

Civil Service Commission

Regular Session Meeting

Wednesday July 24, 2019

1055 Monterey Street, Suite D-271 San Luis Obispo, CA



MEMBERS OF THE COMMISSION
President Robert Bergman
Vice President Jeannie Nix
Erwin Ohannesian
Jed Nicholson

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

Staff: Commission Secretary Tami Douglas-Schatz,
Commission Clerk Rosa Reyes

Counsel: Nina Negranti, County Counsel

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. Minutes

- a. June 24, 2019
- b. June 25, 2019

The Commissions considered both sets of minutes. Commissioner Nicholson made a motion to approve both sets of minutes and Vice President Nix seconded the motion. Motion passed 4-0-0.

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- 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)

Taj D'Entremont, Human Resources Analyst introduced the presenters of this agenda item, Chip Spence, Human Resources Analyst, Jim Salio, Chief Probation Officer, Dan Dow, District Attorney and Roy Ashburn, Executive Assistant to Assessor, Tom Bordonaro. Ms. D'Entremont spoke to the materials sent to the Commissioners regarding this agenda item. She noted their materials outlined why this move was important to the Department Heads and how the moves would benefit department operations.

The Commissioners inquired about the mechanics of the contracts if these positions were moved to Unclassified Service. It was explained that the contracts would go before the Board of Supervisors (BOS) for approval. There was discussion regarding the different terms of the contracts that could be negotiated that would make it advantageous for prospective candidates. Both Mr. Dow and Chief Salio spoke of the importance of having a management team that is aligned and committed to the vision of the Department Head. This is because these positions are vital in implementing the policies of the Department Head. It is also a common practice in other counties to have the Executive team for the District Attorney's Office and Probation Department in an "At Will" status. There was discussion that moving these positions to Unclassified Service would also allow more flexibility to hold the management team accountable if needed.

Mr. Ashburn explained the responsibilities of the Assistant Assessor and reported the current incumbent will be retiring before the end of the year. In anticipation of the recruitment of this position and for some of the reasons provided by Mr. Dow, including the flexibility and accountability, the Assessor feels strongly that this position should be outside of the Classified Service.

The positions that would be impacted by this request include two (2) Chief Deputies from the District Attorney's Office, four (4) Chief Deputies from the Probation Department and one (1) position from the Assessor's Office. The Chief Deputies are in the third tier of the Executive Management Team in both departments. Both the Assistant District Attorney and Assistant Chief Probation Officer positions are in the Unclassified Service and are At Will.

The Commissioners inquired how the recruitment process would be different if these positions were moved to Unclassified Service. The Department Head with the input of the Human Resources Department would determine if the recruitment was open or closed. This request for movement by the District Attorney is for future recruitments. His current Chief Deputies would remain in the Classified Service. The incumbents in Chief Deputy positions in the Probation Department agree with this movement.

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The Commissioners expressed concerns of the fiscal impact to the County when At Will employees are let go with severance pay. It was clarified that severance pay is only paid out when the At Will employee is released from employment "without cause". Severance pay will not be paid out if the employee is released for misconduct or resigns from their position. It was also noted that there is also a fiscal impact to the County when there is inefficiency in the Executive Team because this impacts operational management and morale. There was discussion the initial purpose of Civil Service was to protect employees from being disadvantaged when the political environments shifted.

Chief Salio stated he is an At Will employee who answers directly to the Board of Supervisors. He needs to run the Probation Department the way the Board of Supervisors wants the department run and to make sure his Executive Management Team is aligned with him. There was discussion that the Civil Service process does not always permit timely recourse. Chief Salio and Mr. Dow made clear it was not their intent to request other lower level management positions be moved to Unclassified Service. There was also discussion of the value of Classified Service. The Commission asked Mr. Dow if there would still be people with institutional knowledge who could keep the organization running properly if the entire management team were removed when a new District Attorney was elected. Mr. Dow assured the Commission of this.

There was more discussion about why the Civil Service Commission was implemented and how it is a merit-based system that allows the most qualified candidate to excel. Ms. D'Entremont spoke to how it has been the County's practice to still go through the recruitment process in Unclassified positions so there is equal opportunity, and everyone gets a fair chance. She also brought forth the point that if a candidate comes from an At Will position from another County, they may want to have the opportunity to negotiate the terms of their contract. They would not have the opportunity to do this if these positions remained in the Classified Service. The candidate may have to give up a lot to come here and the County may not be able to offer enough to attract them. Chief Salio discussed from a law enforcement agency perspective, it makes a lot of sense to have the third level management be At Will. This is because any distention at the management level could have an impact on public safety.

The Commission inquired if this were approved, would other departments bring forth similar requests. Ms. Douglas-Schatz indicated other Department Heads may have an interest, especially making their number twos or their Executive Teams At Will at some point; however, it would depend on the department. She did not think there would be a rush of requests but that it would likely evolve somewhat like Department Heads. Ms. Douglas-Schatz was the first At Will, HR Director.

Vice President Nix requested to vote on the positions separately. She then made a motion for the Assistant Assessor position be converted to an unclassified position. Commissioner Ohannesian seconded the motion. Roll was called. Commissioner Ohannesian- Yes, Vice President Nix- Yes, Commissioner Nicholson- Yes and President Bergman-Yes.

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Commission Ohannesian made a motion to approve the request of the District Attorney. Commissioner Nicholson seconded the motion. Roll was called. Commissioner Ohannesian-Yes, Vice President Nix-No, Commissioner Nicholson-Yes, President Bergman-No.

Commissioner Ohannesian made the same motion for the Probation Department and Commissioner Nicholson seconded the motion. Roll was called. Commissioner Ohannesian-Yes, Vice President Nix- No, Commissioner Nicholson- Yes and President Bergman-No.

5. Reports:

President Bergman and Commission Counsel Nina Negranti had no reports. Commission Secretary Tami Douglas-Schatz discussed the requirement to attend Harassment and Discrimination Prevention and Ethics training. She provided hand-outs of the mandatory trainings the Commissions are required to take. She also provided hand-outs for the public.

Ms. Douglas-Schatz introduced Mark McKibben, Human Resources Analyst to discuss dates for Special Hearings. Hearing dates of August 27/28 were confirmed for a termination hearing. It was also noted there is a Special Hearing scheduled on August 7th for deliberations. September 24/25 were reserved from the last hearing. These dates are earmarked for a termination hearing. Mr. McKibben provided an update on pending Grievances. He asked that dates in October be reserved. The Commission will discuss reserving hearing dates for October at the August 7th Special Hearing.

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.*