



Present: Commissioners John Burnham, Wendy Scalise, Jeannie Nix and
President Robert Bergman

Staff present: Frank Freitas, Commission Secretary; Angela Passant, Recording Secretary

Absent: Commissioner Cyrus Hays

1. CALL TO ORDER

President Bergman called the meeting to order at 9:00 a.m., and led the flag salute.

2. PUBLIC COMMENT PERIOD

President Bergman asked for comments from the public/audience.

Gail West, SLOCEA addressed the commission regarding grievance appeal process. Process is not moving forward in an expeditious and timely fashion. Now some confusion on how grievance appeal process works. Issue you have already been informed of, relative to request for reclass from four employees at the DSS. Request submitted a couple of months ago, with some concerns. Still frustrated trying to move this process forward. We really do need clarification, as Frank may only be in Personnel Director-s position a few more weeks. If we feel that an issue has been unresolved at the Personnel Director-s level, we believe we have the ability to have that case heard by your Commission. What we find, is that issues are not being scheduled for Commission, we are being told that issues will be dealt with soon then months and months go by. This causes a great deal of frustration. We ask that you take some initiative and talk with Frank, to see if we can start a process to assure equitable treatment in a timely fashion for employees.

President Bergman addressed the audience/public for anyone else wishing to address the Commission during this public comment period. None being offered, Public Comment was closed.

3. MINUTES

IT WAS MOVED by Commissioner Nix, seconded by Commissioner Burnham, and carried to approve the Minutes of the Meeting for April 26, 2000.

4. MONTHLY REPORT

IT WAS MOVED by Commissioner Burnham, seconded by Commissioner Nix, and carried to receive and file the Monthly Report for April 2000.

5. CREATE CLASSIFICATIONS/NEW SPECIFICATIONS

None.

6. REVISED SPECIFICATIONS

Secretary Freitas referred to a letter from Tony Krause regarding status of Probation Dept. This will be on the June agenda.

7. FUTURE AGENDAS

Secretary Freitas gave a report to the Commission regarding grievances and other issues.

8. TIME RESERVED FOR COMMISSION PRESIDENT

Nothing to report.

9. TIME RESERVED FOR COMMISSION ATTORNEY

Nothing to report.

10. TIME RESERVED FOR COMMISSION SECRETARY

Secretary Freitas reported on staffing reallocation.

11. PUBLIC HEARING

Reallocated Positions:

Status of Incumbents, and 12.04, Layoffs Procedure for:

Gene Bell representative for San Luis Obispo County negotiations gave a presentation to the Commission regarding the above topic.

President Bergman asks for any questions for Mr. Bell.

Mr. Bell responded to questions from the Commission.

President Bergman asked if there were any other questions for Mr. Bell. There being none, he thanked him for his presentation.

PUBLIC COMMENT FOR PUBLIC HEARING ITEMS President Bergman opens the public comment period.

Dean Rollins SLOCEA, gave public comment.

Gail West, SLOCEA, gave public comment.

Commissioner Burnham requests that the public comment address one issue at a time; 12.04 or 5.05 (a).

Suzanne Heitzman, MCIC, Social Services Department, gave public comment on 5.05 (a). Tony Perry, President of SLO County Deputy Sheriff's Association, gave public comment on both 5.05 (a) and 12.04.

Patricia Summerville Secretary/Payroll clerk Drug and Alcohol Services, gave public comment on 5.05 (a) and read letter presented to Commission.

Duane Leib County General Services Director, gave public comment on 5.05 (a) and 12.04; opposed to interdepartmental bumping.

Elaine Jorgenson County Mental Health, gave public comment and is opposed to change in 12.04.

Susan Heitzman MCIC, gave public comment and does not support change to 12.04.

Mary Gabriel County Mental Health Arroyo Grande, gave public comment and is opposed to change in 12.04.

Vita Miller SLOCEA Board of Directors and employee of General Hospital, gave public comment and is opposed to change in 12.04.

Marjon Mos General Hospital employee, gave public comment and is opposed to change in 12.04.

Kathleen O=Neil Administrator of Health Systems Office, gave public comment and is opposed to changing 12.04. Letter submitted to Commission.

Gere Sibbach Auditor/Controller, gave public comment and supports change to 12.04. Decision needed. Suggests deferral of effective date.

Roy Jenson General Hospital Engineering, gave public comment and is opposed to change in 12.04.

Bob Larson General Hospital Chief Engineer, gave public comment and is opposed to change in 12.04.

Steve Morrison Chief Deputy Dept of Agriculture, gave public comment and supports change in 12.04.

Patty Verdugo Health Systems/County Medical Service Program, gave public comment and suggested change in 12.04 be tabled, go back to mediation or wait for new Personnel Director to be appointed.

Bryce Tingle Assistant Director Planning & Building, gave public comment, supports change in 12.04 and conflict with 5.05 (a). Suggests deferral of effective date of change to 12.04.

Kathi Cook Radiology General Hospital, gave public comment and is opposed to change in 12.04.

Jim Grant Assistant Administrative officer, gave public comment and recommend change in rule 5.05 (a) and 12.04.

President Bergman closed Public Comment Period.

Commissioner Nix requested clarification of 5.05(a).

Secretary Freitas gave comment regarding policy approved by the Commission on reclassification and there was further discussion among the Commission.

These minutes reflect official actions of the Civil Service Commission. A taped record of the Civil Service Meetings are generally available for inspection.

President Bergman asked Attorney Jenkins about deferring the policy issue. Attorney Jenkins responded to President Bergman..

IT WAS MOVED by Commission Scalise, seconded by Commissioner Nix, and carried to approve deferral on 5.05 (a), until next meeting in June.

Roll call: Commissioner Nix; aye. Commissioner Scalise; aye. Commissioner Burnham; abstain. President Bergman; aye.

President Bergman wished to address rule 12.04.

There was discussion between the Commission regarding Rule 12.04.

A motion was made by Commissioner Scalise and seconded by Commissioner Nix to strike the word Countywide and replace with Department wide with an effective date of July 1, 2000.

Commissioner Burnham wished to amend the motion. He suggested delaying effective date to September 30, 2000, instead of July 1, 2000. Commissioner Scalise requested explanation for this amendment. Commissioner Burnham stated that July 1 is only one month away and the BOS will not be able to do anything in that short period of time. I would like to make it October 1, 2000. Commissioner Nix agreed that this would be acceptable.

Commissioner Scalise amended her motion of July 1, to October 1, 2000.

IT WAS MOVED by Commissioner Scalise and seconded by Commissioner Burnham to approve to strike the word Countywide and replace with Department wide with an amended date of change in rule 12.04 to October 1, 2000 from July 1, 2000.

Roll call: Commissioner Scalise aye. Commissioner Burnham aye. Commissioner Nix aye. President Bergman aye.

13. HEARING: DISCRIMINATION COMPLAINT

President Bergman requested Attorney Jenkins summarize the current position regarding this hearing. Attorney Jenkins stated that at the last meeting on April 26, 2000, this matter came up for hearing. Dr. Cochran and her representative Mr. Quain were in attendance, as were the respondents. It was decided that the hearing would be continued to this meeting. Mr. Quain stated at that hearing that as of May 1, 2000, Dr. Cochran would no longer be an employee of the County of San Luis Obispo. There was confirmation of this fact by correspondence from Dale R. Wolff, M.D. to Dr. Cochran. This being the case, the Commission has no remedy that it can provide to this case. My recommendation is that you take no further action on this matter.

President Bergman requests any comment on the matter just stated.

John Quain representative for Dr. Cochran stated that he concurred with Attorney Jenkins. Mr. Quain concludes his business with this Commission.

Attorney Patricia Gomez stated for the record that reasoning for the hearing not moving forward was not due to any fault of the respondents.

President Bergman addressed Attorney Jenkins and stated that he agreed with Ms. Gomez, in that the Commission was prepared to go forward with the hearing. When we close this, we concur with that opinion that she has given.

Attorney Jenkins stated that it is on the record that we met and you were properly assembled and the matter was properly agendaized. It was suggested that the Commission take no further action and that it be removed from the Agenda.

President Bergman closes the discrimination hearing.

14. HEARING: APPEAL OF UNTIMELY FILING

President Bergman called the hearing and stated that Ms. Curl was not in attendance.

Attorney Patricia Gomez representing Department of Mental Health stated she has had two conversations with Mr. Wesley, Ms. Curl's attorney. Please see documents submitted. Mr. Wesley stated he would not be here today, nor would Ms. Curl. They did not object in going forward on the limited issue on the timeliness. Ms. Gomez indicated that she was not willing to submit it solely on the paperwork and he made the decision not to appear.

President Bergman deferred to Attorney Jenkins.

Attorney Jenkins read Rule 4.06(c). Failure of appellant to appear constitutes grievance appeal withdrawn.

President Bergman asked if Ms. Curl and Mr. Wesley had personal knowledge that there was a hearing set for this date. Secretary Freitas stated that all procedures have been followed satisfactorily.

Ms. Gomez stated that Mr. Wesley asked her if she would object to his not being here. She stated she would not object. Ms. Gomez also stated that a copy of Rule 4 was included in two of the notices and orders of termination.

Attorney Jenkins stated that the board make a finding that under rule 4.06 (c) the appellant Graciella R. Curl did fail to appear. No good cause shown for failure to appear.

Thus resulting in deemed withdrawal of appeal and consent to the action, order or ruling from which the appeal was taken.

IT WAS MOVED by Commissioner Scalise and seconded by Commissioner Burnham that the Commission find that the appellant did not appear, that no good cause was shown for failure to appear, and that under Rule 4.06 (c), it is deemed that the appellant withdrew her appeal and consented to the action, order or ruling from which the appeal was taken.

Roll call: Commissioner Nix; aye. Commissioner Scalise; aye. Commissioner Burnham; aye. President Bergman aye.

There being no further business, the regular meeting was adjourned.

Respectfully submitted,

Frank Freitas
Commission Secretary