



# City of Santa Clara

## Meeting Agenda

### Civil Service Commission

Monday, July 9, 2018

7:00 PM

City Hall - Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

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#### CALL TO ORDER AND ROLL CALL/Pledge of Allegiance

#### CONSENT CALENDAR

**1.A 18-924** [Meeting Minutes of May 14, 2018](#)

**Recommendation:** Approve the Meeting Minutes of May 14, 2018.

**1.B 18-925** [Change of Status Reports for May and June 2018](#)

**Recommendation:** Approve the Change of Status Reports for May and June 2018.

**1.C 18-962** [Current Recruitment Activity Reports for May and June 2018](#)

**Recommendation:** Approve the Current Recruitment Activity Reports for May and June 2018.

**1.D 18-926** [Examination Reports for May and June 2018](#)

**Recommendation:** Approve the Examination Reports for May and June 2018.

**1.E 18-990** [Action to Revise the Civil Service Commission Meeting Minutes of November 13, 2017](#)

**Recommendation:** Approve the Revised Civil Service Commission Meeting Minutes of November 13, 2017.

#### PUBLIC PRESENTATIONS

#### GENERAL BUSINESS

**2 18-912** [Action to Modify Job Specification for Library Program Coordinator - Youth Services](#)

**Recommendation:** Approve the modified job specification for Library Program Coordinator - Youth Services.

3      18-941      [Petition for Reconsideration Submitted on June 21, 2018](#)

**Recommendation:** See Recommendations from City Attorney's Office in attached memorandum.

**STAFF REPORT**

4      18-942      [Information regarding Salary Setting Commission, Charter Section 702](#)

**Recommendation:** This agenda report is to provide the Civil Service Commission with information regarding the Salary Setting Commission, Charter Section 702.

**COMMISSIONERS REPORT**

**ADJOURNMENT**

The next regular scheduled meeting September 17, 2018



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
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## Agenda Report

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**18-924**

**Agenda Date: 7/9/2018**

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**SUBJECT**

Meeting Minutes of May 14, 2018

**RECOMMENDATION**

Approve the Meeting Minutes of May 14, 2018.

**ATTACHMENT**

1. Item 1.A Meeting Minutes of May 14, 2018



# City of Santa Clara

## Meeting Minutes

### Civil Service Commission

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05/14/2018

7:00 PM

City Hall - Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

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#### CALL TO ORDER AND ROLL CALL

**Chairperson Bouza** called the meeting to order at 7:00 PM, and led the meeting in the Pledge of Allegiance.

**Present** 5 - Chairperson Mario Bouza, Vice-Chairperson Carolyn McAllister, Commissioner Willie D. Brown Jr., Commissioner Franklin Felizardo, and Commissioner John Casey

#### CONSENT CALENDAR

**1.A**     [18-565](#)     Meeting Minutes of March 12, 2018

**Recommendation:** Approve the Meeting Minutes of March 12, 2018.

**A motion was made by Vice-Chairperson McAllister, and seconded by Commissioner Brown, to Note and File the minutes.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

**1.B**     [18-567](#)     Change of Status Reports for March and April 2018

**Recommendation:** Approve the Change of Status Reports for March and April 2018.

**A motion was made by Commissioner Casey, seconded by Vice-Chairperson McAllister to Note and File the reports.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

**1.C**     [18-568](#)     Current Recruitment Activity Reports for March and April 2018

**Recommendation:** Approve the Current Recruitment Activity Reports for March and April 2018.

**A motion was made by Commissioner Casey, seconded by Vice-Chairperson McAllister to Note and File the reports.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

- 1.D [18-569](#) Examination Reports for March and April 2018

**Recommendation:** Approve the Examination Reports for March and April 2018.

**A motion was made by Commissioner Casey, seconded by Vice-Chairperson McAllister to Note and File the reports.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

## **PUBLIC PRESENTATIONS**

### **GENERAL BUSINESS**

2. [18-202](#) Request to Modify Job Specifications for Firefighter I, Firefighter II, Driver/Engineer, Fire Captain, and Assistant Training Officer

**Recommendation:** Approve the modified job specifications for Firefighter I, Firefighter II, Driver/Engineer, Fire Captain, and Assistant Training Officer.

**A motion was made by Vice-Chairperson McAllister, seconded by Commissioner Casey to modify job specification for Firefighter I.**

**A motion was made by Vice-Chairperson McAllister, seconded by Commissioner Felizardo to modify job specification for Firefighter II.**

**A motion was made by Commissioner Felizardo, seconded by Vice-Chairperson McAllister to modify the job specification for Driver/Engineer.**

**A motion was made by Commissioner Brown, seconded by Vice-Chairperson McAllister to modify job specification for Fire Captain.**

**A motion was made by Vice-Chairperson McAllister, seconded by Commissioner Brown to modify job specification for Assistant Training Officer.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

3. [18-574](#) Request to Extend Eligible List for Equipment Operator

**Recommendation:** Staff recommends the Civil Service Commission approve the request to extend the eligible list for Equipment Operator by six months to January 7, 2019.

**A motion was made by Commissioner Brown, seconded by Vice-Chairperson McAllister to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

4. [18-586](#) Request to Modify Job Specification, Examination Weighting and Recruitment Type for Electric Utility Engineer

**Recommendation:** Approve the modified job specification, examination weighting and recruitment type for Electric Utility Engineer.

**A motion was made by Commissioner Brown, seconded by Vice-Chairperson McAllister to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

5. [18-587](#) Request to Modify Job Specification for Time and Material Clerk

**Recommendation:** Approve the modified job specification for Time and Material Clerk.

**A motion was made by Commissioner Casey, seconded by Commissioner Felizardo to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

6. [18-601](#) Request to Extend Eligible List for Firefighter I

**Recommendation:** Approve the request to extend the eligible list for Firefighter I by six months to January 17, 2019.

**A motion was made by Vice-Chairperson McAllister, seconded by Commissioner Brown to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

7. [18-608](#) Request to Modify Job Specification for Street Maintenance Foreperson

**Recommendation:** Approve the modified job specification for Street Maintenance Foreperson.

**A motion was made by Vice-Chairperson McAllister, seconded by Commissioner Felizardo to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

8. [18-609](#) Request to Modify Job Specification for Park Foreperson

**Recommendation:** Approve the modified job specification for Park Foreperson.

**A motion was made by Commissioner Brown, seconded by Vice-Chairperson McAllister to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

9. [18-612](#) Request to Modify Job Specification and Waive Written Examination Process for Utility Field Services Worker

**Recommendation:** Approve the modified job specification and waive written examination process for Utility Field Services Worker.

**A motion was made by Vice-Chairperson McAllister, seconded by Commissioner Brown to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

10. [18-613](#) Request to Extend Eligible List for Community Service Officer I

**Recommendation:** Approve the request to extend the eligible list for Community Service Officer I by six months to January 27, 2019.

**A motion was made by Commissioner Casey, seconded by Commissioner Felizardo to approve staff recommendation.**

**Aye:** 5 - Chairperson Bouza, Vice-Chairperson McAllister, Commissioner Brown Jr., Commissioner Felizardo, and Commissioner Casey

#### **STAFF REPORT**

- [18-593](#) Information regarding Salary Setting Commission, Charter Section 702

**Recommendation:** This agenda report is to provide the Civil Service Commission with information regarding the Salary Setting Commission, Charter Sec. 702. There is no recommendation.

**This agenda is reported to provide the Civil Service Commission with information regarding the Salary Setting Commission, Charter Sec. 702. There is no recommendation.**

**COMMISSIONERS REPORT**

None

**ADJOURNMENT**

**Chairperson Bouza** adjourned the meeting at 7:49 p.m. The next regular scheduled meeting July 9, 2018.





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## Agenda Report

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**18-925**

**Agenda Date: 7/9/2018**

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### **SUBJECT**

Change of Status Reports for May and June 2018

### **RECOMMENDATION**

Approve the Change of Status Reports for May and June 2018.

### **ATTACHMENT**

1. Item 1.B Change of Status Report for May and June 2018

**CITY OF SANTA CLARA CHANGE OF STATUS  
MONTH OF MAY 2018  
APRIL 22, 2018 - MAY 19, 2018**

**Attachment 1**

<b>Department</b>	<b>Position Classification</b>	<b>Type of Appointment</b>	<b>Separation</b>	<b>Effective Date</b>
<b><u>Community Development</u></b>				
Elizondo, Mary	Office Specialist II	Probationary		4/30/18
Xavier-Stuhaan, Lesley	Principal Planner	Unclassified Appointment		5/7/18
Vidunas, James	Combination Inspector	Probationary		5/7/18
<b><u>Electric</u></b>				
O'Brien, Patrick	Electrician	Probationary		4/26/18
Salazar, Mathew	Electric Program Manager - Systems & Program Manageme	Probationary		4/30/18
<b><u>Finance</u></b>				
Gillette, Hue	Accounting Technician II	Probationary/Promotion		4/22/18
Giovannetti, Mark	Purchasing Division Manager	Unclassified Appointment		4/30/18
Penha, Marcelo	Budget & Treasury Division Manager		Separation	5/4/18
<b><u>Fire</u></b>				
Guzman, Jennifer	Staff Aide I	Probationary/Promotion		4/22/18
Pritz-Stein, Molly	Deputy Fire Marshal I	Probationary		7/2/18
<b><u>Mayor &amp; City Council</u></b>				
Caserta, Dominic	City Council Member		Separation	5/15/18
<b><u>Parks &amp; Recreation</u></b>				
Bryant, Derek	Recreation Coordinator	Probationary		4/30/18
Fitzpatrick, Kenyatta	Grounds Maintenance Worker I	Probationary		5/14/18
<b><u>Police</u></b>				
Bunce, Nancy	Records Specialist II		Separation	4/30/18
Gilbert, Brian	Police Captain		Separation	5/3/18
Bonilla, Geena Marie	Police Officer	Probationary/Promotion		5/6/18
Mine, Michael	Police Officer	Probationary/Promotion		5/6/18
Rodriguez, Alyssa	Police Officer	Probationary/Promotion		5/6/18
Schatz, Nicholas	Police Officer	Probationary/Promotion		5/6/18
Triska, Mark	Police Officer	Probationary/Promotion		5/6/18
Arreola, Felicia	Community Service Officer I	Probationary		5/7/18
Findley, Niliana	Police Records Specialist II	Probationary		5/7/18
Platt, Shannon	Police Records Specialist II	Probationary		5/7/18
Rodriguez, Cesar	Recruit Police Officer	Probationary		5/7/18
<b><u>Public Works</u></b>				
Farfan, Tom	Automotive Technician I	Probationary		4/23/18
Calvo, Dominic	Street Maintenance Worker I	Probationary		4/30/18
Hickey, Karin	Environmental Program Manager	Unclassified Promotion		5/6/18

**CITY OF SANTA CLARA CHANGE OF STATUS  
MONTH OF MAY 2018  
APRIL 22, 2018 - MAY 19, 2018**

Department	Position Classification	Type of Appointment	Separation	Effective Date
<b>Public Works (Continued)</b>				
Forouhi, Kaveh	Senior Civil Engineer	Probationary		5/7/18
Johnson, Daniel	Street Maintenance Worker I	Probationary		5/9/18
Liw, Michael	Assistant Director of Public Works/City Engineering	Unclassified Appointment		5/14/18
<b>Water &amp; Sewer</b>				
Musaefendic, Harun	Water Utility Engineer		Separation	4/26/18
Butler, John	Water & Sewer Maintenance Worker I		Separation	5/3/18

<u>Appointments</u>		<u>Separations</u>
Probationary	15.00	
Probationary/Promotion	7.00	
Unclassified Appointment	3.00	
Unclassified Promotion	1.00	
<b>MONTHLY TOTALS</b>	<b>26.00</b>	<b>6.00</b>



Ingrid Miranda  
Human Resources Management Analyst

Distribution: Original -

Director of Human Resources  
Civil Service Commission  
Assistant Director of Human Resources  
Building Maintenance Foreperson  
Network Computer Support Division Manager  
Applications Manager - Unisys

**CITY OF SANTA CLARA CHANGE OF STATUS  
MONTH OF JUNE 2018  
MAY 20, 2018 - JUNE 30, 2018**

Department	Position Classification	Type of Appointment	Separation	Effective Date
<b><u>City Manager's Office</u></b>				
Danaj, Mark	Assistant to the City Manager	Unclassified Appointment		5/30/18
Davis, Kendra	Management Analyst	Unclassified Appointment		6/18/18
McGraw, Kathleen	Executive Assistant to the City Manager	Unclassified Appointment		6/18/18
<b><u>Community Development</u></b>				
Tran, David	Plan Review Manager	Unclassified Promotion		5/20/18
Elliott, Elizabeth	Office Specialist IV	Transfer		6/3/18
Tott, Herman	Assistant Building Official	Unclassified Promotion		6/3/18
McGill, Anna	Associate Planner		Separation	6/27/18
<b><u>Electric</u></b>				
Valdez, Anthony	Electric Maintenance Worker	Probationary/Promotion		6/3/18
Carneseca, Anthony	Energy Conservation Specialist		Separation	6/15/18
Foster, Christopher	Electric Maintenance Worker	Probationary/Promotion		6/17/18
Manchester, Paul	Electric Program Manager - Generation	Unclassified Promotion		6/17/18
Preet, Kawal	Account Clerk I	Probationary		6/25/18
<b><u>Finance</u></b>				
Sari, Noviani	Management Analyst	Unclassified Promotion		5/20/18
<b><u>Fire</u></b>				
Williams, David	Deputy Fire Marshal II	Probationary		5/21/18
Huynh, Dan	Fire Application Data Analyst	Probationary		6/4/18
Cortazzo, Daniel	Fire Captain		Separation	6/12/18
<b><u>Information Technology</u></b>				
Jackson, Christopher	Sr. Information Technology Services Manager	Unclassified Promotion		5/20/18
Norris, Gillian	Sr. Information Technology Services Manager	Unclassified Appointment		6/18/18
<b><u>Library</u></b>				
Chiu, Kelly	Librarian II	Probationary/Promotion		6/3/18
Alhaz Akaydin, Nevin	Librarian I	Probationary		6/17/18
Gawronski, Rebecca	Librarian I - Youth Services	Probationary		6/18/18
Hughes, Rachel	Librarian I	Probationary		6/25/18
<b><u>Parks &amp; Recreation</u></b>				
Pantel, Howard	Grounds Maintenance Worker II	Probationary/Promotion		5/20/18
<b><u>Police</u></b>				
Moreno, Daniel	Police Captain	Unclassified Promotion		5/20/18
Cramer, Erika	Police Records Specialist II		Separation	5/25/18
Hill, Gregory	Police Lieutenant	Probationary/Promotion		6/17/18

**CITY OF SANTA CLARA CHANGE OF STATUS  
MONTH OF JUNE 2018  
MAY 20, 2018 - JUNE 30, 2018**

Department	Position Classification	Type of Appointment	Separation	Effective Date
<b>Public Works</b>				
Oberst, Gerald	Sr. Materials Handler	Probationary/Promotion		6/3/18
McAvoy, Jaime	Code Enforcement Technician	Probationary		6/25/18
<b>Water &amp; Sewer</b>				
Bobias, Daniel	Utility Crew Supervisor	Probationary/Promotion		6/17/18
Sladwick, Brian	Utility Crew Supervisor	Probationary/Promotion		6/17/18

<u>Appointments</u>		<u>Separations</u>
Probationary	7.00	
Probationary/Promotion	8.00	
Transfer	1.00	
Unclassified Appointment	4.00	
Unclassified Promotion	6.00	
<b>MONTHLY TOTALS</b>	<b>26.00</b>	<b>4.00</b>



Ingrid Miranda  
Human Resources Management Analyst

Distribution: Original -

Director of Human Resources  
Civil Service Commission  
Assistant Director of Human Resources  
Building Maintenance Foreperson  
Network Computer Support Division Manager  
Applications Manager - Unisys



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## Agenda Report

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**18-962**

**Agenda Date: 7/9/2018**

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**SUBJECT**

Current Recruitment Activity Reports for May and June 2018

**RECOMMENDATION**

Approve the Current Recruitment Activity Reports for May and June 2018.

**ATTACHMENT**

1. Item 1.C May and June 2018 Recruitment Activity Report

## RECRUITMENT ACTIVITY REPORT

June 1, 2017 to May 31, 2018

Req #	Title	Status	Department	Created
17064	Electric Utility Engineer	Open	Electric Utility	6/2/2017
17066	Associate Engineer (Civil)	Open	Public Works/Engineering	6/8/2017
17086	Associate Engineer (Civil)	Open	Public Works/Engineering	6/26/2017
17104	Senior Plans Examiner	Open	Community Development	7/27/2017
17110	Electric Utility Programmer Analyst	Open	Electric Utility	8/2/2017
17123	Water & Sewer Maintenance Worker I	Open	Water and Sewer Utilities	8/18/2017
17152	Code Enforcement Technician	Open	Water and Sewer Utilities	10/17/2017
17165	Associate Engineer (Civil)	Open	Public Works/Engineering	11/30/2017
17181	Human Resources Assistant	Open	Human Resources	1/9/2018
18004	Senior Civil Engineer	Open	Public Works/Engineering	1/12/2018
18006	Assistant City Clerk	Open	City Clerk/City Auditor's Office	1/16/2018
18010	Electric Division Manager	Open	Electric Utility	1/17/2018
18017	Park Foreperson	Open	Parks and Recreation	1/19/2018
18018	Assistant Director of Finance	Open	Finance	1/22/2018
18027	Forensic Coordinator	Open	Police	1/26/2018
18030	Combination Inspector	Open	Community Development	2/6/2018
18031	Combination Inspector	Open	Community Development	2/6/2018
18032	Combination Inspector	Open	Community Development	2/6/2018
18033	Senior Inspector	Open	Community Development	2/6/2018
18037	Electric Utility Programmer Analyst	Open	Electric Utility	2/8/2018
18038	Combination Inspector	Open	Community Development	2/21/2018
18044	Senior Resource Analyst	Open	Electric Utility	3/5/2018
18045	Risk Control Analyst	Open	Electric Utility	3/5/2018
18049	Senior Electric Division Manager	Open	Electric Utility	3/8/2018
18050	Fiber Splicing Technician	Open	Electric Utility	3/8/2018
18051	Recreation Coordinator	Open	Parks and Recreation	3/12/2018
18052	Public Information Officer	Open	City Manager's Office	3/13/2018
18055	Recreation Coordinator	Open	Parks and Recreation	3/13/2018
18056	Park Foreperson	Open	Parks and Recreation	3/13/2018
18057	Grounds Maintenance Worker III	Open	Parks and Recreation	3/13/2018
18063	Water and Sewer Superintendent	Open	Water and Sewer Utilities	3/20/2018
18064	Library Assistant I	Open	Library	3/20/2018
18065	Office Specialist III	Open	Parks and Recreation	3/22/2018
18066	Time & Material Clerk	Open	Electric Utility	3/23/2018
18071	Library Assistant I	Open	Library	3/27/2018
18074	Recruit Police Officer	Open	Police	3/29/2018
18077	Compliance Manager	Open	Electric Utility	3/29/2018
18078	Business Analyst- Fiber	Open	Electric Utility	3/29/2018
18080	Utility Operations Engineer	Open	Water and Sewer Utilities	4/10/2018
18084	Assistant Engineer (Civil)	Open	Water and Sewer Utilities	4/18/2018
18085	Associate Engineer (Civil)	Open	Water and Sewer Utilities	4/18/2018
17088	Electric Utility Electrician	Open	Electric Utility	6/29/2017
18094	Police Officer	Open	Police	4/26/2018

# RECRUITMENT ACTIVITY REPORT

June 1, 2017 to May 31, 2018

Req #	Title	Status	Department	Created
18095	Assistant Director of Finance	Open	Finance	5/4/2018
18097	Staff Analyst I	Open	Public Works/Streets Division	5/7/2018
18100	Deputy City Attorney	Open	City Attorney's Office	5/8/2018
18101	Firefighter I	Open	Fire	5/11/2018
18105	Engineering Aide (Electric)	Open	Electric Utility	5/15/2018
18107	Library Program Coordinator - Youth Services	Open	Library	5/16/2018
18108	Electric Program Manager	Open	Electric Utility	5/16/2018
18110	Journey Lineworker Apprentice	Open	Electric Utility	5/22/2018
18112	Police Lieutenant	Open	Police	5/24/2018
18117	Purchasing Clerk	Open	Finance	5/31/2018
18118	Firefighter 1	Open	Fire	5/31/2018
18119	Community Service Officer II	Open	Police	5/31/2018
18120	Police Records Specialist II	Open	Police	5/31/2018



# RECRUITMENT ACTIVITY REPORT

July 1, 2017 to June 30, 2018

Req #	Title	Status	Department	Created
17104	Senior Plans Examiner	Open	Community Development	7/27/2017
17110	Electric Utility Programmer Analyst	Open	Electric Utility	8/2/2017
17123	Water & Sewer Maintenance Worker I	Open	Water and Sewer Utilities	8/18/2017
17152	Code Enforcement Technician	Open	Water and Sewer Utilities	10/17/2017
17165	Associate Engineer (Civil)	Open	Public Works/Engineering	11/30/2017
17181	Human Resources Assistant	Open	Human Resources	1/9/2018
18004	Senior Civil Engineer	Open	Public Works/Engineering	1/12/2018
18006	Assistant City Clerk	Open	City Clerk/City Auditor's Office	1/16/2018
18010	Electric Division Manager	Open	Electric Utility	1/17/2018
18017	Park Foreperson	Open	Parks and Recreation	1/19/2018
18018	Assistant Director of Finance	Open	Finance	1/22/2018
18027	Forensic Coordinator	Open	Police	1/26/2018
18030	Combination Inspector	Open	Community Development	2/6/2018
18031	Combination Inspector	Open	Community Development	2/6/2018
18032	Combination Inspector	Open	Community Development	2/6/2018
18033	Senior Inspector	Open	Community Development	2/6/2018
18037	Electric Utility Programmer Analyst	Open	Electric Utility	2/8/2018
18038	Combination Inspector	Open	Community Development	2/21/2018
18044	Senior Resource Analyst	Open	Electric Utility	3/5/2018
18045	Risk Control Analyst	Open	Electric Utility	3/5/2018
18049	Senior Electric Division Manager	Open	Electric Utility	3/8/2018
18050	Fiber Splicing Technician	Open	Electric Utility	3/8/2018
18051	Recreation Coordinator	Open	Parks and Recreation	3/12/2018
18052	Public Information Officer	Open	City Manager's Office	3/13/2018
18055	Recreation Coordinator	Open	Parks and Recreation	3/13/2018
18056	Park Foreperson	Open	Parks and Recreation	3/13/2018
18057	Grounds Maintenance Worker III	Open	Parks and Recreation	3/13/2018
18063	Water and Sewer Superintendent	Open	Water and Sewer Utilities	3/20/2018
18064	Library Assistant I	Open	Library	3/20/2018
18065	Office Specialist III	Open	Parks and Recreation	3/22/2018
18066	Time & Material Clerk	Open	Electric Utility	3/23/2018
18071	Library Assistant I	Open	Library	3/27/2018
18074	Recruit Police Officer	Open	Police	3/29/2018
18077	Compliance Manager	Open	Electric Utility	3/29/2018
18078	Business Analyst- Fiber	Open	Electric Utility	3/29/2018
18080	Utility Operations Engineer	Open	Water and Sewer Utilities	4/10/2018
18084	Assistant Engineer (Civil)	Open	Water and Sewer Utilities	4/18/2018
18085	Associate Engineer (Civil)	Open	Water and Sewer Utilities	4/18/2018
18094	Police Officer	Open	Police	4/26/2018
18095	Assistant Director of Finance	Open	Finance	5/4/2018
18097	Staff Analyst I	Open	Public Works/Streets Division	5/7/2018
18100	Deputy City Attorney	Open	City Attorney's Office	5/8/2018
18101	Firefighter I	Open	Fire	5/11/2018

# RECRUITMENT ACTIVITY REPORT

July 1, 2017 to June 30, 2018

Req #	Title	Status	Department	Created
18105	Engineering Aide (Electric)	Open	Electric Utility	5/15/2018
18107	Library Program Coordinator - Youth Services	Open	Library	5/16/2018
18108	Electric Program Manager	Open	Electric Utility	5/16/2018
18110	Journey Lineworker Apprentice	Open	Electric Utility	5/22/2018
18112	Police Lieutenant	Open	Police	5/24/2018
18117	Purchasing Clerk	Open	Finance	5/31/2018
18118	Firefighter 1	Open	Fire	5/31/2018
18119	Community Service Officer II	Open	Police	5/31/2018
18120	Police Records Specialist II	Open	Police	5/31/2018
18121	Energy Conservation Specialist	Open	Electric Utility	6/4/2018
18124	Grounds Maintenance Worker I	Open	Parks and Recreation	6/12/2018
18125	Senior Public Safety Dispatcher	Open	Police/Communications Division	6/12/2018
18126	Senior Electric Utility Generation Technician	Open	Electric Utility	6/12/2018
18128	Equipment Operator	Open	Public Works/Streets Division	6/13/2018
18129	Senior Instrument and Control Technician	Open	Electric Utility	6/13/2018
18130	Recruit Police Officer	Open	Police	6/13/2018
18131	Library Assistant I - Customer Services	Open	Library	6/18/2018
18132	Records Manager	Open	City Manager's Office	6/18/2018
18133	Risk Manager	Open	City Manager's Office	6/18/2018
18134	Contracts Manager	Open	Finance	6/18/2018
18135	Electric Helper/Driver	Open	Electric Utility	6/19/2018
18136	Building Official	Open	Community Development	6/21/2018
18140	Accounting Technician I	Open	Finance	6/27/2018
18141	Accounting Technician II	Open	Finance	6/28/2018



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## Agenda Report

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**18-926**

**Agenda Date: 7/9/2018**

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**SUBJECT**

Examination Reports for May and June 2018

**RECOMMENDATION**

Approve the Examination Reports for May and June 2018.

**ATTACHMENTS**

1. Item 1.D Examination Reports for May and June 2018



**City of  
Santa Clara**  
The Center of What's Possible

**Attachment 1**

Human Resources Department  
**Memorandum**

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**Date:** July 9, 2018

**To:** Civil Service Commission

**From:** Christine Heng, Human Resources Technician

**Subject:** Exam Review Report for May and June 2018

In the month of May 2018, Commissioner John Casey reviewed the oral examinations for Ground Maintenance Worker III, Street Maintenance Foreperson, and Senior Materials Handler.

In the month of June 2018, Commissioner Mario Bouza reviewed the oral examination for Time and Material Clerk; and Commissioner Carolyn McAllister reviewed the written examination for Business Analyst –Fiber and the oral examination for Fiber Splicing Technician.

In the above cases, the examinations were found to be job-related and appropriate.

A handwritten signature in blue ink, appearing to be "Christine Heng".

Christine Heng  
Human Resources Technician



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
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## Agenda Report

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**18-990**

**Agenda Date: 7/9/2018**

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### **SUBJECT**

Action to Revise the Civil Service Commission Meeting Minutes of November 13, 2017

### **RECOMMENDATION**

Approve the Revised Civil Service Commission Meeting Minutes of November 13, 2017.

### **ATTACHMENT**

1. Memo of Revised Minutes to CSC 7-9-18
2. Revised Civil Service Commission Minutes 11-13-17



**City of  
Santa Clara**  
The Center of What's Possible

Human Resources Department  
**Memorandum**

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**Date:** July 9, 2018

**To:** Civil Service Commission

**From:** Assistant Director of Human Resources

**Subject:** Revised Minutes of the Civil Service Meeting on November 17, 2017

On December 5, 2017, City Council noted and filed the Civil Service Commission's meeting minutes of November 13, 2017 and approved two job specification modifications in accordance with Resolution No. 18-8498. One other job specification modification was inadvertently omitted from the minutes and actions to be taken by City Council even though it was approved by the Commission for City Council approval at the November 13, 2017 meeting. The Commission's action was marked in the minutes, but was not called out as an item that required Council approval. In order to rectify the omission and receive Council approval for the job specification modification, staff requests Civil Service Commission to note and file the revised meeting minutes to include Item C – Approve to change the title for Maintenance Systems Specialist to Utility Business Systems Specialist under "Recommendation for Council Action." The motion should also state that the revised meeting minutes shall supersede the Commission's previous motion to note and file the minutes on January 8, 2018. The revised minutes will then be submitted to City Council for approval to effectuate the modified job specification for Maintenance Systems Specialist to Utility Business Systems Specialist.

Staff recommends that the Civil Service Commission approve the revised Civil Service Commission Meeting Minutes of November 13, 2017 to include the Recommendations for Council Action section, and that the revised Meeting Minutes of November 13, 2017 shall supersede the Meeting Minutes that were noted and filed by the Commission on January 8, 2018.

*Attachment     Revised Civil Service Commission Meeting Minutes – November 13, 2017*

### **CSC Recommendations for Council Action**

- A. Approve modified job specification Code Enforcement Officer.**
- B. Approve to modify job specification for Utility Field Services Supervisor.**
- C. Approve to change title for Maintenance System Specialist to Utility Business System Specialist**



**City of Santa Clara  
Civil Service Commission Minutes  
November 13, 2017 at 7:00 PM  
City Council Chambers**

**1500 Warburton Avenue**

**Santa Clara, CA**

Present: Chairperson Mario Bouza, Vice-Chairperson Carolyn McAllister; Commissioners Pat Staffelbach, Willie Brown and John Casey; Human Resources Assistant Director, Julia Hill; Recording Secretary, Christine Heng; Deputy City Attorney, Diana Fazely.

#### **I. ROUTINE ITEMS**

##### **A. CALL TO ORDER - PLEDGE OF ALLEGIANCE**

Chairperson Bouza called the meeting to order at 7:01 p.m., and led the meeting in the Pledge of Allegiance.

#### **II. SPECIAL ORDER OF BUSINESS**

##### **A. CITY CALENDAR PHOTOGRAPH OF COMMISSION**

### **III. CONSENT CALENDAR**

- A. MINUTES OF SEPTEMBER 11, 2017 CIVIL SERVICE COMMISSION MEETING** - There being no objections or changes.

**MOTION** by Vice-Chairperson McAllister, seconded by Commissioner Staffelbach, to **NOTE AND FILE Item III-A.**

**MOTION carried, 5-0**

- B. CHANGE OF STATUS REPORT** for September and October, 2017.

- C. CURRENT RECRUITMENT ACTIVITY REPORT** for September and October, 2017.

- D. EXAMINATION REPORT** for September and October, 2017.

**MOTION** by Commissioner Brown, seconded by Commissioner Casey, to **NOTE AND FILE Items III-B, III-C, and III-D.**

**MOTION carried, 5-0**

### **IV. ORAL COMMUNICATIONS – None**

The law does not permit Commission Action on, or extended discussion of, any item not on the Agenda except under special circumstances. Note the instructions in the Agenda regarding Oral Communications.

### **V. NEW BUSINESS**

- A. CONSIDER REQUEST** to Abolish the Eligible List for Recreation Coordinator.

Ms. Hill explained that the current eligible list for Recreation Coordinator was established on January 20, 2017 and is scheduled to expire one year later on January 20, 2018. Attached is a memorandum from the Recreation Manager requesting to abolish the eligible list for Recreation Coordinator. The eligible list for Recreation Coordinator was originally comprised of six (6) candidates. All of the eligible candidates were contacted to participate in the Department interview. The Parks and Recreation Department has determined through departmental interviews that the candidates remaining on the eligible list are not appropriate matches for the current vacancies. Abolishing the eligible list will give an opportunity for other qualified candidates to apply, giving the City the opportunity to select from a more current applicant pool. No recommendations are proposed for the job



specification, the examination weight of Qualifying Written Examination and 100% Oral Examination, or the recruitment type of Open/Promotional

Staff recommended the Civil Service Commission approve the request to abolish the eligible list for Recreation Coordinator.

Commissioner Casey stated that staff has brought forth a number of requests to abolish the eligibility list and requested that staff clarify the logic to abolishing the eligibility list to seek new applicants. Ms. Hill responded that abolishing an eligibility list allows the City of Santa Clara to start a new recruitment, which will generate many more applicants since the job announcement is posted on multiple job search engines.

**MOTION** by Commissioner Brown, seconded by Commissioner Casey **to abolish the eligible list for Recreation Coordinator.**

**MOTION carried, 5-0**

**B. CONSIDER REQUEST to Modify the Recruitment Type for Senior Public Safety Dispatcher.**

Ms. Hill explained that the Police Department will soon conduct a recruitment to fill a current Senior Public Safety Dispatcher vacancy. The Police Department recommends changing the recruitment type for Senior Public Safety Dispatcher from Open/Promotional to Closed/Promotional. Changing the recruitment type to Closed/Promotional would allow eight current employees the opportunity to compete for a promotion. No changes are recommended to the examination weighting (100% Oral with a qualifying written) for this classification.

Staff recommended the Civil Service Commission approve the modification of the recruitment type to Closed/Promotional for Senior Public Safety Dispatcher.

Commissioner Brown stated that changing the recruitment type to Closed/Promotional will narrow the applicant pool. Police Captain Wahid Kazem explained that a Closed/Promotional recruitment type allows current employees to compete for this opportunity. Captain Kazem further stated that the department feels that the City has sufficient number of qualified employees to fill the upcoming position. Commissioner Brown asked why the Department would rather hire/promote from within. Captain Kazem responded that the Senior Public Safety Dispatcher position is unique in that prior experience with the department's CAD system is required to perform

the job. Commissioner Brown and Casey also stated that it seems that staff is doing the City a disservice by narrowing the applicant pool and asked if this process saves time or is more efficient. Captain Kazem confirmed that a Closed/Promotional opportunity saves the department time, given that knowledge and expertise required for this position is developed through years working in this specific dispatch center with its unique 911 call system, CAD system, and policy and procedures are different. Commissioner Brown asked why this position was not Closed/Promotional to begin with and Ms. Hill responded that the City tries to make most positions Open/Promotional and adjust based on the number of qualified internal candidates and in this particular case the City already has a good pool of candidates internally.

**MOTION** by Vice-Chairperson McAllister, seconded by Commissioner Staffelbach, **to modify the recruitment type for Senior Public Safety Dispatcher.**

**MOTION carried, 5-0**

- C. **CONSIDER REQUEST** to Change Title for Maintenance System Specialist to Utility Business Systems Specialist.

Ms. Hill explained that the Water and Sewer Utilities Department submitted a requisition to fill a vacancy for the position of Maintenance System Specialist. Attached is a memo from the Water and Sewer Utilities Department requesting that the title be changed to Utility Business Systems Specialist. This title change reflects the utility systems that this position will manage and maintain. There are no recommended changes to the recruitment type (Open/Promotional) or the exam weighting (100% Oral).

Staff recommends the Civil Service Commission approve the title change for Maintenance System Specialist to Utility Business Systems Specialist.

**MOTION** by Commissioner Casey, seconded by Commissioner Staffelbach, **to change title for Maintenance System Specialist to Utility Business Systems Specialist.**

**MOTION carried, 5-0**

- D. **CONSIDER REQUEST** to Modify Job Specification for Code Enforcement Officer.

Ms. Hill explained that The Water and Sewer Utilities Department will soon conduct a recruitment for the position of Code Enforcement

Officer. The job specification for Code Enforcement Officer was last approved in September, 2017. The Water and Sewer Utilities Department determined after that date that they have a hiring need for a Code Enforcement Officer. A job analysis was conducted to identify additions and changes to the job specification for the Water and Sewer Utilities Department. Proposed additions to the Minimum Qualifications section include experience in industrial/commercial pretreatment inspections. The Licenses and/or Certificates section was updated to include a Grade II Environmental Compliance Inspector Certification within twelve (12) months, a desirable Water Distribution Operators Certification and a desirable Cross-Connection Control Program Specialist Certification. The Distinguishing Characteristics section has been added to include investigations in fats, oils and grease (FOG) source control and recycled water. The Typical Duties section was updated to include duties incumbents in the Water and Sewer Utilities Department will be expected to perform such as, performing sampling of potable, recycled and waste water for various constituents. The Knowledge, Skills and Abilities section was updated to include Federal, State and local rules and regulations for water, wastewater and recycled water. No changes are recommended for the examination weighting (100% Oral examination) or the recruitment type (Open/Promotional).

Staff recommends the Civil Service Commission approve the modified job specification for Code Enforcement Officer.

Commissioner Casey stated this Code Enforcement Officer job specification sounds different than the one that might direct traffic or take reports when there is a wreck. Ms. Hill explained that Code Enforcement Officers either know building inspection codes, storm drain codes, or water codes and identify violations of state codes or local ordinances and issue tickets or stop notices. Commissioner Casey asked if this position is different from a Community Service Officer and Ms. Hill responded that CSOs work in the Police Department, while Code Enforcement Officers are non-criminal based and deal with local ordinance control and enforcement.

Commissioner Casey asked where the line is drawn should someone be caught disposing harmful things into the waste water system. Mike Vasquez, Water and Sewer Compliance Manager, explained that currently the City coordinates with the City of San Jose and the Regional Waste Water Facilities on illicit discharges. In the near future, the City will also take over the fat, oil, and grease prevention program, which prevents these item to be deposited in the sewer lines, causing sanitary overflows. This

position would be the main coordinator of this program along with the City's recycled water program. Commissioner Casey asked who is performing the compliance task currently and Mr. Vasquez replied that it is himself and a Code Enforcement Technician. This new position is required to bridge the gap between the number of personnel and the programs the City oversees. The Code Enforcement Officer will visit food services establishments, checking their grease interceptor and traps, and review best practices to prevent grease from entering sewer lines. Commissioner Casey inquired how efforts will be coordinated with the County of Santa Clara. Mr. Vasquez responded that in egregious offenses, where shutdown of an establishment is required, the City will coordinate efforts with the County.

**MOTION** by Commissioner Brown, seconded by Commissioner Casey, **to modify job specification for Code Enforcement Officer.**

**MOTION carried, 5-0**

**E. CONSIDER REQUEST to Modify Job Specification for Utility Field Services Supervisor.**

Ms. Hill explained that the Finance Department will soon conduct a recruitment for the position of Utility Field Services Supervisor. The job specification for Utility Field Services Supervisor was last approved in August, 1996. A job analysis was conducted to identify additions and changes to the job specification for the Finance Department. Proposed additions to the Minimum Qualifications section include experience at the level of Utility Field Services Worker or equivalent. A Desirable Qualifications section was added to include supervisory experience. The Typical Duties section was changed to reflect the current tasks this position would perform, such as interpreting computer printouts and investigating causes of abnormally high or low meter readings. The Knowledge, Skills, and Abilities section was updated to include additional items such as utility and meter reading policies and procedures pertinent to Federal, State and local laws and regulations. The job specification has also been updated to reflect the new standard job description format. No changes are recommended for the examination weighting (100% Oral Examination) or the recruitment type (Closed/Promotional).

Staff recommends the Civil Service Commission approve the modified job specification for Utility Field Services Supervisor.

Chairperson Bouza asked if this position will be reading electric meters and if meter reading will become obsolete. Ms. Hill replied that this position will be responsible for meter readings and that there will still be the need for people to verify the readings and deal with discrepancies. Ms. Hill indicated that this position will not be obsolete in the near future.

**MOTION** by Commissioner Casey, seconded by Vice-Chairperson McAllister, **to modify job specification for Utility Field Services Supervisor.**

**MOTION carried, 5-0**

## **VI. UNFINISHED BUSINESS – None**

## **VII. INFORMATIONAL REPORTS**

### **A. STAFF REPORTS - Civil Service Commission Meeting Dates for 2018.**

The dates have been set for the Civil Service Commission meetings to be held in 2018. As always, these meetings fall on the second Monday of alternating months beginning in January.

The meeting dates are as follows:

January 8, 2018	July 9, 2018
March 12, 2018	September 17, 2018 (due to Admissions Day September 10)
May 14, 2018	November 19, 2018 (due to Veteran's Day, November 12)

Also, potential Board of Review dates are reserved on these days:

February 12 and 22, 2018	August 13, 2018
April 16 and 26, 2018	October 15 and 25, 2018
June 11 and 21, 2018	

### **B. COMMISSIONERS REPORTS - None**

## **VII. ADJOURNMENT**

Chairperson Bouza **ADJOURN the meeting at 7:30 p.m., until Monday, January 8, 2018, at 7:00 p.m., the next regularly scheduled meeting of the Civil Service Commission.**

Respectfully submitted,

Julia Hill  
Assistant Director of Human Resources



## Agenda Report

18-912

Agenda Date: 7/9/2018

### REPORT TO CIVIL SERVICE COMMISSION

#### SUBJECT

Action to Modify Job Specification for Library Program Coordinator - Youth Services

#### BACKGROUND

The Library Department will soon conduct a recruitment for the position of Library Program Coordinator - Youth Services. After review, the Human Resources Department proposes to update the job specification which was last revised in July 1996.

#### DISCUSSION

A job analysis was conducted in June, 2018 to identify additions and changes to the job specification. The Typical Duties section was changed to reflect current tasks this position would perform, such as participates in budget preparation and administration including monitoring expenditures. The Knowledge, Skills, and Abilities section was updated to include knowledge of principles and practices of supervision and ability to perform physical labor including lifting up to 25 pounds of static weight. The job specification has also been updated to reflect the new standard job description format.

There are no recommended changes to the examination weighting or recruitment type for Library Program Coordinator - Youth Services.

#### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### FISCAL IMPACT

There is no fiscal impact to revising the job specification other than staff time.

#### PUBLIC CONTACT

Public contact was made by posting the Civil Service Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

#### RECOMMENDATION

Approve the modified job specification for Library Program Coordinator - Youth Services.

Reviewed by: Vanessa Guerra, Human Resources Division Manager  
Approved by: Julia Hill, Interim Director of Human Resources

**ATTACHMENTS**

1. Job Specification, clean and draft, for Library Program Coordinator - Youth Services
2. Library Memorandum



**CITY OF SANTA CLARA, CALIFORNIA**  
**LIBRARY PROGRAM COORDINATOR - YOUTH SERVICES**  
(534A)

**EDUCATION AND EXPERIENCE**

**Minimum Qualifications:**

- Possession of a Masters Degree in Library/Information Science from an American Library Association accredited library school; and
- Three (3) years of increasingly responsible professional library experience serving children, young adults, and families, including materials selection, reference and reader's advisory, planning and producing programs, and publicity materials.

**Desirable Qualifications:**

- One (1) year of supervisory experience is desirable.

**LICENSE**

Possession of a valid California Class C driver's license is required at the time of appointment and for the duration of employment.

**DISTINGUISHING CHARACTERISTICS**

The Library Program Coordinator – Youth Services is a professional position in the classified service responsible for the Youth Services program area, coordinating staff activities, collections, or computer services. This class is part of the Library Program Coordinators' Team and is responsible for assigning, reviewing, and supervising the work of library staff.

**TYPICAL DUTIES**

Duties may include, but are not limited to, the following:

**Under general direction:**

- Supervises provision of a full range of reference and information services to library patrons of all ages
- Participates actively in story hour and school visits
- Schedules, trains, supervises, and evaluates staff assigned to the program unit
- Maintains and prepares reports, computer data, special studies and correspondence
- Performs professional library duties including reference and reader's advisory, cataloging, collection development, selection and deselection of materials, and programming for library patrons of all ages, and ensure consistency of service standards
- Plans, develops, coordinates, and evaluates the activities of a library program unit, and coordinates with other library divisions
- Prepares publicity, displays, and bibliographies
- Assists in the development and implementation of library and program unit goals and objectives, budgets, policies and procedures, and interprets them to the staff and public

## **LIBRARY PROGRAM COORDINATOR - YOUTH SERVICES (continued)**

- Analyzes library operational procedures related to activities of a program unit and makes recommendations for improvement and responds to community information needs
- Serves as a member of the Library Management Team and represents the library with groups, organizations, committees, and at professional meetings
- Participates in budget preparation and administration including monitoring expenditures
- Performs other related duties as assigned

### **KNOWLEDGE, SKILLS, AND ABILITIES**

Knowledge of:

- Current practices of children's and young adult library service
- Storytelling, book talking, and other public performance techniques
- Computerized bibliographic databases and searching techniques, online public access catalogs, and integrated library systems
- Reference interviewing techniques, strategy, and tools
- Adult, children's and young adult literature and materials
- Principles of selection, deselection, and evaluation of library collections
- Childhood development and learning stages
- Public library principles, organization, objectives, trends, materials, services, and practices
- Principles and practices of supervision, team building and participative management
- Office safety practices, procedures and standards

Ability to:

- Establish and maintain a cooperative working relationship with those contacted in the course of work, including the general public
- Analyze and respond to community interests and concerns regarding library collections and services
- Communicate effectively, both orally and in writing
- Plan, organize, and supervise the work of professional, paraprofessional, page, and volunteer staff
- Effectively handle multiple priorities, organize workload and meet strict deadlines
- Plan and create library programming and promotional materials
- Use computer applications in a library setting
- Work in a team-based environment and achieve common goals
- Develop and apply library procedures and policies and other professional knowledge to the practical problems of the job
- Bend, stoop, reach, carry, crawl, climb and lift up to 25 lbs. to perform assigned duties
- Walk or stand for extended periods of time

### **SUPERVISION RECEIVED**

Works under the general direction of the City Librarian and the Assistant City Librarian.

### **SUPERVISION EXERCISED**

Supervises professional, paraprofessional, clerical, page, and/or volunteer staff as assigned. May act in-charge of Library operations in the absence of senior staff.

### **OTHER REQUIREMENTS**

## **LIBRARY PROGRAM COORDINATOR - YOUTH SERVICES (continued)**

- Performs physical tasks, such as lifting and moving library materials and equipment weighing up to 25 lbs., stooping, reaching, kneeling, and walking up and down stairs.
- Must be able to perform all the essential functions of the job assignment.
- May be required to work evenings and weekends.

LEGEND:

Additions

Deletions

Approved July, 1996

Proposed July, 2018

**CITY OF SANTA CLARA, CALIFORNIA**  
**LIBRARY PROGRAM COORDINATOR -**  
**YOUTH SERVICES**  
(534A)

**EDUCATION AND EXPERIENCE**

***Minimum Qualifications:***

- Possession of a Masters Degree in Library/Information Science from an American Library Association accredited library school; *and, plus*
- ~~Three (3)~~ *(3)* years of increasingly responsible professional library experience. ~~Knowledge of literature for children and young adults is required. Successful professional library experience~~ serving children, young adults, and families, including materials selection, reference and reader's advisory, planning and producing programs, and publicity materials. ~~is required; experience scheduling staff, coordinating the work of others, and management of a significant project is desirable. Supervisory experience of professional, paraprofessional, page, or volunteer staff is desirable.~~

***Desirable Qualifications:***

- ~~experience scheduling staff, coordinating the work of others, and management of a significant project is desirable. One (1) year of~~ *Supervisory* experience ~~of professional, paraprofessional, page, or volunteer staff is desirable.~~

**DISTINGUISHING CHARACTERISTICS**

~~The library program coordinator is a professional position in the classified service responsible for a specialized program area, coordinating staff activities, collections, or computer services; assigning, reviewing, and supervising the work of library staff, and is part of the Library Program Coordinators' Team. Specific knowledge of a program area is required.~~

**LICENSE**

Possession of an ~~an appropriate,~~ valid California *Class C* driver's license is required *at the time of appointment and for the duration of employment.*

**DISTINGUISHING CHARACTERISTICS**

*The Library Program Coordinator – Youth Services is a professional position in the classified service responsible for the Youth Services program area, coordinating staff activities, collections, or computer services. This class is part of the Library Program Coordinators' Team and is responsible for assigning, reviewing, and supervising the work of library staff.*

**TYPICAL TASKS/DUTIES**

*Duties may include, but are not limited to, the following:*

## LIBRARY PROGRAM COORDINATOR - YOUTH SERVICES- (continued)

Under general direction:

- ~~coordinates and schedules work of childrens' services staff; coordinates unit projects;~~  
*sSupervises provision of a full range of reference and information services to **library patrons of all ages** children, young adults, their teachers and families, both in person and by telephone using a full range of print, online, and electronic resources;*
- ~~responsible for services for children and young adults and their families and teachers;~~  
*pParticipates actively and personally in story hour and school visits;*
- *Schedules, trains, supervises, and evaluates staff assigned to the program unit*
- *Maintains and prepares reports, computer data, special studies and correspondence*
- *Performs professional library duties including reference and reader's advisory, cataloging, collection development, selection and deselection of materials, and programming for library patrons of all ages, and ensure consistency of service standards*
- ~~PP~~*Plans, develops, coordinates, and evaluates the activities of a library program unit, ;and coordinates with other library divisions*
- *Prepares publicity, displays, and bibliographies*
- ~~coordinates activities of program unit with other divisions in the library; participates~~*Assists* in the development and implementation of ~~written~~ library and program unit goals and objectives, budgets, policies and procedures, and interprets them to the staff and public;
- ~~participates in the development of individual and program unit work plans; a~~*Analyzes* library operational procedures related to activities of a program unit and makes recommendations for improvement; and responds to community information needs:
- *Serves as a member of the Library Management Team and represents the library with groups, organizations, committees, and at professional meetings*
- ~~Participates in the selection of personnel; schedules, trains, supervises, and evaluates staff assigned to the program unit; assigns work activities, projects, and programs, and monitors work flow; fosters an environment of teamwork within the division and throughout the library; oversees tasks performed by the team; ensures consistency of service standards; resolves conflicts among team members; assists in setting individual and team goals; and works with employees to improve performance. Participates in budget preparation and administration including monitoring expenditures; prepares cost estimates for budget recommendations;~~
- ~~submits justifications for budget items, monitors and controls expenditures; coordinates with other library staff to plan for the best use of resources; maintains records; and prepares reports, computer data, special studies and correspondence as directed. Performs professional library duties including reference and reader's advisory, cataloging, collection development, and programming for library patrons of all ages; responsible for selection and deselection of materials in juvenile collections; prepares publicity, displays, and bibliographies. Serves as a member of the Division and Library Program Coordinators' teams; represents the library with groups, organizations, committees, and at professional meetings and workshops; plans and conducts regular staff and/or committee meetings; and p~~*Performs other, related duties as assigned.*

## KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- ~~e~~*C*urrent practices of children's and young adult library service;

## LIBRARY PROGRAM COORDINATOR - YOUTH SERVICES- (continued)

- ~~children's and young adult literature and materials;~~ *s*Storytelling, book talking, and other public performance techniques;
- ~~childhood development and learning stages; community information and recreation needs for library materials; public library principles, organization, objectives, trends, materials, services, and practices; role of e~~Computerized bibliographic databases and searching techniques, online public access catalogs, and integrated library systems;
- ~~r~~Reference interviewing techniques, strategy, and tools;
- ~~a~~Adult, children's and young adult literature and materials;
- ~~p~~Principles of selection, deselection, and evaluation of library collections;
- *Childhood development and learning stages*
- *Public library principles, organization, objectives, trends, materials, services, and practices*
- ~~p~~Principles and practices of *supervision*, team building; and ~~principles and practices of~~ participative management-
- *Office safety practices, procedures and standards*

### Ability to:

- ~~–develop and apply library procedures and policies and other professional knowledge to the practical problems of the job; e~~Establish and maintain *a cooperative courteous and effective* working relationships ~~with those contacted in the course of work, including the general public;~~
- ~~a~~Analyze and respond to community interests and concerns regarding library collections and services;
- ~~prioritize work and exercise independent, sound judgment particularly in stressful situations; e~~Communicate *clearly effectively*, both orally and in writing;
- ~~p~~Plan, organize, and supervise the work of professional, paraprofessional, page, and volunteer staff;
- *Effectively handle multiple priorities, organize workload and meet strict deadlines assign, train, and evaluate the work of professional, paraprofessional, page and volunteer staff; exercise leadership; listen; understand budgeting procedures, accounting practices, and computerized financial systems;*
- ~~p~~Plan and create library programming and promotional materials;
- ~~u~~Use computer applications in a library setting; ~~and~~
- ~~foster an environment of cooperation and shared responsibility.~~ *Work in a team-based environment and achieve common goals*
- *Develop and apply library procedures and policies and other professional knowledge to the practical problems of the job*
- *Bend, stoop, reach, carry, crawl, climb and lift up to 25 lbs. to perform assigned duties*
- *Walk or stand for extended periods of time*

### SUPERVISION RECEIVED

Works under the general direction of the ~~Library Division Manager~~ *City Librarian and the Assistant City Librarian.*

### SUPERVISION EXERCISED

~~Coordinates, evaluates, and s~~Supervises ~~the work of~~ professional, paraprofessional, clerical, page, *and/or* -volunteer staff as assigned. May act *in-charge of Library operations* ~~as Library~~

**LIBRARY PROGRAM COORDINATOR - YOUTH SERVICES-** (continued)

~~Division Manager~~ in ~~his/her~~*the* absence *of senior staff*.

OTHER REQUIREMENTS

- Performs physical tasks, such as lifting and moving library materials and equipment weighing up to ~~10~~*25* lbs., stooping, reaching, kneeling, and walking up and down stairs.
- Must be able to perform all the essential functions of the job assignment.
- May be required to work evenings and weekends.



**Date:** June 21, 2018

**To:** Human Resources

**From:** Assistant City Librarian 

**Subject:** Modify Job Specifications for Program Coordinator – Youth Services

The Library department currently has a vacant Program Coordinator – Youth Services position. The job specification and description have not been modified since 1996. In order to incorporate new technology, additional responsibilities, and new service models, the Library requests that the Job specification and description for Program Coordinator – Youth Services be updated.





# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
[santaclaraca.gov](http://santaclaraca.gov)  
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

## Agenda Report

18-941

Agenda Date: 7/9/2018

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### REPORT TO CIVIL SERVICE COMMISSION

#### **SUBJECT**

Petition for Reconsideration Submitted on June 21, 2018

#### **BACKGROUND**

Richard Sandau, a former unclassified employee, has requested a Petition for Reconsideration.

#### **DISCUSSION**

Please see attached memorandum from Senior Deputy City Attorney Sujata Reuter.

#### **COORDINATION**

This agenda report has been coordinated with the City Attorney's Office.

#### **PUBLIC CONTACT**

Public contact was made by posting the Civil Service Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

#### **RECOMMENDATION**

See Recommendations from City Attorney's Office in attached memorandum.

Reviewed by: Vanessa Guerra, HR Division Manager

Approved by: Julia Hill, Interim HR Director

#### **ATTACHMENTS**

1. Memo to CSC re Reconsideration
2. Petition for Reconsideration



**City of  
Santa Clara**  
The Center of What's Possible

City Attorney's Office  
**Memorandum**

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**Date:** July 3, 2018

**To:** Civil Service Commission

**From:** Sujata Reuter, Senior Deputy City Attorney

**Subject:** Motion for Reconsideration submitted by Richard Sandau

**Introduction**

Former employee, Richard Sandau (through his counsel) has submitted a Motion for Reconsideration to the Civil Service Commission in which he appears to ask the Commission to set a Board of Review hearing date to hear evidence and arguments related to the following issues:

1. Mr. Sandau's alleged termination from his classified position
2. Mr. Sandau's argument that the terms of the City's offer to "bump back" to a classified position were improper
3. Mr. Sandau's request for back pay

For a number of reasons, described below, the City Attorney's Office (on behalf of the City and the Appointing Authority) does not believe Mr. Sandau is entitled to a hearing on these issues.

**Background**

Mr. Sandau was employed in an unclassified position with Silicon Valley Power. He was granted an unpaid leave of absence to attend graduate school full time. As the conclusion of his leave of absence for the 2017-2018 school year approached, he was advised by SVP (on May 15<sup>th</sup>) that he was being released from his unclassified position. Then, in accordance with standard procedure, on May 24<sup>th</sup> HR informed him that he could accept severance pay under the unclassified Unit 9 MOU or revert ("bump back") to his last classified position under Charter Section 1102. On June 1<sup>st</sup>, Mr. Sandau submitted a written response stating "*both offers are hereby rejected.*" He titled the letter a "settlement offer" and did not make any mention whatsoever of desiring review by the Board of Review of any aspect of the City's decision. On June 13<sup>th</sup>, the City Attorney's Office sent a letter to Mr. Sandau's counsel with the following: (1) enclosing the severance pay the City was required to provide under the Unit 9 MOU, (2) confirming the rejection of the "bump back" offer, and (3) advising that since no request

for Board of Review hearing was submitted within 10 days of HR's May 24<sup>th</sup> letter, he had waived his right to an administrative appeal.

### **Discussion**

First, a Motion for Reconsideration is the wrong procedural vehicle for the relief the employee seeks. Under Section 7.4 of the CSC Rules, a Motion for Reconsideration is only appropriate when *the Board of Review has taken an action* on the termination, suspension, demotion or reduction in pay of a classified employee and that action was based upon fraud or lack of jurisdiction. Here, the Board has never previously taken any action, so there is nothing for the Board to reconsider. Furthermore, there is no indication or even any argument in any of the letters submitted by Mr. Sandau that there was any fraudulent action or a lack of jurisdiction.

Second, as clearly demonstrated in the correspondence submitted by Mr. Sandau in support of his Motion, *he was not terminated from his classified position*. Mr. Sandau's release from his unclassified Unit 9 position is obviously beyond the jurisdiction of the Civil Service Commission to review (see CSC Rules 1.1 and 1.3). Mr. Sandau was offered the opportunity to return to his classified position, but he unequivocally rejected that offer in his June 1<sup>st</sup> correspondence. Therefore, the City did not terminate him – he voluntarily chose to not return to classified employment. This is neither grievable under CSC Rule 7.5, nor appealable under CSC Rule 7.3.

Lastly, it was not until the Petition for Reconsideration was sent on June 21, 2018, (nearly a month after the May 24<sup>th</sup> offer to bump back to a classified position was made) that any hearing of any type before the Board of Review was requested, which is untimely. An employee must request a Board of Review hearing within 10 days of the receipt of notice of the termination, demotion, suspension or reduction in pay (CSC Rule 7.3). As set forth above, *there was no termination from any classified position*, which is why there was no Rule 6.6 notice or other process provided. That fact alone is fatal to Mr. Sandau's request. However, even if there was such a termination, it would be deemed to occur as of HR's May 24<sup>th</sup> letter; therefore, Mr. Sandau's request for a Board of Review hearing should have been made by June 4<sup>th</sup>. No such request was made. The June 1<sup>st</sup> letter is lengthy and, in it, Mr. Sandau could easily have requested a hearing date, but inexplicably he failed to do so.

### **Request**

Based upon the foregoing, the City Attorney's Office requests that the Commission: (1) Deny the Motion for Reconsideration and (2) Deny the Request for a Board of Review hearing.

## **ABDALAH LAW OFFICES**

A PROFESSIONAL LAW CORPORATION

10455 TORRE AVENUE  
CUPERTINO, CALIFORNIA 95014  
TELEPHONE: (408) 252-5211  
FACSIMILE: (408) 996-2004  
WWW.ABDALAHLAW.COM

RICHARD K. ABDALAH, ESQ.  
EMAIL: RABDALAH@ABDALAHLAW.COM

EMPLOYMENT, REAL ESTATE, BUSINESS,  
CONSTRUCTION,  
TRANSACTIONS AND LITIGATION

June 21, 2018

Via Federal Express, Email and First Class Mail  
civilservicecommission@santaclaraca.gov

Civil Service Commission  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Attn: Julia Hill

Re: Richard Sandau  
**Petition for Reconsideration**

Dear Commission Members:

I am an attorney representing Richard Sandau in connection with his termination of employment from classified and unclassified employment, without cause, from the City of Santa Clara ("City") on May 22, 2018. I have reviewed the letter sent by the City Attorney's Office, dated June 13, 2018, in which the City states, *inter alia*, that my client has waived his right to a Board of Review hearing under Civil Service Rules and Regulations 7.3.

After reviewing the letters sent to Mr. Sandau by the City of Santa Clara, the City of Santa Clara Charter and the City of Santa Clara Civil Service Rules and Regulations, I have concluded that Mr. Sandau was not provided with sufficient notice of termination and has not waived his right to an appeal. Accordingly, I submit this Petition for Reconsideration under Section 7.4 of the Civil Service Rules and Regulations. I will discuss the basis for this conclusion below.

### **Background**

Mr. Sandau was employed by the City starting in August of 2004. In 2016, Mr. Sandau held the unclassified position of Electric Division Manager. On or about, March 10, 2016, the City agreed to give Mr. Sandau time off to attend law school. For

two years, the City accommodated Mr. Sandau. On May 15, 2018, John Roukema wrote a letter telling Mr. Sandau that his position had been eliminated and he could either resign or be terminated. (See Exhibit "A")

On May 24, 2018, the City sent a letter to Mr. Sandau, changing its position. The letter stated that Mr. Sandau could either resign and take a severance payment or bump down to his prior position, but that he would no longer have a schedule that would permit him to attend law school. The letter did not include a notice that Mr. Sandau had a right to petition the Civil Service Commission for review. (See Exhibit "B")

On June 1, 2018, my office sent a letter to the City disputing the City's actions. (See Exhibit "C") On June 13, 2018, the City sent a letter stating that Mr. Sandau had waived his right to petition the Civil Service Commission because no reference was made to the specific section. (See Exhibit "D")

The purpose of this letter is to (1) appeal Mr. Sandau's termination, (2) appeal the City's position in its letter of May 24, 2018, and (3) appeal the City's refusal to treat the letter of June 1, 2018 as a petition for Civil Service Commission review.

## **I. The Civil Service Commission Is the Deciding Authority For Petitions**

Section 7.4 of the Civil Service Regulations states that "a petition for reconsideration [in any case involving a termination] shall first be presented to the Board wherein . . . lack of jurisdiction is set forth, and verified by the petitioner." Here, the City Manager exceeded her authority by making a decision on Mr. Sandau's petition letter, timely submitted on June 1, 2018.

Section 1011 of Civil Service Commission - Powers and Duties, Part (b), of the Santa Clara City Charter states that the Civil Service Commission is to "act as Board of Review to hear petitions by civil service employees, and applicants for civil service positions, and to grant or deny such petitions."

When the City Manager made a decision on Mr. Sandau's petition, the decision was void on its face because the petition should have been submitted to the Civil Service Commission for decision under Section 1011 of the Santa Clara City Charter. Therefore, a petition for reconsideration due to lack of jurisdiction is proper.

## **II. Mr. Sandau Was Not Provided With a Proper Notice of Termination**

Section 6.6 of the City of Santa Clara Civil Service Rules and Regulations states:

"[W]ritten notice of termination . . . taken by the Appointing Authority under this Section 6, and the specific reasons therefor shall be furnished in writing by 1st class and certified mail to the address on file with the Human Resources Department within three (3) days after such termination . . ."

Furthermore, Section 6.6 states:

"[A]ny permanent employee in the classified service against whom such action is taken may appeal the termination . . . as provided in Section 7 of these rules."

There was no letter sent to Mr. Sandau by certified mail, and the letter sent on May 24, 2018, is deceptive and insufficient to provide proper notice.

The letter sent to Mr. Sandau on May 24, 2018 was not sent by certified mail as required by Section 6.6. Furthermore, the purpose stated in the letter was "to ensure [Mr. Sandau was] aware that there [were] two options available to [him]." These options were Human Resources' attempt to settle Mr. Sandau's wrongful termination claim against the City. Neither of the options presented in the letter indicated that Mr. Sandau had the right to appeal and that he must appeal within 10 days or he would waive his right to do so.

Additionally, pursuant to Section 6.6, the specific reasons (cause) for termination must be stated. Although, the letter does state some reasoning, the reasoning pertains to Mr. Sandau's unclassified position and not the classified position from which Mr. Sandau was wrongfully terminated. Also, the reasoning provided in the letter is insufficient cause for termination from classified service.

In summary, because Mr. Sandau was not provided sufficient notice of termination and insufficient cause was stated for Mr. Sandau's termination, the notice requirements of Section 6.6 were not met. As a result, Mr. Sandau did not waive his right to appeal his termination from classified service.

### III. Mr. Sandau Submitted a Timely Petition

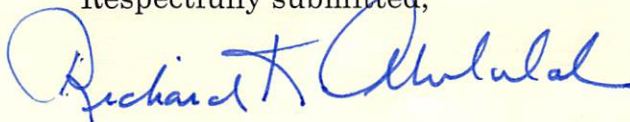
Mr. Sandau responded within 10 days of Julia Hill's May 24, 2018, letter by submitting his formal opposition to the termination and the "options." His petition in opposition provided (1) sufficient notice to the City of Santa Clara that he did not agree with the City's termination, and (2) requested formal action to rectify the situation. This petition was timely submitted within 10 days of Ms. Hill's letter, as would be required by Section 7.3 of the Civil Service Rules and Regulations.

### IV. Conclusion

Mr. Sandau was not provided with sufficient notice of termination and has not waived his right to an appeal. We submit this Petition for Reconsideration pursuant to Section 7.4 of the Civil Service Rules and Regulations and hereby request the following:

- A. That the City of Santa Clara provide Mr. Sandau with a notice of termination from classified service that meets the requirements of Section 6.6 so that he may respond to the charges against him;
- B. That this matter be submitted to the Civil Service Commission for review. The items that must reviewed include, but are not limited to, Mr. Sandau's removal without cause from classified service and Mr. Sandau's petition submitted on June 1, 2018; and
- C. That Mr. Sandau be provided with back pay until such formal review is held.

Respectfully submitted,



RICHARD K. ABDALAH  
Attorney for RICHARD SANDAU

RKA:dr

Enclosures

cc: Julia Hill (w/enclosures)  
Richard Sandau (w/enclosures)

# **EXHIBIT A**





*Powering* The Center of What's Possible

May 15, 2018

Richard Sandau  
3349 Oxford Lane  
San Jose, CA 95117

Re: Availability of Position following Personal Leave

Dear Rich:

Your personal leave of absence has an anticipated return date of May 29, 2018. I understand that you intend to attend your third year of law school starting next fall. As indicated in my letter dated August 25, 2017, your at-will unclassified position as Electric Division Manager has been re-evaluated, and it has been determined that the Department does not require a short term special project manager during the Summer of 2018.

Because the City does not have a need for you to return on a full or part time basis this summer, and because we anticipate that you will elect to return to law school on a full-time basis, it appears that we should discuss transitioning you from an unpaid leave status to your resignation or an at-will separation. Following your completion of your degree, you can reapply to an open management position if that is the career path you choose. However, at this time, the City's operational and budgetary needs require that the Electric Department be able to fill the position that you hold.

Please contact me no later than end of business on Wednesday, May 23, 2018, to advise if you are voluntarily resigning. If I do not hear from you by that date, I will work with the City Manager and Human Resources Department on separation next steps.

I want to thank you for your service and wish you the best of luck in your future endeavors.

Sincerely,

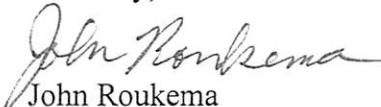
  
John Roukema  
Chief Electric Utility Officer  
Silicon Valley Power

EXHIBIT "A"

# **EXHIBIT B**

SANTA CLARA COUNTY



Human Resources

May 24, 2018

Richard Sandau  
3349 Oxford Lane  
San Jose, CA 95117

Dear Mr. Sandau,

On March 17, 2013, you were appointed to the Unclassified Management position of Electric Division Manager - Generation. Within the appointment letter you were informed that this is an "at will" position serving at the discretion of the City Manager. You acknowledged and signed this appointment letter on March 7, 2013. Immediately prior to that appointment, you held the permanent classified position of Senior Electric Utility Generation Technician.

On March 22, 2018, you and John Roukema, Chief Electric Utility Officer, had a phone conversation regarding your return to work status following your personal leave. You were granted a personal unpaid leave from August 28, 2017, to May 29, 2018, to attend law school full time. Mr. Roukema informed you by letter and email that the Electric Department did not require a short term special project manager this coming summer. Since it is anticipated that you will be completing your third and final year of law school this coming 2018-19 academic year, he explained that the department needed to fill your at-will position. During your conversation, you asked if you were terminated, and Mr. Roukema replied yes. You then emailed me, Mr. Roukema and the City Manager confirming your understanding that you had been terminated.

The purpose of this letter is to ensure you're aware that there are two available options for you. First, pursuant to the City Charter, Section 1102, you may revert to your former position of Sr. Electric Utility Generation Technician without loss of any rights or privileges and upon the same terms and conditions as if you had remained in that position continuously. This would require that you return to that position on a full-time basis. The other available option is to separate from City service, and pursuant to Section 5, Job Security, of the Unit 9 MOU, you are entitled to severance pay in the approximate amount of \$45,819 (forty (40) hours salary per year of service) and any other leave accrual pay outs due at separation.

EXHIBIT "B"

1500 Warburton Avenue  
Santa Clara, CA 95050  
(408)-615-2080  
FAX (408) 985-0667  
[www.santaclaraca.gov](http://www.santaclaraca.gov)

Please let me know by June 1, 2018, which option you elect. If you have questions regarding this transition please feel free to contact me at [jhill@santaclaraca.gov](mailto:jhill@santaclaraca.gov) or (408) 615-2161.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Hill", with a large, stylized loop at the beginning.

Julia Hill  
Interim Director of Human Resources

cc: Personnel File  
John Roukema, Chief Electric Utility Officer

# **EXHIBIT C**

# ABDALAH LAW OFFICES

A PROFESSIONAL LAW CORPORATION

10455 TORRE AVENUE  
CUPERTINO, CALIFORNIA 95014  
TELEPHONE: (408) 252-5211  
FACSIMILE: (408) 996-2004  
WWW.ABDALAHLAW.COM

RICHARD K. ABDALAH, ESQ.  
EMAIL: RABDALAH@ABDALAHLAW.COM

EMPLOYMENT, REAL ESTATE, BUSINESS,  
CONSTRUCTION,  
TRANSACTIONS AND LITIGATION

June 1, 2018

Julia Hill  
Interim Director of Human Resources  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara CA, 95050

Re: Richard Sandau  
Wrongful Termination Settlement Offer

Dear Ms. Hill:

I am an attorney representing Richard Sandau in connection with his termination of employment from classified and unclassified employment, without cause, from the City of Santa Clara ("City") on May 22, 2018.

I reviewed your letter, dated May 24, 2018, in which you state there are two available options for Mr. Sandau. After reviewing the two aforementioned options in the context of the applicable Memorandums of Understanding ("MOUs"), the Charter of the City of Santa Clara ("City Charter"), the City of Santa Clara Civil Service Rules and Regulations, and other relevant information and documentation provided by Mr. Sandau, and in light of relevant law, I concluded that neither of the two options offered adequately redresses the injury caused to Mr. Sandau by the City of Santa Clara and its agents for his wrongful termination on May 22, 2018.

First, Mr. Sandau is entitled to Job Security Pay pursuant to Section 5 of the Unit 9 MOU, regardless of whether or not the City provides him with equitable redress

EXHIBIT "C"

through reinstatement into Unit 3 or, in the alternative, redress by payment of pecuniary damages.

Second, appointing Mr. Sandau to his former position of Senior Electric Utility Generation Technician without offering back pay, a flexible work schedule to allow him to complete law school, and reasonable measures to prevent retaliation by the City, is not sufficient to place Mr. Sandau in the position he was in prior to the wrongful termination.

Third, if the City is to provide Mr. Sandau with pecuniary damages as redress for the injury caused by the City, the damages must be sufficient to compensate Mr. Sandau for his actual losses suffered.

## I. SUMMARY OF FACTS

On February 24, 2016, Mr. Sandau tendered his resignation (14-day notice) as Generation Division Manager after Ann Hatcher, Assistant Director, who was not in Mr. Sandau's chain of command, exhibited bias toward a classified employee by reprimanding Mr. Sandau, an unclassified management employee, over an alleged procurement procedure violation without conducting a reasonable inquiry into the alleged violation.

On March 10, 2016, prior to Mr. Sandau's planned separation from City employment, Alan Kuratori, Chief Operations Officer, requested a meeting with Mr. Sandau to discuss Mr. Sandau's future with the City. On the same day, Mr. Sandau and Mr. Kuratori met to discuss Mr. Sandau's future. In the meeting Mr. Kuratori expressed concern regarding the Generation Division with Mr. Sandau's departure. Mr. Sandau and Mr. Kuratori then entered into a mutually beneficial agreement whereby Mr. Sandau promised continued employment with the City, and in return Mr. Kuratori promised to transfer Mr. Sandau to a different position within the City that would, *inter alia*, allow him the flexibility to attend law school on the condition that he was accepted.

On March 15, 2016, Mr. Sandau was transferred from the Generation Division to the Resources Division.

On March 24, 2016, Mr. Sandau was accepted into Santa Clara University Law School.

On May 31, 2016, an interoffice memorandum was sent to John Roukema notifying Mr. Roukema of Mr. Sandau's planned attendance to law school, the benefits that law school would provide to the City, and further requesting tuition reimbursement for the classes that would directly benefit the City. Approval was granted and Mr. Sandau began attending law school in the Fall of 2016.

Mr. Sandau and Mr. Roukema had several meetings regarding Mr. Sandau's attendance at law school. During these meetings, Mr. Sandau conveyed that he had sufficient time-off accruals combined with a reduced week schedule to complete the first year of law school. However, following that, Mr. Sandau stated that he would most likely require an unpaid leave of absence to continue to attend law school. Mr. Roukema stated that he was open to that, and both parties agreed to remain in communication regarding Mr. Sandau's continued enrollment in law school.

On August 25, 2017, Mr. Roukema and Mr. Sandau met regarding Mr. Sandau's Request for Personal Leave to attend law school from August 28, 2017 to May 29, 2018. Mr. Roukema stated to Mr. Sandau that his leave was approved, but that the department would determine if there was a need for a short-term project manager during the Summer of 2018. Mr. Sandau then asked whether his bumping rights into his former position remained in effect. Mr. Roukema stated that "all of your employment rights remain in effect" and that the language was not his idea, that Human Resources inserted it to allow a way for Mr. Sandau's leave to be extended should there not be enough short-term work for him during the Summer of 2018.

On May 10, 2018, Mr. Sandau spoke with his immediate supervisor, Steve Hance, about a law school project and, also, whether there were any issues regarding his return to work. Mr. Sandau also stated that his law school load was lighter in the last year and that he could make arrangements to come back to work full time if needed. Mr. Hance stated that he was glad that Mr. Sandau was returning to work and that the only thing he knew was that Ann Hatcher had asked, "Have you talked to Rich?" Mr. Hance replied, "Not lately." Ms. Hatcher then told Mr. Hance that, "John will contact him." Mr. Sandau exhibited concern to Mr. Hance and said that it didn't sound good. Mr. Hance replied, "Don't worry, I'm sure everything is fine." Mr. Hance advised Mr. Sandau to contact John Roukema. Mr. Sandau did not contact Mr. Roukema immediately because he did not think there was an issue with his return. He was just finishing his law school final exams and preparing to leave on vacation on May 18th.



On May 21, 2018, after not hearing from Mr. Roukema, Mr. Sandau left a voicemail on Mr. Roukema's cell phone inquiring about his return. On May 22, 2018, Mr. Roukema returned Mr. Sandau's call. The conversation went as follows:

Mr. Roukema: Did you get the letter we sent?

Mr. Sandau: No, I've been on vacation.

Mr. Roukema: Have you checked your work email?

Mr. Sandau: No, I don't have access.

Mr. Roukema: We'll, we've discussed it and there is no position for you to come back to. We talked about it and we've decided that, no matter what, we don't want you back.

Mr. Sandau: I had options . . . I could come back full time because my law school schedule is lighter in the last year. Plus I have bumping rights into my old position.

Mr. Roukema: This is best.

Mr. Sandau: So . . . am I fired, yes or no?

Mr. Roukema: Yes!

\*\*\*

Mr. Sandau acknowledged his termination via email.

## **II. LEGAL ANALYSIS**

### **A. Mr. Sandau Is Entitled to Job Security Pay Regardless of Whether the Remedy Is Reinstatement or Payment of Damages.**

As a member of Unit 9 prior to termination, Mr. Sandau is entitled to job security as a matter of contract. Section 5 of the Unit 9 MOU ("Job Security") states in pertinent part as follows:

"Represented members will be compensated . . . should they be terminated from employment for reasons other than cause . . ."

As the City has acknowledged, Mr. Sandau was terminated from his employment with the City "without cause". This contract only applies to Unit 9 members, and all of the requirements of the contract provision have been met. The City may have an argument that this section does not apply if Mr. Sandau is reinstated into Unit 9; however, that is not the case here. Mr. Sandau's offer from the City is reinstatement into Unit 3, which operates under a separate contract, with its own distinct terms and conditions.

The Job Security clause assigns a value to the employer's right to discharge "at will" based upon the employee's years of service. When an employer discharges an employee without cause, the employer has, in effect, purchased the right to discharge at will and, upon discharge, that amount immediately becomes due to the discharged employee. The purpose of this term is to provide some incentive for an employer not to arbitrarily and capriciously terminate an employee, such as in the case at hand.

### **B. Equitable Redress Requires that Mr. Sandau Be Placed Back In the Position He Held Prior To the Wrongful Termination.**

Placing Mr. Sandau back in the position he was in prior to the wrongful termination requires that he be provided with an unconditional offer of reinstatement to employment with the City and be compensated for any lost wages due to the wrongful termination.

By terminating Mr. Sandau's employment with the City without cause, Mr. Roukema has effectively eliminated Mr. Sandau's right to return to his former classified position with the City, as required by Section 1102 of the City Charter.

Because of this violation, Mr. Sandau was deprived of the due process afforded to other classified employees at the City. Furthermore, Mr. Sandau is unable to appeal because a hearing would be required to determine if the cause for termination was adequate. Here, there is no cause stated, thus, there is nothing to appeal.

The City has offered to reinstate Mr. Sandau to his Unit 3 position of Sr. Electric Utility Generation Technician on the condition that he return to full-time status. Prior to his wrongful termination, Mr. Sandau had an agreement with the City to allow him a flexible schedule and sufficient time off to attend law school. This agreement was made between Mr. Sandau and Mr. Kurotori. It was further ratified by Mr. Roukema when Mr. Sandau was transferred to the Resources Division, and later when his interoffice memorandum was approved to attend law school. Further evidence of the agreement is exhibited by the fact that Mr. Sandau has completed two years of law school with a flexible schedule during the first year and a leave of absence during the second year. Additionally, this agreement was made as a condition of employment, not as a condition of a position. In effect, the agreement provides that so long as Mr. Sandau is an employee of the City, the City will allow Mr. Sandau the schedule and sufficient time off to attend law school. Therefore, a reinstatement of employment to Unit 3 requires that the time-off agreement remain in effect. This was not offered to Mr. Sandau in the letter dated May 24, 2018.

By terminating his employment and only allowing him to return to a non-flexible schedule, Mr. Sandau is in effect being coerced into either giving up law school or resigning from the City. Mr. Sandau relied, to his own detriment, on the promise of a flexible work schedule and sufficient time off to complete law school. Justice requires that the City's promise be enforced. Because Mr. Sandau does not have a full law school schedule next year, he will be able to work a substantially greater number of hours than in the past. However, Mr. Sandau still requires a reasonable amount of time off for exams and to study for the bar exam.

An unconditional offer of reinstatement also includes back pay for when Mr. Sandau was scheduled to return to work. Mr. Sandau was scheduled to return from his leave of absence on May 29, 2018. But for the wrongful termination, Mr. Sandau would have returned to work in Unit 3.

One additional concern is whether equitable redress is even possible due to the concern of retaliation. When Mr. Roukema stated that "no matter what we do not want you back," it was implied that there was an ulterior motive for Mr. Sandau's termination, rather than the "operational and budgetary needs" stated in his letter of May 15, 2018.

An unconditional offer of reinstatement would include an explanation of what that phrase meant and assurance that Mr. Sandau would not be retaliated against by City management or employees.

In sum, an equitable offer of reinstatement of employment to Unit 3 should include: (1) adequate time off and a flexible schedule that will allow Mr. Sandau to return to law school; (2) back pay for missed time due to wrongful termination; and (3) an assurance that Mr. Sandau will not be retaliated against by City management or employees for returning to his former position.

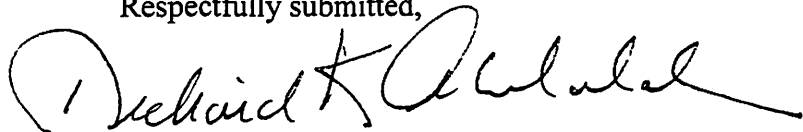
**C. If the City Offers Pecuniary Damages In Lieu of Equitable Redress, Then Damages Must Be Adequate to Compensate For Actual Losses.**

If the City does not wish to provide Mr. Sandau an unconditional offer of reinstatement to his Unit 3 position, then Mr. Sandau must be adequately compensated for his damages suffered due to wrongful termination. These damages are substantially greater than the \$45,000 offer submitted by the City.

**CONCLUSION**

Because neither option the City has provided adequately compensates Mr. Sandau for his losses suffered due to the wrongful termination, both offers are hereby rejected. If the City wishes to revise its offer then we expect a response by June 8, 2018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard K. Abdalah", with a stylized flourish at the end.

RICHARD K. ABDALAH  
Attorney for RICHARD SANDAU

RKA:dr  
cc: Richard Sandau

# **EXHIBIT D**



**City of  
Santa Clara**  
The Center of What's Possible

City Attorney's Office

June 13, 2018

Richard K. Abdalah, Esq.  
Abdalah Law Offices  
10455 Torre Avenue  
Cupertino, CA 95014

Re: Employee Richard Sandau

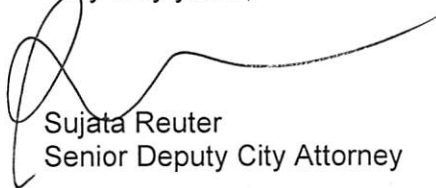
Dear Mr. Abdalah:

This letter responds to yours of June 1, 2018. The City disagrees with your conclusions that: 1. Mr. Sandau is entitled to both severance pay and bumping rights, 2. That Mr. Sandau would be entitled to back pay or other compensation in excess of severance pay, and 3. That in addition to continued employment, the City is required to provide Mr. Sandau with a flexible schedule. The options available to Mr. Sandau were properly set forth in the City's May 24, 2018, correspondence.

Your responsive letter unequivocally rejected the offer to bump back to the classified position. More than ten days have passed since the City's March 24 letter and your client has not requested an administrative appeal date; your client has, therefore, waived his right to a Board of Review hearing under Civil Service Rules and Regulations 7.3. Despite the professed waiver of severance pay, the City encloses herewith a check in the gross amount of \$46,426.10 representing severance pay of \$45,816.00 (forty hours of salary multiplied by thirteen years of service) and accruals of \$607.10, less applicable deductions, in accordance with the City's obligations under the Unit 9 MOU.

Thank you.

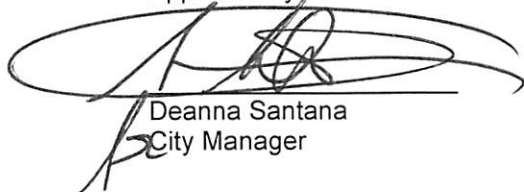
Very truly yours,



Sujata Reuter  
Senior Deputy City Attorney

SR:rk  
Enclosure

Approved by:



Deanna Santana  
City Manager

EXHIBIT "D"



## Agenda Report

18-942

Agenda Date: 7/9/2018

### REPORT TO CIVIL SERVICE COMMISSION

#### **SUBJECT**

Information regarding Salary Setting Commission, Charter Section 702

#### **BACKGROUND**

This is an informational report to the Commission regarding appointing the Salary Setting Commission.

#### **DISCUSSION**

In November of 2016, the City's electorate passed Measure O, which amended Charter Section 702. Measure O adjusted the monthly salaries of City Councilmembers and the Mayor, and provided that beginning on July 1, 2019 and every two years thereafter, the compensation of the Mayor and City Council shall be set by a newly formed, five-member Salary Setting Commission. The members of the Salary Setting Commission are to be appointed by the Civil Service Commission for four year terms, but initially two members would be appointed for two-year terms. The initial term commences January 1, 2019. The Salary Setting Commission would be required to establish the salary of the Mayor and Councilmembers by March 15 of every odd year, and the salaries may not exceed one hundred ten percent (110%) of the previous salaries.

Following the passage of Measure O, Council has taken action to include the setting of compensation for the elected City Clerk by the Salary Setting Commission and, at a future meeting, the Council may also consider including the compensation of the elected position of Chief of Police.

#### **Salary Setting Commission basics:**

- 5 members, appointed by Civil Service Commission
- Initial term will commence 1/1/19
  - 2 members - appointed for two-year terms
  - 3 members - appointed for four-year terms
  - All members appointed for four-year terms after initial term
- Prior to 3/15/19 and every odd year thereafter, the Commission shall establish the salary of the Mayor, Councilmembers, and City Clerk, effective the next July 1 for two years (ex: July 1, 2019 through June 30, 2021).

#### **Function of the Commission:**

The Salary Setting Commission is charged with setting compensation rates for the Mayor, City Councilmembers, and the City Clerk. Commissioners will need to be able to perform the following duties, with staff input, while serving on the Commission:

- Abide by all provisions of the California Ralph M. Brown Act, including remaining fair and impartial, and deliberating with other members of the Commission at public meetings only;

- Fully consider information presented to the Commission by staff and/or consultants;
- Review and consider compensation information from neighboring and statewide jurisdictions and Consumer Price Index (CPI) information, and any other data and information deemed appropriate in setting the compensations;
- Set the monthly salaries of the Mayor, City Councilmembers, and City Clerk.

**Key dates (subject to change):**

7/17/18	Presentation and discussion of process at Joint Council/Commission Dinner Meeting
9/17/18	Announcement of Commission and call for applicants at regular meeting of Civil Service Commission
TBD	Period for advertising Commission openings and accepting applications
11/19/18	Commission applicants interviewed and appointed by Civil Service Commission at last regularly set meeting) - special meeting on different date can also be scheduled, if necessary
1/1/19	Commission term commences
TBD	Meeting of Commission to study salaries, options
3/15/19	Last date to set salaries by Salary Setting Commission for July 1, 2019 - June 30, 2021

**Eligibility and Conflict of Interest**

Before serving on the Salary Setting Commission, any interested resident must meet eligibility requirements and, in order to avoid any potential or perceived conflict of interest, criteria may be set to limit those that are planning to run for office, are a registered lobbyist, have a relative on Council, and/or volunteer for, or make campaign contributions, to a candidate of elective office. The specific composition and eligibility requirements of the Salary Setting Commission will be set by the City Council in September.

As with all members of other boards and commissions, except for members of the Youth Commission, members must be qualified electors of the City. At the time of application, interested residents must also provide two forms of proof of residency (e.g., driver's license, passport, utility bill, etc.)

**Communication Outreach Plan**

There will be two different communication outreach plans as it relates to the Salary Setting Commission - one to inform the public of the roles and responsibilities of the Commission as it is created, pursuant to Measure O, and one to promote the vacancies and seek interested residents to serve.

The communications outreach plan will include the following:

- Development of a city webpage and posting news items, social media posts and the City Manager's Blog with direct links to the page for more information
- Development of a flyer to post at City facilities
- Email flyer and information to constituent database
- Email flyer and information to the Interest List maintained by the City Clerk's Office
- Post an advertisement on government access (Channel 15)
- Issue a press release to local media outlets



City staff is in the process of setting the schedule for alerting the public, educating the Civil Service Commission about the role of the Salary Setting Commission, finalizing appropriate deadlines, establishing a staff liaison to the Salary Setting Commission, and the presentation of information to the Salary Setting Commission regarding salaries, benchmarks, agencies, and other key factors in setting elected officials' salaries.

**FISCAL IMPACT**

It is important for the Salary Setting Commission to note that the City's current Ten-Year Financial Plan forecasts annual cumulative deficits between \$4 million to \$28 million over the next ten years. This means that ongoing expenditures are continuing to outpace ongoing revenue projections. However, by committing to fiscal discipline and addressing the annual deficits with cost reductions, alternative service delivery options, or increasing ongoing revenues it is anticipated that the City's fiscal condition will be able to stabilize.

**COORDINATION**

This report has been coordinated with the City Attorney's Office, Finance Department and the City Clerk's Office.

**PUBLIC CONTACT**

Public contact was made by posting the Civil Service Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

This agenda report is to provide the Civil Service Commission with information regarding the Salary Setting Commission, Charter Section 702.

Reviewed by: Vanessa Guerra, Human Resources Division Manager

Approved by: Julia Hill, Interim Director, Human Resources