

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
Wednesday, May 24, 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. **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 announced that the Commission will hear agenda item 11, out of sequence, to accommodate legal counsel from out-of-town. The matter was held in closed session.

The Commission recessed for a break between 9:35 a.m. – 9:50 a.m.

4. **Minutes: (*Action*)**

The Clerk of the Commission stated the Commissioners, Deputy County Counsel Ann Duggan and Commission Secretary Richard Greek have received a revised copy of the Thursday, April 27, 2006 minutes, recognized as draft #5. Minor typographical errors were corrected in this 19 page document.

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Motion made by Commissioner Salter and second by Commissioner Chapman to approve the minutes of the Thursday, April 27, 2006 Regular Session Meeting identified as draft #5. Motion passed. 5-0-0.

5. Future Agendas:

Richard Greek stated a JobAps Demonstration will be on the June 28, 2006 CSC Regular Session Meeting agenda. The presentation will take 20-30 minutes.

Mr. Greek said that on the June 8, 2006 CSC Special Meeting agenda a meet and confer report will be scheduled.

Mr. Greek added he will review the pending grievances and appeals in detail during the Commission Secretary report, item 9 (A).

6. New Specifications: *(Action)*

A. Deputy Director – Human Resources Department by Richard Greek

Richard Greek and Gail Wilcox, Administrative Office, presented the new specification. Mr. Greek referred to the cover memo dated May 24, 2006 that reflects a reduction of two (2) job class specifications noting that if the new and revised specifications are approved it will actually be a reduction of three (3) classes of specifications .

Mr. Greek distributed an updated Future Organizational Chart marked as exhibit 5 (6). A minor correction was made to the 4/P H.R. Analyst box by eliminating the word "benefits" under the job spec title that was previously listed in error.

With consideration to organizational development, training, the risk management functions and the overall organizational structure of the Human Resources Department, Mr. Greek has developed the Deputy Director – Human Resources Department, Principal Human Resources Analyst and the Human Resources Analyst I, II, & III job specifications.

The following changes were recommended by the Commission:

1. Change exhibit 5A, page (2), beginning with line 8, to read:

- Supervises and evaluates the performance of assigned staff; interviews and selects employees and recommends appointments, transfers, reassignment, termination and disciplinary actions; assigns employee duties and reviews work to assure accuracy, completeness and compliance with established standards, requirements and procedures.

2. Change exhibit 5A, page (4), beginning with line 19, to read:

- Graduation from an accredited four-year college or university with a bachelor's degree in personnel administration, human resources administration, business or public administration, safety or industrial engineering or a related social or behavioral science field. (Job-related, professional-level experience in human resources administration may substitute for the required education on a year-for-year basis.) In addition, five years of increasingly responsible, professional-level experience in public sector human resources administration. Two of the ~~four~~ five years of professional-level experience in public sector human resources shall have been in a supervisory position.

3. Change exhibit 5A, page (4), beginning with line 27, to read:

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- A ~~Master's Degree~~ post graduate degree in one of the fields or related social or behavioral science field listed above ~~related field~~ may substitute for one year of the ~~required~~ non-supervisory required experience.
- 4. **Change 5A, page (5), beginning with line 10, to read:**
 - Recruitments for Deputy Director-Human Resources may be conducted according to the divisions or programs in which the vacancy exists and the special requirements for the position. ~~Some positions may require public sector experience.~~

Motion made by Commissioner Nix and second by Commissioner Tappan to approve the Deputy Director – Human Resources job class specification with changes. Motion passed.

7. Revised Specifications: *(Action)*

A. Principal Personnel Analyst to Principal Human Resources Analyst by Richard Greek

The following changes were recommended by the Commission:

1. Change exhibit 6A, page (4), beginning with line 9, to read:

- Under general direction, plans, organizes, supervises and administers a major division and/or functional area(s) and assigned staff of the ~~Human Resources Department~~ assigned department; assists in the development and administration of the Countywide human resources programs; leads and performs the most complex and analytical human resource projects and studies; and perform other related work as required.

2. Change exhibit 6A, page (6), beginning with line 1, to read:

- Supervises and evaluates the performance of assigned staff; interviews and selects employees and recommends appointments, transfers, reassignment, termination and disciplinary actions; assigns employee duties and reviews work to assure accuracy, completeness and compliance with established standards, requirements and procedures.

3. Change exhibit 6A, page (8), beginning with line 25, to read:

- Graduation from an accredited four-year college or university with a bachelor's degree in personnel administration, human resources administration, business or public administration, safety or industrial engineering, or a related social or behavioral science field. (Job-related ~~experience at the~~ professional-level experience in human resources administration may substitute for the required education on a year-for-year basis.) In addition, four years of increasingly responsible, professional-level experience in public sector human resources administration. Two of the four years of professional-level experience in public sector human resources experience shall have been in a supervisory position ~~capacity~~. (A post graduate degree in one of the fields or related social or behavioral science field listed above may substitute for one year of the non-supervisory required experience.)

4. Change exhibit 6A, page (9), beginning with line 16, to read:

- Recruitment for Principal Human Resources Analyst positions may be conducted according to the division or program in which the vacancy exists and the special requirements for the position. ~~Some positions may require public sector experience.~~

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Motion made by Commissioner Chapman and second by Commissioner Nix to approve the Principal Human Resources Analyst class specification with changes. Motion passed.

B. Personnel Analyst I, II, & III (Career Series) and Risk Management Analyst I, II & III (Career Series) to Human Resources Analyst I, II, & III by Richard Greek

Richard Greek reported that he made a comprehensive study on M.O. requirements of the current Analyst specifications, consulted with Principal Analysts Antonia Marshall and Deb Hossli, sought feedback and suggestions from all Personnel Analysts and current Risk Management Analyst staff which resulted in the proposed job specification before the Commission for approval. Mr. Greek added that Deb Hossli did a comparable counties review of like-job class specifications for the study.

Commissioner Chapman suggested the following change, for consideration.

1. Change 6(B), page 9, beginning with line 11, to read:

- Under direction, performs a wide variety of professional level duties related to the administration of Countywide Human Resources programs including: recruitment, classification; advice and consultation services; training; organizational development; labor relations; employee benefits; insurance programs; ~~loss control;~~ risk management; workers' compensation; occupational safety and health; equal employment opportunity; and perform other related work as required.

The Commission suggested the following change, for consideration.

1. Change 6(B), page 12, add to specification following line 13, to read:

- Recruitment, examination, equal employment opportunity and merit system administration

Commissioner Nix requested examples of job specifications or descriptions, from other counties, that have combined risk management and human resources analysts in Personnel Departments "under the same career series" and/or "separate career series." Commissioner Tappan agreed, saying "blended" specifications would be very helpful. Commissioner Nix asked for clarification of which counties were surveyed for this comparison.

Deb Hossli clarified that she did not compile a survey but did collect like-job specifications for review from other counties with focus on human resources analyst positions.

Commissioner Nix, in agreement with all Commissioners, requested Mr. Greek to compile a comparable counties' survey of like-job specifications to justify staff's recommendation to combine the Personnel Analyst and Risk Management Analyst (Career Series) specifications. President Bergman asked that this information be compiled and sent to the Commissioners next week, in advance of the CSC Special Meeting scheduled for Thursday, June 8, 2006.

Commissioner Nix expressed her concern in revising the Analyst positions into one career series specification. Ms. Nix stated that she is more in favor of having a Human Resources Analyst – Personnel (Career Series) and a Human Resources Analyst – Risk (Career Series). Fellow Commissioners agreed that further study of staff's recommendation will be needed.

Commissioner Nix sought clarification on the Risk Manager position on the department organization chart. Ms. Hossli clarified that she is classified as a Principal Administrative Analyst but her working title is Risk Manager.

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Commissioner Nix requested additional information from staff regarding the Risk Manager classification and the responsibilities and placement of a Risk Manager within the Personnel Department organizational structure. Gail Wilcox, in response to a question posed by Commissioner Tappan, clarified that the duties and functions of the "Risk Manager" have been performed by Deb Hossli in her capacity as a Principal Administrative Analyst. Ms. Wilcox added that Ms. Hossli's official title is Principal Administrative Analyst and her working title is Risk Manager. Commissioner Tappan clarified that a Principal Administrative Analyst/Risk Manager job specification does not exist. Ms. Hossli responded to Commissioner Tappan that she has supervised Risk Management for 5.5 years and she has been the Risk Manager over four years. Commissioner Nix suggested the following change.

1. Change 6(B), page 14, Education and Experience section, to read:

- Commissioner Nix recommended adding the "public sector" language to the Analyst (Career Series) specification in the education and experience section, as suggested on the Deputy Director and Principal H.R. Analyst specifications.

It was the consensus of the Commission that this agenda item be brought back during the June 28, 2006 CSC Regular Session meeting.

The Commission recessed for a break between 11:25 a.m. – 11:30 a.m.

President Bergman clarified that the Commission has asked staff to revise the organizational charts, exhibits 5(3), 5(5) and 5(6), to reflect the following:

- A. Board of Supervisors text box on top of organization chart
- B. Solid line from Board of Supervisors text box to Civil Service Commission text box
- C. County Administrative Officer text box linked below the Board of Supervisors text box
- D. Personnel Director text box linked below County Administrative Officer text box
- E. Solid line from Civil Service Commission to Personnel Director text box

Staff agreed to make changes and include the revised organizational charts in the next CSC meeting agenda packet.

8. Time Reserved for Commission President:

A. Unclassified Service Position Report – Commissioner Jay Salter

Commissioner Salter reported his preliminary findings after review of the comprehensive research project prepared by Clerk Carvalho, referencing County Code 2.40.060 Classified and Unclassified Service. Mr. Salter clarified that the request for staff to compile this information was so the Commission could review the documentation to help understand what took place relative to the removal of a number of department heads from the classified service to unclassified service.

Mr. Salter concluded that the documents detail the process of the removal or placement of more than 20 positions, including a majority of department heads positions and other entities. This process occurred between 1964 and up to the present. Each request was a separate process, occurring periodically, versus a group of several positions removed at one time. Mr. Salter specifically examined the documents to study the justification given by staff, to the Board of Supervisors, for the removal of the department head positions and how this removal would increase the efficiency of (public) service. Mr. Salter did not locate specific justifications on a majority of the positions. Documentation shows that the March 1999 request by County Administrative Officer David Edge to remove the Director of Planning and Building from the classified service generated a strong debate from the public. However, the Board of Supervisors voted to approve Mr. Edge's

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recommendation and since then has removed department head positions, as they are vacated, from the classified service to an at-will status.

Mr. Salter reviewed the March 2000 documentation on the request to remove the Personnel Director from classified service. Mr. Salter expressed concern that the Personnel Director position is supervised by the County Administrative Officer and as the law (CSC Rules) states this position "operates under the supervision of the Civil Service Commission." Mr. Salter recognizes this as a conflict in addressing issues for the Civil Service Commission and cannot justify the removal of this position from classified service.

Commissioner Salter plans to continue his review of the research and report additional findings to the Commission in the future.

9. Time Reserved for Commission Counsel:

No report.

10. Time Reserved for Commission Secretary:

A. Grievances and Appeals – Length of Process Report

Richard Greek distributed a 13-page report titled Grievance and Appeals Submitted to Personnel Department, Length of Process and an information sheet detailing the terms used to define the conclusion or closure of a grievance or appeal. Mr. Greek thanked Susan Carvalho for her work on this report and stated that the calculations in this report qualified a week as five (5) working days excluding holidays.

Mr. Greek reviewed the graphs and documentation as follows:

1. Grievance and Appeal Log – Information Sheet
 - a. The **status** column defines the conclusion or closure of a grievance or appeal by the following results:
 - Dropped
 - Withdrawn
 - Resolved
 - CSC Action (As Granted or Denied)
2. Overview of Length of Process showing 2004-2005 Fiscal Year and 2005-2006 Year-to-date totals on:
 - a. Number of Grievances & Appeals
 - b. Length of Process in Days
 - c. Average Length in Days
 - d. Average Length in Weeks

In summary, the 30 grievances and appeals received in fiscal year 2004-2005 took an average length of 14.3 weeks to resolve, drop, or go before the Commission. The 31 grievances and appeals received in 2005-2006 (year-to-date) took an average length of 12.9 weeks to resolve, drop, or go before the Commission. Sixteen (16) of the 2005-2006 grievances and appeals are still in process.

3. Overview of Length of Process – Result by Type:
 - a. Fiscal year 2004-2005 grievances and appeals, total of 30, resulted in:
 - Withdrawn, 4 total, average length until closed - over 7.4 weeks
 - Dropped, 9 total, average length until closed - over 7.9 weeks
 - Resolved, 12 total, average length until closed - over 16.1 weeks

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- CSC Decision, 5 total, average length until closed - over 27.2 weeks
 - b. Fiscal year 2004-2005 grievances and appeals' details attached (excluding name of appellant or grievant).
4. Overview of Length of Process – Result by Type:
- a. Year-to-date 2005-2006 grievances and appeals, sub-total of 31, resulted in:
 - Withdrawn, 2 total, average length until closed - over 13.3 weeks
 - Dropped, 5 total, average length until closed - over 4.5 weeks
 - Resolved, 6 total, average length until closed - over 5.6 weeks
 - CSC Decision, 2 total, average length until closed - over 9.4 weeks
 - Matters still "in process" , 16 total, average length in process 16.8 weeks
 - b. Year-to-date 2005-2006 grievances and appeals' details attached (excluding name of appellant or grievant).

The Commission recessed for a lunch break at 11:50 a.m.

The Commission resumed the meeting in open session at 1:00 p.m.

A. Grievances and Appeals – Length of Process Report - continued

Richard Greek provided the Commission with a detailed update on the pending grievances and appeals and the length-in-process. In summary, Mr. Greek stated:

1. Three (3) appeals are from the same employee with the Health Agency. The matters have been in process for 214 days and are pending due to a review of legal issues.
2. One (1) grievance, from an employee in the Sheriff's Department, is pending a hearing before the Commission that starts today and should conclude tomorrow (May 25, 2006). This matter has been in process for 107 days.
3. Two (2) appeals, from Social Services Department employees, have been in process for 72 days. These reclassification denial appeals are pending while Personnel Department staff is awaiting a response from SLOCEA.
4. The remaining (11) grievances and appeals have been in process between 5 – 70 days and are at different stages. Several are awaiting a CSC hearing, two (2) are tentatively dropped or withdrawn and staff is awaiting written confirmation of that status, and others are in various working stages in attempt to resolve the issues.

Commissioner Chapman asked for clarification on Civil Service Rule 4.06 (Appeals), item (b) (3) that states: **Whenever possible, within 20 days from the filing of the appeal, the Commission shall commence a hearing, and either affirm, modify, or revoke the action.** Deputy County Counsel Ann Duggan stated this language comes directly from state statute which is the controlling law of the state commission enabling law that was enacted in 1947. Ms. Duggan said the Commission added the language "**whenever possible**" but the Commission cannot change the standard language of the law indicating "**within 20 days from the filing.**" Ms. Duggan clarified that in due process situations when an employee has been terminated, the Commission has adhered to the 20 days. President Bergman added that in the history of the Commission a hearing has been called within the 20 days, especially on due process matters, and have been then postponed until parties are prepared to continue with the hearing.

B. Organizational Assessment, Customer Survey and Feedback

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Richard Greek stated that the information requested by the Commission was mailed directly to the Commission. The Commission had no further comment or questions for Mr. Greek.

C. Update on Request for Proposal for Commission (Hearing) Counsel

Richard Greek distributed copies of the draft Request for Proposal (RFP) for law firms interested in providing legal services to the Commission at grievance, appeal and disciplinary hearings. The Commissioners reviewed the document and made suggested editorial corrections. Mr. Greek requested the Commission members provide referrals to staff of law firms that should receive a copy of the RFP. Mr. Greek stated County Counsel may also use a list of Bar Association members for the RFP mailing.

Deputy County Counsel Ann Duggan assured the Commission that the insurance language in the RFP is the commonly used language and provisions.

Commissioner Tappan questioned Ms. Duggan about the level of requests by department heads to have legal representation before the Civil Service Commission with reference to the statement on the RFP under Background Information that states, **“Due to increasing requests for legal representation of department heads in quasi-judicial proceedings before the Commission, the County has determined it expedient for County Counsel to provide representation to department heads in certain quasi-judicial proceedings before the Commission.”** Ms. Duggan stated that it is her understanding that the Administrative Office has received multiple requests over the years for County Counsel staff representation at the hearings. Commissioner Tappan requested that the record show of his disapproval for the need to spend a large amount of money for such legal services when the relationship between the County Counsel staff, department heads, and others with the Commission (during hearings and other matters) has been successful and cooperative in the past. Commissioner Tappan questions the need for such taxpayer expense. It was noted that the Commission members can speak to the Board of Supervisors to express concerns.

Following discussion about the selection and evaluation process, President Bergman and Commissioner Art Chapman volunteered to serve on the selection committee, assisting Richard Greek and County Counsel with the initial review process. The selection committee will recommend the most qualified candidate(s) to the Commission for their final consideration and selection.

It was determined that the Office of County Counsel will oversee the finalization of the contract between the legal agency hired and the County of San Luis Obispo for the Civil Service Commission.

Motion made by Commissioner Salter and second by Commissioner Chapman to adopt this proposal as amended. Motion passed.

D. Recruitment Questionnaire

Richard Greek distributed a memo from Richard Greek and Ginger Fisher regarding the Recruitment Survey. As requested by the Commission, this survey will be generated to measure the effectiveness of the changes HR is making to the recruitment process and to review areas of development identified by our customers for use in our continuous process improvement efforts. Mr. Greek acknowledged the efforts of Mary York and Ginger Fisher in the development of this survey and added that this survey is now being distributed to the internal customers at the end of the recruitment process.

E. Division Manager – Mental Health Services (Language Clarification)

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Richard Greek reported to the Commission that the term **licensed** psychiatric technician will replace the **registered** psychiatric technician title under the education and experience section of this specification.

F. Patricia Anderson Matter (Closed Session per Gov. Code, section 54957)

This matter will be held in closed session.

G. Additional

Richard Greek reported that he is awaiting the response from Employee Relations about the request made, on behalf of the Commission, for a compensation review of the Program Manager job classification.

Mr. Greek stated the new, updated web site is functional. Web address: www.slocounty.ca.gov/hr.

The Commission went into closed session at 1:45 p.m. to discuss agenda item **9F. Patricia Anderson Matter (Closed Session per Gov. Code, section 54957)** and **10. Closed Session - (Closed Session per Gov. Code, section 54957.6 -- Conference with County Labor Negotiator): 2005 Civil Service Rule Changes (Action)**

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

The Commission reconvened in open session at 2:11 p.m.

12. Hearing - Open Session: Grievance G05-56, dated December 12, 2005 (*Action*)

President Bergman announced the hearing of grievance G05-56, Donna Crocker, Sheriff's Department versus the Personnel Department.

Mark McKibben and Antonia Marshall served as the respondents, representing the Personnel Department.

Christine Scanlan, SLOCEA Representative, served as Donna Crocker's representative in this grievance.

Note: A complete record of the hearing packet is on file with the Personnel Department.

13. Adjournment

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

The Commission will reconvene in open session at 9:00 a.m. on Thursday, May 25, 2006 to continue the hearing of grievance G05-56.

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.*

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