

Civil Service Commission

Regular Session Meeting

Wednesday August 26, 2020 @ 9:00 A.M.

San Luis Obispo County Office of Education Board Room
3350 Education Drive, San Luis Obispo, CA 93405



MEMBERS OF THE COMMISSION

President Robert Bergman
Vice President Jeannie Nix
Erwin Ohannesian
Jed Nicholson
Erica Flores Baltodano

Present: Vice President Nix, Commissioner Nicholson and
Commissioner Baltodano

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

County

Counsel: Nina Negranti, Assistant County Counsel

Outside

Counsel: Steve Simas, Attorney

1. Call to Order/Flag Salute/Roll Call

Vice President Nix called the meeting to order. Roll was called. President Bergman and Commissioner Ohannesian were absent. Vice President Nix led the flag salute.

Mark McKibben, Human Resources Analyst requested a change in the order of the agenda items. He requested that item 6 (Request to Reassign the Deputy Director Health Agency to the Unclassified Service) and item 7 (Request to approve a temporary modification of minimum qualifications for Public Health Lab Manager) on the agenda be heard before item 5 (Request to Approve Revised Job Specification). The representatives from the District Attorney's Office and the Commission had no objections.

2. Public Comment Period

Vice President Nix asked if there were any members of the public wishing to address the Commission on matters not on the agenda. Seeing none, she moved to the next item on the agenda.

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3. Minutes

The minutes from July 13, 2020, July 14, 2020 and July 22, 2020 were considered separately.

- **July 13, 2020:** Commissioner Baltodano made a motion to approve the minutes as written; however, withdrew her motion when she confirmed she had not been at this meeting. There was not a quorum of Commissioners who had attended this meeting who could approve the minutes. At the direction of Ms. Negranti, Vice President Nix requested these minutes be brought back for consideration at the next Commission Meeting.
- **July 14, 2020:** These minutes are to be brought back for consideration at the next Commission Meeting due to the above reasoning.
- **July 22, 2020:** There were no modifications or amendments to these minutes. Commissioner Nicholson made a motion to approve the minutes and Commissioner Baltodano seconded the motion. Motion carried 3-0-2.

4. Reports

Vice President Nix had nothing to report and did not have anything from President Bergman to report on his behalf. Commission Counsel, Commission Outside Counsel and Commission Secretary had nothing to report. Mr. McKibben reported only one pending Appeal out of the Planning Department. If the matter is not resolved at the pre-hearing then hearing dates in October would be proposed.

6. Request to Reassign the Deputy Director Health Agency to the Unclassified Service

Mr. McKibben introduced Mike Hill, Health Agency Director. He pointed out that typically unclassified positions are comprised of Department Heads, elected officials, Assistant Directors and second in commands in organizations and went over Mr. Hill's leadership team. Currently, only the Deputy Director is in the classified service. This position is currently vacant and provided the opportunity to look at the organizational structure. Mr. McKibben discussed the benefits of moving this position into the unclassified position. There was discussion regarding the status of the current recruitment.

Commissioner Nicholson made a motion to remove the Deputy Director Health Agency from the classified service and reassign this position to the unclassified service. Commissioner Baltodano seconded the motion. Motion carried 3-0-2.

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7. Request to approve a temporary modification of minimum qualifications (MQ) for Public Health Lab Manager

Mr. McKibben and Mr. Hill introduced this agenda item as well. Mr. McKibben discussed the uniqueness of this request as well as the requirements of this position. The current incumbent will be retiring, and the County intends to retain him as a contract employee. There are certain certifications he has that are difficult to find in the current market and his accreditations and certifications are essential in maintaining the lab's accreditation. The current candidates being considered meet most of the qualifications. Temporary MQ modification would allow Mr. Hill and his team the flexibility to identify the most qualified person for the position with the intent to have that person obtain the certifications in a specified amount of time. Mr. McKibben went on to report the alternatives to this request that were also considered and why those alternatives would not be effective.

The Commissioners wanted clarification of the time frame the minimum qualifications would be waived as well as the specific qualifications that would be temporarily lifted. Mr. McKibben and Mr. Hill spoke to these inquires.

Nina Negranti, Assistant County Counsel, proposed an alternative to temporarily modifying the minimum qualifications. She suggested the Commission take action to authorize conditional hire subject to meeting the minimum qualifications as they stand within a certain amount of time. Mr. McKibben confirmed that this recommended action meets the intention of the item.

Commissioner Baltodano made a motion to authorize the conditional hiring of a Public Health Lab Manager. The hiring would be on the condition the candidate would meet the minimum qualifications for the position within a specified time depending on the individual candidate. Commissioner Nicholson seconded the motion. Motion carried 3-0-2.

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 Investigative Bureau and Taj D'Entremont, Human Resources Analyst. This specification was reviewed by the Commission in February. The current specification encompasses an entry level, journey, advanced journey, supervisory and a management class in one classification. When this specification was brought before the Commission in February the intention was to create separate specifications with two classes that are not part of the career series and to retitle the advanced journey level and supervisory level per the agreement with the DAIA (District Attorney Investigator's Association) union. It was proposed the District Attorney

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I,II,III career series be moved into its own specification and retitled to District Attorney Investigator, I, II, Senior. The Supervising District Attorney Investigator would also be moved into its own specification and retitled Assistant Chief District Attorney Investigator. Lastly, the Chief Investigator would be moved into its own specification with no title change. These title changes are in line with current industry standards and practices within District Attorney Offices. Ms. McCarthy White discussed the directive by the Commission at the February meeting regarding this specification. The directive was to return with changes to the minimum qualifications for the District Attorney Investigator II and Senior District Attorney Investigation spec. There were concerns that the changes proposed by the Commission would have unintended consequences of significantly increasing the minimum qualifications. Minimum qualifications are a negotiable item, and this would require a Meet and Confer with the DAIA. Ms. McCarthy White indicated the intent of Human Resources was to update the job title and bring the specification into line with current industry standards and practices within the District Attorney's Office and believed the intent of the Commission was to clarify the minimum qualifications. Ms. McCarthy White addressed the highly competitive nature of the recruitments of District Attorney Investigators with selected candidates most often exceeding the minimum qualifications. She proposed changing the minimum qualifications to clarify them without changing the intended experience requirements.

Vice President Nix took public comment on this item before questions were posed by the Commission. Matt Aanerud, District Attorney Investigator Association President spoke in support of the proposed changes to the specifications.

Commission asked clarifying questions regarding the education requirement.

Commissioner Nicholson made a motion to accept the revisions to the specifications tentatively approved February 26, 2020 to retitle District Attorney Investigator I, II, Senior, Assistant Chief District Attorney and Chief District Attorney Investigator. Commissioner Baltodano seconded the motion. Motion carried 3-0-2.

8. Public Comment on Closed Session Item

Vice President Nix asked if there any members of the public wishing to address the Commission on the Closed Session item on the agenda. Seeing none she moved to item 9, closed session on the agenda.

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9. **Closed Session: CONFERENCE WITH LEGAL 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.**

Vice President Nix moved the meeting into Closed Session.

Vice President Nix brought the matter back on the record. She reported no reportable action had been taken and they have given direction to their counsel.

10. Adjournment

Vice President Nix 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.***