



CIVIL SERVICE COMMISSION
Meeting Minutes
August 4, 2022

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution 80628, this meeting was not physically open to the public, and the Civil Service Commission Members were teleconferencing from remote locations.

CALL TO ORDER: 4:00 p.m.

PRESENT: Sharon Hightower, Chair; Joan Smith, Vice Chair; and Commissioners Sam Swift and Tom Cochran.

ABSENT: None.

VACANCY: One Vacancy.

STAFF: Senior Deputy City Attorney, Colleen Winchester; Deputy City Clerks Ruth Krantz, Yasmin Johnson and Megan Roche.

ORDERS OF THE DAY

Upon motion by Commissioner Smith, seconded by Sam Swift, and carried unanimously, the Orders of the Day were approved. (4-0.)

Public Comments: Paul Soto offered public comment.

CONSENT CALENDAR

Upon motion by Commissioner Smith, seconded by Sam Swift, and carried unanimously, the Consent Calendar was approved. (4-0.)

Public Comments: Paul Soto offered public comment.

END OF CONSENT CALENDAR

CITY ATTORNEY/CITY CLERK'S OFFICE

Senior Deputy City Attorney, Colleen Winchester explained the requirement of a Resolution including findings to incorporate the Governor's proclaimed COVID state of emergency allowing the Civil Service Commission to hold today's meeting via teleconference.

Additionally, she provided an update on the employee-elected vacant position on the Civil Service Commission.

Action: The update by the Senior Deputy City Attorney was accepted. Upon motion by Commissioner Smith, seconded by Commissioner Tom Cochran, and carried unanimously, **Resolution No. 22-001**, a "Resolution of the City of San Jose Civil Service Commission to Hold Public Meetings Solely by Teleconference or Otherwise Electronically Pursuant to AB 361" was adopted. (4-0.)

HEARINGS (OPEN SESSION)

- A hearing regarding suspension of Jason Schaefer, Fire Captain, Fire Department, previously scheduled for August 4, 2022 was rescheduled for 6 p.m., Monday, August 22, 2022. Case No. 22-03.

Deputy City Attorney Julia Van Roo, representing the City of San José on behalf of Deputy City Attorney Gabriel Rodriguez, was present. Scott James Street was present to represent the Appellant.

- Re: Order to Show Cause regarding untimely filing of appeal of suspension of Kenia Contreras, Community Service Officer. Case No. 22-45. (Rodriguez/Street)

Appellant Kenia Contreras offered her reasons for the untimely filing of her appeal. Deputy City Attorney, Julia Van Roo; Assistant to the City Manager, Elsa Cordova and Senior Executive Analyst, Sarah Steele each offered testimony, presenting the City's case for rejection of the appeal, including citing San José Municipal Code Section 3.04.1650, Section "C". The Commission considered evidence brought forth by the Appellant and representatives of the City of San José.

Action: Upon motion by Commissioner Swift, seconded by Commissioner Smith, and carried unanimously, the Commission determined that Ms. Contreras had shown sufficient cause and granted her appeal.

As Kenia Contreras' Order to Show Cause was granted, a hearing was scheduled for 6 p.m. Monday, August 15, 2022. Deputy City Attorney Julia Van Roo, and the Appellant, representing herself, were present. (Van Roo/Appellant)

- Re: hearing regarding suspension of Greg Berndt, Wastewater Operator III, ESD. Case No. 22-55, a hearing date was set for 6:00 p.m., Tuesday, September 27, 2022.

Deputy City Attorney Julia Van Roo, and the Appellant, representing himself, were present. (Van Roo/Appellant)

HEARINGS (CLOSED` SESSION)

- A hearing date regarding Public Employee Discipline: Dismissal. Police Officer, Case No. 22-06; Gov. Code §54957; SJMC §3.04.1410(D) could not yet be determined; therefore, scheduling was deferred to the regular meeting of the Commission on September 1, 2022.

Deputy City Attorney Julia Van Roo, representing the City of San José, and Jonathon Murphy, representing the appellant, were present. (Van Roo/Murphy)

- Re: Public Employee Discipline: Involuntary Transfer. Police Officer, Case #20-04; Gov. Code §54957; SJMC §3.04.1410(D), consecutive hearing dates of September 19 and September 20, 2022 were scheduled. (McGee-Davies/Miller)

Senior Deputy City Attorney Kendra McGee-Davies, representing the City of San José and Chris Miller, representing the appellant, were present. (McGee-Davies/Miller).

ADJOURNMENT

Upon motion by Vice Chair Hightower, seconded by Commissioner Smith and carried unanimously, the Civil Service Commission meeting of the City of San José adjourned at 4:43 p.m. (4-0.)

DRAFT

SHARON HIGHTOWER, CHAIR

ATTEST:
CIVIL SERVICE COMMISSION
CITY CLERK, TONI J. TABER, CMC, SECRETARY

Ruth Krantz, CMC, Deputy Secretary