

D.A. aide was paid for 4-month leave

District Attorney

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In an apparent violation of county law, an assistant Santa Cruz County district attorney was kept on the county payroll for more than four months after being put on administrative leave.

Although the county code, the collection of laws outlining governmental procedures, specifies that no employee can be put on administrative leave with pay for more than five days, District At-

torney Art Danner kept his assistant, Catherine Gardner, on that status from March 18 to July 21.

Gardner was fired last month by Danner, four months after she told him she had been forced by an abusive boyfriend to use illicit drugs.

Last week, the county civil service commission voted 3-2 not to reinstate Gardner, 42, who had been with Danner's office about nine years.

The county code also specifies that when a boss puts a worker

County code apparently prohibits Danner's action

on administrative leave, department heads must obtain the agreement of the county personnel director "within one working day of the beginning of any such required leave with pay."

Danner also failed to follow

that legal mandate, said Personnel Director Mary Lou Alexander.

Danner insisted Monday that he has the authority to keep an employee on administrative leave for as long as he wants, depending on the circumstances.

Danner put Gardner on leave after she came to him and said that her former boyfriend was demanding money from her and threatening to tell Danner that she had used illegal drugs. At that point, Danner said, he felt he had no choice but to put her on leave.

"I didn't feel I could let her appear in court knowing what I did," Danner said.

Gardner's timecards were submitted as usual for 8½ two-week pay periods with "Not Available"

in the space for employees' signatures on eight of the timecards, Alexander said.

On all but two of those cards, Gardner's supervisor, Chief Deputy District Attorney Jon Hopkins, signed his approval for paying Gardner for "regular pay." Although there is a method to mark the timecard for "Admin. Leave Taken," Gardner was approved for "regular pay" on the timecards signed by Hopkins in

See LEAVE, Page 2B

SJMN AUG 23, 1994

Assistant D.A. paid for 4 months' leave

■ LEAVE

from Page 1B

seven cases and, in two instances, by Dave Genochio, Danner's other chief deputy.

Hopkins — whose wife, Annette, is a candidate for the board of supervisors on the November ballot — said he signed the cards for regular pay because Danner told him to.

Gardner, whose salary was \$64,480 a year, was paid \$21,080 during the 17 weeks she did not work, Danner said.

While it will be up to the board of supervisors, Alexander said, to determine whether any action should be taken in the matter, signing another employee's timecards while that worker is on administrative leave could be viewed in some cases as timecard fraud.

Or, said Alexander, paying an employee a salary while she is not working could amount to an illegal gift of public funds.

Alexander said it also could be viewed as a settlement of a personnel matter — if an agreement between the county and a worker had been reached. No such agreement had been reached, she said.

Alexander said she had noti-

fied County Administrative Officer Susan Mauriello of Danner's failure to observe the county code. Mauriello was out of town and could not be reached for comment.

Danner said it was within his authority to keep an employee on administrative leave. The same goes, he said, for having that employee's timecard signed by one of his departmental managers.

"As an agent of the county," said Danner, "I put Ms. Gardner on administrative leave and kept her on that status while we tried to resolve her case. I have the authority to do that."

Danner said that when he put her on administrative leave in March he expected that Gardner would ask for a financial settlement of her dismissal. When the case was not resolved by July, he said, he fired her — an action she unsuccessfully appealed to the Civil Service Commission.

Gardner charged last week during the hearing that Danner had kept her leave quiet until after the June election, when he was re-elected district attorney. She said she believed Danner didn't want to jeopardize his re-election chances by firing a woman who was claiming she had been abused and intimidated by a man into breaking the law.

Danner said he kept it under wraps for other reasons.

"We tried to resolve this without termination of the employee," he said. "The credibility and integrity of the office was at stake as well as possible damage to her professional reputation. I felt this was the best way to proceed."

Danner said that like Alexander and Mauriello, he will also take the matter to supervisors. He wanted to meet with board members in a closed personnel session today. Board Vice Chairman Fred Keeley, who noted that Chairman Gary Patton was out of town and would not attend today's meeting, said late Monday he had not received any official request to take up the matter at a closed session today.