3) month extension of probationary period beyond December 18, 2021, which resulted as follows:

Motion by Board Member Jimenez, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Lindsey, Garcia

- B.3** Copy of a memorandum from Robert Santos-Alborna, Director, Code Compliance Department, requesting an extension of probationary period of Dana Byrd, Code Compliance Inspector, for six (6) additional months beyond December 28, 2021. (DISCUSSION)

Director Santos-Alborna appeared before the Board to explain the reason for the request. Chair Sutton noted that the employee agreed with the request; however, was not present at today's hearing. Mr. Santos-Alborna confirmed that the employee was advised via email, text, and verbally to attend.

Following discussion, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Board Member Garcia, seconded by Board Member Cabrera, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Lindsey, Garcia

C. Military Leaves of Absence

- C.1** Ervin A. Sarria, Customer Service Representative, requests Active-Duty Military Leave without pay from November 22, 2021 for a period of three years and 2 weeks. Copy of voluntary enlistment document submitted. (DISCUSSION)

Motion by Board Member Jimenez, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

D. Disciplinary Matters

- D.1** Copy of a letter from Interim Chief Manuel A. Morales, Department of Police, notifying Daniel Moore, Police Officer, of a 10-hour suspension, effective December 10, 2021. (NOTIFICATION)
- D.2** Copy of a letter from William Porro, Director, Human Services Department, notifying Mario Vuksanovic, Information and Referral Aide, of 5 working days suspension, effective November 9, 2021. (NOTIFICATION)

E. General Items

- E.1** Copy of a Judgment from the City Manager, concerning the Appeal hearing of Xiao-Wen Michelle Choi, Principal Staff Analyst, as it relates to her Demotion, effective November 14, 2017. (NOTIFICATION)

F. Reports

- F.1** Hearings pending List as of December 14, 2021. (NOTIFICATION)

G. Requests for Hearings

- G.1** Copy of a Request for Grievance Hearing from Teri Guttman Valdes, Attorney, on behalf of her client Daniel Diaz, Firefighter, pursuant to Civil Service Rules 16.1 - Investigation by the Board and 16.2 - Complaint by Employee. (DISCUSSION)

Teri Guttman-Valdes, Attorney, on behalf of Daniel Diaz, Firefighter, appeared before the Board to explain her reasoning for the request. Attorney Guttman-Valdes further reminded the Board this matter was previously before the Board; however, the parties were unable to reach an agreement. She also advised that she is now requesting that Assistant City Attorneys Kevin Jones and Stephanie Panoff be recused from representing the department in this matter, as she intended to call them as witnesses, if the Board granted a hearing.

Following discussion, the Board considered a motion to GRANT the hearing as requested.

Motion by Board Member Garcia, seconded by Board Member Cabrera, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

H. Today's Hearings

- H.1** Grievance Hearing on behalf of Maximiliano Valdes, Police Sergeant, concerning the examination process held on January 3 through 5, 2017 for Police Lieutenant, pursuant Civil Service Rules 16.1 - Investigation by the Board and 16.2 - Complaint by employee.

The Board entered into the scheduled Grievance hearing on behalf of Maximiliano Valdes, Police Sergeant. The Grievant was represented by Teri Guttman-Valdes, Attorney. The Department of Police was represented by Adanna Ferguson, Assistant City Attorney (ACA), Office of the City Attorney.

ACA Ferguson provided opening statements. Attorney Guttman-Valdes provided opening statements. Each party provided copies of their exhibits to the other and the Board for review. Questions were posed by Member Jiménez and Member Garcia.

Witnesses testifying at the request of the Grievant appeared in the following order:

1. Grievant testified on his own behalf. Questions were posed by Members Sutton and Lindsey

Attorney Guttman-Valdes withdrew two (2) Civil Service Rules, 5.2 - Application Forms and Civil Service Rule 8.2 - Request for Certification from the original request for hearing. The Grievant rested.

The Department did not present witnesses.

Closing statements were provided by both the Grievant and Department. Following review of exhibits, and consideration of testimony and argument of counsel, the Board entered into deliberations. Comments were made by Member Sutton, Garcia, and Lindsey.

Following discussion, Member Garcia made a motion to vote on all allegations at once, which resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Sutton, Cabrera, Garcia, Lindsey, Jimenez

Following continued discussion, Member Sutton passed the gavel and moved to find that the Department DID NOT violate any of the charges as cited in the grievance, which resulted as follows:

Motion by Board Member Sutton, seconded by Board Member Cabrera, that this matter be Approved, passed by the following vote:

AYES: Sutton, Cabrera, Garcia, Lindsey, Jimenez

H.2 Hearing Appeal on behalf of Edwin Gomez, Sergeant, concerning his 160-hour suspension, effective February 24, 2020.

Chair Sutton called for the Hearing on behalf of Edwin Gomez, Police Sergeant. Adanna Ferguson, Assistant City Attorney, and William Amlong, Attorney, The Amlong Firm, on behalf of Sergeant Gomez, appeared before the Board to discuss rescheduling the matter, due to a lack of time.

Following discussion by the Board and having had both parties agree to reschedule the hearing to May 31, 2022, the Board entered a motion to GRANT a continuance on behalf of the Board, which resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

ANNOUNCEMENTS:

Prior to adjournment, the Executive Secretary reminded the Board members of a Special Civil Service Board meeting scheduled for Thursday, December 16, 2021, beginning at 9:30am. She also reminded the Board members to review the 2022 Board Calendar which will be approved and discussed.

ADJOURNMENT:

Break: 11:14 am – 11:38 am

There being no further business before the Board, a motion was entered to adjourn the meeting at 1:52 pm, which resulted as follows:

Motion by Board Member Lindsey, seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary