

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, November 15, 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 9:04 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.

Kimberly Daniels, SLOCEA:

Ms. Daniels asked to speak in regard to Agenda Item 5. President Bergman asked her to defer her comment until Item 5 is considered.

Christine Brown, SLOCEA:

Ms. Brown stated that she wanted to recognize the Personnel Department's efforts in settling an appeal which was filed approximately two and a half years ago. [Note: The appeal was filed in February 2006, but the issues have a longer history.] She commended the "outside-the-box thinking" and "hard work" by Antonia Marshall, Principal Personnel Analyst and Karen Burt, Human Resources Analyst Aide. She stated that the affected department, employee and SLOCEA are "very satisfied."

3. Minutes: (Action)

- a. Wednesday, October 12, 2006 (Special Meeting)
- b. Wednesday, October 19, 2006 (Special Meeting)

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

Roll Call – Wednesday, October 12 and October 19, 2006 (Special Meetings):

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

c. Wednesday, October 25, 2006 (Regular Meeting)

In regard to page 3c(7), Mr. Chapman asked Mr. Greek how duties are reallocated to other classifications when a specification is deleted and whether or not corresponding procedure documentation exists in the Department's Classification Manual or Specification Guidelines. Mr. Greek responded by stating that such activity predated his arrival in Personnel, and that in the case of the Risk Manager specification, it appeared that duties were reallocated to outside contractors and staff. He stated that he conducted a thorough search and was unable to locate a file or record that demonstrated that an actual study was conducted in this case. He stated that it appeared that the Risk Manager reallocation process took place over several years, beginning in the mid-1990's. Mr. Chapman asked Mr. Greek if, when a classification is deleted and the duties remain, it is "good classification policy" to reallocate such duties and to include them in the class specification that is "receiving those duties." Mr. Greek stated that it is his understanding that the Risk Management Analyst duties which were reallocated from the Risk Manager were included in the Risk Management Analyst specification but that there was nothing in the file to indicate that a definitive study took place. Mr. Chapman suggested the addition of specification deletion and subsequent reallocation instructions to the Classification Manual or Specification Guidelines. Mr. Greek stated that he would consult with Ms. Marshall to determine the procedure that analysts are currently utilizing and agreed that such instructions may need to be added to the manual or guidelines.

In regard to the Risk Manager specification, Ms. Nix stated that "the shifting of duties did not seem to follow the way that the class rules are written." She stated that Civil Service Rule 5.04 mandates that when a classification is changed, a study be conducted. She stated that a study was not done in this case and opined that a gap existed in the Santa Barbara analysts' explanation of how the Risk Manager's duties were reallocated to Risk Management Analysts. Ms. Duggan stated that the Santa Barbara analysts indicated that this was outside of their study's scope.

In regard to 3c(6), Acting Clerk Gunderlock, pointed out a correction to the minutes and stated that she will update "Ms." to "Mr." Nguyen.

Motion to approve the October 25, 2006 meeting minutes as amended was made by Vice President Chapman. Second by Commissioner Salter. President Bergman abstained since he was absent from the meeting. President Bergman asked for a roll call vote. Motion passed 4-0-1.

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Roll Call – Wednesday, October 25 (Regular Meeting):

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

4. Future Agendas:

Mr. Greek distributed the calendars for December 2006, January and February 2007 to Commissioners. Mr. Greek alerted the Commissioners that there would not be a hearing at the December 13, 2006 regular meeting. He stated that since Personnel has identified three related classification study appeals, the Department will combine them into one hearing and stated that the affected parties are agreeable to having the appeals combined. Mr. Greek stated that Personnel is currently targeting February 2007 for this hearing, though there may be a need to resolve some additional issues prior to hearing. He confirmed President Bergman's availability for the January dates. Mr. Greek said that he expects the termination appeal to take a minimum of two days. He requested tentative February meeting dates from Commissioners; the Commission offered February 14 and 21, 2007. He reported that Personnel currently has 14 active grievances and appeals which are being worked on. In addition, he reported that one evaluation appeal was recently resolved due to the employee's resignation; one classification appeal was received since the last report, and one appeal is very close to being resolved.

5. Revised Specification: (Action)

Water Systems Worker – Public Works Department by Mark McKibben, Personnel Analyst

Mr. Greek and Mr. McKibben requested that the item be removed from this meeting's agenda. Mr. McKibben stated that upon further consultation with the Public Works Department, SLOCEA, and the affected parties, it was agreed that additional issues need to be resolved before the specification is presented to the Commission for consideration. Mr. McKibben stated that additional review is necessary at this point and that he plans to present the revised specification at the Commission's January 24, 2007 meeting. Mr. Greek added that the Personnel Department is continuing to work on the higher-level Water Systems positions within the Utilities Division as well, but that the Water Systems series is the foundational piece, one that Personnel can build on. Mr. Tappan asked Mr. McKibben if he planned to look into the Water Systems IV position. Mr. McKibben responded that he would not since currently there is one individual allocated to that position and when it becomes vacant, the allocation will be removed.

Ms. Kimberly Daniels, SLOCEA, addressed the Commission regarding Item 5. She stated that she supported Mr. McKibben's request to remove the item from the agenda. She agreed that more work needs to be done in order to ensure that when the specification comes before the Commission, all parties are in agreement in as many areas as possible. She stated that SLOCEA wants the specification to be "as accurate and clean as possible," before it comes before the Commission. Mr. Chapman asked Mr. McKibben if the Water Systems Worker duties, such as "operating heavy machinery," require an advanced driver's license. Mr. McKibben responded that this is an issue that has been identified and that he will look into it further.

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6. **Approved Specifications – Final CSC Review: (Information)**

- a. Animal Shelter Coordinator – Sheriff-Coroner Department, by Mark McKibben, Personnel Analyst (October 25, 2006 revisions)

No reportable action. The item was presented to the Commission for their information only.

7. **Report by Commission Representatives – Open Session: Planning for the Next Generation Committee (Action/Information)**

Ms. Nix reported that the Committee's next scheduled meeting is Thursday, November 16, 2006. Mr. Greek distributed copies of a Tribune newspaper article entitled "Questions of manager exodus swirl" to Commissioners, since this is one of the issues the committee is addressing.

8. **Time Reserved for Commission President**

No report.

9. **Time Reserved for Commission Counsel**

No report.

The Commission took a brief recess from 9:35 a.m. to 9:45 a.m.

10. **Item 13 – 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)**

President Bergman called the meeting into Closed Session. Upon reconvening into Open Session, there was no reportable action.

11. **Draft Conclusion by Commissioner Salter: Response to "Report and Response Regarding Reorganization Proposal" and Possible Consideration of the Proposed Human Resources Reorganization**

Mr. Salter distributed copies of the 16-page draft conclusion to Commissioners, Mr. Greek and interested parties. He stated that he obtained legal assistance from Commission Counsel Ann Duggan in editing the document and requested that the Commission review and approve the document. The Commission went off the record for approximately 30 minutes in order to read Mr. Salter's draft. Mr. Salter addressed Mr. Greek and acknowledged that the draft was probably an "unwelcome" document. He apologized but stated that he felt that "it had to be the case," that in light of the public scrutiny, the Commission needed to respond to the controversy. He opined that as a result of this controversy, the Commission has been "placed in a position of having to re-substantiate its authority" and to "defend its integrity." He stated that the document reflects his opinion and acknowledged that it may not be shared by other Commissioners. Mr. Tappan stated that he was "sorry we are to this point," that he feels there has been a "degradation" of the Commission's authority. He stated that he felt bad for Ms. Hossli, that she'd been "placed in the position she's been placed in." He acknowledged that from what the Commission has been hearing about Ms. Hossli, she has been doing a good job. He acknowledged the same about Mr. Greek. He indicated he needs more time to review the report.

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Ms. Nix stated that more than one Personnel Director has been involved in the situation and that there have been issues that Mr. Greek has "inherited." She stated that she disagreed that the incumbent has been the subject of the issue and instead opined that the issue is that according to Rule 5.04, a reallocation process exists and that in this case, it did not appear the process was followed. Ms. Nix stated that after questioning the Santa Barbara analysts, she felt that there were some differences between the information requested by the Commission and the information subsequently provided to them by the study. She stated that the Commissioners are "guardians of the Civil Service Rules," and that she feels it is "incumbent upon" the Commissioners to look at the ability of the County to fulfill its responsibilities to merit principles. She stated that regardless of succession planning, there needs to be a process whereby civil servants are afforded proper opportunity to compete for positions. She concluded by stating that she was "very comfortable" with Mr. Salter's draft document and she thanked him for taking time to prepare the analysis. Mr. Salter thanked Ms. Nix for her comments.

Mr. Chapman stated that he was "a bit torn" about Mr. Salter's response and though he does not share the "adversarial tone" of it, he stated that he cannot argue with the facts and issues in this case. He stated that a "pivotal point" is that "it is the job of the Commission to protect the integrity of the Civil Service Rules and their adherence to merit system principles." He stated that secondarily, it is the Commission's job is to be a neutral "unbiased third party" and to protect the interests of the Civil Service system" for both management and employees. Mr. Chapman also indicated that he needed additional time to study the document. He stated that it is his opinion that above all things, he wanted to ensure that all of the facts are viewed within the framework of the maintenance of the integrity of the Civil Service System and how important the Commission's integrity is "for everybody who is a stakeholder...the people, the Board, management and employees." Ms. Salter thanked Mr. Chapman for his comments.

President Bergman stated that he has served on the Commission for approximately 14 years and that he has seen and noted "a change to the negative in the last 18 months toward the Commission." He stated that perhaps the Commission has been "overlooked" over this period of time. President Bergman opined that Mr. Salter's response is "a very good summary of what's taken place." He pointed out that the Commissioners don't make the rules, that they've "changed them over the years," but that they were put into place by County voters and that until recently, the Commission has remained relatively unchallenged. He stated that the last several months have been "educational" for the Board of Supervisors, that it has allowed Board members the opportunity to see the issues the Commission encounters. He added that every member of the Commission brings a "different perspective" and acknowledged that they take their responsibility seriously, that they do their best. He opined that the Next Generation Committee is a "good thing," and that he is glad everyone is involved...the Commission, employee groups, the Board, management and employees. He stated that it is his hope that the committee prompts conversation which moves the parties to consensus and that "common ground" can be reached.

Mr. Salter asked for Mr. Greek's response. Mr. Greek stated that he would have preferred to have reviewed the document prior to the meeting since he provided his response to Commissioners prior to the Commission meeting. He accepted that it is Mr. Salter's opinion, but that the report contained "certain inaccuracies."

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Mr. Salter responded to Mr. Chapman's concern that the response was "harsh," but stated efforts had been made to reach common ground and he opined that these efforts were "met with silence." He stated that he felt the need to express his feelings about the situation. Mr. Salter asked for a point of order, for the Commission to make a motion to adopt the document as written. The motion was seconded by Ms. Nix, with the caveat that the document be edited to reflect the viewpoints of all Commissioners and made "acceptable to the Commission as a whole."

Mr. Chapman stated that since Mr. Greek expressed concerns about the accuracy of certain items in the document, he wanted to be certain that those issues are addressed prior to his approval.

President Bergman asked Mr. Greek if he would like to address the Commission further regarding the document. Mr. Greek responded that it was his preference to meet with Mr. Salter. He restated some basic areas of the concerns by the Commission: the Risk Manager versus Principal Administrative Analyst specification. He stated that he did not think to look to the Ewing files regarding these two job specifications, but that it was not his intention to keep this information from the Commission. Secondly, they expressed a concern regarding whether or not the Personnel Department was properly engaged in 2001-02 and if Rule 5 was followed so that the duties and classifications were appropriately "laid out." Thirdly, the Commission expressed some concerns about the Personnel reorganization. Mr. Greek stated that the reorganization plans were "embedded in the CPS study" and in Personnel's long-range plan. He stated that no rules or processes were violated. He expressed that perhaps unfortunate comments were made, but that he came to the Commission with the reorganization plan and laid it out as clearly as he could. In addition, he stated that he insisted a competitive process would be followed and advised Mr. Edge as such. He expressed a hope that as the document is fine-tuned, the Commission recognizes that though there were some "flawed discussions," the process that was ultimately determined was in alignment with the rules. He stated that he requested an independent class study of the Risk Manager/Principal Administrative Analyst specifications independently of Mr. Edge and assured Commissioners that his request to the Santa Barbara analysts did request that they "do it all," but allowed that that they "didn't get into the level of detail" the Commission was looking for.

Mr. Salter accepted Mr. Greek's invitation to meet. He apologized for not providing the document to him prior to the meeting, but stated that he worked hard to get it done for the November 15 meeting. He stated that he wasn't certain when Mr. Greek would be departing on vacation and wanted to get the document concluded and distributed prior to Mr. Greek's departure.

Mr. Tappan also expressed concern about the tone of the document. He agreed with the substance but stated that he believed the Commission needed to "take the high road," and to approach the issue with a less "adversarial tone." He expressed a desire to "work together" to "solve our issues."

Mr. Chapman stated that he regretted the effect the controversy has had on Ms. Hossli although he indicated he had not spoken to her personally. He apologized on behalf of the Commission and stated that the effect was not intentional.

President Bergman asked Counsel if Commissioners could individually submit their document revisions to Mr. Salter with the stipulation that they not engage in a discussion regarding the document. She stated that they could but emphasized that the Commissioners may not

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engage in a dialogue regarding the document. President Bergman confirmed with Ms. Duggan that the revised document could be brought back and discussed in Open Session.

Ms. Nix stated that the document was written "the way Jay talks," that it is "straightforward" and suggested perhaps Ms. Duggan could review the document and assist with the tone of the document. As an alternative, Ms. Duggan suggested Mr. Tappan or Mr. Chapman work with Mr. Salter. President Bergman stated that two Commissioners can meet regarding the document but not three since three members would constitute a quorum. President Bergman asked whether Mr. Tappan would be willing to meet with Mr. Salter and or Mr. Greek. Mr. Tappan agreed.

Ms. Duggan suggested the Commission withdraw the earlier motion and make a new motion to bring the document back at a later date. Ms. Nix withdrew her earlier motion and Mr. Salter withdrew his second. Ms. Nix made a new motion that the Commission appoint Mr. Tappan and Mr. Salter to review the letter for content and tone, to ensure that the draft reflects all Commissioners' viewpoints and that the document be brought back at the Commission's December 13, 2006 meeting. Second by Mr. Chapman. Motion passed 5-0-0.

The Commission took a brief recess from 12:22 p.m. to 12:30 p.m.

Vice President reconvened the meeting at 12:30 p.m. Mr. Chapman presided over the meeting in President Bergman's absence since Mr. Bergman exited the meeting at approximately 12:30 p.m.

12. Item 10 – Time Reserved for Commission Secretary

a. 2006 Findings and Decisions: Mr. Greek stated that staff has incorporated the Commission's suggested administrative procedures per the Commission's direction.

b. Annual Report (July 2005 – June 2006) (Action)

Mr. Greek suggested the document be approved today and filed with the Board of Supervisors. He stated that last year, President Bergman had included a Letter of Transmittal with the document but that after conferring with Mr. Bergman, it was determined that this step is no longer necessary. He stated that staff noted a couple editorial changes that need to be made to the document and that they will attempt to correct them, but that staff is a bit "constrained" to the current document format. Mr. Greek reviewed the document with the Commission page-by-page.

Page 1: No comments or changes.

Page 2: No comments or changes.

Page 3: Mr. Chapman stated that Mr. Jensen and Mr. Cash's job titles have recently changed. Ms. Duggan agreed, but stated the titles were correct at the time of the report. Mr. Greek suggested leaving it as is because it is "historically accurate." Ms. Duggan suggested changing the language to: "Acting Commission Attorney Deputy County Counsel Warren Jensen, Chief Deputy County Counsel Wyatt Cash and Attorney at Law Larry Frierson." Mr. Greek agreed with the suggestion.

Page 4: Mr. Salter stated that he is unsure that the policy listed was "accepted" as page 4 states: "County Counsel Jim Lindholm and CAO David Edge established the following County policy which was accepted by the Commission members." Mr. Salter stated that he believed there is "an ongoing discussion." Mr. Tappan pointed out that Mr. Lindholm had indicated that he was uncomfortable with being named in establishing policy. Ms. Duggan clarified that Mr. Lindholm's role is to provide legal advice, not to establish policy. Mr. Greek stated that Mr. Lindholm had

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pointed out previously that it was the budget process and the Board of Supervisors who ultimately established the policy. Ms. Duggan suggested the following: "Upon the recommendation

of the Administrative Office, the Board of Supervisors established the following County policy."

Mr. Greek suggested changing the date from ~~April 2006~~ to June 2006 since it was in June that the Board established the policy. The final change is as follows: "~~April 2006~~ June 2006

~~County Counsel Jim Lindholm and CAO David Edge established the following County policy, which was accepted by the Commission members."~~

"Upon the recommendation of the Administrative Office, the Board of Supervisors established the following County policy."

Regarding Page 4: Mr. Tappan suggested the following revision: "This private sector attorney will be on contract with the County of San Luis Obispo to represent the Civil Service Commission." Mr. Greek agreed to the change.

Regarding Page 5: Mr. Chapman suggested the following change: "At the close of the fiscal year 2005-06 the Commission selected their first and second choices and a contractual agreement with the County of San Luis Obispo to represent the Commission is pending." Mr. Greek agreed to the change.

In regard to Page 6, Mr. Tappan suggested that the emphasis of the last two paragraphs should be that the judge's decision supported the Commission's findings in the case. Ms. Duggan offered to work with Mr. Greek further regarding the language.

Page 7: No comments or changes.

Page 8: No comments or changes.

Page 9: No comments or changes.

Page 10: No comments or changes.

Page 11: No comments or changes.

Page 12: No comments or changes.

Page 13: Mr. Greek pointed out that Pages 13 and 14 reflect the additions that the Commission suggested.

Page 14: No comments or changes.

Page 15: Ms. Nix thanked Mr. Greek and Mr. English for making this graph "more readable."

Page 16: No comments or changes.

Page 17: Under "Classification Plan Results, Item 3: Mr. Chapman suggested "Heath" be corrected to "Health." Under "CSC Legal Representation," Item 1: Mr. Chapman suggested request should be capitalized and Proposal should be plural. "Staff released a Rrequest for Proposals for "non-County" legal services to handle CSC hearings..."

Motion to approve the 2005-06 Annual Report as amended was made by Mr. Tappan. Second by Commissioner Salter. Motion passed 4-0-1. President Bergman was absent so abstained.

c. Introduction of Cheryl DeJong, Human Resources Analyst Aide

Mr. Greek introduced Ms. DeJong, Human Resources Analyst Aide, Personnel Department.

Ms. DeJong stated that her work experience has been in the medical and city government fields. She said that she enjoys coming to work every day and working with such a high caliber team. She expressed that the merit system "fits with her beliefs," as to how

candidates should be recruited, tested and ultimately hired. Mr. Greek stated that Ms.

DeJong has assisted with the implementation of the department's Client Services Teams. Mr.

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Chapman asked for an overview of her responsibilities. She indicated that she assists the analysts from the time the minimum qualification are completed to providing departments with certified lists. Ms. Nix asked if Ms. DeJong is a longtime resident or if she recently relocated to the County; Ms. DeJong indicated that she is a longtime resident.

d. Personnel Workload/Staffing Update – Mr. Greek reported that he hoped to work with Ms. Nix over the next few days regarding the issue. He stated that he mapped out Personnel's vacancy rate and his findings showed the Department was one Analyst Aide and two analysts short this past year for recruiting, testing and customer support. He indicated that he has "solid numbers" regarding the workload impact that the HRIS system has had on the department, but needs to conduct a final review. He expressed a hope that he is "setting a solid foundation for the next director to build on relative to the budget recommendation" and that the recommendation can "move forward." Ms. Nix stated that she appreciated Mr. Greek's "extra efforts" to discuss the issue with her. She said that she recommended that the Commission's letter to the Board of Supervisors advocate additional staffing for the department in the next budget session. She recommended that the letter serve to lend support by the Commission to the Personnel Department for appropriate levels of staff to ensure that the Department is able to meet the challenges with which the department is charged. Mr. Greek concluded by saying that he is working on a list of the work that is not getting done by Personnel. Mr. Chapman requested that Mr. Greek relay the Commission's appreciation for Personnel's "hard work" and "continuing efforts" on behalf of the County and the Commission. Mr. Greek also commended Mr. English for his additional work on the Annual Report.

13. Item 12 – Closed Session – (Closed Session per Gov. Code, section 54957.6 – Conference with County Labor Negotiator): 2005-2006 Civil Service Rule (Action)

The Commission adjourned into Closed Session to discuss Item 12. Upon reconvening into Open Session, there was no reportable action.

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

14. Adjournment

Being no further business the meeting was adjourned at 1:40 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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