

# 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 Action<sup>1</sup> Minutes** **Wednesday, August 23, 2006, 9:00 a.m.**

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

### MINUTES

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

Staff present: Commission Secretary Richard Greek and Clerk Susan Carvalho

Counsel: Acting Commission Attorney Deputy County Counsel Warren Jensen

#### 1. **Call To Order:**

President Bergman called the meeting to order at 9:04 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.

**Ron Coleman, Public Works Department, Utilities Division:** Mr. Coleman asked to speak about the Water Systems Worker Job Specification that Mr. Coleman says "has been in the process of being revised for one (1) year." Mr. Coleman explained "what the water operators do" and added that the current job specification is over 30 years old and addresses one (1) certification level, water or waste water. Mr. Coleman added, "*Our operators deal in the fields of waste water collection, treatment, and disposal; water collection sources and treatment distribution systems; and treatment and delivering to agencies.*" These duties have not been addressed over the last 30 years and the job responsibilities have increased considerably: more responsibility, more process control and more regulations while being compensated for only one (1) certification level. Mr. Coleman expressed his frustration, especially over the last ten (10) years, being involved with Public Works management and Personal in attempting to update and revise the old job spec which resulted in added responsibilities but no additional compensation. Comparable studies have been done but (management) have been unsuccessful on developing a job spec revision or appropriate and fair compensation plan.

Mr. Coleman requested the assistance of the Civil Service Commission.

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President Bergman stated that dialogue on public comment issues can not be engaged in; however, President Bergman asked Human Resources Director Richard Greek to report back to the Commission on this matter.

**Kimberly Daniels, General Manager, San Luis Obispo County Employee's Association:**

Ms. Daniels stated in approximately March 2006 that most of the Water Systems Workers (some present) and Ms. Daniels met with the Personnel Director to express their frustration and made a request to resolve the reclassification issue of the Water Systems Workers. Because of a lack of action to address the matter, these County employees filed a grievance on the matter on March 1, 2006. The County (Administrative Office and Employee Relations) did add an additional 5% to their salaries for those individuals that are triple certified and committed to diligently resolve the out-of-date job spec and compensation study. Ms. Daniels stated the Personnel Department staff said the revision job specifications would be brought before the Commission in June. As of this date, they have not been listed on the agenda.

Ms. Daniels asked for the Commission's assistance in making this project a priority.

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

**3. Minutes: (Action)**

**a. Wednesday, June 28, 2006 (Regular Session)**

Suggested correction by Commissioner Tappan on exhibit 3A, page 9, 4<sup>th</sup> paragraph, to read:

*“Based on the concerns expressed above, we are ~~directly~~ directing you to take every course of action necessary to ensure that the integrity of the civil service ordinance and rules are not undermined, but instead are strictly followed in connection with “the recruitment” of an individual to fill the proposed position of “Deputy Director of Human Resources.” In addition, we believe it would be prudent to conduct an open recruitment to ensure that all qualified individuals, including county employees, are provided the opportunity to compete for the position in question.”*

Motion to approve June 28, 2006 minutes as amended by Commissioner Tappan. Second by Commissioner Salter. President Bergman asked for a roll call vote to clarify Commissioner Chapman is abstaining. Motion passed. 4-0-1.

**Roll Call:**

Commissioner Nix	Yes
Commissioner Salter	Yes
Commissioner Tappan	Yes
Vice President Chapman	Abstained
President Bergman	Yes

**b. Thursday, June 29, 2006 (Special Session)**

Motion to approve June 29, 2006 minutes as written made by Commissioner Salter, second by Commissioner Tappan. President Bergman asked for a roll call vote to clarify Commissioner Chapman is abstaining. Motion passed. 4-0-1.

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## Roll Call:

Commissioner Nix	Yes
Commissioner Salter	Yes
Commissioner Tappan	Yes
Vice President Chapman	Abstained
President Bergman	Yes

## c. **Wednesday, July 26, 2006 (Regular Session)**

Motion to approve July 26, 2006 minutes as written made by Commissioner Tappan, second by Commissioner Nix. President Bergman asked for a roll call vote to clarify Commissioner Salter and President Bergman are abstaining. Motion passed. 3-0-2.

## Roll Call:

Commissioner Nix	Yes
Commissioner Salter	Abstained
Commissioner Tappan	Yes
Vice President Chapman	Yes
President Bergman	Abstained

## 4. **Quarterly Report:** *(Action, Receive & File)* 4<sup>th</sup> Quarter Report (April, May, June 2006)

At the request of Human Resources Director Richard Greek, the Commission was asked to take action to receive and file the complete report as presented during the July 26, 2006 Regular Session meeting.

A motion was made by Commissioner Nix to receive and file the 4<sup>th</sup> Quarter Report as presented at the July 26, 2006 Regular Session meeting, second by Commissioner Chapman. Motion passed. 5-0-0.

## 5. **Future Agendas**

No calendar meeting date changes or additions. The Human Resources Department is processing 16 pending claims; 3 grievances and 13 appeals. HR staff is diligently working with department managers and employees to resolve these issues.

Mr. Greek reported that he will provide the Commission, at the September 27, 2006 Regular Session meeting, a thorough update on the Water Systems Worker job classification project.

## 6. **Time Reserved for Commission President**

President Bergman asked that the record show that regard to the meeting on June 28, 2006, where the CAO had made public comments directly to the Commission, President Bergman made a personal, written response and delivered a copy of his letter to each Board of Supervisor on July 10, 2006.

## 7. **Time Reserved for Commission Counsel**

No report.

## 8. **Time Reserved for Commission Secretary**

### a. **Introduction of Neville Smeda, Administrative Assistant, Personnel Department**

Mr. Greek and the Commissioners welcomed Mr. Smeda to the Human Resources Department.

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**b. Request for Proposal for CSC Legal Services – Committee Update by Richard Greek**

Mr. Greek will report on this item under agenda item #10.

**c. Annual Report 2005-2006 Fiscal Year Activity – Update**

Staff is working on a preliminary conceptual report. However, this project is on the back-burner in hopes of dedicating time to the grievances and appeals pending.

**d. JobAps Presentation – Duane English and Carlos Silvas**

Duane English, Department Automation Specialist and Carlos Silvas, Personnel Analyst provided the Commission with a 25 minute overview of the JobAps system including recruitment planners' timelines.

It was requested by the Commission that HR staff generate statistics on the cities and states represented in our applicant pool. This information will be very helpful to the Commissioners and the next generation committee. Mr. Greek agreed.

**e. Additional**

No additional reports.

**9. Open Session – Selection of Commission representatives to the Board of Supervisors' planning for the next generation committee: *(Action)***

Following a brief discussion, it was the consensus of the Commission members to appoint Commissioner Jeannie Nix and Vice President Art Chapman to serve on the next generation committee.

An agenda placement item will be reserved on each regular session meeting agenda for an update report from the CSC representatives and for any action necessary.

**10. Open/Closed Session (Closed Session per Gov. Code, Section 54957): Selection and direction to staff for hiring legal counsel to provide legal services on a contractual basis to the Civil Service Commission *(Action)***

The Commission meeting was called into closed session to review the candidates.

President Bergman called the meeting into open session and reported that the selection committee and the other commissioners have agreed to ask Human Resources Director Richard Greek to enter into contact with Raymond Biering, (Adamski Moroski Madden & Green LLP), for disciplinary and termination hearings, as the legal representative for the Civil Service Commission. President Bergman added that Attorney Larry Frierson is selected as the alternate.

Richard Greek will contact Mr. Biering and continue the process working with Counsel leading to a contractual agreement and report back to the Commission.

Motion by Commissioner Nix to enter into contact with Raymond Biering as legal counsel for the Civil Service Commission on disciplinary and termination hearings and Larry Frierson as an alternate if Mr. Biering declines. Motion seconded by Commissioner Chapman. Motion passed. 5-0-0.

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**11. Findings and Decision – Open/Closed Session (Closed Session for Deliberations per Gov. Code, Section 54957):** Appeal A06-65, dated February 8, 2006 (*Action*)

President Bergman called the meeting into closed session for agenda item #11.

At 11:35 a.m. President Bergman called the meeting into open session and stated this item will be deferred until the final written decision has been amended, re-typed and delivered by the County Counsel's Office.

At this time, President Bergman called for agenda item #12.

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

President Bergman called the meeting into closed session for agenda item #12.

The meeting was called into open session. No reportable action was taken on agenda item #12.

President Bergman called for the continuance of agenda item #11. **Findings and Decision – Open/Closed Session (Closed Session for Deliberations per Gov. Code, Section 54957):** Appeal A06-65, dated February 8, 2006, a motion was made by Commissioner Nix to grant the appeal, seconded by Commissioner Tappan. Motion passed. 4-0-1.

**Roll Call:**

Commissioner Nix	Yes
Commissioner Salter	Yes
Commissioner Tappan	Yes
Vice President Chapman	Abstained
President Bergman	Yes

**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*)

No report.

At approximately 1:45 p.m., after returning from the lunch break, President Bergman called the meeting into open session for agenda item #14.

**14. Hearing (continued from Wednesday, August 16, 2006) - Open Session:** Appeal A06-70, dated April 6, 2006 (*Action*)

President Bergman announced the hearing of appeal A06-70, dated April 6, 2006 by Leland Collins, County Social Services Director, Department of Social Services versus the Personnel Department.

Antonia Marshall served as the respondent, representing the Personnel Department.

Leland Collins served as the appellant in this matter.

*Note: A complete record of the hearing packet is on file with the Human Resources Department.*

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This matter will be continued at a Special Session of the Civil Service Commission on Wednesday, August 30, 2006 at 1:00 p.m.

## 15. Adjournment

Being no further business the meeting was adjourned at 5:05 p.m.

*<sup>1</sup> 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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