

# Civil Service Commission

1055 MONTEREY STREET, SUITE D250 ♦ SAN LUIS OBISPO, CALIFORNIA 93408 ♦ 805.781.5959

The San Luis Obispo County Civil Service Commission  
**Regular Session Meeting**  
**Wednesday, August 27, 2008 @ 9:00 A.M.**  
1055 Monterey Street, Suite D-271, San Luis Obispo, CA



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

## MINUTES

Present: President Robert Bergman, Vice President Jeannie Nix, Commissioner Jay Salter, Commissioner Art Chapman, Commissioner Bill Tappan

Staff: Commission Secretary Dori Duke, Commission Clerk Carol Hill

Counsel: Chief Deputy County Counsel Rita Neal

### 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 on any matter that is not listed on today's agenda. Being none, he closed the Public Comment Period.

### 3. Minutes

#### a. July 23, 2008 – Regular Meeting

A motion to approve the regular meeting minutes from July 23, 2008 was made by Commissioner Tappan and seconded by Commissioner Nix. The motion passed 4-0-1.

#### Vote:

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

### 4. Reports

#### a. Commission President

No report.

#### b. Commission Subcommittees

##### Rule Update Committee

Commissioner Salter reported the Committee has completed their work on rule 4 and is awaiting the final draft proposal expected to be prepared by Human Resources. Commissioner Salter stated rule 11 will be discussed at the next rule update meeting scheduled for August 28, 2008. In response to correspondence from the County

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Administrative Officer, the Commission affirmed their interest to continue with the rule update process. Dori Duke, Deputy Human Resources Director, responded to Commission questions stating that with the absence of the director, Human Resources will need to re-prioritize projects which may result in a reduced level of executive support to the Committee; however, Human Resources will be able to provide necessary clerical support. Ms. Duke suggested the issue be discussed at the next rule update meeting scheduled for the following day.

**c. Commission Counsel**

Rita Neal reported that Warren Jensen has been appointed to the position of County Counsel. Ms. Neal and Mr. Jensen will share the duties of Commission Counsel until Ms. Matuszewicz returns from her maternity leave in November.

**d. Commission Secretary**

Commission Website Update

Duane English, Human Resources Department Automation Specialist, presented the updated Civil Service Commission website. Mr. English demonstrated how to navigate through the website and highlighted the key changes - photos of the Commissioners and easier access to the Commission's digital recordings, meeting minutes, and grievance and appeal forms.

Commission Calendar

Ms. Duke reported that she anticipates an appeal hearing from the Sheriff's Department being brought before the Commission at the October 22, 2008 meeting. Additionally, if the Commission decides to hear the matter listed in item 6, the hearing is anticipated to be scheduled for the September 24, 2008 meeting.

**5. Status of Closed Session Hearing - Appeal A07-95(a), dated December 27, 2007 and Appeal A07-96, dated June 19, 2007**

Ms. Duke reported that the County and the appellant have reached a resolution to this matter and the item may be removed from the Civil Service Commission calendar.

**6. Hearing to consider request to grieve or appeal rejection from probation - Open Session Grievance/Appeal #08-115, dated August 1, 2008**

Ms. Duke explained that the purpose of today's hearing is for the Commission to rule on a procedural matter regarding whether or not a probationary employee has the right to a hearing, and if they do have that right, if the matter should proceed as a grievance or an appeal. Additionally, Ms. Duke clarified that the Commission is not to decide the merits of the matter in question at this time. If the Commission does choose to proceed, the matter will be presented in a closed session hearing at a later date.

Ms. Duke presented Human Resources' position on the matter. She stated that the current rules do not provide a probationary employee the right to grieve a probationary rejection pursuant to rule 11.06 and that a probationary employee's only recourse is to file an appeal claiming discriminatory treatment as stated in rule 16.02.

Kimm Daniels, San Luis Obispo County Employees Association, presented SLOCEA's position on the matter. Ms. Daniels stated that the decision to file this grievance/appeal was partially based on the similarities between this case and a previous CSC decision. Specifically, CSC findings which upheld a department's issuance of a letter of reprimand to a supervisor based, in part, on the supervisor's lack of compliance with rule 13. Ms. Daniels also argued the matter should be

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heard because of the Commission's prior discussions regarding review of probationary employee rights to file grievances and appeals.

Ms. Duke and Ms. Daniels responded to the Commission's inquires. Ms. Neal provided a legal perspective of the rules and ordinances relevant to this matter. The Commission discussed interpretation and conflicts between rules 11 and 13.

Following Commission discussion, Commissioner Nix made a motion to have the matter heard as an appeal pursuant to and in compliance with rule 11.06. Commissioner Salter seconded the motion. Following a brief discussion among the Commission, President Bergman requested a roll call vote. The motion passed 4-1-0.

Roll call vote:

Vice President Nix	Yes
Commissioner Salter	Yes
Commissioner Chapman	Yes
Commissioner Tappan	Yes
President Bergman	No

**7. Adjournment**

The meeting was adjourned at 10:25 A.M.

*Note: These minutes reflect official action of the Civil Service Commission. A digital record exists and will remain as the official, complete record of all proceedings by the Civil Service Commission.*