

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, July 26, 2006, 9:00 a.m.

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

MINUTES

Present: Vice-President Arthur Chapman, Commissioner Jeannie Nix, and Commissioner Bill Tappan

Absent: Commissioner Jay Salter 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:

Vice-President Chapman called the meeting to order at 9:02 a.m. and led the flag salute.

2. Public Comment Period:

Vice-President Chapman addressed the audience asking for anyone wishing to speak to the Commission during the Public Comment Period.

Bruce West: Mr. West referenced a letter he addressed to the Commission requesting that the position of Division Manager, Probation Department, remain vacant until the findings and decision is rendered by the Commission on his appeal. Mr. West stated the letter was given to the Personnel Department on July 12, 2006. Mr. West stated that he was unaware that the findings and decision on his appeal had been postponed to August 2006.

Mr. West asked to address the Personnel Director and said he was unaware, until testimony during his appeal hearing, that the position was vacant until July 15 and that an arrangement had been made with Personnel to fill this position. Mr. West asked, "*What is the provision in the code for that decision?*" Richard Greek and Commission Counsel Ann Duggan responded that this was based on Personnel Department policy that has been in practice for a long while. Ms. Duggan informed Mr. West that his letter was received a few days prior to the Commission's Special Session meeting and because the item was not listed on the Commission's Agenda, they could not address it. Ms. Duggan advised Mr. West that she will respond to his letter at a later date. Mr. Greek clarified that the Personnel Department policy provides for a period of 30 working days of over-lapping experience so

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there can be an information exchange; or some individuals take a leave during the final days or weeks of their appointment. Mr. Greek stated he will review the policy to check if it is associated with any ordinance(s).

Mr. West recollected a personal, business experience with Judge Conklin where *"the only viable outcome"* to that specific situation was *"the appearance of fairness."* Mr. West added, *"This is the reason I am here this morning."*

Being no further public comment, Vice-President Chapman closed the Public Comment Period.

3. **Minutes:** *(Action)*
 - a. **Wednesday, June 28, 2006 (Regular Session)**
 - b. **Thursday, June 29, 2006 (Special Session)**

Vice-President Chapman stated that due to a lack of quorum of those Commissioners actually present during the June 28 and June 29 meetings this item will be postponed until the next meeting in Special Session on August 15 or the Regular Session meeting on Wednesday, August 23, 2006.

4. **Quarterly Report:** *(Action)*

Richard Greek introduced Duane English, Department Automation Specialist, who reviewed the 4th Quarter Report with the Commission. Mr. Greek asked for the assistance of the Commissioners to consider the 'Annual Report contents' while receiving this report and make recommendations to staff on what information would be necessary for the 2005-2006 Annual Report.

Mr. English provided a detailed review of the information. There was an interchange of ideas during this time period; between the Commissioners, Mr. Greek and Mr. English. Mr. Greek mentioned that more detailed information is available on the grievances and appeals process. This information will be incorporated into an electronic reporting system and will definitely be included in the 'Annual Report contents'.

5. **Future Agendas**

Richard Greek announced that Personnel Department staff members Duane English and Carlos Silvas will give a presentation on JobAps during the Regular Session meeting of the Commission in August.

Mr. Greek requested that an agenda item, closed session for conference with County Labor Negotiator to review the proposed 2005 Civil Service Rule change package, be added to the Special Session meeting on Tuesday, August 15, 2006.

6. **Time Reserved for Commission President**

No report.

7. **Time Reserved for Commission Counsel**

Ann Duggan reported that the Department of Social Services vs. Civil Service Commission & Cesar Bedroni matter was heard before Judge Tangeman. He listened to approximately three (3) hours of oral argument and issued his ruling from the bench. He basically ruled in the Commission's favor, except with respect to one issue – the discourteous treatment violation. He expressly found substantial evidence supporting the Commission's decision on the hearsay – exclusion of the statement of witnesses who did not testify (Perkins' report) and on the credibility of witnesses (finding substantial evidence supporting the Commission's decision on

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the credibility issue). He also found that substantial evidence supported the penalty imposed by the Commission and found no abuse of discretion stemming from the Commission's decision to reduce the penalty. In this regard he did add that "reasonable minds may differ" and that he likely would have upheld the termination, but that the commissioners were justified in concluding otherwise, and that as the Judge he could not reverse the Commission on this unless no reasonable person would have reduced the penalty. After finding that substantial evidence supported the reduction in the penalty and that the Commission gave sound reasons for doing so (favorable evaluations, no previous discipline imposed, etc.), he found no abuse of discretion by the Commission on this issue.

With respect to discourteous treatment, he granted the petition for writ of mandate on this issue only, directing the commission to change its ruling in the regard, but in all other respects the petition for writ of mandate was denied.

No action by the Commission is required at this time.

8. Time Reserved for Commission Secretary

Richard Greek reported that he received a response from Employee Relations regarding the written request he made on behalf of the Commission about a compensation review of the Program Manager I, II (revised from Program Coordinator I, II) job spec. Santos Arrona responded by email that this specification will be included in a benchmark study, conducted by an outside consultant, in the next 12-18 months.

Mr. Greek stated that six (6) responses, *(let the record show, per Richard Greek, the actual amount was five)*, have been received to the Request for Proposal for Commission legal services. The Selection Committee, consisting of President Bergman, Counsel Ann Duggan, Commissioner Jeannie Nix and Richard Greek, will meet in mid-August. A letter will be sent to each applicant alerting them of the process.

For the record, Mr. Greek provided the Commissioners present with the 7/25/06 The Tribune article, a copy of a letter from David Edge to the Personnel Department dated 7/7/06 and a copy of a letter from David Edge to the Personnel Department dated 7/17/06. Copies were mailed to Commissioner Salter and President Bergman for their information.

9. Open Session – Consideration of Response or Comments to Board of Supervisors regarding the creation of a committee to review the existing Civil Service Rules and prepare a report to the Board of Supervisors: *(Action)*

A brief discussion was held on the proposed formation of a committee, by the Board of Supervisors, to review the existing CSC rules and prepare a report on the subject.

Kimm Daniels, General Manager, San Luis Obispo County Employees Association addressed the Commission under Public Comment. Ms. Daniels distributed a copy of a draft letter, addressed to The Tribune News dated July 25, 2006, from the Board of Supervisors. It was requested that this letter be part of the record of this meeting. Ms. Daniels expressed concern that the SLOCEA organization was the only bargaining unit 'named' to the BOS committee and the County actually has five (5) additional bargaining units. She expressed her support of the Civil Service Commission, on behalf of the SLOCEA members, and encouraged the Commission to accept the Board's invitation to serve on the committee.

(A copy of the July 25, 2006 letter remains on file in the Human Resources Department, Civil Service Commission records.)

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

No action.

11. **Adjournment**

Being no further business the meeting was adjourned at 11:35 a.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 or typed from a written statement for accuracy.*

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