AGENDA

1. Call to Order / Flag Salute / Roll Call

2. Public Comment Period
   Members of the public wishing to address the Civil Service Commission on matters other than those scheduled below may do so when recognized by the President. Presentations are limited to three minutes per individual.

3. Minutes
   The following draft minutes are submitted for approval:
   a. June 24, 2019
   b. June 25, 2019

4. Request to Move the Following Positions from Classified to Unclassified Service:
   a. Chief Deputies (District Attorney's Office)
   b. Chief Deputies (Probation Department)
   c. Assistant Assessor (Assessor’s Office)

5. Reports
   Commission President
   Commission Counsel
   Commission Outside Counsel
   Commission Secretary

6. Adjournment
Civil Service Commission

Special Session Meeting
Monday June 24, 2019
1055 Monterey Street, Suite D-271 San Luis Obispo, CA

Present: President Bergman, Commissioner Ohannesian, Vice President Nix, and Commissioner Nicholson

Staff: Acting Commission Secretary Frank Stapleton, Acting Commission Clerk Ginger Quinde

Outside Counsel: Steve Simas, Attorney

1. Call to Order / Flag Salute / Roll Call:

President Bergman called the meeting to order and led the flag salute. Roll was called. All Commissioners were present. (District Three is currently vacant)

2. Public Comment Period:

President Bergman asked if there were any members of the public wishing to address the Commission at this time. Seeing none, he moved to item 3 on the agenda.

3. Closed Session (per Government Code Section 54957): Hearing and deliberations regarding Appeal #A18-14:

President Bergman moved the meeting into Closed Session.


President Bergman reported this item has been taken off calendar because this case has settled.

5. Reports:

There were no reports.

6. Adjournment:

President Bergman adjourned the meeting.

* 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.
Call to Order / Flag Salute / Roll Call

President Bergman called the meeting to order and led the flag salute. Roll was called. All Commissioners were present. (District Three is currently vacant)

Public Comment Period

President Bergman asked if there were any members of the public wishing to address the Commission at this time. Seeing none, he moved to item 3 on the agenda.

Minutes

a. May 6, 2019
b. May 22, 2019

The minutes presented for the May 22, 2019 Regular Meeting noted Special hearing dates of July 23 and July 24 were confirmed. President Bergman requested the Special Hearing dates on these minutes be corrected to reflect Special hearing dates of July 24 and July 25 were confirmed. Commissioner Ohannesian made a motion to approve the minutes as amended. Vice President Nix seconded the motion. Motion passed 4-0-0.

President Bergman moved to item 5 (reports) on the Agenda before going into Closed Session.

5. Reports:

President Bergman, Commission Counsel, and Commission Outside Counsel had no reports. Acting Commission Secretary Frank Stapleton introduced Mark McKibben, Human Resources Analyst to discuss Special Hearing dates. Mr. McKibben confirmed Special Hearing dates in July and August 27 and August 28. Mr. McKibben reported there are a few Grievances working through the process but is hopeful these can be resolved without a hearing before the Commission. Mr. McKibben is expecting to get an Appeal for a recent termination and is looking for dates in September. The Commission and outside counsel agreed on Special Hearing dates on September 24 and September 25.

There was discussion about how the Special Hearings could be more efficient, including obtaining witness declarations and briefs. These then could be reviewed at a Regular Meeting during a Closed Session.

6. Adjournment:

President Bergman adjourned the meeting.

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TO: Civil Service Commission

DATE: July 24, 2019

FROM: Taj D'Entremont and Chip Spence, Human Resources Analysts

SUBJECT: Move Positions from the Classified to Unclassified Service

RECOMMENDATION:

It is recommended that the Commission approve the removal of Chief Deputy Probation Officer, Chief Deputy District Attorney and the Assistant Assessor positions from the classified service and have them added to the unclassified service as outlined in County Ordinance 2.40.060.

BACKGROUND:

The County of San Luis Obispo Civil Service System is divided into the classified and unclassified service. Generally, the unclassified service consists of elected officials, the County Administrative Officer, County Department Heads, Assistant Director positions and temporary help positions. These positions are at-will and terms of their employment are outlined in an employment contract approved by the County Board of Supervisors. With the exception of temporary help employees, the unclassified service is predominantly comprised of executive management positions where the flexibility to make changes in leadership is essential to the organization.
PROBATION DEPARTMENT

The Probation Department’s executive team consists of 5 County employees, the Chief Probation Officer, Assistant Chief Probation Officer, and four Chief Deputies. The Assistant Chief of Probation is currently at-will and has an employment contract approved by the Board of Supervisors.

The Chief Deputies are third in command, and each Chief Deputy is responsible for a separate division of the Probation Department. One is responsible for over-seeing Adult Probation, one is responsible for Adult Probation and Probation Support services, one is responsible for Juvenile Probation, and one is responsible for Juvenile Hall. Each division generally runs independent of the others and in different locations. Alignment with the Department Head’s Vision, Mission and Goals is essential in carrying out effective Probation Services for the County of San Luis Obispo. Having one consistent message across all division and locations is critical to the overall success of the Probation Department. An absence of this alignment can have multiple negative effects such as inconsistent messaging, confusion among employees, inefficient use of resources and ultimately a lower performing department.

The four incumbents have been made aware of the proposal to remove their position from the classified service and have agreed to this action. Currently there are several other California County Probation Departments’ “third in commands” who are at-will employees.

DISTRICT ATTORNEY

The District Attorney’s executive team consists of the District Attorney, 1 Assistant District Attorney, 2 Chief Deputy District Attorneys, 1 Chief District Attorney Investigator, and 1 Division Manager-District Attorney.

Chief Deputies are the third in command in the District Attorney’s Office, and are responsible to direct the operations of multiple units and ensure the mission, vision, and values of the District Attorney are communicated to employees and carried out in a manner that benefits the Department and the community. They are intimately involved in day to day
decision and policy making for the operations of the department and are expected to work cohesively with the District Attorney and the Assistant District Attorney. In addition, Chief Deputy District Attorneys may serve as the Department Head in the absence of the District Attorney and Assistant District Attorney and are required by California Law to take office of the District Attorney if both the District Attorney and Assistant District Attorney are vacated. Having one consistent message from all Attorney management is critical to the overall success of the District Attorney's Office. An absence of this alignment can have multiple negative effects such as inconsistent messaging, confusion among employees, inefficient use of resources all leading to a lower performing department.

There are currently two incumbents serving in the position of Chief Deputy District Attorney. Both have been made aware of the proposal and have been given the option to enter into the unclassified service or remain in their current status. Both have chosen to remain in the classified service at this time. Since the current incumbents do not wish to leave the classified service, we will be using a step approach for the Chief Deputy District Attorney position. The current incumbent’s status will not change, however, any new incumbents hired from the date of Board approval forward would be at-will.

**ASSSESSOR'S OFFICE**

The Assessor’s second in command is the Assistant Assessor. In close collaboration with the Assessor, the Assistant Assessor plans and directs all operations and activities of the Assessor’s Office, and is the only other member of the Department’s executive team.

This is a high-level position within the Assessor’s Office and incumbents in this position have the ability to greatly affect the tone and culture within the office. The need for alignment and cohesiveness between the Assessor and the Assistant Assessor is imperative as they are required to participate in decision making and strategic planning for the entire department and assist in influencing managers and employees in driving the mission of the department forward.
In addition, the Assistant Assessor is expected to function in the role of Department Head in the Assessor’s absence.

The current incumbent in the Assistant Assessor position is expected to retire in September 2019, therefore, this position will be vacant prior to final approval of the Board of Supervisors to add this position to the unclassified service. The current incumbent would not be affected by this action.

**DISCUSSION:**

In many County departments, the executive team consists of multiple layers of management all working towards the vision and mission set forth by the Department Head to meet the expectations of the community, Board of Supervisors and the County Administrative Officer. Depending on the size of the department and organizational structure, this can include a Department Head’s second in command and, in some cases, third in command.

In any case, it is critical that those on a Department’s Executive Team are aligned with, and actively support the vision, mission and goals set forth by the Department Head. Incumbents in positions at this high level have the ability to affect change within a department. They also have the ability to either show a united front in support of the Department Head or cause opposition within the team. Failure to demonstrate support can cause a sense of disunity in the management team and potentially affect the ability of the Department, as a whole, to meet overall goals and performance measures adopted in the annual budget. Additionally, it can cause significant inefficiencies, including mixed messages to staff. According to a recent AON Hewitt Global Best Employer Research Report ‘Engagement is derived from the way a senior leader connects with other senior leaders in the organization and how effective and accountable they are as a unit’ (McGuinness, 2018). In other words, employees at all levels in the department are watching how the leadership team challenges each other, holds each other accountable, and leads with a common purpose. When one member of the leadership team is not in sync with the mission and vision set forth by the Department Head this can have
significant impacts all the way down to the lowest levels of the department. These impacts can include misuse of resources, fractured relationships among employees and conflicting priorities that work against the priorities set forth by the Department Head.

Additional benefits to the above listed positions being at-will could come into play at time of recruitment. Because of the high-level status and specific qualifications of these positions, it is highly likely candidates would be coming from other government agencies who perform similar specific functions. In polling other counties, it is found that many of these positions are already at-will and candidates likely had the ability to negotiate some aspects of their contract at the time of appointment. Negotiable items within the contract include vacation accrual, severance pay, entry step on the salary range, and other benefits such as car allowance. Moving these positions to the unclassified service would give similar flexibility to our Department Heads giving us greater ability to attract a greater number of highly qualified candidates from an already limited pool.

If this action is approved by your Commission, our intention is to seek Board of Supervisors approval in the form of an ordinance change to County Code 2.40.060(a) in September 2019. Following approval of the ordinance change, we would seek Board of Supervisors approval for the contracts of the three current incumbents in the Chief Deputy Probation Officer classification shortly thereafter.

Given the importance of an aligned executive team we believe it is possible we could receive additional requests in the future from other departments. Future requests would be considered on a case by case basis and be brought to your commission only for classifications where there is a strong business case for that classification to be at will. Additionally, if in the future departments wish to make a similar change, incumbents would have the option to remain in the classified service and the position would only enter into the unclassified service at the time it becomes vacant.
CONSIDERATIONS

Human Resources understands this recommendation represents a change and, as a result, gave considerable thought to the pros of the change, as well as, how this could negatively impact the organization, employees who are not currently at-will, or the civil service system that we currently have in place.

The Civil Service concept was originally created to ensure government jobs were awarded to individuals based on merit, rather than political or personal affiliation. Expectations of the public, the Board of Supervisors and the CAO in the hiring of leadership positions in County Government are extremely high. Department Heads also have a vested interest in hiring the best talent based on merit, experience, and fit. Much like the process for classified positions, the selection methods used for our current at-will positions are vetted at each step and are highly merit based. The positions being recommended for the unclassified service in this staff report would be subjected to those same standards and selection procedures to ensure the best talent is selected.

In evaluating this recommendation, Human Resources also gave significant consideration to how employees would be affected in the event performance issues or misconduct arises. Looking at current practices and past incidents of this nature it was concluded that the impact to these employees would be minimal. All employees regardless of employment status have legal protections through state and federal laws, including anti-discrimination and harassment laws. Secondly, all adverse employment actions are heavily scrutinized by the Human Resources Department regardless of status in the classified service and action is only taken when it is warranted and necessary. It is expected that, as with any employee, efforts to improve performance through performance improvement interventions would take place.
RESULTS

The addition of these positions in the unclassified service will ensure each of the departments involved has a leadership team that is committed to the Department Head and the organization in carrying out their vision, mission and goals with the good of the community in mind. In addition, it will also give Department Heads more flexibility in the negotiation of contracts when a job offer is made and the ability to attract a larger number of candidates in an already limited pool.

OTHER AGENCY INVOLVEMENT:

The Administrative Office, Assessor, District Attorney, and Chief Probation Officer have been involved in discussions surrounding this request and concur with the proposed action.

Works Cited
July 15, 2019

Civil Service Commission
County of San Luis Obispo
1055 Monterey Street, D-250
San Luis Obispo, CA 93408

Dear Civil Service Commissioners:

In anticipation of the upcoming retirement of the Assistant Assessor within my office, I respectfully request the support of your commission for the conversion of this position from civil service to a designation of “at-will” status. As you know, my position is classified as an elected official outside of the county civil service system. It makes sense for management accountability and flexibility that my direct assistant likewise be exempt from civil service.

The position of Assistant Assessor is unique within my office as my second in command serving as the direct manager and supervisor of the employees of the Assessor’s Office. The direct reporting relationship between myself and the Assistant Assessor is enhanced by the flexibility and direct accountability that will be achieved as a result of the change that I am seeking. By the nature of the work involved in this position, the Assistant Assessor cannot be constrained by a limited work schedule nor the prescribed employment rules that are associated with the traditional classifications for county employment. It is also very desirable to make this change to provide the maximum opportunity to recruit the most qualified and experienced candidates from a very broad and inclusive recruitment, including areas both within and outside of California.

To obtain information on current practices regarding the status of Assistant Assessors in other counties, I requested a response from other Assessors. I can report that 16 Assessors responded, and all have at-will assistant or chief deputy assessors except for two counties. Those Assessors responding represent the largest and smallest counties and are a good representation of the clear preference toward at-will status for top managers.
Civil Service Commission
July 15, 2019

It is my intent to cast a very wide net in recruiting for the position of Assistant Assessor. This includes an attempt to entice outstanding individuals who are very likely currently employed within other jurisdictions or with other private or governmental organizations. Recognizing the competitiveness of recruitment efforts, it will be extremely beneficial to the public served by my office to be able to meet or exceed salary, benefits or other enticements that otherwise would preclude the most outstanding candidates from applying for the position of Assistant Assessor.

During a prior recruitment for Assistant Assessor during my tenure in office, we were not successful in generating a wide pool of applicants. In fact, our prior experience revealed that the inability to offer potential applicants with enhancements over the limitations of civil service, resulted in only one applicant from outside the existing workforce within the office.

Because the position of Assistant Assessor will soon be vacated and there exists an immediate need to undertake a robust recruitment, I am seeking the support of your Commission to reclassify this position.

Sincerely,

[Signature]

Tom J. Bordonaro, Jr.
County Assessor