

Civil Service Commission

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MEMBERS OF THE COMMISSION
Robert Bergman, President
Arthur Chapman, Vice President
Jeannie Nix
Jay Salter
Bill Tappan

The San Luis Obispo County **Civil Service Commission** **Regular Session Meeting Minutes**

Wednesday, February 22, 2006, 9:00 a.m.

County Government Center, 1055 Monterey Street, Suite D271, San Luis Obispo, CA

MINUTES

Present: Commissioner Arthur Chapman, Commissioner Jeannie Nix, Commissioner Jay Salter, Commissioner Bill Tappan and President Robert Bergman

Staff present: Commission Secretary Richard Greek and Clerk Susan Carvalho

Counsel: Commission Attorney Deputy County Counsel Ann Duggan

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 addressed the audience asking for anyone wishing to speak to the Commission during the Public Comment Period. Being no public comment, President Bergman closed the Public Comment Period.

3. Approval of Minutes:

Motion made by Commissioner Tappan to approve Wednesday, January 25, 2006 minutes, second by Commissioner Chapman. Motion passed. 4-0-1. (Nix abstained.)

4. Quarterly Report:

Richard Greek introduced Duane English and Susan Carvalho with the Personnel Department to present the 1st and 2nd quarterly reports to the Commission. Mr. Greek stated it is anticipated that at the end of this fiscal year all four (4) quarters will be submitted to the Commission for receipt and file action.

Duane English, Departmental Automation Specialist and Susan Carvalho, Administrative Assistant III, explained the information presented is mostly from the new JobAps recruitment system. The following charts were reviewed individually:

- A. Application Summary by Status
- B. Application Summary by Recruitment Number
- C. Service and Maintenance Positions
- D. Clerical and Support Positions
- E. Requisitions by Category
- F. Total Requisitions by Type
- G. Average Days by Job Type

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- H. Clerical and Support Recruitment Statistics by Job Class
- I. Service and Maintenance Recruitment Statistics by Job Class
- J. Applications EEO- Gender
- K. Workforce EEO- Gender
- L. Applications EEO- Race
- M. Workforce EEO- Race
- N. Applications EEO- Disability
- O. Applications EEO- Age
- P. EEO Utilization by Level, as of 2/8/06
- Q. Grievances and Appeals Filed
- R. Grievances and Appeals Filed by Department
- S. Reason for Grievances/Appeal
- T. Job Classification Specification Log

Mr. English and Ms. Carvalho stated the reports "under development" are:

- A. Customer Satisfaction and Quality of Hire (from Recruitments)
- B. Workforce EEO- Disability
- C. Workforce EEO- Age
- D. County Workforce – Characterized
 - 1. Bargaining Unit/Pay
 - 2. Leave Usage
 - 3. Turnover – Vacancy Rate
 - 4. Type (fulltime, ¾ time, part-time, limited term, substitute, temporary, etc.)
- E. Evaluations completed by department, total department employees, and evaluations by ratings.
- F. Grievances and Appeals – Historical Analysis
- G. Employee University

Feedback and comments from the Commissioners, the public and staff included:

- A. Duane English and Susan Carvalho intend to develop a "narrative" per chart. The narrative will include a description or explanation of the chart title, the intent of the chart or report, and explain categories and footnotes. This narrative will accompany the actual report to assist the general public, Board of Supervisors and Department Heads in reading and understanding the various components provided. Chapman requested a description of abbreviations be added, i.e. EC, R&T, EEO, etc.
- B. Mr. English intends to include statistics relating to actual quiz testing performance and applications submitted. Commissioner Nix requested tracking of (Rule) 5.05 promotions.
- C. Include "closing date" of recruitment on Recruitment Summary by Class Title report. [Exhibit 4(4)]. (Chapman, Tappan and Bergman)
- D. In the Civil Service Commission annual report include census comparison with County workforce EEO statistics. [Exhibit 4(15)] (Chapman and Greek)
- E. Include chart on applications received, qualifying those submitted "on-line" versus "paper format" by group, i.e. service and maintenance, clerical, other recruitment types. (Chapman)
- F. Commission interested in executive summary of quarterly report, i.e. what are key focus points of activity during recent quarter versus previous, spotlight recruitments attracting high interest, etc. (All commissioners.)

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- G. Commission interested in learning workload impact on Personnel Department staff (on recruitments, grievances and appeals, etc.). Mr. Greek stated Toni Marshall, Principal Analyst, is generating a Personnel Analyst workload report and the information can be extracted in the future. (Chapman)
- H. Include footnote on service and maintenance and clerical and support positions to clarify applications received versus applicant totals. [Exhibits 4(7) and 4(8)]
- I. Commission interested in feedback from Department Heads on quality of hire, i.e. relating to quiz testing on-line required for clerical and support positions, applicants skill level higher than prior to quiz component. (Chapman)
- J. Define requisitions as footnote on chart, i.e. requisitions include permanent, part-time and temporary or?
- K. Commission members noted the importance of staff recording comments in the recruitment plan if the Department decides to extend a recruitment period. Historical information is helpful when addressing issues during grievance or appeal hearings on actual length of recruitment or claim of a delay in the recruitment process. (Bergman, Chapman and Nix) Mr. Greek stated this information can be obtained on a case-by-case basis at the Commission's request.
- L. Add footnote to Average Days by Job Type chart, [Exhibit 4(11)], to indicate chart depicts recruitment process within the Personnel Department level. (Does not include time line from list of eligibles to actual hiring date; which is within the control of the hiring department.) (Chapman and Bergman)
- M. Questioned raised as to why contract and extra help employee categories are not included in reporting on EEO statistics. (Duggan and Nix) Richard Greek will obtain clarification of reporting categories from the County's Affirmative Action Coordinator Santos Arrona and report findings at next meeting.
- N. Questioned raised as to how demographics of County workforce compare to federal employment standards and how County recruitments measure to standards. (Bergman, Chapman and Nix) And, are County employees required to answer EEO questions for reporting statistics (as answering EEO questions is optional when applying for a County job.) (Tappan and Nix) Richard Greek will research data available and suggested this information be included in the Commission's annual report. Commissioners agreed.
- O. Commissioners interested in EEO category descriptions as listed on Exhibit 4(18). (Tappan, Salter and Nix) Richard Greek to inquire with the Administrative Office and report findings to the Commission.
- P. Duane English and Susan Carvalho intend to include historical analysis by fiscal year on grievances and appeals filed. Commissioners interested in outcome and grievances and appeals filed by department. Ms. Carvalho reported data is available for the past six (6) fiscal years. (Duggan and all Commissioners.) The data base is maintained in a Microsoft Office Access Application and a program is in development to gather and sort data for reporting.

The Commissioners stated job well done and expressed their appreciation for the outstanding report.

A brief break was taken by the Commission.

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5. Future Agendas

Richard Greek distributed the monthly Civil Service Commission meeting calendars. Mr. Greek stated a strategic planning update report by Patrick Ibarra will be given at the April 2006 regular session meeting. Staff is working on job classification specifications involving a reorganization of the Health Agency and the Assessor's Department. The Health Agency specifications will be presented at the March 2006 monthly meeting and the Assessor's at the April 2006 monthly meeting. In conjunction, staff is working on the clinical laboratory layoff project.

A grievance filed by a Sheriff Department employee, claiming discriminatory treatment by the Personnel Department, is in the pre-hearing stage. Based on the nature of the grievance and the busy CSC agenda schedule, Mr. Greek suggested that Wednesday, May 24 be reserved for the hearing of this matter.

President Bergman requested and obtained a unanimous agreement to move the April 2006 monthly regular session meeting from Wednesday, April 26 to Thursday, April 27.

Mr. Greek stated that staff is working on numerous grievances and appeals that include four (4) appeals related to denial of reclassification requests. Also, Liberty Cassidy is completing an investigation of a grievant's claim of discrimination.

6. Time Reserved for Commission President

President Bergman reported that he received some correspondence in the mail last week that he would like to distribute for review to the Commission members, Mr. Greek and Ms. Duggan. Following a review of the documents, Mr. Bergman clarified that the document was sent to his residence and was anonymous.

Richard Greek stated that he would respond to the procedural matter and nothing of a personal nature. Mr. Greek reminded the Commission that the general policy of the CSC is not to respond to an anonymous correspondence. Mr. Bergman stated that everyone did receive a copy of the email from Rich Granger on December 3, 2004 which was not confidential or anonymous. Mr. Bergman added that the reference to lawyer@aol.com was to previous Commissioner Terry O'Farrell and that his replacement, Commissioner Salter, did not receive a copy of the Rich Granger email. Mr. Salter confirmed; he did not.

President Bergman asked Richard Greek to review, over the last ten (10) years, and provide the Commission with a list of the positions that have been taken out of classified service and moved to unclassified service and provide this report to the Commission at the next regular scheduled meeting. When asked, Commission Counsel Ann Duggan had no comment about the correspondence distributed.

Commissioner Nix asked the Commission's Counsel if the authority to remove positions from classified service to the unclassified service rests with the Board of Supervisors or how does that decision occur? Commission Counsel Ann Duggan responded that there is case law relating to this matter and it references the Civil Service Enabling Act. The Act was adopted by the legislature in the 40's or 50's. The state Civil Service system was adopted in the 1930's. It was adopted largely to avoid the "spoils system" and is when the merit system was developed. The Civil Service Enabling Act requires Counties to adopt a Civil Service system and is often referred to as a limited Civil Service system. Certain federal law, related to grants-in-aid from the federal government, requires the County to maintain specific Civil Service standards. Case law provides the Board of Supervisors with the ability to reorganize and make organizational decisions, including the ability to eliminate positions, so long as it is not a subterfuge to do away with the merit principles.

Ms. Duggan added that there have been two published cases addressed by the courts, one from Placer County and one from Contra Costa County when the authority of the Board of Supervisors to remove a position from classified service was challenged. The court found, in both cases, that the

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Board of Supervisors did have the authority based on the facts presented. Ms. Duggan explained that one case involved the hiring of physicians for emergency medical reasons, and designating those positions as unclassified positions.

Ms. Duggan commented that the courts look to the reasons for removing a position from the classified service. The Act contains language that there cannot be a piece-meal dismantling of the Civil Service. Though the Act provides the Board the ability to take some action, if over a period of years it results in the substantial impairment to the Civil Service, this can be problematic.

Once our County decided to adopt a Civil Service system, the Civil Service ordinance went to the voters for approval.

Clerk Susan Carvalho asked Ms. Duggan to clarify if the documents distributed by President Bergman are considered confidential and not part of the public record. Ms. Duggan responded she'd like to further research the matter as the documents were sent anonymously. Ms. Duggan stated the document signed by Rich Granger would be subject to the Public Records Act. However, in this specific case, allegations are raised by an anonymous individual (in the document) and Ms. Duggan added that the policy states anonymous allegations do not require action. Ms. Duggan restated at this time the documents are not to be distributed upon request.

Commissioner Nix stated that for some time this County has been moving various classified service positions into the unclassified status and asked how this practice compares to other Counties. Ms. Duggan responded that she did not know. At the time our (Civil Service) system was adopted approximately five (5) to six (6) categories were exempt. However, over the years a number of positions, including the Personnel Director, have been removed from classified service.

Ms. Duggan added that County Counsel has an excellent record of Civil Service guidelines and rules dating back to when the District Attorney provided opinions to the Commission. (The County Counsel Department was not established until the late 70's.)

Commissioner Chapman stated we have a strong executive form of government in our County and that all of the department heads report to the Chief Administrative Office, whereas in LA County the non-civil service and civil service department heads still report to the Board of Supervisors. Mr. Chapman added with respect to the (SLO County) Personnel Director that there is an essential conflict of interest where the Personnel Director does not report to the Board of Supervisors directly because of the different roles of a Personnel Director in a Civil Service system versus the Chief Administrative Officer. Mr. Chapman continued that when the Chief Administrative Officer by default is also the Director of Personnel then you do not have a good check-and-balance of the executive in the Civil Service process.

7. Time Reserved for Commission Counsel

No report.

8. Time Reserved for Commission Secretary

Richard Greek distributed a new and improved version of our Guide to Oral Board Members produced by Susan Carvalho. This pamphlet is now available electronically. The oral board members receive this prior to serving on an oral board and are also briefed in person, by the Personnel Analyst, prior to conducting the oral board in the Personnel Department.

Mr. Greek added that he will report on the department budget at the next meeting.

9. Closed Session - (Closed Session per Gov. Code, section 54957.6 -- Conference with County Labor Negotiator): 2005 Civil Service Rule Changes (*Action*)

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President Bergman stated the meeting will continue in closed session for agenda item #9 and added that agenda item #10 has been deleted from today's meeting.

~~10. **Closed Session** — (~~Closed Session per Gov. Code, section 54956.9~~ — ~~Conference with Legal Counsel, Pending Litigation~~): San Luis Obispo County Superior Court, State of California, Case No. CV 050945, County of San Luis Obispo, Department of Social Services (Petitioner) vs. County of San Luis Obispo, Civil Service Commission (Respondent), Cesar Bedroni (Real Party in Interest)~~

11. Adjournment

Being no further business the meeting was adjourned at 1:45 p.m.

Note: These minutes reflect official action of the Civil Service Commission in open session. A taped record exists and will remain as the official, complete record of all proceedings by the Civil Service Commission.

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