

Civil Service Commission

Regular Session Meeting

Wednesday February 26, 2020

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. President Bergman advised Commissioner Nicholson would be late. All other Commissioners were present. (Commissioner Nicholson arrived at 9:09 a.m.)

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. January 22, 2020

The Commission considered the minutes from January 22, 2020. Commissioner Baltodano suggested on page 3.004 at the end of item 7 Closed Session, noting that Commissioner Baltodano recused for the next item and left the meeting. President Bergman asked that the clerk add this to the minutes. Commissioner Ohannesian made a motion to approve the minutes as amended and Vice President Nix seconded the motion. Motion carried 5-0-0.

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4. Request to Approve New Job Specifications(s):

- a. Deputy Director-Registrar
- b. Deputy Director- Clerk Recorder

Stephanie Price Human Resources Analyst and Tommy Gong, County Clerk Recorder introduced two new class specifications for the department. The County Clerk Recorder office has two distinct functions. The Registrar or elections division and the Recorder division. The Registrar is responsible for the elections in the County, whereas the recorder division is responsible for recording important documents and public access. The department has historically had one Assistant Director: however, with the increase in visibility, workload and law changes it is necessary for efficient operation of the department to separate these two roles. This structure is consistent with comparative counties and internal county departments who have two different functions. The minimum qualifications presented are consistent with the Assistant Director before but with more detail as to what type of experience would be the most helpful for the two different roles in order to be successful. The flexible minimum qualifications language was also added to allow more candidates to compete for these positions. The people who would be the most successful in these positions would have extensive experience within our own County Clerk's office or other offices throughout the State. The flexible language would allow a person to compete with their experience regardless of having a degree. Ms. Price also pointed out a correction on the Organization chart on 4b.008 that reads Assistant Registrar and Assistant Clerk Recorder and should read Deputies.

President Bergman moved to Commission questions. Vice President Nix would like the verbiage "effectively communicate verbally and in writing", added in both the Registrar and Recorder specifications. There was discussion regarding the Education and Experience section. The Commission would like language that more clearly defines the minimum qualifications in Education and Experience and would like "may include" to be replaced with "shall include". The Commission expressed concerns that the individual(s) in these positions would be responsible for the department in Mr. Gong's absence.

Commission Secretary Tami Douglas-Schatz interjected that Human Resources was following the Commission's prior direction to include broader language in the minimum qualifications and Wanted clarification about whether the Commission was withdrawing their support for this direction. President Bergman would like to see this issue brought back for discussion. Commissioner Nicholson wanted clarification about what direction Human Resources was following. Ms. Douglas-Schatz reported the Commission previously directed to move towards using the broader minimum qualifications language. She confirmed that the other elements of the selection process would be used to make sure to identify only the most qualified candidates. Commissioner Nicholson indicated that they were not withdrawing their support of this approach for entry level positions but that it is different for positions that are second in command or in charge of a department. He was open to job related experience replacing a college degree because on the job training may be more important or better than simply having a college degree. Vice President Nix interjected that at these top-level positions there needs to be some level of expertise. She likes substituting year for year experience especially in a department like the Clerk Recorder because being on the job may be more helpful than a degree. Ms. Price asked to clarify

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the intent of the language. The “may” is not to indicate that they could come in with no experience but would be a combination of education and experience.

Ms. Douglas-Schatz assured the Commission that Human Resources has the utmost concern for having the best managers and employees in the county. If the best people are not hired it harms the departments and community and generates more work. There is no interest in not hiring the best of the best. Commissioner Baltodano stated she understood the concern with increasing the pool of potential applicants in our county and having a recruitment and retention issue and thought this is where the “may” language is creating some flexibility to increase that potential pool. This is also in addition to reliance on the application, interview process and everything that takes place after this to find the best suited candidate from the greater pool.

President Bergman gave the option of bringing the job spec back next month or immediately making the revisions for a vote later in the day by the Commission. Ms. Price and Mr. Gong chose to immediately make the revisions and return later in the day. Vice President Nix and Mr. Nicholson provided changes to both the Deputy Clerk- Registrar and Deputy Clerk- Clerk Recorder.

President Bergman asked if there were any members from the public wishing to address the Commission on this issue. Theresa Schultz, Senior Labor Representative with SLOCEA came forward. She stated that there were many more Deputy Directors and Assistant Directors in departments and hopes that this does not occur at the expense of line staff. She reported it is happening more frequently that a management position is exchanged for a lower level position. Commissioner Ohannesian wanted to know if these positions were at-will and Ms. Price clarified that they would be covered under Civil Service. President Bergman advised the Commission would move forward to item 5 but would revisit this item once the revisions requested by the Commission have been made.

5. Request to Approve Revised Job Specification(s):

- a. District Attorney Investigator I,II,III, Supervising & Chief

Teresa McCarthy White, Human Resources Analyst, introduced Terry O’Farrell, Chief of the Investigations Bureau and Taj D’Entremont, Human Resources Analyst. The proposal is to have the DA Investigator I,II,III class series be moved into a separate specification and retitled to DA Investigator I,II, Senior. The Supervising DA Investigator, not a part of the career series, would be moved into a separate specification and retitled Assistant Chief DA Investigator. Lastly, the Chief Investigator would be moved into a separate specification with no title change. Incumbent DA Investigator III’s have used “Senior Investigator” as their working title for over 10 years in court room testimony, within the Bureau and while working with other agencies. The Chief Investigator and the Supervising DA class are the only classes with supervisory duties The Supervising District Attorney has also been referred to as Assistant Chief for over 10 years in court room testimony, within the Bureau and while working with other agencies. Market research and discussion with the department and union regarding the roles and responsibilities of these classes supports these title changes. There are also cosmetic changes proposed to update formatting and layout standards. There are no proposed changes to the Education and Experience section due to legally required P.O.S.T (Peace Officer’s Standards and Training) qualifications.

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Commissioner Baltodano had questions about the Employment Standards for DA Investigator I. She explained that the proposed language was confusing. Mr. O'Farrell provided insight into the hiring process and P.O.S.T requirements. President Bergman wanted clarification about whether the department would like the candidate to have already attended an academy before they are hired. Ms. D'Entremont interjected that a person in the position cannot function in the position without having completed the academy. President Bergman wanted this information in the specification. Mr. O'Farrell suggested including language to read that the DA's office may sponsor an Investigator I to a P.O.S.T academy. It was clarified that in each of these positions the candidate would need to complete and pass the 26-week academy. President Bergman asked if there was a need to have this specification approved today or if it could be brought back next month.

Ms. Douglas-Schatz inquired if President Bergman's direction was to have staff return with the spec. President Bergman indicated he gave the choice to staff to return next month or come back today with the revisions. Ms. Douglas-Schatz stated an agreement with the Union was made and she wanted to ensure the contract was being honored.

Vice President Nix requested clarification regarding some of the qualifications and had questions about why some items were removed. Mr. O'Farrell provided clarification and answered questions. There was discussion regarding the P.O.S.T certificate and requirements for each class.

President Bergman asked if there was any public comment regarding this item. There was no public comment. It was requested that Ms. McCarthy White bring the item back next month with the proposed changes for all specifications. Ms. McCarthy White confirmed she would bring back these specifications with the proposed changes.

President Bergman brought the meeting back to item 4 on the agenda.

4. Continued from earlier: Request to Approve New Job Specifications(s):

- a. Deputy Director-Registrar
- b. Deputy Director- Clerk Recorder

Ms. Price and Mr. Gong returned before the Commission with the changes directed by the Commission. Ms. Price reported she has made changes to both specifications to include on the last bullet point under the "Ability To" section to "communicate effectively both in writing and verbally." For the minimum qualifications in the Registrar specification, she eliminated "a combination of education, training and experience," language through "this may include" and replaced it with "graduation from an accredited 4-year college or university with a bachelor's degree in business administration, public administration, accounting or a closely related field (Job related experience may substitute for the required education on a year for year basis), and shall have four years of increasingly responsible experience administering a voter registration and election program, 2 years of the required experience shall include supervisory experience." Ms. Price moved to the changes on the Recorder spec which included rewording the education section to reflect the new wording

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in the Registrar specification in the same section as referenced above. In the experience section the wording reads, "And shall include four years of increasingly responsible experience with responsibility for examining, recording legal documents, administrating processes. At least two of the required years must include supervisory or management responsibilities." Ms. Price also added under the "Ability To" section: "communicate effectively both in writing and verbally".

President Bergman asked that Ms. Price provide a completed document next month. President Bergman inquired if there were any comments on this item, seeing none he moved to a vote. Vice President Nix made a motion to approve as amended and Commissioner Baltodano seconded the motion. Motion carried 5-0-0.

6. Formation of the Rule Update Committee

President Bergman inquired which Commission members wanted to serve on the committee. Ms. Douglas-Schatz went over the Rule Committee duties. Periodically there is an opportunity to update the Rules and the procedural guidelines call for group negotiations with all of the bargaining units. To prepare for this, two Commissioners are needed to join the Labor team in creating any recommending Rules to be updated. The two members of the Commission would be the conduit between the full Commission and Labor team and serve on the negotiation team with the unions. The committee would provide a report out to the Commission for direction. Ms. Douglas-Schatz also discussed the time commitment. There was clarification that this is an ad hoc committee, not a Brown Act group and subsequently not open to the public. Nina Negranti reported she advises both labor and the Commission and will be at these meetings if the Commission would like. Both Vice President Nix and Commissioner Baltodano were nominated. Commissioner Ohannessian made a motion to appoint Commissioner Baltodano and Vice President Nix to this ad hoc committee. Commissioner Nicholson seconded the motion. Motion carried 5-0-0.

7. Reports

President Bergman, Commission Counsel Nina Negrete, and outside counsel Steve Simas had nothing to report. Commission Secretary Tami Douglas-Schatz reported to the Commission that there was a Public Records request for the logs of the Commission's Grievances and Appeals. This log is maintained for management and tracking purposes. Working with counsel, the names of the employees were redacted to protect confidentiality. The records released were from fiscal year 14/15 to the present.

Mark McKibben, Human Resources Analyst came forward to discuss calendaring for Special Hearings. Mr. McKibben confirmed hearing dates of March 25th and March 26th, April 22nd and 23rd, May 27th and 28th and June 23rd and June 24th.

President Bergman inquired if there was anyone from the public wanting to comment on any of the Closed Session items. Seeing none, he moved into a 5-minute break before going into Closed Session.

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8. Closed Session (per Government Code Section 54957): Update Regarding Status of Appeal #A18-15.

President Bergman brought the meeting back into Open Session. He reported that the Commission considered several items in Closed Session.

9. COUNSEL – PENDING LITIGATION (Government Code Section 54956.9(a)) – Formally initiated: *Luther v. County of San Luis Obispo Civil Service Commission*, San Luis Obispo Superior Court Case Number 19CV-0713.

In this matter President Bergman reported they have given direction to their counsel.

10. Closed Session (per Government Code Section 54957): Hearing and deliberations regarding Appeal #A19-11.

In this matter President Bergman reported they have given direction to their counsel.

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

In this matter President Bergman reported it was informational only.

12. Closed Session (per Government Code Section 54957): Hearing and deliberations regarding Appeal #A19-10.

In this matter President Bergman reported the Commission confirmed the dates that are set for the future.

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

In this matter President Bergman reported it was informational only. (Commissioner Baltodano recused for this item and left the meeting).

President Bergman advised there was no reportable action in any of the items.

14. 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.*