

ORDINANCE NO. 12381 JUN 26 1978  
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 23.1205 [RULE XI, SECTION 5 OF THE RULES OF THE CIVIL SERVICE COMMISSION] RELATING TO APPEAL OF REMOVAL.

WHEREAS, in the opinion of the City Attorney, the wording of the present rule may be subject to more than one interpretation; and

WHEREAS, the proposed amendment clearly gives the Civil Service Commission, in restoring a discharged employee, the authority to order any intermediate degree of discipline the Commission deems appropriate; and

WHEREAS, pursuant to Section 118 of the City Charter, the Civil Service Commission submits to the City Council such amendments for consideration and adoption; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 3, Division 12, of the San Diego Municipal Code be and the same is hereby amended by amending Section 23.1205 [Rule XI, Section 5 of the Rules of the Civil Service Commission] to read as follows:

SEC. 23.1205 APPEAL OF REMOVAL  
[Rule XI, Section 5 of the Rules of  
the Civil Service Commission]

(Subsections (a), (b) and (c) remain the same).

(d) FINDINGS AND DECISIONS. The Commission shall report its findings and decisions to the appointing

MICROFILMED

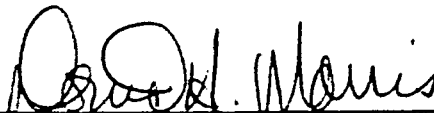
authority responsible for the removal. Thereupon, said appointing authority shall make such final disposition of the matter as may be determined by the Commission. The Commission may at its discretion:

1. Notwithstanding Section 6 below, order the restoration of the employee to the position without loss of pay or with any intermediate degree of discipline during the period between the filing of the charges and a date specified in the Commission's order.

(Subsections (2.) and (3.) remain the same).

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
David H. Morris  
Deputy City Attorney

DHM:rc:301  
3/23/78  
Or. Dept.: Personnel

JUN 26 1978

-2-  
MICROFILMED

12381

Passed and adopted by the Council of The City of San Diego on JUN 26 1978  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Goodhue, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 13 1978, and on JUN 26 1978

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Goodhue, Deputy.

JUN 26 1978  
 CITY CLERK'S OFFICE

Office of the City Clerk, San Diego, California	
Ordinance Number	<b>12381</b>
Adopted	<b>JUN 26 1978</b>

*fw*

SEC. 23.1205 APPEAL OF REMOVAL  
[Rule XI, Section 5 of the Rules of  
the Civil Service Commission]

(Subsections (a), (b) and (c) remain the same).

(d) FINDINGS AND DECISIONS. The Commission shall report its findings and decisions to the appointing authority responsible for the removal. Thereupon, said appointing authority shall make such final disposition of the matter as may be determined by the Commission. The Commission may at its discretion:

~~1. Order the restoration of the employee to the position without loss of pay, or with reduced pay during the period between the filing of the charges and the making of the order.~~

1. Notwithstanding Section 6 below, order the restoration of the employee to the position without loss of pay or with any intermediate degree of discipline during the period between the filing of the charges and a date specified in the Commission's order.

(Subsections (2.) and (3.) remain the same).

ATTORNEYS

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101  
Attn: Betty Goldberg

CERTIFICATE OF PUBLICATION

No. 12381

IN THE MATTER OF

APPEAL OF REMOVAL

**ORDINANCE NO. 12381**

*(New Section)*  
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 23.1205 (RULE XI SECTION 5 OF THE RULES OF THE CIVIL SERVICE COMMISSION) RELATING TO APPEAL OF REMOVAL.

WHEREAS, in the opinion of the City Attorney, the wording of the present rule may be subject to more than one interpretation; and

WHEREAS, the proposed amendment clearly gives the Civil Service Commission, in restoring a discharged employee, the authority to order any intermediate degree of discipline the Commission deems appropriate; and

WHEREAS, pursuant to Section 118 of the City Charter, the Civil Service Commission submits to the City Council such amendments for consideration and adoption; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 3, Division 12, of the San Diego Municipal Code be and the same is hereby amended by amending Section 23.1205 (Rule XI, Section 5 of the Rules of the Civil Service Commission) to read as follows:

**SEC. 23.1205 APPEAL OF REMOVAL.**

(Rule XI, Section 5 of the Rules of the Civil Service Commission) (Subsections (a), (b) and (c) remain the same).

**(d) FINDINGS AND DECISIONS.**

The Commission shall report its findings and decisions to the appointing authority responsible for the removal. Thereupon, said appointing authority shall make such final disposition of the matter as may be determined by the Commission. The Commission may, at its discretion:

1. Notwithstanding Section 6 below, order the restoration of the employee to the position without loss of pay or with any intermediate degree of discipline during the period between the filing of the charges and a date specified in the Commission's order.

I PATRICIA M. SPAULDING, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12381

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

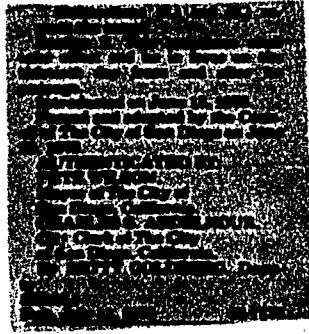
July 11, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 11th day of July, 1978

*Patricia M. Spaulding*  
(Signature)

MICROFILMED 12381



Page 2 of 2

12381

MICROFILMED