

# Civil Service Commission

## Regular Session Meeting

Wednesday December 18, 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  
Erica Flores Baltodano

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

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

**Counsel:** Nina Negranti, Assistant County Counsel

### 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.

## 2. Welcome Commissioner Erica Flores Baltodano – Appointed November 19, 2019

President Bergman welcomed new Commissioner Erica Baltodano and took a moment to wish everyone a happy holidays season.

## 3. 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 4 on the agenda.

## 4. Minutes

- a. August 07, 2019
- b. August 28, 2019

The Commissioners considered each set of minutes separately. There were no amendments or corrections to the August 07, 2019 Special Hearing minutes. Vice President Nix made a motion to approve these minutes and Commissioner Ohannesian seconded the motion. Motion passed 4-0-1. Commissioner Baltodano abstained.

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Next, the Commissioners considered the minutes from the August 28, 2019 Regular Meeting. President Bergman conferred with Nina Negranti, County Counsel to inquire whether the minutes needed to be revised to reflect that he moved to item 5 (reports) on the agenda before item (4) and change the rotation on the minutes. Ms. Negranti agreed this should be changed on the minutes. President Bergman advised he wanted the rotation of these items changed in the minutes to reflect item 5 (reports) was handled before item 4 (Closed Session).

President Bergman called attention to the Findings and Fact summary in item 4 (Closed Session) and whether the discipline outcome should be noted in the minutes. Ms. Negranti reported if the outcome was not reported out in Public Session then the outcome should not be reflected in the minutes. Commission Secretary confirmed this had been reported out. Ms. Negranti advised if it was reported out, this should be included in the minutes. President Bergman indicated there should be some thought about this after the next hearing. President Bergman asked if there was a motion to approve the minutes with the one noted change. Commissioner Ohannesian made a motion to approve the minutes and Commissioner Nicholson seconded the motion. Motion passed 4-0-1 with one abstaining (Commissioner Baltodano).

## **5. Request to Approve CSC Regular Meeting Schedule for 2020**

Commission Secretary Tami Douglas-Schatz presented the meeting schedule for 2020. She indicated adjustments could be made; however, the dates presented were the standard meeting times. President Bergman asked if there was any public comment regarding this item. Seeing none and with no Commission discussion he asked for a motion to approve. Commissioner Nicholson made a motion to approve and Vice President Nix seconded the motion. Motion carried 5-0-0.

## **6. Request to Revise Drivers License Language in Selected Job Classifications**

Stephanie Price, Human Resources Analyst presented this item. She reported after review of the job specifications it was recognized there were two ways to indicate the driver license requirement. The first is to require all employees in certain classifications, to hold a valid Driver's License at the time of application and a valid California Driver's License at the time of appointment. The other and more flexible alternative states certain positions within the classification may require driving and if driving is an essential function of the position, a valid California driver license will be required at the time of appointment and must be maintained throughout employment.

To be proactive all specifications were reviewed that still had the restrictive driver license requirement language. These specifications were reviewed with the departments that are allocated the positions. The specifications before the commission were identified as ones that could be changed to allow the flexible language. Ms. Douglas-Schatz interjected that this change would also help to comply with the Americans with Disabilities Act.

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President Bergman asked if there were any members of the public wanting to comment on this item before Commission discussion. Commissioner Ohannesian wanted to clarify that none of the positions presented would require a driver license. Ms. Price explained that currently the way the minimum qualifications are written it requires that every single person in that classification have a driver license. The flexibility of the language would allow for someone to apply for a position who did not have a driver license but who could still successfully complete the essential functions of the job. Ms. Price assured the Commission, that if an employee did not have a driver license they could not drive a County vehicle. Vice President Nix wanted to be clear the list of presented job specifications had the "old" driver license requirement language with a request that all the job specification on the list be modified to reflect the flexible language. Ms. Price agreed and noted that the flexible language still indicated that there were some positions that may require driving and if driving is required then candidates must have a driver license and maintain it throughout appointment. Ms. Price stated there were still certain positions that had the restrictive language that were not on the list. This is because after conferring with departments it was determined there was no way someone could perform the job without being able to drive.

After discussion was concluded President Bergman asked if there was a motion to approve as written. Commissioner Nicholson made a motion to approve and Commissioner Baltodano seconded the motion. Motion carried 5-0-0.

Prior to moving onto the next agenda item, President Bergman pointed out there was an oversight on the agenda to add one item to the agenda for Closed Session. He inquired of counsel if this item could be added to the agenda by 4/5 vote. Ms. Negranti, advised even with a vote this item could not be added to the agenda for Closed Session. She advised under the criteria of the Brown Act this is not permitted. She suggested that the Commission call a Special Meeting with at least 24 hours' notice. This would require a vote of 3 members. President Bergman stated in the past items had been added to agenda out of necessity and asked if this could be considered. She replied after reviewing criteria for an emergency situation this would not qualify.

Outside counsel Steve Simas suggested a Special Meeting be scheduled. Commissioners and outside counsel agreed to schedule a Special Meeting on January 7, 2020. The clerk was asked to agendize the meeting.

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## 10. Reports:

President Bergman took items out of order and moved to item 10 (reports) on the agenda. President Bergman, Commission Counsel and Commission outside counsel had nothing to report.

Commission Secretary Ms. Douglas-Schatz introduced staff who had promoted and recently hired. She first introduced Teresa McCarthy White, Classification and Comp Analyst. She next welcomed Wendy Lin, a new Analyst assigned to Social Services. Ms. Douglas-Schatz explained that the Health Agency and Social Services Department used to have their own departmental HR function; however, both Directors asked that those staff become apart of Central HR staff. Lastly, she reintroduced Lacey Chagolla who was promoted to an Analyst.

Ms. Douglas-Schatz wanted to note that the Commission has previously asked for the Rule update process to commence. There has been a tentative agreement reached with SLOCEA, the largest union in the county. Once the tentative agreement has been ratified and approved by the Board of Supervisors the Commission can move forward with the Rules update.

President Bergman recognized and thanked Ms. Douglas-Schatz for the matters that have been resolved prior to coming to a hearing before the Commission. Ms. Douglas-Schatz thanked the other departments, Jenna (Deputy County Counsel) and County Counsel who have been good partners in getting these matters resolved. With that, Taj D'Entremont, Human Resources Analyst discussed calendaring for upcoming hearings. She advised only one hearing date in January would be needed. January 22<sup>nd</sup> was identified for litigation of discovery prior to a hearing. There was discussion about a briefing schedule ahead of time. Ms. D'Entremont then confirmed hearing dates of February 26<sup>th</sup> and 27<sup>th</sup> for a termination hearing and March 25<sup>th</sup> and 26<sup>th</sup> for a demotion hearing. She then asked to set dates for April and May. The Commission reserved April 22<sup>nd</sup> and 23<sup>rd</sup> and May 27<sup>th</sup> and 28<sup>th</sup> for Special Hearing dates.

With that President Bergman reported the Commission would go into Closed Session for items 7,8 and 9. Commissioner Baltodano stated she would have to recuse herself from item 7 due to a potential conflict and cannot participate in any aspect of the case. President Bergman advised the Commission would take items 8 and 9 first and she could be excused from item 7.

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- 7. Closed Session (per Government Code Section 54957):** Hearing and deliberations regarding Appeal #A19-06.

President Bergman brought the Commission back on the record and stated the Commission considered items 7,8 and 9, had discussion with counsel and no action was taken.

- 8. Closed Session (per Government Code Section 54957):** Hearing and deliberations regarding Appeal #A19-07.

President Bergman brought the Commission back on the record and stated the Commission considered items 7,8 and 9, had discussion with counsel and no action was taken.

- 9. Closed Session (per Government Code Section 54957):** Hearing and deliberations regarding Appeal #A19-08.

President Bergman brought the Commission back on the record and stated the Commission considered items 7,8 and 9, had discussion with counsel and no action was taken.

**11. 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.*