

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 Action¹ Minutes Thursday, April 27, 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 9:02 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. Each speaker was permitted three minutes to address the Commission.

Star Graber, Clinical Programs Manager, Drug & Alcohol Services – Dr. Graber requested the Commission to “re-look” at the job classification specifications of Division Manager – Drug & Alcohol Services and Division Manager – Mental Health and the relationship to the Clinical Programs Manager specification. Dr. Graber expressed her view of the coalition of duties performed by the Clinical Programs Manager in Drug & Alcohol Services as being the same duties performed by the Division Manager classification in Mental Health. Dr. Graber expressed her dissatisfaction that the Clinical Programs Manager position, a stand-alone job specification, was not changed to the Division Manager job classification to better align the Health Agency reorganization structure to accurately depict the like-duties.

Jason Wells, Health Care Analyst, Drug & Alcohol Services – Mr. Wells stated the approval of the reclassification of the Health Care Analyst job specification to Administrative Services Officer II will have “damaging effects” on the Drug & Alcohol Division, the Health Agency, and the community. Mr. Wells expressed the value in recognizing the “critically important marriage” between the science of public health and the business of public health administration. To eliminate the Health Care Analyst job specification, Mr. Wells added, would invite “ineffective programs, lower outcomes, and lower quality of care in the services provided.”

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Wayne Hansen, Health Care Analyst, Drug & Alcohol Services – Mr. Hansen discussed his opposition to the proposed reclassification of the Health Care Analyst to Administrative Services Officer II by explaining “three (3) major issues”: “job complexity, objectivity, and personal damage.” Mr. Hansen believes this reclassification “diminishes the job into a generic box” and does not address the magnitude of job complexity. He explained to the Commission the millions of dollars in state and federal grants he has brought to the County. He reminded the Commission that the Ewing Study recommended he be reclassified as an Administrative Services Officer III and the desk audit results from the Personnel Department recommends an ASO II status. Mr. Hansen recommends that the Commission “pick the middle ground” and “keep the job title and spec unchanged for Health Care Analyst.”

Being no further public comment, President Bergman closed the Public Comment Period.

3. **Approval of Minutes:**

Motion made by Commissioner Chapman to approve Wednesday, March 22, 2006 minutes, second by Commissioner Salter. Motion passed. 5-0-0.

4. **Personnel Department Strategic Plan Update:**

Richard Greek introduced Patrick Ibarra. Mr. Ibarra presented an **Action Update Final Report on the Organizational and Human Resources Effectiveness Consulting Project**. Mr. Ibarra explained the organizational assessment was completed in October of 2003 and the subsequent update completed in December 2004. Mr. Ibarra said tremendous effort has been demonstrated by the Commission and the Personnel Department staff in adjusting efforts toward a focus on delivering service improvements valued by the customer.

(A copy of the power point presentation and the Action Update Final Report dated April 27, 2006 is on file.)

In summary, Mr. Ibarra recommended continued focus on strengthening the Customer Roundtable by increasing attendance and contributions by department directors, increasing the number of staff and expanding the Personnel staff roles within the Departments, fully implementing the Customer Service Team approach, and maximizing the features associated with JobAps.

Following Mr. Ibarra's presentation, the Commissioners expressed their appreciation for the report and discussed several aspects, including: the importance of a full training orientation for all new Personnel Analysts, the transfer of the Employee University from the Personnel Department to the Administrative Office, and open criticism of the Personnel Department staff from other departments.

President Bergman requested a copy of the survey and results from the Fall 2005 customer departments' survey be shared with the Commission at the next meeting. Mr. Greek expressed concern due to the array of comments within the report that are confidential and inappropriate for public discussion. It was determined Mr. Greek will consult with Deputy County Counsel Ann Duggan to determine the proper format, such as the use of redacting, for sharing the information with the Commission members in a private forum. The Commission requested this item be placed on the May meeting agenda for the private review by the Commission.

5. **Quarterly Report:**

1st Quarter – July, August, September 2005, **2nd Quarter** – October, November, December 2005, and **3rd Quarter** – January, February, March 2006

Richard Greek distributed a revised chart titled Average Days by Job Type, identified as exhibit 5 (12). Mr. Greek acknowledged the assistance of Mary York, Duane English and Susan Carvalho in preparing

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this document and asked the Commission to give thought to the level of information to be included in the annual report.

Based on direction from Richard Greek to focus on the Average Days by Job Type chart, Department Automation Specialist Duane English stated the Personnel Department spent an average of 62 days to process 97 County job recruitments between July 1, 2005 and March 31, 2006. This represents a 20% decrease in the average time required to conduct recruitments. The recruitment process timeline starts at the moment a requisition is submitted electronically through JobAps to-the- end, when a certified list of qualified candidates is generated electronically.

Commissioner Chapman stated this information is a key performance indicator which clearly shows how well the Personnel Department staff is doing in improving recruitment response and encouraged Mr. Greek to share this information with County departments. Mr. Greek stated that starting in May 2006 each department with a job recruitment will receive a survey asking for feedback on performance indicators. Together, the Personnel Department and recruiting department staff will review what worked and what didn't.

Commissioner Nix requested that comparison of the EEO counts be done to measure how the County is meeting these requirements and suggested use of dated or projected census figures. Mr. English agreed to generate a comparative chart in the next report.

Commissioner Chapman requested that the grievance and appeal status include the length of process for submittal to conclusion or closure. Mr. Greek stated that a comprehensive report is being compiled by staff for the Commission's review at the May meeting.

6. Future Agendas:

Richard Greek distributed the confidential monthly calendars to the Commissioners. Mr. Greek stated the dates of June 6 and June 8, 2006 can be released as tentative hearing dates. August 15 and 16, 2006 were reserved for tentative grievance or appeal hearings.

Mr. Greek reported that there are 15 pending issues; 5 grievances and 10 appeals. Nine (9) of the 15 issues have been in process between one (1) and three (3) months. Eight (8) of the appeals are from those employees appealing the reclassification study results and actions by the Personnel Department. These appellants are from the Social Services, Public Works, District Attorney and Auditor-Controller departments.

7. New Specifications: *(Action)*

- A. **Deputy Director – Health Agency by Antonia Marshall, Principal Personnel Analyst *(Resubmitted)***
- B. **Division Manager – Mental Health Services, Health Agency by Antonia Marshall, Principal Personnel Analyst *(Resubmitted)***

President Bergman stated he has received requests to address agenda items 7A, 7B and 8A in succession. Commissioners agreed. President Bergman added that several Commission Appearance Request forms have been received and following the Personnel Department staff's presentation on the specific item, the public will be called to speak for three (3) minutes on the topic.

Antonia Marshall re-introduced the **Deputy Director – Health Agency** job specification, relating to the reorganization of the Health Agency. Ms. Marshall confirmed that the Commission's request to add specific language on the education requirement of accounting units has been made. In addition, Ms. Marshall stated upon the recommendation of the Employee Relations staff the specific language "*management information systems*" has also been included for clarification.

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1. Change exhibit 7A, page (4), line 13, to read:
 - management information systems, and other related technical, professional and clerical
2. Change exhibit 7A, page (5), line 5, to read:
 - management information systems, and other related technical, professional and clerical
3. Change exhibit 7A, page (7), line 7, to read:
 - Principles and practices of administration, personnel management, management information systems, and training
4. Change exhibit 7A, page (8), line 10 and 11, to read:
 - a closely related field, including 6 semester or 8 quarter units of. ~~College coursework must include signification coursework in business, public administration or accounting.~~
5. Change exhibit 7A, page (8), line 12 and 13, to read:
 - professional-level experience may substitute for the required education, except for the required accounting units, on a year-for-year basis.)

Commissioner Chapman asked Ms. Marshall's intent on using generic driver's license language in keeping with ADA requirements. Ms. Marshall's understanding was that the result at the Commission's meeting on March 22, 2006 was the driver's license language proposed by staff, in agreement with then Health Agency Director Jess Montoya, was acceptable as presented. It was reiterated that staff and the Commission would review the driver's license language on a job-by-job basis and make judgment on the specific job spec's language at that time.

President Bergman invited Lee Collins, Director of the Department of Social Services, to speak to 7A as he requested on the Commission Appearance Request form. Ms. Marshall added that she was asked by Mr. Collins to specify the only specification that D.S.S. is directly involved in is the Division Manager specifications.

Lee Collins, Director, Department of Social Services – Mr. Collins stated that for clarification those individuals in the department under the Program Coordinator title are not opposed to the change of title to Program Manager. The D.S.S. Program Coordinators are responsible for a host of support to the department and manage programs such as Cal Works - an over 10-million dollar program, Foster Care - a 13-million dollar program and Med-Cal - an over 100-million dollar program. President Bergman indicated that the Commission was seeking comments on agenda item 7A at this time. Because Mr. Collins' comments were on item 8A he stopped his presentation and asked that his comments be considered during the item 8A presentation.

Commissioner Nix, referencing the Education and Experience section of agenda item 7(A) page (8) and page (9), questioned why the specific language of "public health" is not in the specification and expressed that the importance of "knowledge of public health issues from either an experience or education background" be included. The Commissioners, Personnel Department staff, Dr. Greg Thomas and the public had an interchange of dialogue considering the issue. Richard Greek and Antonia Marshall clarified that in screening criteria and in recruitment advertising the language of "preferably with health agency education" can be used to emphasize the department's specific needs. Mr. Greek stated that

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depending on the appointing authority's objective, often language such as "preferably, etc." is included in recruitment advertising and screening criteria. The Commissioners concluded that this language be included, if appropriate, in the advertising and screening criteria.

Antonia Marshall re-introduced the **Division Manager – Mental Health Services** job specification, relating to the reorganization of the Health Agency. Ms. Marshall stated that upon the request of the Behavioral Health Administrator to broaden the minimum qualifications, she has changed the language under Education, Experience and Licenses section from "psychiatric or mental health setting" to psychiatric or behavioral health setting. On exhibit 7B, page (7), line 5, line 8, line 12, and line 15 instead of mental health setting the language will be behavioral health setting.

Ms. Marshall added that the recommendation by the Commission at the March 22, 2006 meeting was that a state psychiatric technician license be added as an option under the license requirements. Commissioner Salter acknowledged the inclusion of this license on the proposed specification – exhibit 7B, page (7). However, Mr. Salter questioned line 17 that states a "registered psychiatric technician". Ms. Marshall confirmed the term "registered" was used in another county. It was agreed that Ms. Marshall will review her records from a meeting with Health Agency staff and determine if the language should be "registered" or "licensed".

Star Graber, Clinical Programs Manager, Drug & Alcohol Services – Dr. Graber thanked Ms. Marshall and Ms. Baylor for changing and broadening the job experience requirements in the Mental Health specification to address the Behavioral Health environment. Dr. Graber questioned why the Division Manager – Mental Health specification requires various licensures to conduct its duties as "it does not appear to be a direct client care position". Dr. Graber also questioned why the Division Manager – Drug & Alcohol Services' specification "does not contain any licensure" requirements. Dr. Graber added that she'd like to see parity with licensure requirements and salary levels on all of the Division Manager specifications.

Commissioner Chapman commented that sometimes the pay inequity between licensed and unlicensed managers happens often in health agencies. Mr. Chapman added that in the health industry often a doctor will be paid more than a non-physician manager, even if that manager is in a supervisory role to the doctor.

Ms. Marshall noted that the Division Manager Mental Health supervises a facility with severely ill people and is participating in care decisions. Also M.Q.'s must be reviewed within the merit system and artificial barriers are not allowed.

President Bergman introduced agenda item 8A.

Mark McKibben, Personnel Analyst assigned to the Health Agency, re-introduced the proposed revised specification titled **Program Coordinator I, II (Career Series)**. Mr. McKibben recalled the direction given to staff at the March 22, 2006 CSC meeting to "further research and evaluate the job title and the requirements of a valid driver's license plus include specific language in the job spec to require budget preparation as a representative duty." Mr. McKibben viewed the recommended changes of exhibit 8A, pages 11 through 17. [Including suggestions from Commissioner Chapman that followed after the public comment section of agenda item 8A, the following outlines the final recommended changes for approval by the Commission.]

1. Change the title from Program Coordinator I, II (Career Series) to Program Manager I, II (Career Series).
2. Change 8A, page (11), starting at line 8 - **DEFINITION** to read:

Under direction, performs a variety of professional program activities in the planning, organizing and administering of operations in support of designated health or social programs

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or associated automated systems of an assigned division or department; provides leadership and administrative support in the review, analysis, development and implementation of designated programs; may collaborate with governmental agencies, other departments and community organizations to provide community information, outreach, and advocacy for services; may supervise, train, and evaluate assigned staff; and does other related work as required.

3. Change 8A, page (11), starting with line 18 – **DISTINGUISHING CHARACTERISTICS** to read:

The Program Manager I classification is the entry-level position in the series. Incumbents work under supervision, perform professional-level planning and organizing duties and have significant administrative responsibilities in support of major health or social programs or associated automated systems of an assigned division.

The Program Manager II classification is the experienced-level position in the series. Incumbents work under general supervision, perform complex professional-level planning and organizing duties, implement special programs or projects, and provide broad administrative direction for large or varied health or social programs.

4. Change 8A, page (12), starting with line 10 – **REPRESENTATIVE DUTIES** to read:

- Perform a variety of professional program activities in the planning, organizing and administering of operations in support of designated programs or associated automated systems of an assigned division or department; participate in or lead the development, organization and implementation of policies and programs for assigned division and assure activities comply with established rules, regulations, ordinances, and procedures.
- Provide leadership and administrative support in the review, analysis, development, and implementation of designated programs or associated automated systems; research and analyze a variety of regulations and revisions for County and other governmental programs to assure accurate compliance in division activities; analyze operations to identify and implement recommendations concerning trends and policy changes.
- Coordinate activities to assure organizational effectiveness; collaborate with others to assure cross-functional projects align with departmental and County-wide goals and objectives; monitor, develop and provide training, evaluate and implement recommendations regarding program or associated automated system enhancement and modification.
- Supervise, train and evaluate the performance of designated personnel as assigned; interview and select employees and recommend transfers, reassignment, termination and disciplinary actions; assign employee duties and review work for accuracy, completeness and compliance with established requirements.
- Provide consultation and recommendations to administrators and personnel concerning assigned areas, division activities and related functions; respond to inquiries, resolve issues and conflicts and provide detailed and technical information concerning related standards, practices, laws, codes, regulations, policies and procedures.
- Prepare and maintain a variety of reports and documentation related to division or program activities, project scheduling, requests for proposal, and related activities. May develop, prepare, analyze and review program budgets, grant proposals, quarterly and annual summary reports as required; respond to audit reports and inquiries; maintain research analysis summaries, trend review reports, charts, memorandums and other documentation

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as needed for effective research collection and policy implementation practices.

- Provides technical information, assistance or direction in the administration of department or program activities, needs and issues; assist in the formulation, development, implementation, and interpretation of policies, procedures and programs; researches, analyzes and interprets laws, codes, rules, regulations, data from automated systems, and pending legislation; provides recommendations to assure compliance with local, State and federal requirements as appropriate.
- Coordinates, facilitates, and participates in a variety of meetings; serves on committees and review boards; communicates with personnel and various outside agencies to exchange information, coordinate activities and resolve issues; and enlists the support of diverse agencies and community organizations and individuals as appropriate.

5. Add to 8A, page (15), following line 17, to read:

- Operate standard office equipment including a computer and assigned software

6. Change 8A, page (15) and (16), **EDUCATION AND EXPERIENCE**, to read:

Program Manager I: Graduation from an accredited four-year college or university with a bachelor's degree in social science, health science, or health, business or public administration or a closely related field. (Job-related experience may substitute for the required education on a year-for-year basis.) In addition, two years performing supervisory, administrative, analytical or fiscal work in a public social services/welfare department or a community-based social services agency, health agency, hospital setting.

Program Manager II: One year experience at level of Program Manager I.

7. Change 8A, page (16), **LICENSES AND OTHER REQUIREMENTS**, to read:

Certain positions within this 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.

8. Exhibit 8A, page (16), **SPECIAL SUBCLASS RECRUITMENT**, to read:

Recruitment for these positions may be conducted according to the department in which a vacancy exists and the special requirements for each position. (Note: This reflects standard language followed by the Personnel Department and reflective in department manuals so "needs of the" was not inserted between "the department".)

President Bergman invited those to completing a Commission Appearance Request form to address the Commission.

Lee Collins, Director, Department of Social Services – Mr. Collins stated the Social Services staff is in support of the proposed changes in title and other language to this job specification. Mr. Collins added, that with this support it does not offer an opinion whether the proposed changes are appropriate for the Health Agency.

Susan Hughes, Director Health Promotion Services, Health Agency – Ms. Hughes stated she submitted a written document to the Commissioners prior to the meeting and thanked Susan Carvalho for her support in distributing the document to the Commissioners. Ms. Bolinger is out of town but conveyed that she still has a high level of interest in this subject also. Ms. Hughes added that this is her final effort to try and clarify the level of responsibility associated with the tasks of her job. Ms.

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Hughes stated that in her document she outlines “*real life scenarios*” such as that she hired and supervised a Program Coordinator for the First 5 program and that recently she was asked to read, score and evaluate a grant proposal written by a Program Coordinator at DSS. It is Ms. Hughes’ hope that “*these specific real life scenarios will assist the Commission in identifying*” the difference between the Program Coordinator position and “*the two positions under consideration*” by the Commission. Understanding that salary levels are not included in the Commission’s decision making scope, Ms. Hughes stated that in her “*twenty years of private business the level of responsibility always compared and was relevant to the compensation*”. Therefore, Ms. Hughes provided the Commission with an overview of other counties’ First 5 Executive Director positions and their salary range. Ms. Hughes recommended that the Commission consider these options: Keep the Program Coordinator I & II for those positions at D.S.S. and Health Agency, and create a new Program Manager I & II or “*just do a Program Manager I through IV that would accommodate everybody’s level of responsibility*”.

For the record President Bergman stated the Commission has a memo from Susan Hughes dated April 26, 2006.

Dr. Greg Thomas, Health Officer and Public Health Administrator, Health Agency – Dr. Thomas agrees with staff’s recommendation to rename this job specification to Program Manager. Dr. Thomas added “*that significant additions have been made to this job spec having significant administrative responsibilities along Program Manager I, professional level planning, organizing and direction rather than support for a large or varied health or social program.*” Dr. Thomas supports this revised specification as a new job specification, not the revision of the existing Program Coordinator spec to be identified through a “*compensation analysis*”.

President Bergman stated the next Appearance Request form is from Kathleen O’Neill. Ms. O’Neill was not present but Mr. Bergman acknowledged that the Commission has two memos from her dated April 26, 2006 for the record.

Commissioner Salter reviewed the letter from Susan Hughes dated April 26, 2006 and commented on the analysis of various other counties’ First 5 Executive Director positions and their salary range.

Commissioner Nix thanked Susan Hughes and Kathleen O’Neill for the extra comments and information and stated she “*sees an opportunity to broaden the Program Manager from just a (I) and (II) level and suggested that adding a level (III) may address the higher level of responsibility.*” However, Ms. Nix questioned if that action is within the purview of the Commission; to suggest an increase in a career series level. Richard Greek stated the Commission could discuss and suggest. However, this situation is a reorganization of the Health Agency and “*a conscientious decision was made by the County Administrative Office and the appointing authority/department head to go to a two-level system.*” Richard Greek questioned if we have adequately defined the spec. Ms. Nix continued to explain her desire to elevate the levels of the proposed Program Manager specification and the Commission members exchanged dialogue with Mr. Greek. Mr. Greek clarified that one of the duties and responsibilities of the H.R. department is to perform a review within the specific department location, “*in an objective manner, to listen, to review the work and to evaluate the reporting relationships, and the responsibilities that individuals have and perform within a department and then develop the job specifications around this objective.*”

Ms. Marshall stated that if the Commission does recommend a level increase in a job specification “*that the Commission is therefore making a judgment on compensation, where one position or classification should be paid more than another.*”

Commissioner Nix continued to express her desire to elevate the levels of the proposed Program Manager specification. Ms. Marshall exchanged dialogue with Ms. Nix relating to the detailed analysis and review the Personnel Department staff conducted in consideration of the Health Agency reorganization. Mr. Greek commented that based on this detailed analysis it is the recommendation of staff that the Program Coordinator I, II be changed to Program Manager I, II, including the specific line item changes as already discussed.

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A lunch recess was called by President Bergman at 11:55 a.m.

The meeting reconvened at 1:00 p.m.

Commissioner Nix and Ms. Marshall continued to exchange dialogue regarding the detailed staff analysis of the Health Agency reorganization and how the Personnel Department staff arrived at their recommendation. Mark McKibben specified various findings from the actual desk audit relating to the Program Coordinator I, II responsibilities within the Social Services department versus the Health Agency.

Commissioner Nix discussed the chart information provided by Susan Hughes in her letter dated April 26, 2006 stating other counties' First 5 Directors and their salaries. It was clarified by staff that this analysis includes only three counties designated as San Luis Obispo County's comparable counties. Ms. Marshall added that some of the First 5 programs listed are included in Special Districts which have a major difference in responsibilities and authority levels also.

Richard Greek reminded the Commission that the direction to staff is to have less and more generic job class specs. Mr. Greek added that it is staff's responsibility to go out and do a thorough study and make recommendations to the Commission based on the actual results of the study.

Deputy County Counsel Ann Duggan reminded the Commission that they have authority over the classification plan and have the discretion to make the decision. However, Ms. Duggan added, the Commission does not have authority over the compensation. Mr. McKibben stated that new duties were not added to the specification but rather the revisions were mostly related to the distinguishing characteristics to "*clearly define the level I work from level II work.*" Susan Hughes stated, in her opinion, that job spec duties were added.

Commissioner Chapman asked that Ms. Hughes and others remember that job classifications and job descriptions are two different things. Mr. Chapman recognizes what the Personnel Department staff is trying to follow direction outline in the County's Classification Guidelines and can understand how individuals might feel that the job spec does not fully describe ones responsibilities or duties. Ms. Hughes continued to explain how she sees the job specification does not accurately depict her level of job responsibilities.

Commissioner Nix asked that consideration be given to calling the Program Manager I, II job specification a "NEW" specification versus a revised specification and allow the issue of salary and comparable counties be considered. Ms. Marshall expressed concern that that creates an assumption that the proposed revised specification does not fit the duties and task of the Program Coordinators in the Department of Social Services, which it does. Ms. Marshall added that if the Commission decides to make two specifications that the Program Coordinator I, II and Program Manager I, II specifications would be too close in duties and tasks if both existed.

Commissioner Chapman stated that it is his understanding that a new specification would require a compensation study. Richard Greek said that every year Employee Relations takes the opportunity to look at bench-marks, uses April 1st as the target date, which a study is done to compare classification with those in comparable counties.

Commissioner Nix asked if the Commission has the authority to ask that Employee Relations conduct a compensation study of this proposed new specification. Mr. Greek clarified that the Commission does not have authority in this area but a recommendation could be made. Ann Duggan added that the Commission can request that this spec be included in the management compensation study but has no authority to direct this.

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Commissioner Chapman stated that *“the Commission does have some indirect impact upon compensation in that (the Commission) approves the level defining language in a specification.”* Mr. Chapman added that by making language changes in specs the Commission does have some level of impact to the salary range.

Ann Duggan referenced Civil Service Rules 5.03 and 5.04 and asked if Dan Buckshi, Administrative Office might comment. President Bergman clarified that an Appearance Request form was received from Mr. Buckshi and asked him to address the Commission. Dan Buckshi concurred with Mr. Greek’s review of the overall bench-marking process but wanted to make clear a few points about compensation. Mr. Buckshi said, *“The current Director of Promotional Health Services which is occupied by Ms. Hughes is currently paid the exact same amount as the Program Coordinator II positions so, labor relations currently has looked at those duties and determined that from a compensation stand-point they are comparable to the Program Coordinator II. Additionally, the Health Agency Administrator I position, which is occupied by Ms. Bollinger, is also paid exactly the same as the Program Coordinator II so, labor relations has made that same determination. The other job spec, which is the AIDS Coordinator in the Health Agency is actually paid a bit less than the Program Coordinator I which it is intended to be mapped into, so ultimately that position would be paid a little bit more.”*

A motion was made by Commissioner Chapman to accept the specifications as revised with the additional revisions requested, second by Commissioner Tappan. Commissioner Salter stated he cannot vote in favor of this motion. President Bergman stated it is the goal of the Commission to broaden specs and not narrow them and commented that Ms. Hughes stated that the specification does fit within her job. Commissioner Tappan added he agreed with Ms. Nix that to approve this specification as a “NEW” specification would help address the issues, to review compensation again. President Bergman clarified that the Commission does not have authorization over compensation. However, Mr. Tappan added that this action would cause the specification to be re-examined if it becomes new. Richard Greek added that Dan Buckshi stated the ER has just completed a study on these specifications during the reorganization review. Mr. Buckshi clarified that he is not certain if a new or revised specification would *“trigger a new compensation study”*. If the recommendation of the Commission is that the “NEW” spec be looked at Mr. Buckshi added he would be happy to pass that request on to the labor relations staff given that it is a new title and that in conjunction with the other positions being study this one to be put into the mix. That decision rests with labor relations staff and *“includes a team of other management members that look at all specifications and do additional bench-marking to move away from the high number of internal relationships that are out there currently.”*

President Bergman called for a roll call vote.

Commissioner Nix	No
Commissioner Salter	No
Commissioner Tappan	No
Vice President Chapman	Yes
President Bergman	Yes

Motion failed. 2-3-0.

Commissioner Tappan made a motion that the Program Manager I, II job specification be presented as a “NEW” specification with approval of 7A, 7B and 8A as amended. It was concluded the Program Coordinator I, II will be eliminated upon vacancy by County employees. Motion seconded by Commissioner Chapman.

President Bergman called for a roll call vote.

Commissioner Nix	No
Commissioner Salter	No
Commissioner Tappan	Yes
Vice President Chapman	Yes
President Bergman	Yes

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Motion passed. 3-2-0.

A short break occurred so that staff of the Assessor's Office could be present for item 7C and 7D.

President Bergman called for items 7C and 7D.

- C. Assessment Manager – Assessor's Office by Antonia Marshall, Principal Personnel Analyst**
- D. Assistant Assessor – Assessor's Office by Antonia Marshall, Principal Personnel Analyst**

Ms. Marshall presented a request for approval of two new specifications for the Assessor's Office. Results from an organizational health assessment and organizational effectiveness study recommended a restructure of the Assessor's Office to create group teams to improve service.

Both positions are in the civil service system. Tom Bordonaro, Assessor, stated that these recommendations are made based on the parameters established by the Administrative Office which is to be cost-neutral. Mr. Bordonaro clarified that he has not decided on what type of recruitment would be held for these positions. Ms. Marshall stated this decision rests with the appointing authority/department head.

The following changes were recommended by Commissioner Chapman.

1. Change 7C, page (8), line 4 and 5, to read:
 - Operate a computer, assigned software and office equipment
 - Prepare comprehensive narrative and statistical reports
2. Change 7D, page (3), line 3, to read:
 - ... selects employees and recommends appointments, transfers, reassignments, and promotions;
3. Change 7D, page (3), line 9, to read:
 - Oversees the development, preparation and monitoring of the annual budget for the department programs,

Motion by Commissioner Salter to approve 7C and 7D with changes, second by Commissioner Nix. Motion passed. 5-0-0.

9. Time Reserved for Commission President:

- A. Letter to President Bergman from Patricia Anderson, dated March 31, 2006
(Redacted)**

In response to the complaint letter from Pat Anderson, addressed to President Bergman, Mr. Greek distributed a document to the Civil Service Commission dated 4-27-06. (Note: Ms. Anderson's letter referenced her application for a Social Worker I/II recruitment with a filing deadline of December 2, 2005.) Mr. Greek's document contains recommendations, discussion topics, review of the technology issue, computer screen shots of the Application Status Board, a sample of an email message sent to Ms. Anderson and a sample of the email message sent to Ms. Anderson affected by the "virus protection" system.

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Mr. Greek stated that parts of Ms. Anderson's letter were redacted as some issues dealt with the confidential nature of the recruitment process and some issues in Personnel.

Mr. Greek's recommendations to the Commission:

1. Review and accept his report as an adequate and timely response on the part of Personnel to manage technology regarding keeping applicants informed during recruitments for County positions.
2. Direct the Personnel Director to review the findings, including this report, and the confidential matters surrounding the exam process with Ms. Anderson and her representative, Christine Scanlan, providing the Commission a summary "confidential" response by the May 2006 meeting to ensure that there is an accurate record of Personnel's follow-through.

Regarding the issues of technology, the Information Technology Department installed some virus protection software in late-January and early-February 2006. The situation that it created was that County employees who were using their County email addresses to receive their notices from the Personnel Department, were recognized as 'spam' messages by the County. Our off-site system showed that the notices from the Personnel Department on this recruitment were sent in a timely manner. However, the County captured these notices, recognizing them as 'spam', and set them apart from authorized email messages. The Personnel Department continues to refer all applicants to the "Application Status Board" which provides a snapshot of the current recruitment process and time line. In this specific situation Ms. Anderson was using her County email address to receive notices from the Personnel Department on the recruitment she applied for.

A detailed explanation is outlined on Mr. Greek's memo to the Commission.

Commissioner Nix commented that Ms. Anderson claims she was passed on M.Q.'s (minimum qualifications) one year and was rejected several years later. Mr. Greek stated that this topic does touch on various confidential issues regarding Ms. Anderson and the recruitment. However, Mr. Greek clarified that the M.Q.'s did not change on the job spec from one year to another and that Ms. Anderson did pass both times but she needed to provide the Personnel Department with additional information. Mr. Greek added that the first recruitment process did not include a weighed application screening process and the second recruitment did.

President Bergman questioned Mr. Greek, with reference to the redacted paragraph on page two (2) of Ms. Anderson's letter, if the issues were dealt with. Richard Greek assured President Bergman that he is dealing with the issue and interviewed 4-5 individuals in the process. Because the issue is still under review Mr. Greek seeks the Commission's approval to meet confidentially with Ms. Anderson and Ms. Scanlan. Following the meeting Mr. Greek will submit a written, confidential report to the Commission. Ann Duggan reported that at her suggestion the selected items were redacted on Ms. Anderson's letter as there was a specific complaint about a selected employee and this is not the forum to discuss the claim. President Bergman agreed.

B. Letter to Civil Service Commissioners from Gere Sibbach, dated April 26, 2006 – Discussion

President Bergman stated that this item was relative to item 11B and discussion will occur under 11B.

10. Time Reserved for Commission Counsel

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No report.

11. Time Reserved for Commission Secretary

A. Review Section 2.40.060 of the County Code – Job Classification Specifications (*Continued*)

President Bergman asked Christine Scanlan to clarify the items that she has requested to speak on as noted on the Commission Appearance Request form. Ms. Scanlan responded 11B and 11C.

President Bergman asked Tony Krause to clarify the items that he requests to speak on as noted on the Commission Appearance Request form. Ms. Krause said 11B.

President Bergman asked Kimm Daniels to clarify what items she requests to speak on as noted on the Appearance form. Ms. Daniels said 11B.

Richard Greek acknowledged the research and level of detailed work Susan Carvalho performed on this project. Mr. Greek reported the 370+ pages of the detailed research has been provided to Commissioner Salter as your designated representative to review the documents. Exhibit 11A, page 1-9, is a summary titled Review of Minimum Education and Experience Requirements as the Commission requested.

Richard Greek will direct the Personnel Department staff to post notification on the County web site and on the Lotus Notes Bulletin Board to indicate the 20+ unclassified positions with a note of reference that anyone interested in the minimum qualifications of the position can contact the Personnel Department for more information.

President Bergman asked, following Commissioner Salter's review of the comprehensive research, that Mr. Salter report to the Commission his findings at the May 24, 2006 CSC meeting.

B. Personnel Department – Reclassification Window Period Policy

Christine Scanlan, Representative, San Luis Obispo County Employees' Association –

Christine Scanlan stated she has received feedback from SLOCEA members and department supervisors that there is *“quite a bit of frustration out there”* and that it is taking a long time for completion of the reclassification studies. Ms. Scanlan added, *“the employees, supervisors and departments don't feel that Personnel, that the Personnel Analysts are listening to them as far as the job duties they are performing versus the job specifications they are compared to.”* Ms. Scanlan stated that the window period is forcing employees to work-out-of-class.

Tony Krause, Representative, San Luis Obispo County Employees' Association –

Mr. Krause said he completed job reclassification studies for over 25 years for the County and encouraged the Commission to review the policies and procedures. With reference to the Classification Guidelines approved by the Commission in October 2005, Mr. Krause highlighted the active role of the Administrative Office in this process. Mr. Krause added that CSC Rules 5.03 and 5.04 indicate that the authority rests solely with the Personnel Director and he believes *“role conflicts”* exist. Mr. Krause recapped that in this October 2005 document, paragraph 6 and 7, the policy states the Personnel Director can reallocate the position, the Personnel Director can recommend a new classification to the Commission, or the Administrative Office can direct the department head to reassign the duties. Mr. Krause questioned the authority of the Administrative Office, as stated in this policy, and referred to ordinance 2.08.030 which does not list this authority in the duties of the CAO. Mr. Krause quoted CSC Rule 12.01 as the assignment and reassignment is in the jurisdiction of the appointing authority. Mr. Krause stated ordinance 2.08.060, the limitations of the duties of the

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County Administrative Office, says the CAO cannot assume the authority of other vested department heads and as Rule 12.01 states this authority rests with the appointing authority.

Kimm Daniels, General Manager, San Luis Obispo County Employees' Association –

Ms. Daniels expressed the “*very deep frustration with dealing with the reclassification window period.*” Ms. Daniels stated that upon her arrival to SLOCEA in July 2005 she continued efforts, along with the Public Works Department, to complete a two-year old reclassification study review in order to present it during the September 2005 window period. Ms. Daniels said, “*The study has yet to even be started*”. Per Ms. Daniels, Mr. Greek has indicated that the study will begin in May 2006 which “*will be almost a year after we submitted the study*”. Ms. Daniels stated that “*in the meantime, the employees are working horribly out of class and horribly under compensated.*” Ms. Daniels asked that the reclassification study be thoroughly studied and analyzed as well as the Commission’s rules that deal with reclassification and that the role of the Administrative Office be resolved.

Richard Greek stated that the exhibit 11B document provides the Commission with a summary of the work the Commission completed between August and October 2005 with staff that resulted in the CSC Resolution No. 2005-2 amending the classification study guidelines. This resolution reaffirms the June 16, 1999 document, Resolution Interpreting Civil Service Commission Rules 5.02 and 5.03 as part of Resolution No. 2005-2. Mr. Greek reminded the Commission that extensive dialogue was exchanged at that time and the approved classification study guidelines adopted in October 2005 are being followed by the Personnel Department staff.

Mr. Greek recapped the process timeline for 2005/2006 -- (included on exhibit 11B, page 1):

- Department Head Reminder-9/6/2005
- Requests Due-9/30/2005
- Studies scheduled from 10/20 – 12/2/2005
- Analysis, decisions and draft reports to A. Marshall and R. Greek-12/19/2005
- Final Reports to Administration-1/9/2006
- Administrative Office Reviews for Budget and Organizational Issues-1/9 – 1/20/2006
- Administration notifies Departments of their decision-1/23/2006

Ann Duggan added that the window period was established when Dale Hanson was the Personnel Director and reminded the Commission that it is within their purview to decide on classifications and classifications studies. Ms. Duggan added that the window period concept was a recommendation from staff to the Commission that the Commission approved. It is at the discretion of the Commission to look at the window period and classification study guidelines for revisions or changes if necessary in conjunction with the Personnel Director’s input and recommendations.

Richard Greek informed the Commission he can understand the concerns expressed by departments regarding the timeliness in completing the studies. However, Mr. Greek stated that the Personnel Department has only one (1) staff member available to work on the studies and approximately 60 requests for studies are made a year. Mr. Greek’s goal is that during the July 2006 CSC meeting, staff will be presenting some specifications to the Commission related to the concerns expressed today.

Ann Duggan recalled the concerns expressed by Tony Krause and stated that the Administrative Office does have authority over fiscal matters. If the Personnel Director determines that someone is working-out-of-class the remedy for that is to either move that individual into a higher classification or more appropriate classification which may trigger fiscal concerns. At that time the Administrative Office can determine that other individuals in that department can perform these duties and can reassign the duties. The Administrative Officer does supervise

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the department heads. The statutes cited by Mr. Krause do have some cross-over elements. However, the Administrative Office does have the authority to recommend to the Board of Supervisors to allocate a higher level position.

Richard Greek clarified that the Personnel Department conducts the classification studies and recommends the remedies. This classification decision cannot be overturned by the Administrative Office but is sometimes appealed by the employee or department to the Civil Service Commission.

The Commissioners exchanged dialogue with Richard Greek and Ann Duggan regarding the role and authority of the department heads relating to reclassifying staff, fiscal decisions, etc. Commissioner Nix asked for department head Lee Collins to comment.

Lee Collins, Director, Department of Social Services – Mr. Collins explained the variances to working-out-of-class, i.e. duties added to an employee's workload versus a vacancy in the department where a department head may ask an employee to "fill-in" for an undetermined amount of time to cover. Mr. Collins' experience is that in other locations there is often a limit of three (3) to six (6) months for this "fill-in" period. However, in SLO County no time limit is outlined. Employees can refuse to "fill-in" and cannot be discriminated against for that decision.

Mr. Collins added that *"the problem with the window period is this system can go on for a very long time"* and this is unfair to the department and the employee.

Commissioner Chapman asked Mr. Collins for his suggestions to improve the process so he would be more fair to everyone. Mr. Collins responded that he would question that the window period, as it is construed, is the result of short staffing in the Personnel Department. Mr. Collins suggested that if a department or an employee can make a reasonable case that working-out-of-class exists, at least a limited review of that claim should take place to determine whether or not the claim is true. Some reclassification study requests submitted in September, await a decision in June of the following year which creates a long period of time for the employee to work out-of-class if the claim is valid. Then the employee is reclassified, at a higher salary, but is not compensated for the past nine (9) the employee worked out-of-class.

The Commissioners exchanged ideas to improve the window period policy and recognize the concerns expressed by employees, their representatives and departments.

Richard Greek stated that it is his understanding that the classification window period was put into place by the Board of Supervisors at the recommendation of the County Administrative Officer to coordinate the classification issues with the budget process. President Bergman asked Mr. Greek to obtain the date on record that the Board of Supervisors took this action which would reflect the vote and directive to adopt this policy. The Board of Supervisors item's staff report was also requested.

Richard Greek asked David Edge, County Administrative Officer, to comment.

David Edge, County Administrative Officer – Mr. Edge clarified that the topic was the window period. Mr. Greek stated that he made the statement that the window period was put into place before Mr. Greek's arrival to the Personnel Department and that at what point did the direction come down from the Board of Supervisors to the Administrative Office.

Mr. Edge recalls a conversation, over 4-5 years ago or longer, *"the basic concept was that reclassification is generally about the slow accretion of duties."* *"Basically, a job may change over a lengthy period of time to the point where it should legitimately be reclassified as something else."* Mr. Edge clarified that this does not mean that the study of a classification cannot be re-studied

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during a time other than during the window period. Some elements may develop that will necessitate a study. Mr. Edge added that, *“the window period is for the general change of duties that may accrue over time,”* and *“over the years it appeared that the Personnel Department was doing classification studies constantly throughout the year.”* Mr. Edge stated that the window period process was established so that one period of the year the Personnel Department staff could focus on a complete study and determine that the job does need to be reclassified or that the changes do not necessitate a classification change.

President Bergman commented to Mr. Edge that Mr. Greek indicated that *“the Board of Supervisors directed the Administrative Office to create this window period and when did that happen?”* In response Mr. Edge stated that no formal action was taken and added that staff *“takes lots of direction in different forms from the Board of Supervisors.”*

President Bergman asked Mr. Greek for the total of grievances or appeals that are pending claiming working-out-of-class or are appealing the results of a classification study by the Personnel Department. Mr. Greek responded that approximately five (5) are pending.

President Bergman explained to Mr. Edge that the Personnel Department is overloaded with many requests for classification studies, as well as department reorganization requests and the specific window period policy is being reconsidered. The Commission is interested in developing a remedy to improve the process.

President Bergman and Commissioner Nix questioned Mr. Greek on the reclassification request submitted by Gere Sibbach, Auditor-Controller. Mr. Greek clarified the elements of Mr. Sibbach's claim and confirmed that the study was completed, during the window period, but the reclassification request was denied. The employee in Mr. Sibbach's department is appealing the study results and decision.

David Edge clarified to the Commission that he has not heard a complaint or of a grievance over the 'window period' and understands the incumbents are grieving the decisions made during the window period where the incumbent disagrees with the decision made by the Personnel Department.

Richard Greek stated that in fact a couple of the pending grievances might be those from individuals protesting the lack of timeliness of the completion of the reclassification studies. Deputy County Counsel Ann Duggan commented that Mr. Sibbach's issue, though appealing the decision by the Personnel Department to deny the reclass request, is also grieving the lack of timeliness of the study and the window period policy.

Commissioner Nix asked David Edge if *“you would have any objection to having a window twice a year instead of just once a year?”* Ms. Nix continued, *“If there is a perceived issue that it is too long to wait nine (9) months for a reclass study to be told yes or no, because those who prevail and are told yes have lost out on potential, increasing wages...”* Mr. Edge asked to correct Ms. Nix's statement because if the individual *“is found to be working-out-of-class it does not necessarily mean that they get a pay increase.”* Mr. Edge added that this conclusion means that there are options to be looked at concerning this employee's work.

President Bergman said, *“... it is the Commission's purview, it's not the Administrative Office. If (the Commission) wanted to decide to have (the classification window period) twice a year we can do that.”* Mr. Edge stated, *“With due respect, you could say what you want but we'll decide how often we're going to do these things.”* Mr. Edge restated, *“We will decide how often we're going to do these things.”* President Bergman added that he *“was not going to debate that with you at this time.”* Mr. Edge added, *“You don't have to debate it. You can say what you would like as a Commission; what we will do as a staff is [within] the Board of Supervisors' purview, not this Commission's.”*

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Deputy County Counsel Ann Duggan commented, *“With all due respect Mr. Edge classification studies do fall within the authority of the Commission by county code and rule.”* Mr. Edge replied that he was not debating that and *“how often the studies will be conducted is also based on staff available and the workload that exists and we’ll make that determination.”*

Commissioner Nix said, to Mr. Edge, *“If the Commission felt that there was a need for more frequent reclassification studies, is there a possibility of, especially in, in working with budgets and so on, if there was to be an increase cost is that something that could be worked into your budgeting process to make it possible to accommodate the need to review duties of the employees?”* David Edge responded, *“Yes, we could certainly look at it, if the Commission says here is why we believe that a more frequent review of the standard review should be more frequently than once a year. And, if you have some good rationale for doing that, we can take a look at it and say we can afford to do that or we can’t afford to do that.”*

Commissioner Nix informed David Edge that staff reported earlier that over 60 requests for reclassification studies is made a year. Ms. Nix asked Mr. Edge if he considered that to be a significant enough amount to increase the window period time to handle such requests and Mr. Edge responded no.

Mr. Edge clarified that he is making a distinction between the general accretion of duties that may generate someone’s thinking that a job has changed over a period of time and distinct change in duties that is easily identifiable that may be a result of a reorganization or a change in state law.

Commissioner Salter and Commissioner Chapman engaged in dialogue with their understanding of the situation with David Edge. Mr. Edge commented that he is not aware of a big issue of concern over the current window period policy. Mr. Edge stated that the original set up of the once a year window period was established from a push by the Personnel Department (Dale Hanson) to create a system to handle the study requests in a more efficient manner. Mr. Edge states he would be open to considering changing the window period policy based on a thorough study and recommendation from the Personnel Director to change the window period to a on-going, as needed basis based on the facts presented to justify such a change. Mr. Edge said that *“this is not an Administrative driving piece”* but rather listening to the staff that does the work and how it will better serve the County and their employees.

Richard Greek updated that Commission that heard Antonia Marshall have had a discussion about the window period but considering the relatively new Personnel Analyst staff at this time it is more efficient for staff to do the reclassification studies during this established period. Mr. Greek’s one-to-two year goal is to assess, on a flow-basis for classification studies once staff are fully trained.

C. Scheduling Appeals and Grievances before the Civil Service Commission

Richard Greek reported that staff has not completed the level of reporting that is needed on this subject and asked the Commission to postpone this agenda item until the May 2006 CSC meeting.

The Commissioners agreed.

Ann Duggan asked if the Gere Sibbach letter was fully discussed during the window period item. The Commissioners agreed. Ms. Duggan also asked when this matter, the Auditor employee’s appeal, would be heard before the Commission and Mr. Greek confirmed that the employee was not available in June and therefore dates in July have been reserved.

D. EEO Statistical Information

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Richard Greek stated that he is clear staff is to provide baseline information in the quarterly report for the Commission, as discussed earlier in the meeting.

The Commissioners agreed no further discussion was needed on this item.

E. Default Language – Driver's Language (Job Classification Specifications)

Richard Greek confirmed that staff is using the following language on job class specifications as the default language regarding driver's licenses.

- MAY sentence (for positions not specifically requiring driving).
- **Certain positions within this 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.**

F. Budget Update, County Counsel Role

Richard Greek reported that he received a copy of an email between Jim Lindholm and David Edge. The memo states that:

1. A representative from County Counsel (Ann Duggan currently) will continue serving the Commission on a day-to-day basis and during regular meeting sessions.
2. During hearing (grievance or appeal) matters before the Commission, County Counsel representatives will now represent the County departments and a separate private sector attorney will represent the Commission during hearing matters.

Mr. Greek assured the Commission that they will be involved in developing the Request for Proposal (RFP) and clarified that the Commission's Attorney will be on a contract basis. In the case of a conflict with the County Counsel representative during a regular meeting matter, the contracted attorney will serve the Commission. The Commission will participate in the selection of the private sector attorney also.

For further clarification Mr. Greek stated that County departments will no longer be contracting for outside counsel to represent the department during hearing matters before the Commission. On rare occasion, if the County Counsel representing the county department must conflict out, an outside counsel may be representing the department.

Mr. Greek added that Jac Crawford, County Counsel's Office, will be meeting with him to discuss details on the new arrangement. Commissioner Chapman asked that Mr. Greek also discuss the budgetary issue relative to this change with Mr. Crawford. The Commission also requested review of the situation where County Counsel is unable to represent a department and the department uses outside council, would County Counsel then represent the Commission?

G. Additional

In conclusion Mr. Greek shared that E-GOV, a new County web site look, will be launched this Friday, April 28, 2006. The Clerk of the Commission was asked to email the Commissioners the web address.

President Bergman called for item 13 before item 12.

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12. (13.) 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) (*Action*)

President Bergman distributed a set of documents received from the Larry Frierson, Commission's Counsel in this matter, and stated that Mr. Frierson will be generating the Commission's response and he will be present at the May 24, 2006 CSC meeting.

The Commission recessed for 10 minutes. Mr. Wyatt Cash will be present for the next item, #12 on the agenda.

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

President Bergman stated no action was taken during closed session.

14. Adjournment

Being no further business the meeting was adjourned at 4:55 p.m.

¹ *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. Language in italics and quotes reflects specific words used by the speaker, recorded on the record and transcribed by the Clerk of the Commission.*

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