

# Civil Service Commission

1055 MONTEREY STREET, SUITE D-250 ♦ SAN LUIS OBISPO, CALIFORNIA 93408 ♦ 805.781.5959

**San Luis Obispo County Civil Service Commission  
Regular Session Meeting  
Wednesday, February 25, 2015 @ 9:00 A.M.  
1055 Monterey Street, Suite D-271 San Luis Obispo, CA**



## AGENDA

MEMBERS OF THE COMMISSION  
President Wayne Caruthers  
Vice President Betsy Nash, SPHR  
Robert Bergman  
William Tappan  
Erwin Ohanessian

1. **Call to Order / Flag Salute / Roll Call**
2. **Public Comment Period**  
Members of the public wishing to address the Civil Service Commission on matters other than those scheduled below may do so when recognized by the President. Presentations are limited to three minutes per individual.
3. **Minutes**  
The following draft minutes are submitted for approval:
  - a. January 28, 2015
4. **Specifications – New**
  - a. Division Manager – Water Resources
5. **Specifications - Revised**
  - a. Correctional Technician
  - b. Mental Health Program Supervisor
6. **Reports**
  - a. Commission President
  - b. Commission Counsel
  - c. Commission Secretary
7. **Closed Session (per Government Code Section 54956.9) Conference with Legal Counsel-Existing Litigation: Sanchez vs. Civil Service Commission**

# Civil Service Commission

The San Luis Obispo County Civil Service Commission  
Regular Session Meeting  
Wednesday, January 28, 2015, @ 9:00 A.M.  
1055 Monterey Street, Suite D-271, San Luis Obispo, CA



MEMBERS OF THE COMMISSION  
Wayne Caruthers, President  
Betsey Nash, SPHR, Vice President  
Robert Bergman  
William Tappan  
Erwin Ohannesian

## MINUTES

**Present:** President Caruthers, Vice President Nash, Commissioner Robert Bergman, Commissioner William Tappan, Commissioner Ohannesian

**Staff:** Commission Secretary Tami Douglas Schatz, Commission Clerk Heather Carey Gunderlock

**Counsel:** Commission Counsel Tim McNulty, Outside Counsel Steve Simas

### 1. Call to Order/ Flag Salute/ Roll Call

Vice President Caruthers called the meeting to order at 9:00 A.M. and led the flag salute.

### 2. Election of Officers

Commission Counsel, Tim McNulty suggested that a Commissioner make a motion to elect the next CSC President. Commissioner Bergman nominated Vice President Caruthers; Commissioner Tappan seconded. Motion passed 5-0-0. President Caruthers made a motion to nominate Commissioner Nash as Vice President; Commissioner Tappan seconded the motion. Motion carried 5-0-0.

### 3. Public Comment Period

President Caruthers asked for Public Comment. Being none, he closed the Public Comment period.

### 4. Minutes

December 17, 2014

President Caruthers asked for corrections or revisions to the December minutes. Being none, Vice President Nash made a motion that they be approved as written. Motion passed 5-0-0.

### 5. Specifications – Revised

#### a. Social Worker I-II-III-IV

Personnel Analyst Melissa Beebe addressed the Commission and presented the specification revision. She explained the reason for the Minimum Qualification revision is to make the minimum qualifications less restrictive since the 2012 revision and to broaden opportunities for candidates who have are qualified by their experience in the private sector rather than in a public agency. Ms. Beebe referred to the chart (Pages 5A-3 and 4) which illustrated clear direction regarding career paths within the series. She stated that the intent is not to “water down” the qualifications but to make the specifications more specific, inclusive and to provide the Department with a greater pool of qualified candidates.

# Civil Service Commission

Ms. Duke indicated candidates had been excluded who should have been included in the process.

Commissioner Bergman asked if DSS had considered combining the III and IV classes. Mr. Collins stated they had not because the IV level is the "absolute expert" whereas there is still opportunity for a III level employee to learn and grow.

Commissioner Caruthers asked if HR had the data regarding exactly how many excluded or if the evidence is of a more anecdotal nature. Ms. Duke responded the latter. She indicated HR has noticed a growing number of candidates who should have qualified but did not due to the limited minimum qualifications. President Caruthers asked if a Master's degree relieves candidates of only one year of experience; Ms. Beebe responded in the affirmative. President Caruthers asked for public comment related to the specification revision. Ms. Theresa Schultz, SLOCEA, stated that they had no opposition at this time. President Caruthers asked for a motion to approve the revised specification series. Vice President Nash made the motion; Commissioner Tappan seconded. The motion passed 5-0-0. Mr. Lee Collins, Department Head, DSS thanked Ms. Beebe and complimented her for her hard work on the specification series.

## 6. Civil Service Annual Report

Personnel Analyst Mark McKibben presented the report. He introduced Katie Maloney, Departmental Automation Specialist, contributed to the draft report. Commissioners offered suggestions which HR will incorporate and subsequently submit to the Board of Supervisors.

## 7. Reports

- a. Commission President:
- b. Commission Counsel:
- c. Commission Secretary:

No report.

No report.

Ms. Douglas Schatz reminded the Commission of the pending termination appeal. The Commission will meet on February 18, 19 and March 12, 2015.

## 8. Commission Hearing Training

Mr. Simas, Commission Counsel conducted a PowerPoint presentation which will be posted to the HR website. Handout attached (Attachment A).

## 9. Adjournment:

President Chapman adjourned the meeting at 11:58 a.m.

*\* Note: These minutes reflect official action of the Civil Service Commission. A digital record exists and will remain as the official, complete record of all proceedings by the Civil Service Commission.*

Introduction to Appeals, Process, and Hearings



San Luis Obispo County  
Civil Service Commission

January 28, 2015

Topic Overview

- The Purpose of Civil Service
- Brief History of the Commission
- Jurisdiction of the Commission
- Administrative Hearings
- Anatomy of a Disciplinary Action
- Commission Decisions
- Judicial Review

Steven L. Simas



- **Outside Counsel to Commission (May 2012)**
  - Advise Commission regarding hearing process
  - Represent Commission at hearings
- **Experience**
  - Simas & Associates, Ltd. –2002 to present
  - Deputy Attorney General, Office of the Attorney General
  - Legal Counsel, Public Employment Relations Board
  - Chief Consultant, California State Assembly, Committee on Labor and Employment

The Purpose of Civil Service

To abolish the spoils system...

Purpose of the Program

- To familiarize attendees with the history, purpose, process, and procedures of the San Luis Obispo County Civil Service Commission ("Commission").

The Purpose of Civil Service



CIVIL SERVICE REFORM

If you want good watch dogs, you must pay a good price for them, and keep them well.

**A HUNGRY DOG WILL STEAL**

If you find any honest, capable, and faithful to your interests, don't turn them out to starve when they are too old to work.

**THE PRESENT SYSTEM WILL ONLY PRODUCE CURS.**

Harpers Weekly, April 22, 1876

## The Purpose of Civil Service

- **Purpose of a civil service system:**
  - To avoid or eliminate political patronage (spoils system)
  - To promote the "merit principle" and create a merit-based system based upon:
    - Examinations
    - Job-related qualifications
    - Classifications of positions
    - Career-focused tenure

(See e.g., Government Code section 18500)

## The Purpose of Civil Service (cont.)

- **1949--*Almassy v. L.A. County Civil Service System*, 34 Cal.2d 387**
  - A probation officer in LA County challenged the validity of two promotional exams, both of which he failed. This was an early test of the authority of county civil service commissions (note that the date is 1949, the year the Enabling Law came into effect).
  - The officer lost the case, and the court cited *Allen v. McKinley*.

## The Purpose of Civil Service (cont.)

- **Early California Supreme Court cases-**
  - **1941-- *Allen v. McKinley*, 18 Cal.2d 697**
    - Eighteen SF tax employees challenged an open-exam for a new position, because the SF County Charter stated that "when practicable," current employees should be promoted, rather than new employees hired through an open-exam system.

## The Purpose of Civil Service (cont.)

- **The *Almassy* court held that:**
  - Unquestionably, the ascertainment of fitness and merit for office is the primary objective of the civil service system;
  - A competent procedure for promotion is an essential part thereof;
  - That the *Allen* court was correct that the purpose of the civil service system is:
    - "to abolish the so-called spoils system" in the matter of appointment in the service;
    - "to increase the efficiency" of employees therein "by assuring [them] of continuance in office regardless of what party may then be in power"; and
    - to increase the opportunity "for promotion to higher positions when vacancies occur [as] the reward of faithful and honest" work.

## The Purpose of Civil Service (cont.)

- **The *Allen* court held that:**
  - This provision embodies one of the fundamental concepts of a sound civil service system;
  - All authorities agree that promotions are an essential part of a sound civil service system;
  - The purpose of civil service is twofold--to abolish the so-called spoils system, and to increase the efficiency of the service by assuring the employees of continuance in office regardless of what party may then be in power; and
  - Efficiency is secured by the knowledge on the part of the employee that promotion to higher positions when vacancies occur will be the reward of faithful and honest service. (*Allen v. McKinley, supra*, 18 Cal.2d at 705).

## The Purpose of Civil Service (cont.)

- **Section Recap:**
  - The purpose of civil service is:
    - To eliminate the spoils system
    - To establish a merit-based system
    - To encourage promotion from within
    - To encourage longevity of careers
    - To match those with the skills with the job that needs them

## Brief History of the Commission

Established 1949



## Brief History of the Commission (cont.)

- Make investigations concerning the enforcement and effect thereof and of the rules and efficiency of the service.
- Make an annual report to the Board of Supervisors.

(SLO Co. Ord., sec. 2.40.070).

## Brief History of the Commission

- **1947—County Civil Service Enabling Law**
  - Government Code sections 31100 -31117
  - Authorized Board of Supervisors to adopt a civil service system (Section 31104)
  - Required approval of voters (Section 31105)
  - Required appointment of Commission (Section 31110)
  - Authorized Commission to issue subpoenas, and administer oaths to witnesses before the Commission
  - Provided for election/appointment of Commissioners

## Brief History of the Commission (cont.)

- Duties of the Personnel Director (Human Resources Director):
  - Administer the civil service system "under general supervision of the commission."
  - Administer the civil service system pursuant to rules adopted by the Commission.
  - Provide a secretary to the Commission (to be approved by the Commission.)
  - Prepare a budget for the Commission
  - Advise the Commission upon civil service matters
  - Maintain records of the Commission

SLO Co.Ord. sec. 2.40.70(b).

## Brief History of the Commission (cont.)

- **1949—Voters approved Civil Service Commission Ordinance creating Commission**
- **SLO County Ordinance 2.40.10 – 2.40.150 established the Commission**
- **Commission duties include:**
  - Prescribe, amend, repeal and enforce rules for the classified service, which shall have the force and effect of law.
  - Keep minutes of its proceedings and records of its examinations.

## Brief History of the Commission (cont.)

- **The Commission is required to provide rules for:**
  - Classification of all positions.
  - Open examinations.
  - Creation of eligible lists from competitive examination.
  - For appointment of 1-10 persons standing highest on list.
  - For noncompetitive examinations for minor positions when competition is not practical.
  - For noncompetitive examination eligible lists.
  - For appointments from both competitive and noncompetitive lists.
  - For public advertisement of examinations. For rejection of candidates who fail to comply with Commission requirements, or otherwise have issues regarding qualifications.

## Brief History of the Commission (cont.)

- For probationary periods.
- For provisional appointment of persons when no eligible list exists.
- For temporary appointments to nonpermanent positions.
- For transfer from one position to another.
- For reinstatement of permanent employees to their positions under certain circumstances.
- For promotions.
- For performance review and reporting.
- For grievance and complaint resolution.
- For adoption and amendment of rules after public notice and hearing.

(SLO Co.Ord. sec. 2.40.80).

## Jurisdiction of the Commission (cont.)

### ▀ Types of cases before Commission (Rule 4):

- Grievances
  - *A grievance is a dispute between one or more classified employees and the County involving the interpretation, application or enforcement of a County ordinance, rule, policy, practice or agreement (Rule 4.03(a)).*
- Appeals
  - *An appeal is a request for a review of an action taken by either the Human Resources Director or the Appointing Authority as set forth in Rule 4.04(b) [Types of appeals].*

## Jurisdiction of the Commission

Responsibilities and Types of Cases Heard



## Jurisdiction of the Commission (cont.)

### ▀ Grievances and Appeals-General Conditions (Rule 4.02)

- Right of Grievant or Appellant to participate, including to be present, and prepare for proceedings
- Right to representation of "any employee or group of employees"
- Right to be free from retaliation for participating in grievances and appeals

## Jurisdiction of the Commission (cont.)

### ▀ Responsibilities of the Commission:

- **Civil Service Commission Rule 3.01:**
  - Prescribe, amend, repeal and enforce Civil Service Rules
  - Oversee administration of the County Civil Service Program
  - Consider legitimacy of grievances and hear appeals and grievances
  - Conduct disciplinary hearings

## Jurisdiction of the Commission (cont.)

### ▀ Scope of Grievances:

- Not everything is "grievable"
- The scope of grievance is "limited...to complaints of unfair or improper treatment in County employment and to matters specifically involving the interpretation or applications of ordinances, rules, policies, practices and agreements." (Rule 4.03(b)).

### Jurisdiction of the Commission (cont.)

- What is specifically not grievable (Rule 4.03(b)(1)-(3)):
  - Matters which require the amendment or change to the Board of Supervisor's Policies, including:
    - County Code and Resolutions of the Board of Supervisors
    - Commission Rules
    - Matters within the Employee Relations Policy formally adopted by the Board of Supervisors
    - Any action where there is already an appeal procedure to the Commission
    - Workers compensation matters

### Jurisdiction of the Commission (cont.)

- Brief Overview (Three Steps) of Grievance Process (Rule 4.03(c)):
  - Step 2 – Human Resources Director**
    - Within 10 business days of service of Step 1 response, the Grievant may request Step 2 review by written notice to the Human Resources Director
    - Within 15 business days of service of Step 2 Notification, the Human Resources Director shall convene a meeting of the Grievant, Appointing Authority or designee, and any other necessary persons; shall document the meeting's outcome; and shall provide a copy to the parties
    - If grievance not resolved, proceed to Step 3.

### Jurisdiction of the Commission (cont.)

**Grievance Form (available online)**

Must include the following information:

**Nature of Grievance** – including specific facts and events that are the basis of the grievance.

**Violation or Infraction** – including the specific Civil Service Rule(s), Board of Supervisors regulation(s) or other law(s) you believe have not been followed.

**Relief requested** – list the specific remedy or solution you are seeking in order to solve this grievance.

**COUNTY OF SAN LUIS OBISPO  
GRIEVANCE FORM**

Approved by Board of County Commissioners, 1987. Revised 11/11/14. See 4.03(b)(1)-(3) of the Civil Service Rules.

Date \_\_\_\_\_ Year and Classification Title \_\_\_\_\_  
 Name \_\_\_\_\_ Of Examination Title \_\_\_\_\_  
 Address \_\_\_\_\_ Department \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_ District \_\_\_\_\_  
 Telephone (PST) \_\_\_\_\_ Representative (if applicable) \_\_\_\_\_

This form is required to be completed to state a grievance to the Civil Service Commission in accordance with Rule 4.03 of the CIVIL SERVICE RULES.

The grievance respondent herein is invited to participate in the resolution of the grievance by attending a meeting with the grievant and the Commission.

Review Civil Service Rule 4.03(b)(2)(B) to ensure the form is filed within the time limits set forth in the Rules. If you have questions about the procedure, contact the Personnel Office for information. **DO NOT** contact members of the Civil Service Commission or Board of Supervisors prior to the date that your matter is scheduled for hearing.

Review the completed form in its entirety within 15 business days of the date that your matter is scheduled for hearing.  
 County Government Center, 1007 Monterey St., Ste. 320-330, San Luis Obispo, CA 93401

**Instructions:** In the following spaces, continuing on the reverse side of this form, you are required to provide the following information. If necessary, continue on additional sheets of paper.

- Nature of Grievance:** List the specific facts and events that are the basis of the grievance.
- Violation or Infraction:** List the specific Civil Service Rules, Board of Supervisors regulation(s) or other laws you believe have not been followed.
- Relief requested:** List the specific remedy or solution you are seeking in order to solve this grievance.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Jurisdiction of the Commission (cont.)

- Brief Overview (Three Steps) of Grievance Process (Rule 4.03(c)):
  - Step 3 – Human Resources Director Routing Decision**
    - Within 10 business days of service of the Step 2 response, the Grievant or may request Step 3 review by written notice to the Human Resources Director
    - Within 15 business days of service of Step 3 Notification, the Human Resources Director shall notify the parties of his or her routing decision and notify the parties of pre-hearing date and hearing date before the Civil Service Commission or the Board of Supervisors
    - A Grievant may appeal the Human Resources Director's routing decision to the Commission president within five days and the President's decision is final

### Jurisdiction of the Commission (cont.)

- Brief Overview (Three Steps) of Grievance Process (Rule 4.03(c)):
  - Step 1 – Appointing Authority**
    - Grievant files Grievance Form with Human Resources Director within:
      - 20 business days following event that led to dispute;
      - or within 20 business days after it is determined that the dispute cannot be resolved informally.
    - Appointing Authority investigates, confers with Grievant to resolve, prepares written reply, and serves on HR Director and Grievant
    - If grievance not resolved, proceed to Step 2

### Jurisdiction of the Commission (cont.)

- Final Grievance Issues (Rule 4.03(e) and (f))
  - Rejection of Grievance**
    - The Human Resources Director may reject a grievance for processing "due to insufficiency of information" required by Rule 4.03
  - Failure to Respond**
    - Should a Grievant fail to proceed with the next step of the grievance process, the grievance will be deemed withdrawn.
    - Should an Appointing Authority or the Human Resources Director fail to proceed, the grievance will be unresolved and the Grievant will proceed to the next level.

### Jurisdiction of the Commission (cont.)

- Types of Appeals to Commission (Rule 4.04):
  - Grievance routing decision** – the decision of the Human Resources Director regarding where to send the Step 3 Grievance
  - Classification action** – appeal of the decision of the Human Resources Director regarding the placement of a position into a classification (either party may appeal)
  - Applicant disqualification** – appeal of the decision of the Human Resources Director regarding the disqualification of an applicant for employment (applicant may appeal to Commission)
  - Examination administration** – appeal of the decision of the Human Resources Director following an investigation of an alleged exam administration error, impropriety, or ambiguity in the exam process (exam candidate may appeal)

### Jurisdiction of the Commission (cont.)

#### Commission Appeal Form

**Must include:**

- Appealable matter
- Specific facts
- Rule, regulation or law not followed
- Relief requested

**COUNTY OF SAN LUIS OBISPO  
APPEAL FORM**

Personnel Department & County Employment Council, 8000 Marconi Ave., Ste. 200, San Luis Obispo, CA 93426-1000, 781-7600

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Telephone (805) \_\_\_\_\_

This form is required to be completed to state an appeal to the Civil Service Commission in accordance with Rule 4.04 of the Civil Service Regulations. It must be filed with the Commission.

(1) A classification action made by the Personnel Director, referred to in Rule 4.04.  
 (2) A ruling by the Personnel Director, referred to in Rule 4.04.  
 (3) A ruling by the Personnel Director, referred to in Rule 4.04.  
 (4) A ruling by the Personnel Director, referred to in Rule 4.04.  
 (5) A ruling by the Personnel Director, referred to in Rule 4.04.  
 (6) A ruling by the Personnel Director, referred to in Rule 4.04.  
 (7) A ruling by the Personnel Director, referred to in Rule 4.04.

Review Civil Service Rule 4.04 (2)(B)(3) to ensure this form is filed within the time limits set forth in the Rules. If you have questions about the procedure, contact the Personnel Office for information. 800-800-7600. Contact members of the Civil Service Commission or Board of Supervisors prior to the date that your matter is scheduled for hearing.

When the Commission meets to hear an appeal, the appellant must appear in person or by a representative of their choice. The appellant must appear in person or by a representative of their choice. The appellant must appear in person or by a representative of their choice.

Instructions: In the following space, continuing on the reverse side of this form, you are required to provide the following information. If necessary, complete on additional sheets of paper.

- State of appeal:** List the specific facts and events that led to the basis of this appeal.
- Rule or regulation:** List the specific rule, regulation, or law that you believe was violated or which should be enforced but was not.
- Relief requested:** List the specific relief or action you are seeking to be taken or to be denied by the Commission. Please check appropriate boxes.

### Jurisdiction of the Commission (cont.)

- Types of Appeals to Commission (cont.):
  - Medical or physical standards disqualification** – appeal of the decision of the Human Resources Director regarding the disqualification of an applicant for employment for failure to meet medical or physical standards (applicant may appeal to Commission)
  - Eligible list rejection** – appeal of the decision of the Human Resources Director to withhold, remove, or restore a person to or from an eligible list (candidate or employee can appeal)
  - Below satisfactory evaluations** – appeal of the issuance of a performance evaluation with an overall rating of less than Satisfactory (employee can appeal)
  - Disciplinary actions** – appeal of a Letter of Reprimand or final written order made by an Appointing Authority imposing discipline on an employee (employee can appeal)

### Jurisdiction of the Commission (cont.)

- Fiscal Year 2010 – 2011
- Grievances and Appeals by Type

Type	Count
Unfair/Improper Treatment	3
Rule & Medical	2
Evaluation	2
Discipline (termination)	2
Discipline (non-termination)	2
Classification	2
Other	2

(Source: Commission Annual Report FY 2010/2011)

### Jurisdiction of the Commission (cont.)

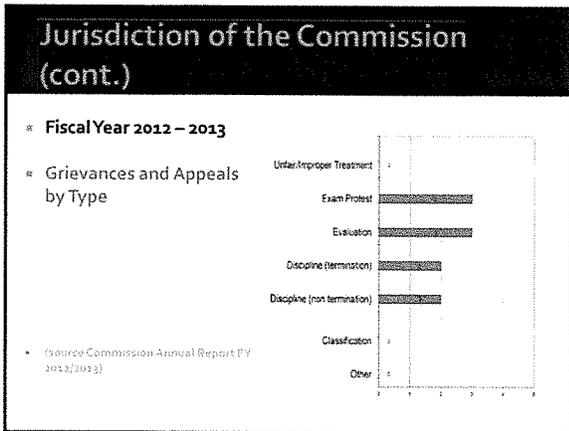
- Types of Appeals to Commission (cont.):
  - Grievance rejection** – appeal of the Human Resources Director's rejection of a grievance for insufficient information (employee can appeal)
  - Discriminatory probation rejection** – appeal of the decision of an Appointing Authority to reject an employee during his or her probationary period (appeal based upon discrimination per Rule 16.02) (employee can appeal)
  - Discriminatory treatment** – an allegation of discriminatory treatment as defined in Rule 16.02 (employee or applicant can appeal)

### Jurisdiction of the Commission (cont.)

- Fiscal Year 2010 – 2011
- Appeals and Grievances

Rejected by Human Resources (Timeliness, non-appealable or non-grievable issues)	3
Resolved prior to Commission (withdrawn, dismissed, resolved per agreement)	6
Pending	5
Findings and Decisions	3
<b>Total Grievances and Appeals filed</b>	<b>17</b>

(Source: Commission Annual Report FY 2010/2011)



### Administrative Hearings (cont.)

To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it. *It is a purpose of the ancient institution of property to protect those claims upon which people rely in their daily lives, reliance that must not be arbitrarily undermined. It is a purpose of the constitutional right to a hearing to provide an opportunity for a person to vindicate those claims.*

*Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194, 207; emphasis added.

### Jurisdiction of the Commission (cont.)

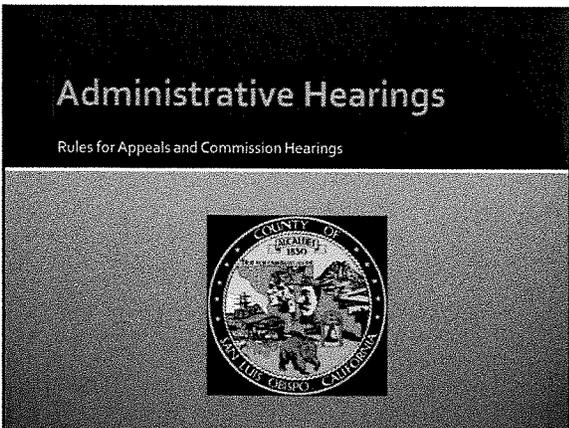
» Fiscal Year 2012-13 Grievances/Appeals by County Department

Department/Agency	Grievances and appeals
Assessor	1
General Services	1
Health Agency	4
Planning and Building	1
Probation	1
Social Services	2
<b>TOTAL</b>	<b>10</b>

(NOTE: HR facilitated resolution of 3)

(source: Commission Annual Report FY 2012/2013)

- ### Administrative Hearings (cont.)
- » Sources of rules for Commission hearings
- » Commission Procedural Guidelines, Section VI – prehearing rules and procedures before hearing and submission of evidence
  - » Rule 4.05 – Hearings of the Commission – rules for producing evidence and presenting at hearing
  - » Rules of Administrative Law and Procedure
  - » Case Law and other persuasive authority



- ### Administrative Hearings (cont.)
- » Post Appeal/Prehearing Matters
- » Prehearing Meeting (Comm. Proc. Guid., Sec. VI, A, 1) – parties meet with Commission Secretary to do the following:
    - Stipulations:
      - Enter stipulations regarding legal issues not in dispute
      - Enter stipulations regarding legal issues the Commission is to resolve
      - Enter stipulations regarding facts that are not in dispute
      - Enter stipulations regarding factual issues the Commission is to resolve

## Administrative Hearings (cont.)

- Documentary evidence ("discovery"):
  - Parties must make every effort to submit to Commission Secretary 7 business days before hearing
  - Must be legible and able to be reproduced
  - Must provide original and 8 copies if colored text
  - Must redact confidential information
  - Commission Secretary will number and provide hearing packets to Commission no later than 5 business days before hearing and pre-mark exhibits:
    - Appellant's Exhibits marked as "A"
    - Respondent's Exhibits marked as "B"
    - Joint Exhibits marked as "J"
    - Commission Exhibits marked as "C"

## Administrative Hearings (cont.)

- Commission Hearings
  - President presides over hearing (Comm. Proc. Guid., Sec. VI, B)
  - Party with initial burden of proof begins presentation of case
    - Direct examination
    - Cross examination
    - Examination by Commissioners
  - Party without initial burden of proof presents case
    - Direct examination
    - Cross examination
    - Examination by Commissioners
  - Rebuttal witness *if good cause shown*
  - Summations

(See Comm. Proc. Guid., Sec. VI, B)

## Administrative Hearings (cont.)

- Witnesses
  - Commission Secretary may assist upon request of a party anticipating difficulty in obtaining a witness who is an officer or employee of the County:
    - The Secretary shall contact the officer or employee and apprise the officer or employee in lieu of issuing a subpoena, the Secretary is requesting the officer or employee's attendance at the hearing for the purpose of providing testimony to the Commission. In the event that the Secretary is unable to secure the attendance of a witness informally, if the party does not desire to utilize the services of the Secretary, or if the proposed witness is not a County officer or employee, the party may have the witness subpoenaed in accordance with Rule 4.07(f).

## Administrative Hearings (cont.)

- Rule 4.05 – The Commission Hearing
  - Notice of Hearing – parties are to work with Human Resources Director to select mutually agreeable dates
    - If no agreement, the Commission will set a date
    - Hearing can be continued upon good cause showing to Human Resources Director
  - Failure of a grievant or appellant to appear without good cause shall be deemed a withdrawal of his or her grievance/appeal and consent to the prior ruling or action (Rule 4.05(c)).

## Administrative Hearings (cont.)

- Subpoenas
  - Commission has legal authority to issue subpoenas for witnesses and production of documents (*subpoena duces tecum*) (Ord. 2.41.010(c) and (d)).
  - Party requesting subpoena shall:
    - Obtain and complete subpoena form from Human Resources Director and Instructions for Service
    - Pay fees for SLO County Sheriff to serve subpoena
  - Limit of 10 subpoenas unless:
    - Requesting party can show good cause for more
    - Testimony of witnesses will not be cumulative

## Administrative Hearings (cont.)

- Rights of parties at hearing:
  - Be represented by legal counsel or otherwise represented at such hearings and;
  - Testify under oath and;
  - Question under oath any witnesses or other persons involved in or related to the matter being considered and;
  - Impeach any witnesses before the Commission and;
  - Present such affidavits, exhibits, and other evidence as the Commission deems relevant to the inquiry; and
  - Argue his/her own case and
  - Receive a copy of recordings or transcripts of statements made during investigations and which were relied upon in taking the action, pursuant to Skelly v. State Personnel Board.

## Administrative Hearings (cont.)

- **Rule 4.05 –The Commission Hearing**
  - Rules of Evidence for Commission Hearings (Rule 4.05(d))
    - Informal rules –not conducted by formal rules evidence such as in court
    - Relevant evidence shall be admitted regardless of existence of any law that would render it inadmissible
    - Hearsay evidence may be admitted for any purpose but if a party timely objects, it cannot support a finding of the Commission
    - Privileges apply as in a civil action
    - Rules of official or judicial notice are same as in a civil action
    - Commission may *exclude evidence* that is irrelevant or repetitious
    - Oral evidence must be under oath or affirmation

## Anatomy of a Disciplinary Action

- **Grounds for Disciplinary Actions (Rule 14.02)**
  - Similar to Government Code section 19572 (State Personnel Board)
  - 16 different grounds
  - Grounds are usually defined by law
    - Pleading incorrect grounds will likely result in dismissal of charges (or inability to prove elements)
    - Appointing authority must prove the elements of its cause of action by "preponderance of evidence" (Rule 4.05(h))

## Anatomy of a Disciplinary Action

Causes, Defenses and Penalties



## Anatomy of a Disciplinary Action

- **Preponderance of the Evidence:** As the California Supreme Court held in *Skelly v. Superior Court* (1975) 15 Cal.3d 194, 204, fn. 19:
  - At such hearing, the appointing power has the burden of proving by a preponderance of the evidence the acts or omissions of the employee upon which the charges are based and of establishing that these acts constitute cause for discipline under the relevant statutes. ..The employee may try to avoid the consequences of his actions by showing that he was justified in engaging in the conduct upon which the charges are based.

## Anatomy of a Disciplinary Action

- **Types of Disciplinary Actions (Rule 14.01)**
  - Types:
    - Demotions
    - Suspensions
    - Dismissals
    - Reduction in compensation
  - Employees who have attained Permanent Status (passed probation)
    - Must "consult with" HR Director and County Counsel prior to imposing final discipline

## Anatomy of a Disciplinary Action

- **Definitions of Causes for Discipline—**
  - Importance of knowing definition of cause for discipline to be charged
  - Appointing authority must prove elements
  - The lesson of "Intemperance"
    - Government Code section 19572(h) under State Civil Service Act –"intemperance" is grounds for discipline

## Anatomy of a Disciplinary Action

### ▪ QUIZ: What is intemperance?

- *Losing one's temper in front of others?*
- *Lack of restraint?*
- *Habitual intoxication or drunkenness?*
- *Angry outburst at your supervisor?*



## Anatomy of a Disciplinary Action

### ▪ State Personnel Board concluded:

- Although intemperance has never been defined in the Civil Service Act or Government Code, conduct identified as habitual intemperance was cited as a ground for divorce as early as 1870, [Act of March 12, 1870, ch. CLXXXVIII, 1870 Cal. Laws], and defined in 1872.
- The legislature defined "habitual intemperance" as: that degree of intemperance from the use of intoxicating liquor, which disqualifies the person a great portion of the time from properly attending to business, or which would reasonably inflict a course of great mental anguish upon an innocent party. [Civil Code § 106 (repealed 1969)].

## Anatomy of a Disciplinary Action

### ▪ State Personnel Board defined this term finally in 1995:

- Intemperance has been listed as a cause for discipline since the first State Civil Service Act was enacted in 1913. [Civil Service Act, Ch. 590, June 16, 1913.]
- SPB Precedential Decision, *Sharp-Johnson*, 95-14 addressed this issue

## Anatomy of a Disciplinary Action

- Thus, as early as 1872, intemperance was defined in the law as conduct arising out of the use of intoxicating liquor. Consequently, we think it only reasonable that when the legislature specified intemperance as a cause for discipline in 1913, the legislature meant intemperance due to the use of alcohol rather than any excessive behavior or lack of restraint. (*Sharp-Johnson*, SPB Precedential Decision 95-15).

## Anatomy of a Disciplinary Action

### ▪ State Personnel Board held:

- When appellants Sharp and Johnson engaged in a series of childish and disruptive confrontations in DMV's mass mailing department, the ALJ erred in finding that "appellants' conduct demonstrated a lack of restraint which he found to constitute intemperance."
- The Board rejected the ALJ's Proposed Decision in part to examine whether "intemperance" as used in Government Code § 19572, subdivision (h), could be construed to include all excessive behavior or whether "intemperance" as used in the statute refers solely to conduct arising out of the use of alcohol.

## Anatomy of a Disciplinary Action

### ▪ Definitions of Commission Rule 14.02 Causes for discipline:

- Any reason specified in Rule 6.03 regarding disqualification of applicants for employment and removal from eligible list
- (b) **Incompetence** -- Defined as the "Absence of qualifications, ability or fitness" to perform duties (*Pollack v. Kinder* (1978) 85 Cal.App.3d 833, 839).

## Anatomy of a Disciplinary Action

- **Other examples of incompetence:**
  - "Incompetency is generally found when an employee fails to perform his or her duties adequately within an acceptable range of performance." (*Fortunato Jose* (1993) SPB Dec. No. 93-34 at p.3)
  - Incompetence is generally more than one incident/error, but a "pattern" of lack of ability/performance. (*MD* (1995) SBP Dec. No. 95-10)
  - Repeated failure by police officer to meet incident reporting standards IS incompetence (*MS* (1994) SPB Dec. No. 94-19)
  - NOT incompetence when drunk employee (off-duty) crashes car in agency parking lot and damages sign, because NOT on duty and NOT related to work performance (*Rey* (1999) SPB Dec. No. 99-10).

## Anatomy of a Disciplinary Action

- **Definitions of Commission Rule 14.02 Causes for discipline:**
  - (d) **Inexcusable neglect of duty** — "The intentional or grossly negligent failure to exercise due diligence in the performance of a *known* official duty." (*UN*, SPB Dec. No. 93-10)

## Anatomy of a Disciplinary Action

- **Definitions of Commission Rule 14.02 Causes for discipline:**
  - (c) **Inefficiency** — A charge of inefficiency is most often appropriate "*when an employee continuously fails to achieve a set level of productivity or fails to produce an intended result with a minimum of waste expense or unnecessary effort.*" (*RB*, (1993) SPB Dec. No. 93-21)

## Anatomy of a Disciplinary Action

- **Other examples of inexcusable neglect of duty**
  - Employees committed inexcusable neglect of duty when:
    - State Police officer drove fast through intersection, while failing to turn on lights/siren (*DM* (1995) SPB Dec. No. 95-10)
    - CHP committed inexcusable neglect of duty when he visited civilian during work hours, did not document and failed to notify dispatch of his whereabouts (*KS* (1998) SPB Dec. No. 98-05)
    - Correctional officer neglected duty when she failed to follow protocol and unnecessarily disciplined an inmate in front of other inmates, thus causing unnecessary commotion and disturbance (*WE* (1999) SPB Dec. No. 99-09).

## Anatomy of a Disciplinary Action

- **Other examples of inefficiency**
  - CHP officer did NOT commit "inefficiency," when he used state car and time to inappropriately visit civilian several times. (*SK* (1995) SPB Dec. No. 98-05).
  - NOT inefficiency when employee has unexcused absences (*Carver* (1996) SBP Dec. No. 96-18).
  - Repeated failure to meet incident reporting standards is inefficiency (*MS* (1994) SPB Dec. No. 94-19).

## Anatomy of a Disciplinary Action

- **Employees must be aware of known duty:**
  - Staff analyst violated "chain of command" policy by sending out work-related concerns to outside agency/personnel (*Betz* (1996) SPB Dec. No. 96-10) [no evidence employee "knew" of this policy]
  - Bridge engineer used state computers and phone for personal business and committed "inexcusable neglect" since employee knew of duty to only use state equipment for official purposes (*Crovitz* (1996) SPB Dec. No. 96-19)

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## Anatomy of a Disciplinary Action

### ▀ Definitions of Commission Rule 14.02 Causes for discipline:

- (e) Insubordination – “In summary, to support a charge of insubordination, an employer must show mutinous, disrespectful or contumacious conduct by an employee, under circumstances where the employee has intentionally and willfully refused to obey an order a supervisor is entitled to give and entitled to have obeyed. A single act may be sufficient to constitute insubordination if it meets the above test.” Richard Stanton (1995) SPB Dec. No. 95-02 citing *Coomes v. State Personnel Board* (1963) 215 Cal.App.2d 770

## Anatomy of a Disciplinary Action

### ▀ Examples of dishonesty:

- Falsifying incident report, lying to investigators is “dishonesty” (*Aguilar* (2009) SPB Decision 09-01)
- Hiding towels and lying to security guard is “dishonesty” even when employee was “off-shift” (*Nguyen* (1999) SPB Dec. No. 99-01)
- Employee was not dishonest when he subjectively believed he could answer “no” to a pre-employment question asking whether he had been fired from any previous position (on advice from legal counsel, and reasonable subjective belief) (*Toby* (2001) SPB Dec. No. 01-04)

## Anatomy of a Disciplinary Action

### ▀ Examples of insubordination:

- Employee failed to submit to a sobriety test when ordered to do so (*Flowers v. State Personnel Board* (1985) 174 Cal.App.3d 755)
- Correctional officer found to be insubordinate for one incident of refusing to work her scheduled hours (*Martin v. State Personnel Board*, 132 Cal.App.3d 460)
- CHP officer found to be insubordinate for refusing to cooperate during an administrative investigation (*Fout v. State Personnel Board* (1982) 136 Cal.App.3d 817)
- Insubordination found when state employee purposely communicated confidential information after he was specifically ordered not to release the information (*Black v. State Personnel Board* (1955) 136 Cal.App.2d 904)

## Anatomy of a Disciplinary Action

### ▀ Definitions of Commission Rule 14.02 Causes for discipline:

- (g) Inexcusable absence without leave – when the employee is absent from work or a work related assignment or permission (*Frances Gonzales* (1993) SPB Dec. No. 93-13, pp. 3-4; *Haji Jameel* (2005) SPB Dec. No. 05-02, p. 16).

## Anatomy of a Disciplinary Action

### ▀ Definitions of Commission Rule 14.02 Causes for discipline:

- (f) Dishonesty – “intentional misrepresentation of known facts, willful omission of pertinent facts, or a disposition to lie, cheat or defraud.” (*Marc Shelton* (1994) SPB Dec. No. 94-19)

## Anatomy of a Disciplinary Action

### ▀ Sustaining charge of “inexcusable absence without leave” –

- In *Frances P. Gonzalez*, (1993) SPB Dec. No. 93-13, the Board sustained this charge for an otherwise good employee who had back problems. The Board held:
  - An employee’s failure to meet the employer’s legitimate expectation regarding attendance results in an inherent harm to the public service. The tardiness of one employee, if tolerated, adversely affects the morale of those who meet their obligations. The nature and extent of the particular harm in the instant case was established through the testimony of appellant’s supervisor, Douglas Hoffman. Thus, the harm to the public service resulting from appellant’s excessive tardiness is clear (*Gonzalez*, (1993) SPB Dec. No. 93-13, p. 4).

### Anatomy of a Disciplinary Action

▪ **Definitions of Commission Rule 14.02 Causes for discipline:**

- (h) Discourteous treatment of the public or other employees – can be threatening comments, rude and condescending comments, and even abruptly leaving a meeting (*Bill Balvanz* (1996) SPB Dec. No. 96-16).

### Anatomy of a Disciplinary Action

▪ **Definitions of Commission Rule 14.02 Causes for discipline:**

- (j) Willful disobedience – For an employee to commit willful disobedience, he or she must violate a specific order or command (*Peters v. Mitchell* (1963) 222 Cal.App.2d 852, 862). In addition, there must be an intent to violate the order or command (*Coomes v. State Personnel Board* (1963) 215 Cal.App.2d 770, 775).

### Anatomy of a Disciplinary Action

▪ **Examples of discourteous treatment of the public or other employees:**

- Correctional officer committed "discourtesy," when she called a fellow employer a "rat snitch," ignored orders from a superior, and then she belittled an inmate in front of others. (*WE* (1999) SPB Dec. No. 99-09).
- Discourteous treatment sustained when off-duty correctional officer struck wife because peace officers are held to high-standard to uphold law at all times (*JH* (2003) SPB Dec. No. 03-05)

### Anatomy of a Disciplinary Action

▪ **Difference between "insubordination" (Rule 14.02(e) and "willful disobedience" (Rule 14.02(j)):**

- The court in *Coomes v. State Personnel Board* highlighted the difference between insubordination and willful disobedience, which are often confused with each other:
  - So far as they are distinguishable, dictionary definitions indicate that disobedience connotes a specific violation of command or prohibition, while insubordination implies a *general course of mutinous, disrespectful or contumacious conduct*. In the statute, the term "disobedience" is modified by the adjective "willful," but the ground of insubordination is without a modifying adjective. Still, the latter term carries a volitional coloration which excludes the notion of accidental or even negligent conduct. (*Coomes*, (1963) 215 Cal.App. 2d 770, 775).

### Anatomy of a Disciplinary Action

▪ **Definitions of Commission Rule 14.02 Causes for discipline:**

- (i) Improper political activity – No State Personnel Board cases on this – when an employee kept placing political literature in a waiting room of his state office he committed "improper political activity" (*Gipner v. State Civil Service Commission of California* (1936) 13 Cal.App.2d 100
- See *Conduct unbecoming of an employee in public service*

### Anatomy of a Disciplinary Action

▪ **Examples of "willful disobedience" :**

- Theft of paper towels (state property) by employee from State Printing Plant when department issued a memo about theft of property and employee knew the rules and the memo is "willful disobedience" (*Nguyen* (1999) SPB Dec. No. 99-01). NOTE however that this employee was found NOT to be insubordinate.
- Refusal to provide doctor's note is not "willful disobedience" (*Carver* (1996) SPB Dec. No. 96-18)
- Use of state computers and phone for personal business is "willful disobedience" when employee was explicitly told not to do so (*Crovitz* (1996) SPBN Dec. No. 96-19)

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## Anatomy of a Disciplinary Action

- » **Definitions of Commission Rule 14.02 Causes for discipline:**
  - » (k) Misuse of County Property – Theft or intentional misuse of state property, for non-state purpose, and usually (but not always) for personal gain (*Robert Boobar* (1993) SPB Dec. No. 93-21).
  - » Note however that "personal gain" is NOT a required element

## Anatomy of a Disciplinary Action

- » **Examples of Misuse of County [state] Property –**
  - » *Ernest Dale Switzer* (1992) SPB Dec. No. 92-14, we found that a fire apparatus engineer had misused state property when he used state time and a state vehicle to facilitate a private business arrangement between an inmate he supervised and another party who did not work for the state.

## Anatomy of a Disciplinary Action

- » **Examples of Misuse of County Property –**
  - » When a CHP officer lost his radio extender, he should have been charged perhaps with inexcusable neglect of duty, but not misuse of state property. (*Robert Boobar* (1993) SPB Dec. No. 93-21).
  - » "Misuse of state property" may also connote improper or incorrect use, or mistreatment or abuse of state property. (*id.*)

## Anatomy of a Disciplinary Action

- » **Examples of Misuse of County [state] Property –**
  - » CHP Officer firing gun at fleeing suspect – (*WM* (1994) SPB Dec. No. 94-26). The Board held:
    - » *Generally speaking, misuse of state property does not occur when an employee uses state property for the purpose for which it was intended even if there is some other element of error attached to the use. For example, if a state worker used the state telephone to conduct personal business during state time, a department might file charges under the Government Code § 19572, subdivision (p) misuse of state property because the worker was not using the telephone for the purpose it was intended – state business. If, however, the same state worker, used the telephone to communicate with another employee about a work assignment but, in the course of the conversation, made abusive comments, the worker might be found to have been discourteous, but he would not have misused the telephone...*

## Anatomy of a Disciplinary Action

- » **Examples of Misuse of County [state] Property –**
  - » In *Flowers v. State Personnel Board* (1985) 174 Cal. App. 3d 753, the Court of Appeal affirmed the dismissal of a correctional officer who had been charged with misuse of state property based on evidence that he removed a public address system from the facility in which he worked, telling another correctional officer that the system belonged to him.
  - » In *Wilson v. State Personnel Board*, (1974) 39 Cal. App. 3d 218, the court noted that the appellant, a fish and game warden, had misused state property when he used his patrol vehicle for personal business.

## Anatomy of a Disciplinary Action

- » **Definitions of Commission Rule 14.02 Causes for discipline:**
  - » (l) Violations of County or departmental rules or policies – similar to willful disobedience. Must be a known policy or rule.

## Anatomy of a Disciplinary Action

- **Definitions of Commission Rule 14.02 Causes for discipline:**
  - (m) Conduct unbecoming an employee in the public service – a failure of behavior or conduct that is connected to and reflects poorly upon the public service.
  - Requires harm to or impairment of the public service.
  - Sort of a “catch all provision”
  - SPB calls it “other failure of good behavior” (Gov. Code § 19572(t))

## Anatomy of a Disciplinary Action

- **Definitions of Commission Rule 14.02 Causes for discipline:**
  - 2011 Additions
    - (n) Negligence
    - (o) Unauthorized release of confidential information from official records
    - (p) Overall unsatisfactory performance evaluation as defined in Rule 13.04
      - Unsatisfactory ratings are cause for discipline (Rule 13.04(b))
      - Failure to improve unsatisfactory ratings is cause for discipline (Rule 13.04(b)).

## Anatomy of a Disciplinary Action

- **Best defined by Court of Appeal in *Yancey v. State Personnel Board* (1985) 167 Cal.App.3d 478:**
  - There must be more than a failure of good behavior before the Board may discipline an employee [for conduct unbecoming]. The misconduct must be of such a nature as to reflect upon the employee's job. In other words, the “misconduct must bear some rational relationship to his employment and must be of such character that it can easily result in the impairment or disruption of the public service. [Citations.] The legislative purpose behind [this section] was to discipline conduct which can be detrimental to state service. [Citations.] It is apparent that the Legislature was concerned with punishing behavior which had potentially destructive consequences.” [Citations.] The Legislature did not intend “... to endow the employing agency with the power to dismiss any employee whose personal, private conduct incurred its disapproval.” [Citations] (*Yancey, supra*, 167 Cal.App.3d at 483).

## The Commission's Decision

The Process of Rendering a Decision



## Anatomy of a Disciplinary Action

- **Examples of conduct unbecoming an employee in the public service:**
  - The conduct of an instructor at a correctional facility who was convicted for an off-duty DUI has sufficient “nexus” to the job position to warrant discipline. (*Lori Ann Mills* (1993) SPB Decision No. 93-36).
  - CHP Sergeant's “personal visits to a woman while on duty constituted a failure of good behavior, which bears a rational relationship to his employment and is of such a character that it can easily result in the impairment or disruption of the public service.” (*SK* (1998) SPB Dec. No. 98-05).
  - State police officer in uniform, in state car, while failing to turn on siren/lights, sped through intersection. Discipline sustained as there was sufficient nexus, and poor reflection on job/department (*MB*, (1995) SPB Dec. No. 95-10).

## The Commission's Decision

- **Hearing Alternative: Submission of Written Argument**
  - Rule 4.05(g) provides that if the facts of a grievance or appeal are not in dispute, the parties may agree to submit the matter on written argument
  - The Commission retains discretion to set the matter for hearing
- **Written Hearing Briefs**
  - Either party may submit a written hearing brief containing the “law applicable to the facts”

### The Commission's Decision

- **Recording of Hearing**
  - Rule 4.05(j) provides that the hearing shall be recorded "via auditory recording" and a copy shall be made available to the parties
  - A party may request stenographer if the requesting party pays the costs
- **Findings and Decision of Commission**
  - After the close of the hearing, Commission adjourns to closed session to "deliberate and issue written evidentiary findings and a decision"
  - In an appeal hearing, the Commission shall "affirm, revoke, or modify the order action or ruling."
  - In a grievance hearing, the Commission will rule on the dispute
- **Distribution**
  - The Decision shall be served promptly upon the Grievant/Appellant, the Appointing Authority, and other interested persons

### Judicial Review of the Commission's Decision

- **Common Grounds for Petition for Writ of Administrative Mandate:**
  - Commission proceeded without jurisdiction
  - Commission proceeded in excess of its jurisdiction
  - Petitioner did not receive a fair trial
  - Commission abused its discretion in a prejudicial manner
  - Commission failed to proceed by law
  - Commission's findings are not supported by the evidence in the record
  - The findings do not support the decision

### Judicial Review of the Commission's Decision

Petition for Writ of Administrative Mandate



### Judicial Review of the Commission's Decision

- Court's review of Commission decision is based upon **"substantial evidence test"**:
  - It is well-established that an employer's right to discipline or manage its employees ... is not a fundamental vested right entitling the employer to have a trial court exercise its independent judgment on the evidence. [Citations.] (*Los Angeles County Dept. of Parks & Recreation v. Civil Service Com.* (1992) 8 Cal.App.4th 273, 279) *Therefore, the trial court was required to utilize the substantial evidence test in reviewing the commission's decision.* (*County of Los Angeles v. Civil Service Com.* (1995) 39 Cal. App. 4th 620, 633).

### Judicial Review of the Commission's Decision

- **Commission Decisions are reviewable in court**
  - Rule 4.05(i)(3) provides :
    - In those cases where a party to the hearing is entitled to a judicial review of the Commission's findings and decisions, the petition to the reviewing court shall be in accordance with the then existing law governing the reviewing court.
- **Petition for Writ of Administrative Mandate (Code of Civil Procedure section 1094.5)**
  - Superior court reviews Commission Decision
  - Limited to review of administrative record

### Judicial Review of the Commission's Decision

- **Substantial evidence is defined as:**
  - Relevant evidence that a reasonable mind might accept as adequate to support a conclusion (*California Youth Authority v. State Personnel Bd.* (2002) 204 CA4th 575, 128 CR2d 514; *Desmond v. County of Contra Costa* (1993) 21 CA4th 330)
  - "Evidence of ponderable legal significance... reasonable in nature, credible, and of solid value." (*Young v. Gannon* (2002) 97 CA4th 209, 225; *Newman v. State Personnel Bd.* (1992) 10 CA4th 41, 47)

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### Judicial Review of the Commission's Decision

▣ Remedies available from trial court:

- ▣ Deny petition and uphold Commission Decision
- ▣ Grant petition and:
  - ▣ Set aside decision
  - ▣ Remand to Commission for further proceedings

### Judicial Review of the Commission's Decision

▣ Court cannot assess penalty:

- ▣ Court cannot set or "fix" a penalty, but must remand back to the agency
- ▣ Courts will not interfere with penalty of Commission unless a very apparent abuse of discretion took place (See *Landau v Superior Court* (2000) 81 CA4th 191, 218, (quoting from *Maxwell v Civil Serv. Comm'n* (1915) 169 Cal 336)
- ▣ A test often used by the courts to determine if there has been an abuse of discretion is whether reasonable minds could differ as to the propriety of the penalty. If reasonable minds could differ, the agency's penalty determination will be upheld. (*Landau v Superior Court* (2000) 81 CA4th 191; *Lake v Civil Serv. Comm'n* (1975) 47 Cal.App.3d 224, 228)

THANK YOU!



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# Human Resources Department

## SAN LUIS OBISPO COUNTY

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TO: Civil Service Commission

DATE: February 25, 2015

FROM: Jamie Azarvand, Personnel Analyst

SUBJECT: New Class Specification: Division Manager – Water Resources

### **RECOMMENDATION:**

It is recommended that the Commission approve the new Division Manager – Water Resources classification specification as proposed.

### **DISCUSSION:**

At the request of the Public Works Department, the Human Resources Department is proposing a new classification of Division Manager – Water Resources. This classification will oversee a new Water Resources Division in Public Works.

The Utilities Division is tasked with operating existing water, wastewater, and flood control facilities across the County. Additionally, the Utilities Division performs work related to water resource management and planning with existing staff. Over the past few years, the Utilities Division has seen an incremental increase in work related to water resource management and planning. Recent water resource planning efforts include: Integrated Regional Water Management (IRWM) Plan, regional drought relief grant program and projects, Paso Robles Groundwater Basin management and outreach, and resource planning for alternative supplies. The Utilities Division has had to redirect staffing resources to keep pace with the demand for these services and work products. With the recent passage of the Sustainable Groundwater Management Act in 2014, long term water resource management needs will continue to increase.

Management of existing utilities systems and the planning and monitoring of long range water issues has proven to be a challenge with the existing organizational structure and management resources. Therefore, due to extensive water resource planning demands placed on the Department, there is a need for creation of a new division dedicated to this purpose.

The new organizational structure will provide for a Utilities Division which is focused on operational performance, capital outlay, and budget control actions, similar to a private utility company. The Water Resources Division will play a broader role focusing on regional and sub-regional needs for long range water resource planning, management and development. This revised structure will allow the Department to manage both existing and anticipated water resource management responsibilities.

The level of responsibility and minimum qualifications for the Division Manager – Water Resources classification are consistent with the responsibilities and requirements of other Division Managers within the Public Works Department. The Water Resources Division Manager is differentiated from the Utilities Division Manager in that it will focus on the assessment and long range planning aspects of water resources across the full range of community needs. In comparison, the existing Utilities Division Manager is focused

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on the ongoing operation of water, wastewater, and flood control infrastructure. The Utilities Division manager supervises Utilities Division staff and interacts on a regular basis with upper management, the Board of Supervisors, and the public on issues related to budgets, reliability, and service. The Water Resources Division manager will have similar responsibilities however will be focused on groundwater management, sub-regional and regional water planning efforts, statewide issues such as climate change and sea level rise, and long term issues such as large scale water recycling and desalination.

Your Commissions' approval of this new classification will support the department's implementation of their new organizational structure. The Administrative Office, Human Resources and Public Works all support the new classification as proposed.

Attachments:

Division Manager – Water Resources Class Specification

Current and Proposed Public Works Organizational Charts – Water Resources Division

1 **HUMAN RESOURCES DEPARTMENT**  
2 **San Luis Obispo County**

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5  
6 **DIVISION MANAGER – WATER RESOURCES**  
7

8 **DEFINITION:**

9 Under general direction, plans, organizes and directs the activities of the Water Resources  
10 Division. Provides oversight and management for development and updates of the Master  
11 Water Plan, the Integrated Regional Water Management Plan, groundwater management plans  
12 for various basins, flood control policies and management plans; acquisition and analysis of  
13 hydrologic data; coordination of local and state water resources; engagement of water resource  
14 stakeholders; establishment of partnerships and agreements in developing and making water  
15 resources available; does other related work as required.  
16

17 **REPRESENTATIVE DUTIES:**

18 (Not in order of importance)

- 19
- 20 • Plans, organizes and directs the operations and activities of the Water Resources  
21 Division; oversees the development and implementation of goals, objectives, policies  
22 and priorities for the Water Resources Division on behalf of the Department.  
23
  - 24 • Supervises and evaluates the performance of assigned staff; interviews and selects  
25 employees and recommends appointments, transfers, reassignment, and disciplinary  
26 actions; establishes work schedules, assigns employee duties and reviews work to  
27 ensure accuracy, completeness and compliance with established standards,  
28 requirements and procedures; guides and assists staff in identifying and solving complex  
29 technical problems; assures a safe and harassment free work environment at each of  
30 the regular and periodic job sites of the Division.  
31
  - 32 • Develops and maintains state and locally mandated water resource management plans  
33 and documents.; makes recommendations and manages the planning of water resource

34 development efforts; manages and implements agreements for water resources in direct  
35 control of the County and in partnership with other water resource agencies.

36

37 • Interacts with the public, the Board of Supervisors, other County agencies, State and  
38 Federal regulatory agencies, and the news media; represents the Public Works  
39 Department and the County at public meetings; interfaces with political and technical  
40 advisory committees; provides resource analysis and recommendations with partnering  
41 agencies, State agencies and other water resource stakeholders.

42

43 • Supervises and manages the Division budget, ensuring that expenditures do not exceed  
44 the authorized budget.

45

46 • Supervises the preparation of requests for proposals and contracts.

47

48 • Assures proper implementation of programs, timely compliance with applicable legal  
49 requirements, and the efficient operation of the Division.

50

51 • Supervises the Division's overall work plans for each reporting unit.

52

53 **EMPLOYMENT STANDARDS:**

54 **Knowledge of:**

55

56 • Principles and practices of effective administration, supervision and training

57

58 • Principles of governmental budget preparation and financial controls

59

60 • Groundwater basin management objectives and regulations

61

62 • Long term water supply needs assessments and strategic planning

63

64 • Basic public relations techniques

65

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- 66 • Principles of public speaking and communication techniques
- 67
- 68 • Effective techniques of written and oral communication
- 69
- 70 • State, federal, and local water rights, water management statutes and reporting
- 71 procedures
- 72
- 73 • Principles and practices of water management agreements and implementation
- 74 strategies
- 75
- 76 • Basic principles of hydrologic and hydraulic modeling
- 77

78 **Ability to:**

- 79
- 80 • Interact in a professional manner and deal effectively with the public, the Board of
- 81 Supervisors, other governmental and regulatory agencies, contractors and formal advisory
- 82 committees
- 83
- 84 • Collect, interpret and evaluate complex budgetary, statistical and accounting data
- 85
- 86 • Prepare reports and communicate clearly and concisely, both orally and in writing
- 87
- 88 • Establish and implement goals, objectives, procedures, priorities
- 89
- 90 • Identify needs and develop a cost-effective plan to meet those needs
- 91
- 92 • Make investigations and studies of work programs
- 93
- 94 • Solve technical, personnel and budgetary problems
- 95

96 **EDUCATION AND EXPERIENCE:**

P:\2\_HR\_Services\Classification\Specs\ANALYST WORKING DOCUMENTS\D-F\Division Manager  
- Water Resources\Div Mgr Water Resources - Final CSC packet\Div Mgr - Water  
Resources\_FINAL.docx

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97 Graduation from an accredited four-year college or university with a Bachelor's Degree in Civil  
98 Engineering, Water Resources Management or closely related field. (Job related professional  
99 level civil engineering experience or professional level water resources management experience  
100 may be substituted for the required education on a year-for-year basis.) In addition, possession  
101 of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of  
102 Registration and four years of increasingly responsible experience as a registered Civil Engineer,  
103 at least two years of which were in a supervisory position.

104

105 **LICENSES AND CERTIFICATES:**

106 A valid driver's license is required at the time of application. A valid CALIFORNIA Class "C"  
107 driver's license is required at the time of appointment and must be maintained throughout  
108 employment.

109

110 Must possess a valid Certificate of Registration as a Civil Engineer issued by the California State  
111 Board of Registration, which must be maintained throughout employment.

112

113 **OTHER CONDITIONS OF EMPLOYMENT:**

114 Must be able to attend evening meetings, work long and often irregular hours as required, and  
115 occasionally work off hours operating emergency situations.

116

117 This class specification generally describes the duties and responsibilities characteristic of the  
118 position(s) within this class. The duties of a particular position within a multi-position class  
119 may vary from the duties of other positions within the class. Accordingly, the essential  
120 functions of a particular position (whether it be a multi-position class or a single-position class)  
121 will be identified and used by medical examiners and hiring authorities in the selection process.  
122 If you have any questions regarding the duties or the working conditions of the position, please  
123 contact the Human Resources Department at 805.781.5959.

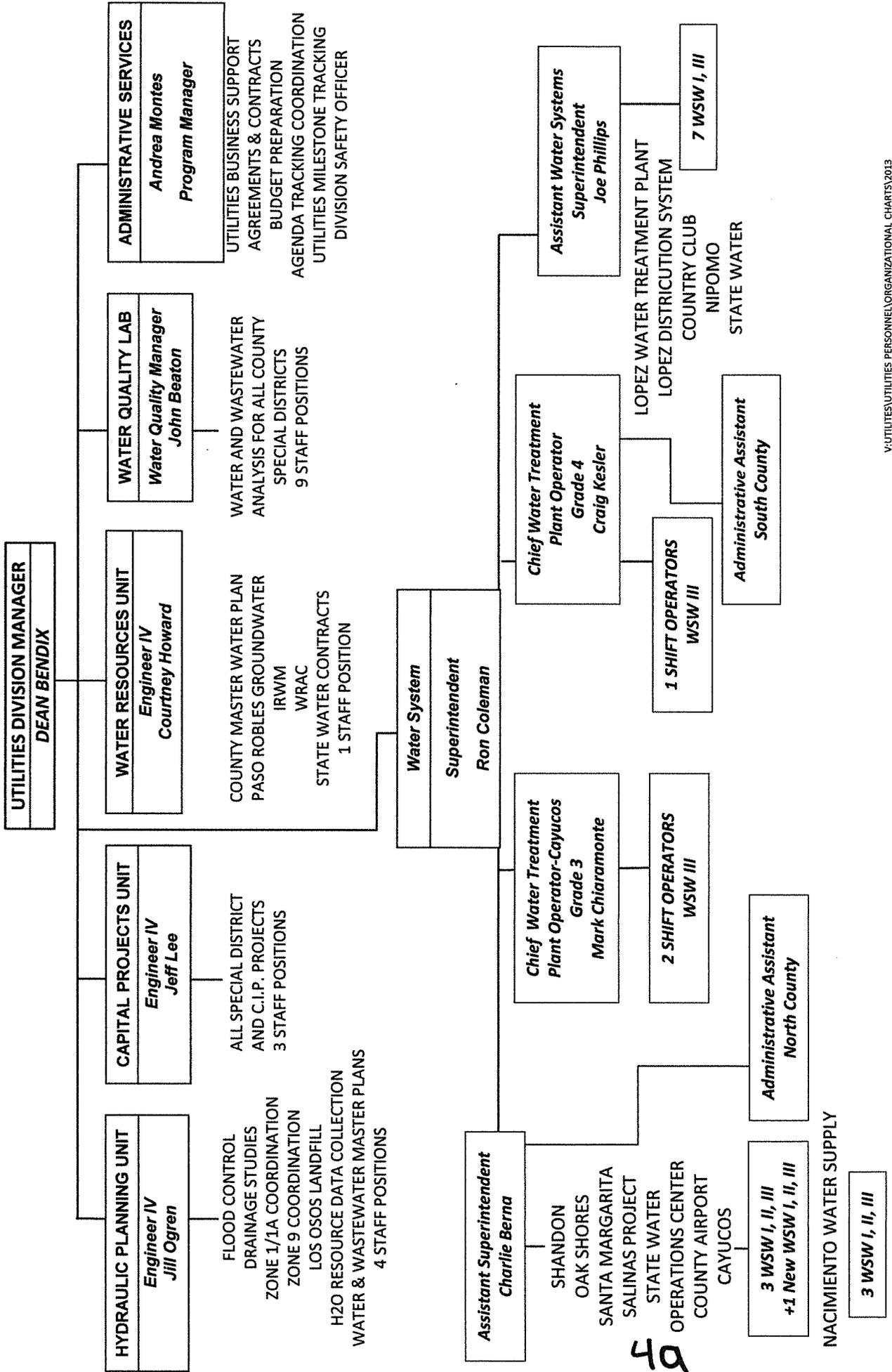
124

125 Adopted: 02-25-15

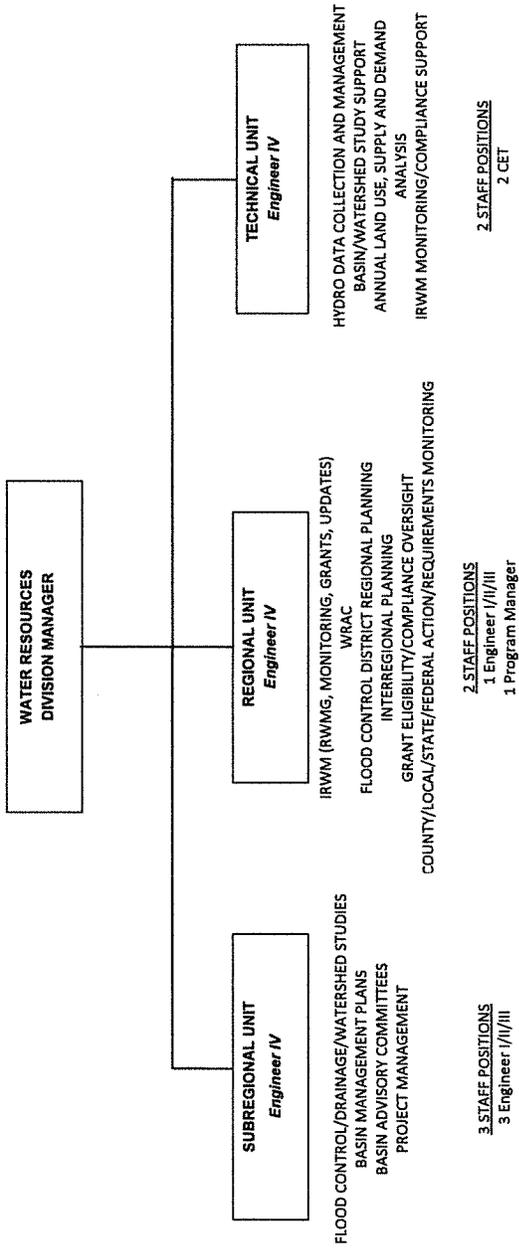
126 BOS Approved: 00-00-00

# SAN LUIS OBISPO COUNTY PUBLIC WORKS DEPARTMENT UTILITIES DIVISION

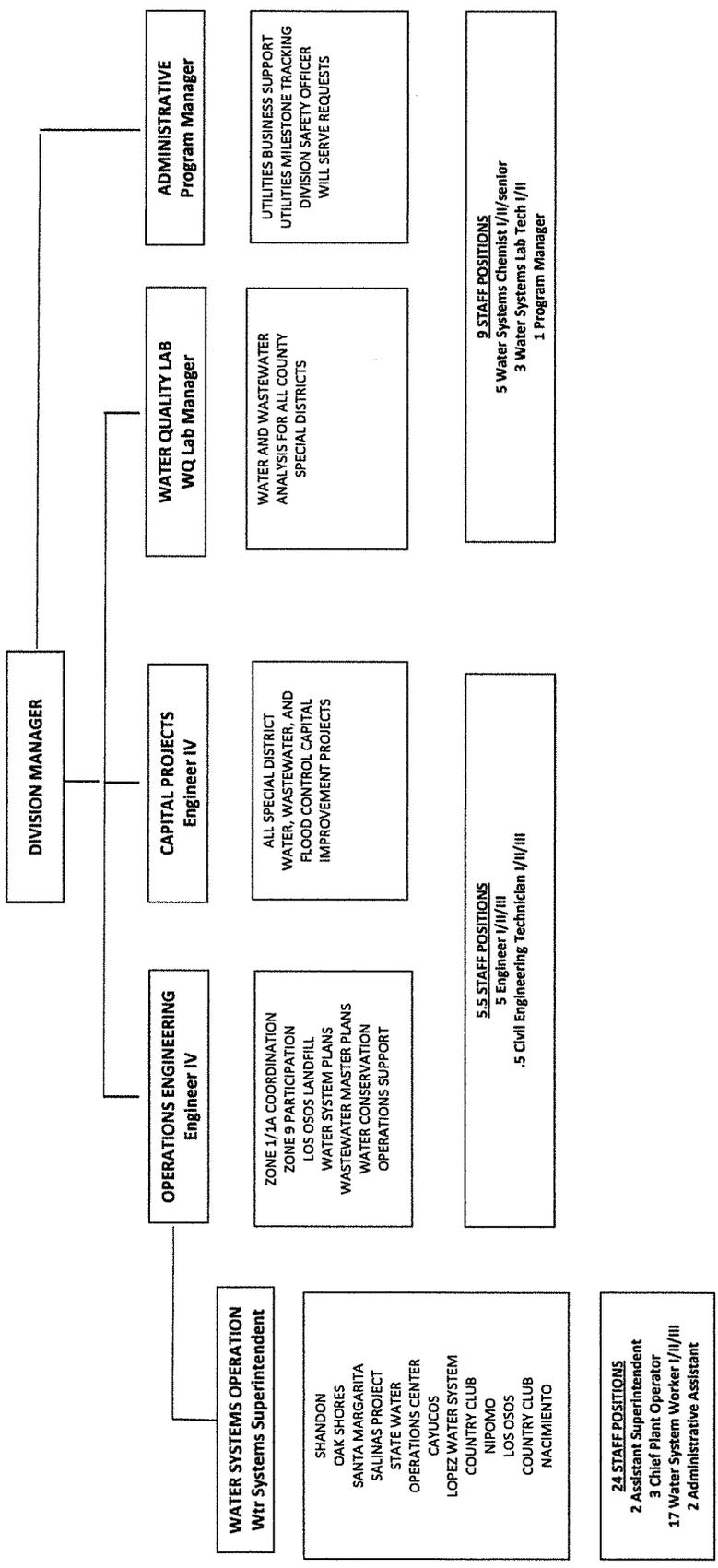
NOVEMBER 2013



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS  
 proposed  
 WATER RESOURCES DIVISION



**SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS  
REORGANIZED UTILITIES DIVISION**



**TOTAL POSITIONS = 44.5**  
(Two positions currently assigned to the

49



# Human Resources Department

## SAN LUIS OBISPO COUNTY

*Tami Douglas-Schatz,*  
*Director*

County Government Center, 1055 Monterey Street • Suite D-250, San Luis Obispo, CA 93408-2110

- Telephone 805.781.5959
- Fax 805.781.1044
- Email [HR@co.slo.ca.us](mailto:HR@co.slo.ca.us)

**TO:** Civil Service Commission

**DATE:** February 17, 2015

**FROM:** Megan Fisher, Personnel Analyst

**SUBJECT:** REVISED Specification: Correctional Technician

### RECOMMENDATION

It is recommended that the Commission approve the revised Correctional Technician class specification as proposed.

### DISCUSSION

Human Resources has been working closely with the Sheriff's Office recently to address recruitment and retention of Correctional Technicians. As we discussed attracting entry-level candidates for the position, we realized an opportunity to attract a larger pool of applicants who have obtained formal education in the field of corrections or law enforcement, but have not obtained work experience. In order to capitalize on that pool of applicants, a revision to the minimum qualifications for the Correctional Technicians is recommended. This revision would allow applicants with Associate degrees in a closely related field to compete in the recruitment process.

This change will allow us to proactively recruit and build a pipeline for entry-level candidates, as well as create valuable partnerships with universities throughout the state. Additionally, we expect effective recruitment and onboarding of these applicants to create more opportunities for internal promotions to the position of Correctional Deputy, which aligns with best practice succession planning strategies.

Attached is the revised job class specification, as well as an organizational chart of the Sheriff's Office.

The department and association have been involved in the development of this job class specification and concur with the specification as proposed.

### Attachments:

Correctional Technician – track changes  
Correctional Technician – final draft  
Sheriff Office Organizational Charts

5a  
1

HUMAN RESOURCES DEPARTMENT  
San Luis Obispo County

CORRECTIONAL TECHNICIAN

DEFINITION:

Under general supervision, performs a variety of clerical and technical duties in the booking, processing and monitoring of detainees in support of Correctional Officers or Juvenile Services Officers and does other related work as required. Incumbents may be assigned to reception, booking, control rooms or other areas of the County Jail or Juvenile Services Center, but do not have physical contact with detainees.

REPRESENTATIVE DUTIES:

(Not in order of importance)

- Confirms personal and criminal history information of detainees; completes booking records; keeps detainee body count statistics; maintains records of release dates.
- Operates computer systems and utilizes law enforcement data bases to access and record information on previous arrests, outstanding warrants, court dates, and the status of detainees.
- Secures and stores personal belongings of detainees; may receive and receipt money collected from and/or deposited for detainees, maintains accurate accounting of detainee's funds and property.
- Coordinates appropriate paperwork associated with court appearances and release dates; responds to inquiries from staff, courts, and public regarding the status of detainees.
- Assists in the orientation and training of staff.
- May collect and record cash bail and bail bonds received for the release of detainees.
- Assists in maintaining the security of assigned areas; monitors the movement and activity of detainees, staff and visitors through direct visual contact, and audio/video monitoring systems; notifies appropriate personnel in emergency situations.

EMPLOYMENT STANDARDS:

Knowledge of:

Computer terminals and common business software  
Record keeping methods and procedures  
Correct English usage, spelling, grammar and punctuation  
Procedures used in maintaining security of a detention facility  
Basic mathematical skills and cash handling procedures  
Proper telephone procedures and etiquette

Ability to:

Effectively deal with irate individuals in difficult situations  
Identify potentially dangerous situations and react quickly and calmly in emergency situations  
Perform several tasks simultaneously amid noise and interruption  
Maintain accurate records

Establish and maintain positive and effective working relationships with staff, public, and outside agencies  
Operate a computer and assigned office equipment  
Type at a speed of 35 net wpm  
Communicate effectively, both verbally and in writing with staff, public, elected officials, and outside agencies  
Foster a spirit of team work and interact professionally and courteously with public and County staff  
Perform basic mathematic calculations  
Understand court paperwork and legal documents

**EDUCATION/EXPERIENCE:**

Graduation from high school or a GED certificate. In addition: two years of experience as an Administrative Assistant II or equivalent is required.

**LICENSES/CERTIFICATES:**

Certain positions within the classification may require driving. When driving is an essential function of the position, a valid CALIFORNIA driver's license will be required at the time of appointment and must be maintained throughout employment.

**OTHER CONDITIONS OF EMPLOYMENT:**

May be required to work varying and/or rotating shifts, weekends and holidays.

Age: All applicants must be 18 years of age or older with the following exception: Persons 17 years of age, but less than 18, may apply but may not be appointed until they reach 18 years of age. Proof of minimum age requirements may be required.

Character: Good moral character as determined by a thorough background investigation, which may include, a psychological exam and/or Computer Voices Stress Analysis (CVSA). No conviction by any State, the Federal Government or a foreign government of a crime which could have been punishable by imprisonment in a Federal Penitentiary or a State prison.

Citizenship: All applicants must be United States citizens or permanent resident aliens who are eligible for and have applied for citizenship at least one year before application for employment. Written proof of the foregoing will be required.

**SPECIAL SUBCLASS RECRUITMENT:**

Recruitment for Correctional Technician positions will be conducted and maintained for each department.

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3

This class specification generally describes the duties and responsibilities characteristic of the position(s) within this class. The duties of a particular position within a multi-position class may vary from the duties of other positions within the class. Accordingly, the essential duties of a particular position (whether it be a multi-position class or a single-position class) will be identified and used by medical examiners and hiring authorities in the selection process. If you have any questions regarding the duties or the working conditions of the position, please contact the Human Resources Department at (805) 781-5959.

Adopted: 3-28-90  
Revised: 12-16-98  
Revised: 08-08-07

1 **HUMAN RESOURCES DEPARTMENT**

2 San Luis Obispo County

3  
4 **CORRECTIONAL TECHNICIAN**

5  
6 **DEFINITION:**

7 Under general supervision, performs a variety of clerical and technical duties in the  
8 booking, processing and monitoring of detainees in a support of Correctional Officers or  
9 Juvenile Services Officers a custody environment and does other related work as  
10 required. Incumbents may be assigned to reception, booking, control rooms or other  
11 areas of the County Jail or Juvenile Services Center, but do not have physical contact  
12 with detainees.

13  
14 **REPRESENTATIVE DUTIES:**

15 **(Not in order of importance)**

- 16 • ~~Confirms~~ Records personal and criminal history information of detainees;  
17 completes booking records; keeps detainee ~~body count~~ population statistics;  
18 maintains records of release dates.
- 19
- 20 • Operates computer systems and utilizes law enforcement data bases such as  
21 CLETS and other state and local systems to access and record information on  
22 previous arrests, outstanding warrants, court dates, and the status of detainees.
- 23
- 24 • Secures and stores personal belongings of detainees; may receive and receipt  
25 money collected from and/or deposited for detainees, maintains accurate  
26 accounting of detainee's funds and property.
- 27
- 28 • Coordinates appropriate paperwork associated with court appearances and  
29 release dates; responds to inquiries from staff, courts, and public regarding the  
30 status of detainees.
- 31
- 32 • Assists in the orientation and training of staff.

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- ~~May collect~~ and records cash bail and bail bonds received for the release of detainees.
- Assists in maintaining the security of assigned areas; monitors the movement and activity of detainees, staff and visitors through direct visual contact, and audio/video monitoring systems; notifies appropriate personnel in emergency situations.

**EMPLOYMENT STANDARDS:**

**Knowledge of:**

Personal computer applications, operations and navigating web-based applications

~~Computer terminals and common business software~~

Record keeping methods and procedures

Correct English usage, spelling, grammar and punctuation

~~Procedures used in maintaining security of a detention facility~~

Basic mathematical skills and cash handling procedures

Proper telephone procedures and etiquette

**Ability to:**

Effectively deal with irate individuals in difficult situations

Identify potentially dangerous situations and react quickly and calmly in emergency situations

Learn Procedures used in maintaining security of a detention facility

Perform several tasks simultaneously amid noise and interruption

Maintain accurate records

Establish and maintain positive and effective working relationships with staff, public, and outside agencies

Operate a computer and assigned office equipment

Type at a speed of 35 net wpm

- 1 Communicate effectively, both verbally and in writing with staff, public, elected officials,
- 2 and outside agencies
- 3 Foster a spirit of team work and interact professionally and courteously with public and
- 4 County staff
- 5 Perform basic mathematic calculations
- 6 Understand court paperwork and legal documents

7

8 **EDUCATION/EXPERIENCE:**

9

10 Graduation from high school or a GED certificate. In addition: a) two years of work  
11 experience as an Administrative Assistant II or equivalent; OR is required b)  
12 completion of two years (60 semester units or 90 quarter units) of college-level  
13 coursework at an accredited college or university in criminal justice, business  
14 administration, public administration, or a closely related field OR c) any combination of  
15 work experience and college coursework to total two years.

16

17 **LICENSES/CERTIFICATES:**

18

19 Certain positions within the classification may require driving. When driving is an  
20 essential function of the position, a valid CALIFORNIA driver's license will be required at  
21 the time of appointment and must be maintained throughout employment.

22

23 **OTHER CONDITIONS OF EMPLOYMENT:**

24

25 May be required to work varying and/or rotating shifts, weekends and holidays.

26

27 Age: All applicants must be 18 years of age or older with the following exception:  
28 Persons 17 years of age, but less than 18, may apply but may not be appointed until  
29 they reach 18 years of age. Proof of minimum age requirements may be required.

30

31 Character: Good moral character as determined by a thorough background  
32 investigation, which may include a combination of: a psychological exam and/or

1 Computer Voices Stress Analysis (CVSA). No conviction by any State, the Federal  
2 Government or a foreign government of a crime which could have been punishable by  
3 imprisonment in a Federal Penitentiary or a State prison.

4  
5 Citizenship: All applicants must be United States citizens or permanent resident aliens  
6 who are eligible for and have applied for citizenship at least one year before application  
7 for employment. Written proof of the foregoing will be required.

8  
9 **SPECIAL SUBCLASS RECRUITMENT:**

10 Recruitment for Correctional Technician positions will be conducted and maintained for  
11 each department.

12 This class specification generally describes the duties and responsibilities characteristic  
13 of the position(s) within this class. The duties of a particular position within a multi-  
14 position class may vary from the duties of other positions within the class. Accordingly,  
15 the essential duties of a particular position (whether it be a multi-position class or a  
16 single-position class) will be identified and used by medical examiners and hiring  
17 authorities in the selection process. If you have any questions regarding the duties or  
18 the working conditions of the position, please contact the Human Resources Department  
19 at (805) 781-5959.

20  
21 Adopted: 3-28-90

22 Revised: 12-16-98

23 Revised: 08-08-07

24 Revised: 2-25-15

25

1 **HUMAN RESOURCES DEPARTMENT**

2 San Luis Obispo County

3

4 **CORRECTIONAL TECHNICIAN**

5

6 **DEFINITION:**

7 Under general supervision, performs a variety of clerical and technical duties in the  
8 booking, processing and monitoring of detainees in a custody environment and does  
9 other related work as required. Incumbents may be assigned to reception, booking,  
10 control rooms or other areas of the County Jail or Juvenile Services Center, but do not  
11 have physical contact with detainees.

12

13 **REPRESENTATIVE DUTIES:**

14 **(Not in order of importance)**

- 15 • Records personal and criminal history information of detainees; completes  
16 booking records; keeps detainee population statistics; maintains records of  
17 release dates.
- 18
- 19 • Operates computer systems and utilizes law enforcement data bases such as  
20 CLETS and other state and local systems to access and record information on  
21 previous arrests, outstanding warrants, court dates, and the status of detainees.
- 22
- 23 • Secures and stores personal belongings of detainees; may receive and receipt  
24 money collected from and/or deposited for detainees, maintains accurate  
25 accounting of detainee's funds and property.
- 26
- 27 • Coordinates appropriate paperwork associated with court appearances and  
28 release dates; responds to inquiries from staff, courts, and public regarding the  
29 status of detainees.
- 30
- 31 • Assists in the orientation and training of staff.

32

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- 1       • Collects and records cash bail and bail bonds received for the release of  
2       detainees.  
3  
4       • Assists in maintaining the security of assigned areas; monitors the movement  
5       and activity of detainees, staff and visitors through direct visual contact, and  
6       audio/video monitoring systems; notifies appropriate personnel in emergency  
7       situations.

8

9       **EMPLOYMENT STANDARDS:**

10

11       **Knowledge of:**

12       Personal computer applications, operations and navigating web-based applications

13       Record keeping methods and procedures

14       Correct English usage, spelling, grammar and punctuation

15       Basic mathematical skills and cash handling procedures

16       Proper telephone procedures and etiquette

17

18       **Ability to:**

19       Effectively deal with irate individuals in difficult situations

20       Identify potentially dangerous situations and react quickly and calmly in emergency  
21       situations

22       Learn procedures used in maintaining security of a detention facility

23       Perform several tasks simultaneously amid noise and interruption

24       Maintain accurate records

25       Establish and maintain positive and effective working relationships with staff, public, and  
26       outside agencies

27       Operate a computer and assigned office equipment

28       Type at a speed of 35 net wpm

29       Communicate effectively, both verbally and in writing with staff, public, elected officials,  
30       and outside agencies

31       Foster a spirit of team work and interact professionally and courteously with public and

32       County staff

59  
10

- 1 Perform basic mathematic calculations
- 2 Understand court paperwork and legal documents

3

4 **EDUCATION/EXPERIENCE:**

5

6 Graduation from high school or a GED certificate. In addition: **a)** two years of work  
7 experience as an Administrative Assistant II or equivalent; **OR b)** completion of two  
8 years (60 semester units or 90 quarter units) of college-level coursework at an  
9 accredited college or university in criminal justice, business administration, public  
10 administration, or a closely related field **OR c)** any combination of work experience and  
11 college coursework to total two years.

12

13 **LICENSES/CERTIFICATES:**

14

15 Certain positions within the classification may require driving. When driving is an  
16 essential function of the position, a valid CALIFORNIA driver's license will be required at  
17 the time of appointment and must be maintained throughout employment.

18

19 **OTHER CONDITIONS OF EMPLOYMENT:**

20

21 May be required to work varying and/or rotating shifts, weekends and holidays.

22

23 Age: All applicants must be 18 years of age or older with the following exception:  
24 Persons 17 years of age, but less than 18, may apply but may not be appointed until  
25 they reach 18 years of age. Proof of minimum age requirements may be required.

26

27 Character: Good moral character as determined by a thorough background  
28 investigation, which may include a combination of a psychological exam and/or  
29 Computer Voices Stress Analysis (CVSA). No conviction by any State, the Federal  
30 Government or a foreign government of a crime which could have been punishable by  
31 imprisonment in a Federal Penitentiary or a State prison.

32

1 Citizenship: All applicants must be United States citizens or permanent resident aliens  
2 who are eligible for and have applied for citizenship at least one year before application  
3 for employment. Written proof of the foregoing will be required.

4  
5 **SPECIAL SUBCLASS RECRUITMENT:**

6 Recruitment for Correctional Technician positions will be conducted and maintained for  
7 each department.

8 This class specification generally describes the duties and responsibilities characteristic  
9 of the position(s) within this class. The duties of a particular position within a multi-  
10 position class may vary from the duties of other positions within the class. Accordingly,  
11 the essential duties of a particular position (whether it be a multi-position class or a  
12 single-position class) will be identified and used by medical examiners and hiring  
13 authorities in the selection process. If you have any questions regarding the duties or  
14 the working conditions of the position, please contact the Human Resources Department  
15 at (805) 781-5959.

16  
17 Adopted: 3-28-90

18 Revised: 12-16-98

19 Revised: 8-08-07

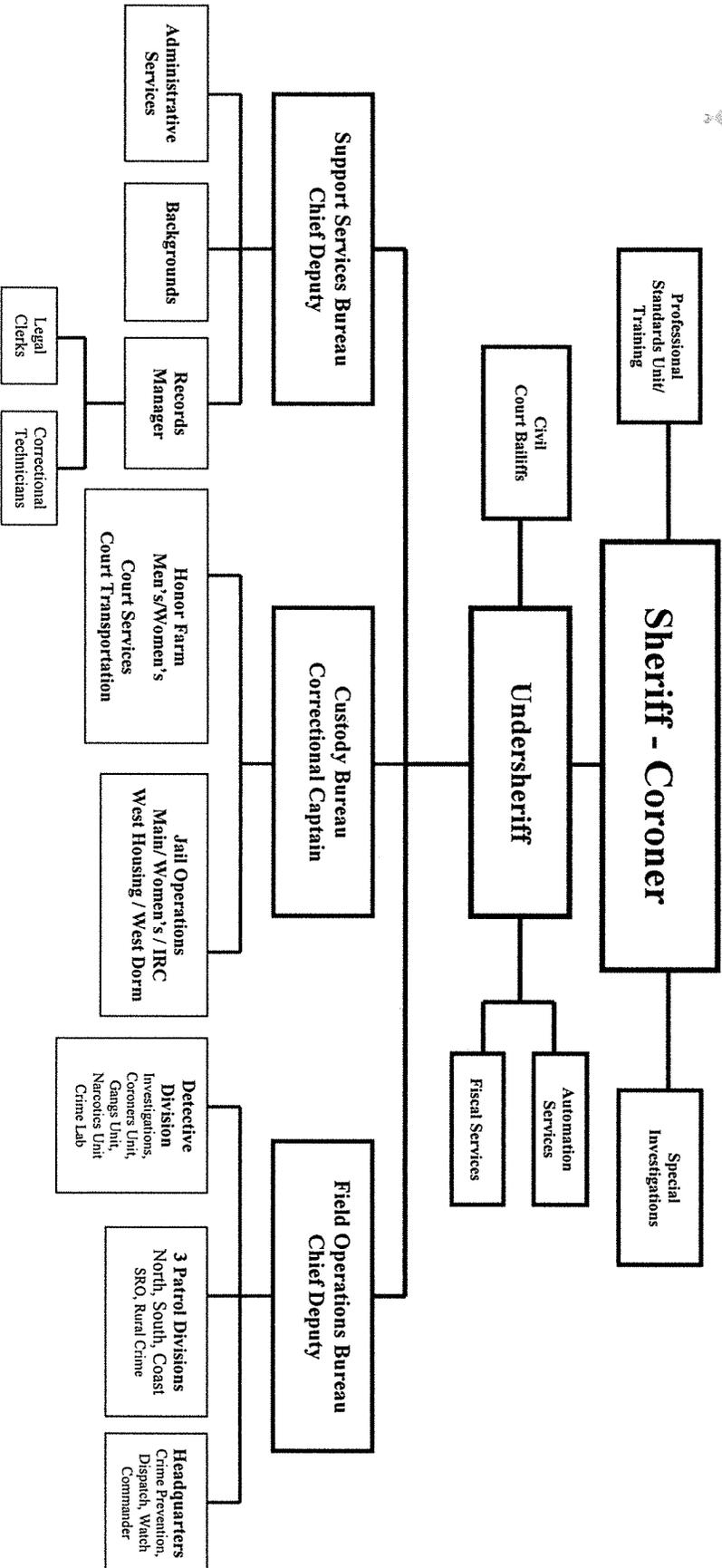
20 Revised: 02-25-15

21



# SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE ORGANIZATIONAL CHART

53





# Human Resources Department

## SAN LUIS OBISPO COUNTY

*Tami Douglas-Schatz, Director*

County Government Center, 1055 Monterey Street • Suite D-250, San Luis Obispo, CA 93408-2110

- Telephone 805.781.5959
- Fax 805.781.1044
- Email [HR@co.slo.ca.us](mailto:HR@co.slo.ca.us)

TO: Civil Service Commission

DATE: February 25, 2015

FROM: Frank Stapleton, Personnel Analyst

SUBJECT: Revised Specification: Mental Health Program Supervisor

### **RECOMMENDATION:**

It is recommended that the Commission approve the revised Mental Health Program Supervisor class specification as submitted.

### **DISCUSSION:**

At the request of the Behavioral Health Department, the Human Resources Department is proposing revisions to the Mental Health Program Supervisor class specification. The specification was last updated in January 1990.

Upon reviewing the current specification for an upcoming recruitment, it was recognized that the post-licensure experience required is inconsistent with state requirements. Furthermore, much of the industry terminology has changed over the past 25 years and does not reflect the department's current practice or standard of care. Updating the specification to be consistent with state requirements, as well as appropriate terminology, will allow the department to recruit to a wider range of candidates, ultimately broadening our pool of applicants.

The current specification requires that licensed candidates must have three years of post-license experience in their field of study in order to be considered for this position and compete in a recruitment process. The California Code of Regulations, Title 16, Section 1833.1 states that: "The supervisor possess and maintains a current valid California license as a marriage and family therapist, licensed clinical social worker ... for at least *two years* [emphasis added] prior to commencing any supervision". Reducing the experience requirement will align county requirements with state requirement and allow HR to broaden our reach to recruit more candidates. This will lead to more competitive applicant pools with which the department can hire the most qualified candidates. There are currently 12 filled allocations for this classification, with one retirement scheduled for June 2015. The department would like to update the minimum qualifications prior to recruiting for this upcoming vacancy.

The following key changes were made to bring the class specification current with industry norms:

- 1) Change the experience requirements from "three years" to "two years" for all applicable licenses
- 2) Addition of Licensed Professional Clinical Counselor as applicable license under "Education/Experience" in accordance with California Code of Regulations, Title 16, Section 1821
- 3) "Mental" health changed to "behavioral" health
- 4) "Marriage, Family and Child Counselor" changed to "Marriage and Family Therapist"
- 5) "Cultural competency, resiliency and recovery oriented care" added under "Knowledge of"

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**OTHER AGENCY INVOLVEMENT:**

The Health Agency has been involved in development of this specification and concurs with the proposed revisions. The proposed revisions have been discussed with the County Administrative Office and Employee Association (SLOCEA) as well.

Attachments:

Mental Health Program Supervisor – track changes

Mental Health Program Supervisor – final draft

Behavioral Health Organizational Chart

1 **MENTAL HEALTH PROGRAM SUPERVISOR**

2  
3 **DEFINITION:**

4 Positions in this classification, under general direction, plan, organize, and manage the activities  
5 of one or more functional units within the County Mental Behavioral Health Services; and do  
6 other related work as required.

7  
8 **TYPICAL TASKS/REPRESENTATIVE DUTIES:**

- 9 • ~~Plans~~ Plans, assigns, manages, and coordinates the work of a multidisciplinary staff providing  
10 mental behavioral health treatment, consultation and education services;
- 11 • ~~reviews~~ Reviews and may approve, in conjunction with psychiatric consultation,  
12 individual patient client treatment plans and monitors the progress being made through  
13 the utilization case reviews;
- 14 • ~~monitors~~ Monitors therapist's treatment staff's quality of care and productivity;
- 15 • ~~plans~~ Plans, implements, participates in, and evaluates programs related to consultation  
16 and educational services to community agencies, professional personnel and information  
17 services to the public;
- 18 • ~~may~~ May provide clinical and general supervision to clinical and support staff;
- 19 • ~~prepares~~ Prepares employee evaluations;
- 20 • ~~assures~~ Assures compliance with Mental Behavioral Health and County Policies policies  
21 and Procedures procedures;
- 22 • ~~may~~ May coordinate program activities with other agencies in the community; and
- 23 • ~~may~~ May be called upon to provide psychotherapy and/or mental behavioral health  
24 counseling;
- 25 • ~~performs~~ Performs other duties and responsibilities as required, assigned, and  
26 appropriate to the professional license of the program incumbent.

27  
28 **EMPLOYMENT STANDARDS:**

29 **Knowledge of:**

- 30
- 31 • Principles, procedures and techniques of supervision, program development, evaluation  
32 and administration;
- 33 • California laws, rules and regulations pertaining to mental health and substance abuse  
34 programs;
- 35 • ~~principles~~ Principles and practices of community organization and mental behavioral  
36 health administration;
- 37 • Cultural competency, resiliency and recovery oriented care

38  
39 **Ability to:**

- 40
- 41 • Develop and manage a multi-disciplinary treatment program;
- 42 • ~~supervise~~ Supervise treatment staff;
- 43 • ~~assess~~ Assess program effectiveness and make recommendations for change;
- 44 • ~~speaks~~ Speak and write effectively.

533

46 **EDUCATION/EXPERIENCE:**

47 Pursuant to the California Welfare and Institutions Code:

48  
49 **Psychiatrist:** A psychiatrist shall have a license as a physician and surgeon in this state and  
50 show evidence of having completed ~~three~~two years graduate training in psychiatry in a  
51 program approved by the American Medical Association or the American Osteopathic  
52 Association.

53  
54 **Psychologist:** A psychologist shall have obtained a license granted by the California State  
55 Board of Medical Examiners and shall have two years of post-licensure experience in a  
56 psychiatric or mental health setting.

57  
58 **Social Worker:** A social worker shall have a California license as a clinical social worker  
59 (LCSW) granted by the California State Board of Behavioral Science and shall have ~~three~~two  
60 years of post-licensure experience in a psychiatric or mental health setting.

61  
62 ~~**Marriage, Family and Child Counselor and Family Therapist:**~~ A marriage, family  
63 and child counselor and family therapist shall have obtained a license as a marriage, family and  
64 child counselor and family therapist (MFCCMFT) granted by the California State Board of  
65 Behavioral Science Examiners and ~~three~~two years of post-licensure experience in a psychiatric  
66 or mental health setting. [Note: Incumbent MFCCs-MFTs hired under this option shall not direct  
67 or supervise the following California Administrative Code Title 9 services: Inpatient Services  
68 ('663).]

69  
70 **Licensed Professional Clinical Counselor:** A professional clinical counselor shall have  
71 obtained a license as a professional clinical counselor (LPCC) granted by the California State  
72 Board of Behavioral Science and two years of post-licensure experience in a psychiatric or  
73 mental health setting.

74  
75 **Nurse:** A nurse shall be licensed to practice as a registered nurse by the Board of Nursing  
76 Education and Nurse Registration in the State of California and possess a master's degree in  
77 psychiatric or mental health nursing and ~~three~~two years of post-licensure nursing experience in  
78 a psychiatric or mental health setting. Additional post baccalaureate nursing experience in a  
79 psychiatric or mental health setting may be substituted on a year-for-year basis for the  
80 educational requirement.

81  
82 **Licensed Psychiatric Technician:** A psychiatric technician shall be licensed to practice as  
83 a psychiatric technician by the Board of Vocational Nurse and Psychiatric Technician Examiners  
84 and have six years of post-licensure experience in a psychiatric or mental health setting. College  
85 or university education in a mental health related field may be substituted for up to four years  
86 of the required experience on a year-for-year basis.

87  
88 Certain positions within this classification may require driving. When driving is an essential  
89 function of the position, a valid CALIFORNIA driver's license will be required at the time of  
90 appointment.

90 function of the position, a valid CALIFORNIA driver's license will be required at the time of  
91 appointment.  
92

93 **SPECIFIC PROGRAM REQUIREMENTS:**

94 With reference to specific programs, incumbents are required to have knowledge and abilities  
95 as they relate to their program specialty. Authority to direct and supervise staff in the assigned  
96 program shall be strictly limited by the scope of the professional license of the incumbent, State  
97 guidelines for California Administrative Code Title 9 services and applicable sections of the  
98 California Health and Safety Codes, California Business and Professions Code, and California  
99 Welfare and Institutions Code. Each recruitment will indicate the license, program responsibility  
100 and specific experience required to fill an existing vacancy based upon the needs of the County  
101 Mental Health Services.  
102

103 This class specification generally describes the duties and responsibilities characteristic of the  
104 position(s) within this class. The duties of a particular position within a multi-position class may  
105 vary from the duties of other positions within the class. Accordingly, the essential functions of a  
106 particular position (whether it be a multi-position class or a single-position class) will be  
107 identified and used by medical examiners and hiring authorities in the selection process. If you  
108 have any questions regarding the duties or the working conditions of the position, please  
109 contact the Personnel Department at (805) 781-5959.  
110

111 Adopted: 11-17-82

112 Revised: 1-25-90

113 Effective: 1-25-90

114 Revised: 2-25-15  
115

5B  
5

1 **MENTAL HEALTH PROGRAM SUPERVISOR**

2  
3 **DEFINITION:**

4 Positions in this classification, under general direction, plan, organize, and manage the activities  
5 of one or more functional units within the County Behavioral Health Services; and do other  
6 related work as required.

7  
8 **REPRESENTATIVE DUTIES:**

- 9 • Plans, assigns, manages, and coordinates the work of a multidisciplinary staff providing
- 10 behavioral health treatment, consultation and education services
- 11 • Reviews and may approve, in conjunction with psychiatric consultation, individual client
- 12 treatment plans and monitors the progress being made through the utilization case
- 13 reviews
- 14 • Monitors treatment staff's quality of care and productivity
- 15 • Plans, implements, participates in, and evaluates programs related to consultation and
- 16 educational services to community agencies, professional personnel and information
- 17 services to the public
- 18 • May provide clinical and general supervision to clinical and support staff
- 19 • Prepares employee evaluations
- 20 • Assures compliance with Behavioral Health and County policies and procedures
- 21 • May coordinate program activities with other agencies in the community
- 22 • May be called upon to provide psychotherapy and/or behavioral health counseling
- 23 • Performs other duties and responsibilities as required, assigned, and appropriate to the
- 24 professional license of the program incumbent

25  
26 **EMPLOYMENT STANDARDS:**

27 **Knowledge of:**

- 28
- 29 • Principles, procedures and techniques of supervision, program development, evaluation
- 30 and administration
- 31 • California laws, rules and regulations pertaining to mental health and substance abuse
- 32 programs
- 33 • Principles and practices of community organization and behavioral health administration
- 34 • Cultural competency, resiliency and recovery oriented care

35  
36 **Ability to:**

- 37
- 38 • Develop and manage a multi-disciplinary treatment program
- 39 • Supervise treatment staff
- 40 • Assess program effectiveness and make recommendations for change
- 41 • Speak and write effectively

42  
43 **EDUCATION/EXPERIENCE:**

44 Pursuant to the California Welfare and Institutions Code:

45  
46 ***Psychiatrist:*** A psychiatrist shall have a license as a physician and surgeon in this state and

47 show evidence of having completed two years graduate training in psychiatry in a program  
48 approved by the American Medical Association or the American Osteopathic Association.  
49

50 **Psychologist:** A psychologist shall have obtained a license granted by the California State  
51 Board of Medical Examiners and shall have two years of post-licensure experience in a  
52 psychiatric or mental health setting.  
53

54 **Social Worker:** A social worker shall have a California license as a clinical social worker  
55 (LCSW) granted by the California State Board of Behavioral Science and shall have two years of  
56 post-licensure experience in a psychiatric or mental health setting.  
57

58 **Marriage and Family Therapist:** A marriage and family therapist shall have obtained a  
59 license as a marriage and family therapist (MFT) granted by the California State Board of  
60 Behavioral Science and two years of post-licensure experience in a psychiatric or mental health  
61 setting. [Note: Incumbent MFTs hired under this option shall not direct or supervise the  
62 following California Administrative Code Title 9 services: Inpatient Services ('663).]  
63

64 **Licensed Professional Clinical Counselor:** A professional clinical counselor shall have  
65 obtained a license as a professional clinical counselor (LPCC) granted by the California State  
66 Board of Behavioral Science and two years of post-licensure experience in a psychiatric or  
67 mental health setting.  
68

69 **Nurse:** A nurse shall be licensed to practice as a registered nurse by the Board of Nursing  
70 Education and Nurse Registration in the State of California and possess a master's degree in  
71 psychiatric or mental health nursing and two years of post-licensure nursing experience in a  
72 psychiatric or mental health setting. Additional post baccalaureate nursing experience in a  
73 psychiatric or mental health setting may be substituted on a year-for-year basis for the  
74 educational requirement.  
75

76 **Licensed Psychiatric Technician:** A psychiatric technician shall be licensed to practice as  
77 a psychiatric technician by the Board of Vocational Nurse and Psychiatric Technician Examiners  
78 and have six years of post-licensure experience in a psychiatric or mental health setting. College  
79 or university education in a mental health related field may be substituted for up to four years  
80 of the required experience on a year-for-year basis.  
81

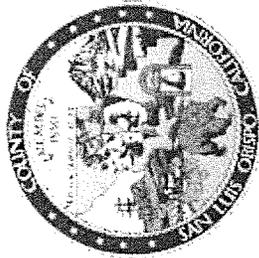
82 Certain positions within this classification may require driving. When driving is an essential  
83 function of the position, a valid CALIFORNIA driver's license will be required at the time of  
84 appointment.  
85

## 86 **SPECIFIC PROGRAM REQUIREMENTS:**

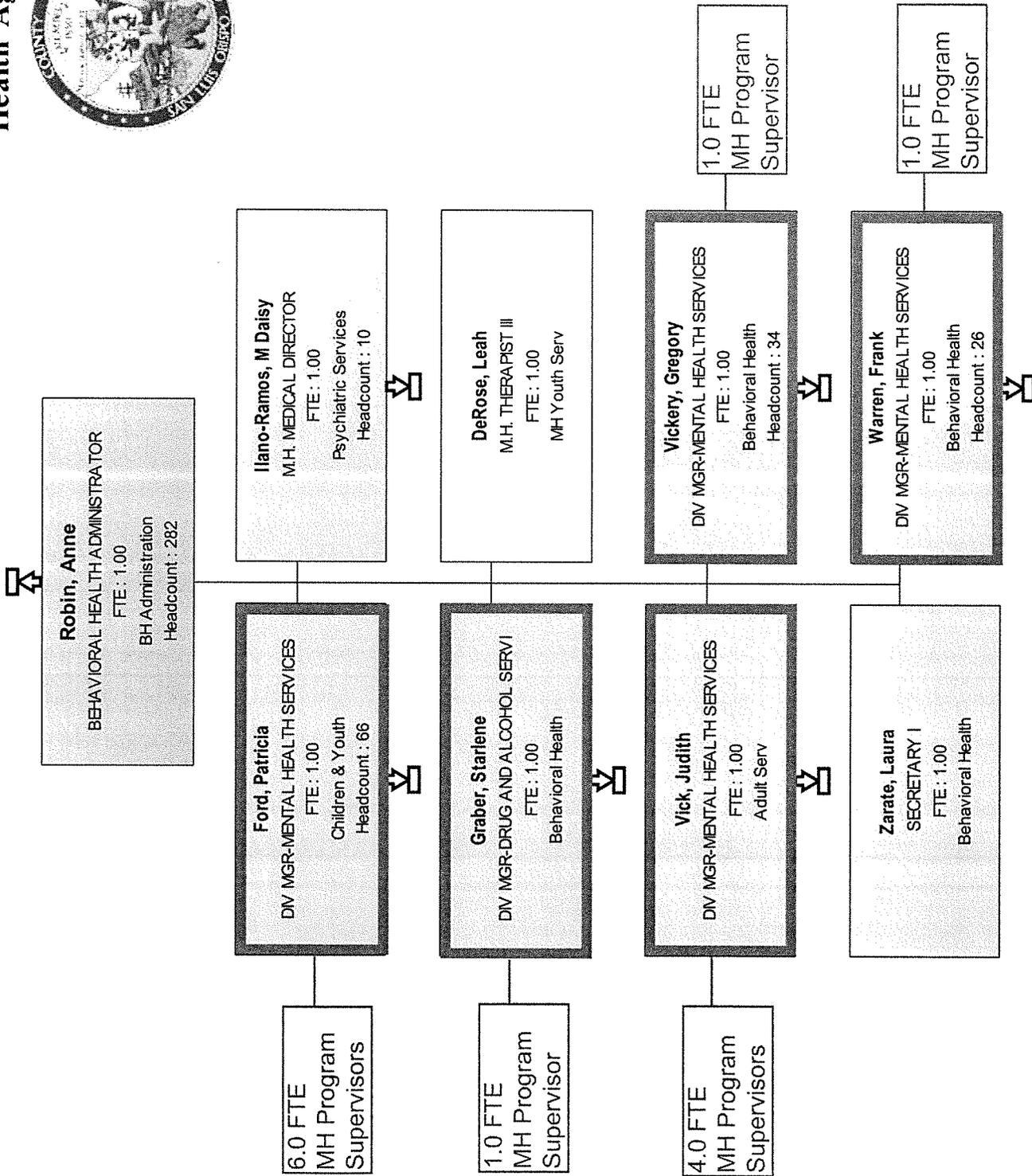
87 With reference to specific programs, incumbents are required to have knowledge and abilities  
88 as they relate to their program specialty. Authority to direct and supervise staff in the assigned  
89 program shall be strictly limited by the scope of the professional license of the incumbent, State  
90 guidelines for California Administrative Code Title 9 services and applicable sections of the  
91 California Health and Safety Codes, California Business and Professions Code, and California  
92 Welfare and Institutions Code. Each recruitment will indicate the license, program responsibility  
93 and specific experience required to fill an existing vacancy based upon the needs of the County

94 Mental Health Services.  
95  
96 This class specification generally describes the duties and responsibilities characteristic of the  
97 position(s) within this class. The duties of a particular position within a multi-position class may  
98 vary from the duties of other positions within the class. Accordingly, the essential functions of a  
99 particular position (whether it be a multi-position class or a single-position class) will be  
100 identified and used by medical examiners and hiring authorities in the selection process. If you  
101 have any questions regarding the duties or the working conditions of the position, please  
102 contact the Personnel Department at (805) 781-5959.  
103  
104 Adopted: 11-17-82  
105 Revised: 1-25-90  
106 Effective: 1-25-90  
107 Revised: 2-25-15  
108

**County of San Luis Obispo  
Health Agency**



**Behavioral Health Department**



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