

Civil Service Commission

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

*Approved at CSC October 25, 2006
regular meeting.*

The San Luis Obispo County **Civil Service Commission**
Regular Session Meeting Action¹ Minutes
Wednesday, September 27, 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 Acting Clerk Heather Gunderlock

Counsel: Commission Attorney Deputy County Counsel Ann Duggan

1. **Call To Order:**

President Bergman called the meeting to order at 9:03 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.

Kimberly Daniels, SLOCEA:

Ms. Daniels asked to speak in regard to Agenda Item 10. President Bergman asked her to defer until Item 10 is considered.

Christine Brown, SLOCEA:

Ms. Brown asked to speak about reclassification and the "time it has taken to get effective action" from the Personnel Department in regard to the Medical Records Technician series. She stated that there were two Medical Records Technicians last year that were found to be working out-of-class. She said that these employees received letters from the Personnel Department that stated that the out-of-class work these employees were doing either needed to be taken away and shifted to another employee or the positions reallocated. Ms. Brown said that the two employees received the letters 10 months ago and that they have been "very patient." She stated that she understands that MHSA money puts a large load on Personnel due to the large number of recruitments, but that the Director of Mental Health had advised Human Resources prior to the opening of these recruitments and they should not have been a "surprise" to the Personnel Department. Ms. Brown expressed frustration "in the length of time it is taking to get people reclassified."

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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 regarding the status of the reclassification of the Medical Records Technicians. Mr. Greek agreed.

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

3. **Minutes: (Action)**
- a. **Tuesday, August 15, 2006 (Special Session)**
 - b. **Wednesday, August 16, 2006 (Special Session)**
 - c. **Wednesday, August 23, 2006 (Regular Session)**
 - d. **Wednesday, August 30, 2006 (Special Session)**

Suggested correction by Commissioner Tappan on the Wednesday, August 16, 2006 minutes, exhibit 3B, page 1, 3rd paragraph, to read:

“Ms. Daniels commented that it appears the Board missed the point of the statement and that the San Luis Obispo County Employees’ Association supports the statement that was made that the merit system principles have to be followed and that there may ~~be room~~ be room for adjustments to some of the rules, at a later date but that is unknown.”

President Bergman suggested that the lunch break be added on the Wednesday, August 23, 2006 minutes. Acting Clerk Gunderlock added this verbiage to the official minutes.

Motion to approve the following meeting minutes as amended by Commissioner Chapman. Second by Commissioner Salter. President Bergman asked for a roll call vote. Motion passed. 5-0-0.

- Roll Call – Tuesday, August 15, 2006 (Special Session)**
Wednesday, August 16, 2006 (Special Session)
Wednesday, August 23, 2006 (Regular Session)
Wednesday, August 30, 2006 (Special Session):

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

4. **Future Agendas**

Mr. Greek distributed Commissioners an update of their current calendars (Item 4(2)) as well as an agenda timeline for staff and parties needing to meet agenda timelines (Item 4(3)). Mr. Greek recommended approval. Mr. Salter stated he had no objection to these items as presented.

Motion to approve the calendars by Commissioner Nix. Second by Commissioner Tappan. President Bergman asked for a roll call vote. Motion passed. 5-0-0.

Mr. Greek reported that all the grievances and appeals are being worked on. A few are close to resolution and are scheduled for Special Session of the Civil Service Commission on Thursday, October 12, 2006. Currently, there are 14 active grievances and appeals.

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5. **New Specifications:** *(Action)*

A. **Animal Shelter Coordinator– Animal Services by Mark McKibben, Personnel Analyst**

Mr. McKibben introduced the specification to the Commission. Dr. Eric Anderson, Animal Services, was also present and offered testimony in support of the specification. The position is a new allocation. Mark stated the representative duties pertaining to the position. Mr. McKibben reviewed the current Animal Services Organization Chart as well as the Proposed Organization Chart. He stated that the proposed position would be a Lead Position, rather than a supervisory position and the intent of the specification is to create a "career tree" for individuals to move through the organization, specifically from Kennel Worker, volunteer or Animal Control Officer to Animal Shelter Coordinator. Mr. Salter expressed concern regarding the polygraph/computerized voice stress analyzer exam requirement. Dr. Anderson responded by stating that this is a requirement for all Sheriff Department employees because such employees may be privy to confidential information or activities. Mr. Salter asked Dr. Anderson if all current Animal Services employees have taken this test and Dr. Anderson responded that they had. Mr. Chapman asked if Dr. Anderson performs all staff evaluations. Dr. Anderson stated that he and the Administrative Services Officer perform the evaluations. Mr. Chapman stated that he was not convinced the position should not be a supervisory position. Dr. Anderson responded that this position would be a logical progression to Kennel Worker or volunteer in their career path and their experience would suit them for this position. He stated that both he and Mr. McKibben felt that if the position were supervisory, it would eliminate that path for those currently working as Kennel Workers or volunteers. Mr. Chapman said he was still not convinced of this argument. Mr. McKibben stated that making this a Lead position is consistent with the organization's other specifications and that a supervisory position would typically require 3 to 5 years of experience and college. The Kennel Worker and Animal Control Officer positions do not currently require this level of experience. Mr. Chapman asked whether or not the position would deal with the budget. Dr. Anderson responded that currently the Administrative Services Officer handles the budget but that the position may be called upon to provide information about kennel operations as it relates to the budget. Mr. Chapman stated that this duty is not listed in the specification and that it should be added. Mr. McKibben will amend the specification to include language to reflect "inventory management" as a representative duty. Ms. Nix expressed concern that the Representative Duties and Abilities exceeds the qualifications for Education and Experience requirements. Dr. Anderson responded by stating that individuals in the Kennel Worker and Animal Control Officer positions obtain practical experience in these positions, and that additionally the amount of public contact that these individuals encounter assists in the development of the skills necessary to meet the Representative Duties requirements. Ms. Nix agrees with the experience requirement but states that there may need to be an additional educational requirement. Mr. Bergman asked if Animal Services planned to conduct a Departmental Promotional recruitment for the position; Dr. Anderson stated that it would be an Open recruitment. Mr. Tappan agreed that an additional educational requirement is needed. The Commission continued discussion and agreed that the specification needs to be amended. Mr. McKibben will make changes based on the Commission's dialogue and the balance necessary between Leadworker Minimum Qualifications, duties and abilities versus the minimum qualifications required to be a supervisor. Mr. McKibben will bring the specification back to the Commission at the October 25, 2006 regular meeting.

6. **Right-of-Way Agent – Public Works by Christina Wong, Personnel Analyst**

Mr. Glen Priddy, Public Works, was also present and offered testimony in support of the specification. Ms. Wong introduced the proposed specification. Suggested correction by Ms. Wong 15, 2006 on Exhibit 6(8), lines 19-26. She will correct the error and use the standard ADA language.

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1. Change exhibit 6, page 5, line 12, to read:
"and directs the acquisition of ~~right of way~~ rights of way for County projects..."
2. Change exhibit 6, page 6, line 3, to read:
"directs the negotiations and acquisitions of ~~right of way~~ rights of way for County Public Works projects"
3. Change exhibit 6, page 6, line 7, to read:
"and negotiations to acquire ~~right of way~~ rights of way by either donation"
4. Change exhibit 6, page 6, line 8, to read:
"recommends condemnation proceedings"
5. Change exhibit 6, page 7, line 7, to read:
"legal principles involved in the preparation of ~~right of way~~ rights of way "
6. Change exhibit 6, page 7, line 24, to read:
"keep accurate and complete records"
7. Change exhibit 6, page 8, line 3, to read:

Either A: "three years experience ~~in a position comparable to~~ performing duties as an Associate Real Property Agent with the County of San Luis Obispo or in a position equivalent or comparable to an Associate Real Property Agent."

Ms. Wong will modify the specification and will subsequently provide the Commission with a final copy of the specification. The specification was approved subject to the changes. Motion to approve as amended was made by Ms. Nix, second by Mr. Chapman. Motion passed 5-0-0.

The Commission also requested that modified specifications be returned at the next Regular Meeting with the final track changes noted.

7. Report by Commission Representatives – Open Session: Planning for the next generation committee
No report. Mr. Chapman stated that the Committee plans to meet Thursday, September 28, 2006.

8. Time Reserved for Commission President
No report.

9. Time Reserved for Commission Counsel
No report.

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10. Time Reserved for Commission Secretary

a. Annual Report (July 2005 – June 2006), Richard Greek, Personnel Director

Mr. Greek commended Rick Anderson for his assistance with the annual report and other Human Resources Department projects. The Commission complimented Commission Clerk, Susan Carvalho on the report's format. Ms. Nix stated that the report is "easier to read," and "user-friendly."

Commissioners and staff reviewed and discussed the report, providing feedback and corrections.

Mr. Chapman suggested rewriting of the "Authority and Purpose" and volunteered to draft language.

Suggested correction by Mr. Chapman to page 2, "Appeals and Grievances-Activity" section: He would like the number of grievances separated from the number of appeals and have the issues of each categorized in order to identify issues coming before the Commission for the Board of Supervisors. Mr. Greek indicated he will research how we might accomplish the listing of repeated issues before the Commission.

Mr. Bergman asked Mr. Greek if the Commission's Findings and Decisions are distributed to Department Heads. Mr. Greek they are after names have been redacted. Mr. Bergman asked if these are distributed to Board of Supervisors. Mr. Greek responded that he is not aware of their being distributed to the Board. Mr. Bergman instructed the Clerk to distribute copies of Commission Findings since January 1, 2006 to Board of Supervisors members in order to demonstrate the issues that the Commission deals with regularly.

Mr. Bergman asked Counsel if a Findings and Decision, after being approved by the Civil Service Commission, is public information. Ms. Duggan responded that it is "not necessarily." She cited a recent California Supreme Court case regarding whether or not Commission records are subject to the Public Records Act. Ms. Duggan indicated they are not absolutely subject to the Act; certain exemptions do exist. For instance, if there is a Closed Session hearing, and a decision results from that Closed Hearing, it is Ms. Duggan's opinion that that the Findings and Decision would not be public record. The hearing was closed to protect the confidentiality of the employee and therefore the Commission would also seek to protect the confidentiality of the Findings.

Mr. Bergman asked Counsel whether or not Findings and Decisions resulting from Open hearings need to be redacted. Ms. Duggan responded that if the hearing is open, there is no reason to redact. Mr. Bergman requested that Open Hearings Findings and Decisions no longer be in redacted format.

Mr. Bergman asked Counsel if the Commission could declare that a discipline hearing be held in Open session. Ms. Duggan indicated, per The Brown Act, that the Commission has discretionary powers to make that decision but that historically, the Commission has always tried to protect the confidentiality of employees. Ms. Duggan stated that, in a disciplinary matter, the charged employee has the right to request an Open hearing.

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b. Water Systems Worker, Public Works Department-Update

Mr. Greek provided a brief report regarding the Water Workers reclassification. The intent of Exhibit 10b(4) was to demonstrate the general overall timeline for this project as well as Human Resources' effort in trying to get this priority project completed. Mr. Greek stated that the Department is giving it its best effort to get it completed and has provided the parties with this timeline. Public Works has begun to schedule the necessary staff meetings. Mr. Greek plans to keep Personnel Analyst, Mark McKibben as involved as possible on this project.

Kimberly Daniels, SLOCEA:

Ms. Daniels asked to speak in regard to Agenda Item 10b. Regarding 10b(4), "Water Systems Worker Review and Job Specification Timeline Update, Mar 2006-Nov/Dec 2006," suggested the following correction: "5/18/06-No contact regarding this grievance has been made by SLOCEA." Ms. Daniels stated that she spoke with Mr. Greek. At that time, she agreed that SLOCEA would withdraw the grievance when she saw significant progress being made on this reclassification. She stated that she had a subsequent discussion with Mr. McKibben after his Lopez visit. SLOCEA has not withdrawn the grievance. Overall, Ms. Daniels was pleased with the timeline with the exception of "** The number of class study requests may have had a significant impact on this timeline." She stated that the reclassification was filed last September and that it has been over one year. She doesn't understand how anything that comes in during the Open Window period that terminates September 30 of this year could take priority over this reclassification. She implored the Commission to direct Personnel to conclude the reclassification. She concluded by saying she understands that the Health Agency and Assessor reorganizations took precedence, but that they have been completed.

Tony Krause, SLOCEA:

Mr. Krause stated that while employed by the Personnel Department in 2002, he worked on a classification study for Chief Plant Operators, the supervisor of Water Systems, Workers and he stated that the Commission approved these job specifications. He stated that he was told by the Personnel Department that this approval was Phase I of the project and that Phase II would be the reclassification of the workers. It has been four years and the issue is still not resolved. While he understands it has not been "in Personnel's lap" for the entire four years, he is concerned about the Workers' perception that it has been "somewhere for four years," and that they feel that it has languished. Mr. Krause expressed a sense of urgency in regard to this issue.

Paavo Ogren, Public Works:

Mr. Ogren stated that he supervises the Utilities Division. He is in agreement with Ms. Daniels. He indicated that he spoke with Gail Wilcox, Administration, and indicated that she agrees that this item needs to be a very high priority. He appreciated Mr. Greek's remarks regarding Mr. Ogren's efforts to immediately schedule meetings due to the revised timeline, but he didn't realize this item was going to be on the agenda. He was informed by Ms. Daniels, SLOCEA. He stated that the department has "significant disagreement" with the timeline, but that he wants to focus going forward to complete the specifications.

Mr. Greek stated that there were three large reorganizations: the Health Agency, Assessor and Social Services. He indicated that there were some classifications from the 2005 Window Period that were put on hold, because it was thought that the reorganization of these departments would include them. He stated that the Public Works reorganization, along with the remaining 2005 class requests, will take priority over classifications received on September 30, 2006.

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Mr. Bergman stated that the final product is the interest of the Commission. Ms. Duggan asked Mr. Greek about the status of the classification study. Mr. Greek indicated that the field work has been completed and that there will be follow-up interviews with employees. Subsequently, there will be meetings with Public Works management and employees regarding the draft documentation. He indicated that these tasks represent approximately three weeks of work for the Human Resources Department. Mr. Chapman asked at what point the Administrative Office Employee Relations would be involved. Mr. Greek responded that they will be brought in at the final draft point, when the draft is ready to present to the Commission. Mr. Greek stated that Mr. Edge provided a 5% offset for all triple-certified Water Workers. Ms. Daniels, SLOCEA, stated that Mr. Greek is correct about the 5% differential but that in negotiations with Trades and Crafts, those employees who were not triple-certified were offered a 5% inequity therefore, currently, the triple certification has no additional pay attached. She stated that there is currently no differentiation for triple certification.

Mr. Bergman asked Mr. Greek about the timeline for the final product. Mr. Greek responded that the goal is November or December with the stipulation that if Mark McKibben is called upon to deal with employee issues, it could be later since these are the priority but at this point, he has no reason to think it cannot be completed by the goal dates. Mr. Bergman requested that this item be placed on future agendas so Mr. Greek can report on the status.

Mr. Tappan asked Mr. Greek if the Human Resources Department has completed the draft specifications. Mr. Greek responded that he will check with staff and report back. Ms. Nix requested that Mr. Greek provide a response after the lunch break. Mr. Greek agreed to do so.

Mr. Bergman asked what it would take to obtain another analyst. Mr. Greek stated that he now possesses data regarding staffing levels and needs for developing a budget recommendation. Ms. Nix asked about the possibility of Mr. Greek approaching the Board and requesting a mid-year allocation of funds that would allow Human Resources to bring additional staff to the department mid-year, rather than waiting until 2007. Mr. Greek stated that he would need the support of the Administrative Office to do so. He expressed that he obtained approval from the Administrative Office to hire a CPS analyst who is stationed in Modesto to assist Human Resources with recruitments. Since September, an additional Analyst assigned to the HRIS Project has returned and begun performing core work. Mr. Bergman asked if it would be possible for Commission members to directly lobby the Board for additional staff. Mr. Greek said that for Commissioners to do so credibly, he would like to provide the Commissioners with pertinent data. Mr. Greek will provide the Commission with the data in the next few weeks. Ms. Nix expressed that such data is important but that a laundry list of uncompleted projects could be drafted and provided to the Board in order to make a case that in order for Human Resources to provide the top-quality service that is expected, they need to provide the necessary staff and support to accomplish this. Mr. Greek expressed that he feels this task is "on his shoulders." Ms. Nix stated that she would like to take it beyond Mr. Greek, that the Board and the Administrative Office need to provide the adequate support to run Human Resources. Mr. Greek stated that the Department is creating dashboards, tracking mechanisms, for classification studies. He will give the Commission a monthly update. Ms. Duggan stated that the number of reorganizations the department has been dealing with over the past three to four years is unusual and has contributed substantially to the department's workload. She asked Mr. Greek whether there has been a decrease in the number of analysts over the past couple of years. Mr. Greek responded that two of the analysts and an aide were outsourced to the HRIS/EFS project for three years and that the workload increase has been absorbed by existing staff. In addition, the Auditor gave the department another staff year of H.R. work which they used to perform. Ms. Duggan asked if an analyst was taken away from the department. Mr. Greek stated he would have to check since staffing responsibilities have been shifted several times. Ms. Nix asked Ms. Duggan if the Commission members could provide a laundry list of uncompleted projects to the Board due to lack of Human Resources Department staff and request that the Board look into assisting Human Resources with hiring an

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experienced Personnel Analyst. Ms. Duggan responded that this action would be appropriate for Commission members and reminded them that the Window Classification period is within the Commission's jurisdiction. Mr. Greek agreed to meet with Ms. Nix regarding department staffing. Mr. Bergman requested that this item be included on the next agenda.

The Commission broke for lunch at 12:06 p.m.

Following the lunch recess, the Commission reconvened in Open Session at 1:13 p.m.

b. Water Systems Worker, Public Works Department-Update-Continued: Per Ms. Nix's request, Mr. Greek provided an update on the Water Worker reclassification. Mr. McKibben has portions of the specification and is currently consulting with Principal Personnel Analyst, Antonia Marshall, regarding career series and licensure issues. He has scheduled a meeting with Public Works on October 3, 2006. Mr. Bergman requested a log of the number of hours worked by analysts on weekends for the last three to four months. Mr. Greek agreed to collect this information. He agreed to keep the Commission posted regarding the Water Worker issue.

c. Legal Services, Commission Counsel on Disciplinary and Termination Hearings - Update

Mr. Bergman asked Mr. Greek if he had any new additional information on this item. Mr. Bergman stated that they will address this issue at their next meeting, in Closed Session.

d. Additional

No reportable action.

11. 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 #11.

The meeting was called into Open Session. No reportable action was taken on agenda item 11.

12. 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)

No report.

13. Findings & Decision—Open/Closed Session: Appeal A06-70, dated April 6, 2006 (*Action*)

At approximately 2:55 p.m. President Bergman called the meeting into Open Session. There was no reportable action.

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

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14. Adjournment

Being no further business the meeting was adjourned at 2:55 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 or typed from a written statement for accuracy.*

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