

NOV -2 1982

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9
10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN MATEO

12	SAN MATEO COUNTY FIRE FIGHTERS)	
	LOCAL 2400, INTERNATIONAL)	
13	ASSOCIATION OF FIRE FIGHTERS,)	Case No. 268890
	AFL-CIO, et al.,)	
14	Plaintiffs and Petitioners,)	DECLARATION OF
	vs.)	JOHN MOLINELLI JR.
15	CITY OF SAN MATEO, et al.,)	
	Defendants and Respondents.)	

17
18 I, JOHN MOLINELLI, JR., declare under penalty of
19 perjury as follows: 03738780

20 I took a civil service examination for a position as
21 firefighter-engineer with the City of San Mateo and received
22 written notification by letter dated November 24, 1981, from the
23 office of the Personnel Director, that I had qualified, would be
24 number four on the list, and that the list would be good for one
25 year. A true and correct copy of this November 24, 1981 letter is
26 attached hereto, identified as Exhibit C and incorporated therein

1 by reference.

2 On November 25, 1981, Assistant Fire Chief Barry Johnson
3 wrote to City Manager Richard DeLong requesting authorization to
4 hire me and that the nepotism policy be waived. On November 30,
5 1981 the City Manager notified the Assistant Fire Chief by letter
6 that his request was being denied. City Manager DeLong specifically
7 stated in his letter of denial that "Regardless of our testing
8 process, the hiring of a son of a current supervisor gives the
9 perception of favoritism." True and correct copies of the November
10 25, 1981 and November 30, 1981 letters are attached hereto,
11 identified as Exhibit H and Exhibit I , respectively, and
12 incorporated therein by reference.

13 I subsequently received a letter dated December 2, 1981
14 from Fire Chief Arthur Koron notifying me that despite the
15 department's recommendation that the nepotism rule not be applied
16 so as to deny me a position as firefighter-engineer, the
17 recommendation was denied by the City Manager and thus it would
18 not be possible to consider me for employment in the San Mateo
19 Fire Department at this time. A true and correct copy of this
20 December 2, 1981 letter is attached hereto, identified Exhibit J
21 and incorporated therein by reference.

22 Executed this 29th day of October, 1982, at San Francisco,
23 California.

24 
25 JOHN MOLINELLI, JR.

03738781

26 //

OFFICE OF THE PERSONNEL DIRECTOR

November 24, 1981



330 WEST TWENTIETH AVENUE
SAN MATEO CALIFORNIA 94403

TELEPHONE (415) 574-6705

John Molinelli
P.O. Box 232
Pioneer, CA 95669

Dear Applicant:

I am pleased to report that you have qualified on the recent open examination for Firefighter/Engineer.

Date of List: December 1, 1981 Place on List: #4; final score 88.50

This list is good with the City of San Mateo for one year.

As vacancies occur the appropriate number of names will be certified to the department for consideration. Please keep this office informed of address or telephone number changes. After three offers of employment, names will be automatically removed from the list. In the event that you do not want to be considered for any given period, you may request "inactive status".

The City is pleased to have you as a candidate, and should you have any questions, please do not hesitate to call.

Sincerely,

Shirley Andrews, Personnel
Personnel Analyst

SA:jm

03738782

INTER-OFFICE COMMUNICATION

CITY OF SAN MATEO

DATE: November 25, 1981
TO: Mr. Richard DeLong, City Manager
FROM: Barry Johnson, Assistant Fire Chief
RE: Authorization to Hire with Respect to City of San Mateo Nepotism Policy

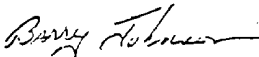
As per our telephone conversation, I am requesting a waiver of the nepotism policy of our city for applicant John S. Molinelli. He is the son of Captain Molinelli of our department, and he has placed third on the eligibility list for Firefighter/Engineer.

The applicant, John Molinelli, impressed the oral board with several qualifications that I believe would make him an outstanding firefighter, and he should not be discriminated against because he has a close relative within our department.

John is mature beyond his 25 years and appears to have the stability that comes from being married and raising a family. He demonstrated a sincere desire to enter the fire service and in becoming a firefighter. John has three years' experience in the Volcano Fire Volunteers, has built and maintained fire apparatus, and has participated in training and firefighting. He maintains a Class I, II, III, and IV driver's licenses, operates heavy equipment from tractor-trailers to D-8 earth movers, and is a journeyman diesel mechanic. John's background and mechanical ability were the deciding factors that placed him third on our list.

Other information to be considered in making your decision is that Captain Molinelli is presently 50 years old and is weighing the idea of retirement at age 53 when he would be eligible for a 72% retirement benefit and is definitely going to retire at age 55 upon reaching the maximum 75% benefit. This would allow for only a three to five-year period that a father-son relationship would exist in the Fire Department.

This candidate is a sincere, honest, and knowledgeable person whom I recommend for Firefighter/Engineer in the San Mateo Fire Department.


Barry Johnson
Assistant Fire Chief

BJ:ct
cc: Chief Koron

EXHIBIT H

03738783

INTER-OFFICE COMMUNICATION

CITY OF SAN MATEO

DATE: November 30, 1981
TO: Barry Johnson, Assistant Fire Chief
FROM: Richard B. DeLong, City Manager
RE: Nepotism

After due consideration I regret that I have to make what is a difficult and unpopular decision to deny your request to hire John Molinelli. I appreciate the mitigating circumstances you listed in your November 25 memo but these just aren't sufficient for me to create a precedent of allowing fathers and sons to work in the same department, particularly a department providing safety services.

While it is very well to say that these decisions should be made on an individual basis (and to a degree, they are); it is not realistic to create personalized differences consisting of the applicant's characteristics. Those mitigating circumstances which caused my denial of this request are as follows:

- a) We are not faced with a shortage of qualified applicants. In fact, we have over 100 on the current eligibility list.
- b) The father is in a supervisory position and is not scheduled for immediate retirement.
- c) The department is a public safety department.
- d) Potential scheduling and assignment problems could arise.

Please understand that our nepotism rules generally exist because the perception of corruption and favoritism are important. Regardless of our testing processes, the hiring of a son of a current supervisor gives the perception of favoritism. Once it is allowed, I would be unable to preclude it from happening during future hirings in this and other city departments. In short, there really has to be extenuating circumstances before I will create the precedent. I don't find them in this instance.


RICHARD B. DE LONG
CITY MANAGER

cc: Chief Koron

03738784

EXHIBIT I



OFFICE OF FIRE CHIEF
FIRE DEPARTMENT

120 SOUTH ELLSWORTH AVENUE
SAN MATEO CALIFORNIA 94401

TELEPHONE 415 574-6910

December 2, 1981

Mr. John S. Molinelli
P.O. Box 232
Pioneer, Ca. 95669

Dear John:

I regret to inform you that it is not possible to consider you for employment in the San Mateo Fire Department at this time. Our recommendation for special consideration under the nepotism rule of the City of San Mateo has been denied by the city manager.

Your name will retain its position on the eligibility list while it remains in effect, and each time our department goes into the hiring process, your circumstances will be reviewed.

Please do not hesitate to contact me by phone or in person if you have any questions regarding this matter.

Sincerely,


Arthur N. Koron
Fire Chief

ANK:ct

cc: Mr. DeLong, City Manager
Mr. Coppock, Personnel Director
Assistant Chief Johnson, Recruiting Coordinator

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EXHIBIT J

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and am not a party to the within entitled action. My business address is 182 Second Street, Fourth Floor, San Francisco, CA 94105.

On November 1, 1982, I served the within:

DECLARATION OF JOHN MOLINELLI JR.

on the following parties by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at San Francisco, California, addressed as follows:

Douglas Dang
City Attorney
City of San Mateo
330 West 20th Avenue
San Mateo, California

I declare under penalty of perjury that the foregoing is true and correct and was executed at San Francisco, California, this 1st day of November, 1982.


ELAINE BROOKS

03738786