

Civil Service Commission

Regular Session Meeting

Wednesday March 24, 2021

3433 S. Higuera St., Room 101, San Luis Obispo, CA 93401



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

Present: President Nix, Commissioner Bergman, 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

President Nix called the meeting to order at 9:02 a.m. and led the flag salute. Roll was called. Commissioner Ohannesian was absent. Commissioner Baltodano was present via ZOOM. It was reported Vice President Nicholson would be late; however, he was not present for the meeting.

2. Public Comment Period

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 asked Commission Clerk Rosa Reyes if there was public comment received by mail or email. The Clerk reported no public comment was received, and President Nix moved to the next item on the agenda.

3. Minutes

a. February 10, 2021

The minutes from February 10, 2021 were considered. There were no requests for changes or amendments. Commissioner Baltodano made a motion to approve the minutes and Commissioner Bergman seconded the motion. Motion carried 3-0-2.

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4. Request to Move the CSC Regular Meeting on May 26, 2021 to May 12, 2021

Mark McKibben, Principal Human Resource Analyst reported this change had been requested to accommodate the attorney for SLOCEA for a pending appeal matter before the Commission. There are new circumstances in the case and the May date would not give the appellant or respondent enough time to prepare. Subsequently, there is no need to reschedule the Regular May meeting date. The Commission agreed to keep their regular meeting scheduled date of May 26, 2021.

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

a. Deputy Clerk of the Board- Confidential

President Nix asked if there were any members of the public wishing to address the Commission on this specification revision. Seeing none, she asked Commission Clerk Ms. Reyes if there was public comment received by mail or email. Ms. Reyes reported none were received.

Teresa McCarthy White, Human Resources Analyst introduced Guy Savage, Assistant County Administrator participating on Zoom and Taj D'Entremont, Human Resources Analyst. The recommendation is to update the Deputy Clerk of the Board classification and create a new Assistant Deputy Clerk of the Board classification within the Administrative office. The primary purpose of the class is to perform a wide range of highly specialized clerical and administrative duties in support of the Board of Supervisors, Assessment Appeals Board, and other Boards, Commissions and committees. The Deputy Clerk of the Board specification was created in 2019 after this function was moved from the Clerk Recorders Office to the Administrative Office. Ms. McCarthy White reminded the Commission at the 2019 Civil Service meeting that a review of the function would be needed after the Administrative Office the chance to fully integrate this position in their office and gain a better understanding of the staffing infrastructure needed.

This position has been reviewed for two years and it has been determined the Deputy Clerk of the Board specification needs to be modified to represent the supervisory and program management role this position performs. Furthermore, the Assistant Deputy Clerk of the Board specification needs to be created to assist the Deputy Clerk of the Board with the workload. Conversations with the department and market research has proven the revisions in the current Deputy Clerk of the Board and the creation of Assistant Deputy Clerk of the Board are justified based on the current roles and responsibilities.

Commissioner Baltodano brought forth concerns within the Education and Experience section as it is worded due to the highly specialized nature of the position. Ms. McCarthy White noted this specification with this language was approved in 2019 by the Commission. The proposed language is strengthening the specification by adding "of a governing advisory, or quasi-judicial board/council office", within this section. It was also noted, there has not been an issue with appropriately staffing this position with these minimum qualifications. Mr. Savage agreed there has been no issue. President Nix interjected to ask Commissioner Bergman for his comments on

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this specific issue. He agreed due to the highly specialized nature of this position the wording should be stronger. He prefers the wording "shall include" over "may include". President Nix also agrees with the "shall" wording. When this position was moved to the Administrative Office there was already an incumbent in the position who had the experience. Scenarios were discussed and questions were asked about the minimum qualification pattern should this position become vacant. Ms. McCarthy White, Mr. Savage and Ms. D'Entremont spoke to these. The Commission also had questions about the certification process, and these questions were answered. The discussion was brought back to whether to use the "shall" or "may" language. The "may include" language in the Education and Experience section provides greater flexibility that would allow for a more diverse pool of applicants to apply. Commissioner Baltodano suggested wording to include more stronger language but would also allow flexibility. Commissioner Bergman and President Nix preferred the "shall" language.

Commission Secretary and Human Resources Director, Tami Douglas-Schatz explained the importance of a specification working for the department, being mindful of the diversity initiatives and evaluating education and experience both in the minimum qualifications but also in the selection process.

Mr. Savage was asked by the Commission if he had issue with the "may" language being changed to "shall". He answered that in terms of this specification he did not have any objections. Commissioner Bergman made a motion to approve this specification with the change on line 182 to say "shall" instead of "may." President Nix seconded the motion but allowed another point of discussion. Commissioner Baltodano stated her support for the language change in this specification but wanted on the record that replacing "may" with "shall" is not always appropriate for the reasons stated by human resources staff and it is important to be mindful of being able to attract a diverse qualified pool of applicants.

President Nix and Commissioner Bergman had questions as to why the "Confidential" designation had been dropped. Ms. McCarthy White, Mr. McKibben, and Nina Negranti, Assistant County Counsel addressed their questions. President Nix brought the discussion back to the already stated motion and second motion to approve the specification with noted amendments. Motion carried 3-0-2.

6. Request to Approve New Job Specification(s):

a. Assistant Deputy Clerk of the Board- Confidential

President Nix asked if there were any members of the public who had public comment on this position. Seeing none, she asked Commission Clerk Ms. Reyes if there was public comment received by mail or email. Ms. Reyes reported none were received.

President Nix, stated there had already been discussion about the "may" versus "shall" language and to move things forward wanted to know if the Commission was still satisfied that this was a

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specific enough position that would require the more restrictive language to be successful. Mr. Savage spoke to this issue and Commissioner Bergman had no objection to keeping the language of “may”.

Commissioner Bergman made a motion to approve this specification and President Nix seconded the motion. Motion carried 3-0-2.

7. Request to Approve New Job Specification(s):

a. Forensic Autopsy Technician

President Nix asked if there were any members of the public who had public comment on this position. Seeing none, she asked Commission Clerk Ms. Reyes if there was public comment received by mail or email. Ms. Reyes reported none were received.

Teresa McCarthy White, Human Resources Analyst introduced Chief Taylor with the Sheriff's Department and Taj D'Entremont, Human Resources Analyst. The recommendation was to create a classification within the Coroner's Unit in the Sheriff's Office. The primary purpose of this classification is to assist the Forensic Pathologist in performance of autopsies that require an investigation. The work is currently being performed by a Laboratory Assistant I/II. The assignment at the Coroner's Office is significantly different from the crime and public health lab and because of this it is not reasonable to expect positions within the Laboratory Assistant I/II position to perform the duties required of this assignment. There is no current specification this assignment can be included in due to the uniqueness of the position. Based on input from the union, department and from market research, it has been concluded this new specification accurately reflects current roles and responsibilities for this position.

Ms. McCarthy-White and Ms. D'Entremont clarified that once approved, this would not result in reclassifications but would require a new recruitment. Commissioner Bergman wanted Chief Taylor's input on the Education and Experience section. The discussion went back to whether to have the “may” or “shall” language. Reasons supporting the less restrictive language were discussed. Mark McKibben, Principal Human Resources Analyst proposed more specific language that would still allow flexibility for more candidates to meet the minimum qualifications. Commissioner Baltodano stated she would not be in support of changing to the “shall” language in this specification. The agreed upon language was “A combination of education, training, and experience that provides the required knowledge and abilities listed. This may include”. Commissioner Baltodano made one other change that addressed a typo.

Commissioner Bergman made a motion to accept the job specification with the change and Commissioner Baltodano seconded the motion. Motion passed 3-0-2.

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8. Request to Approve New Job Specification(s):

a. Department Information Technology Manager

Teresa McCarthy White, Human Resources Analyst reintroduced Chief Taylor with the Sheriff's Department and Jennie Brunick, Department Administrator with the Sheriff's Department, Daniel Milei, Information Technology (IT) Department Director and Taj D'Entremont, Human Resources Analyst. It is recommended that a new classification be created to manage departmental IT operations. The primary purpose of the position is to manage, plan, design, implement and maintain IT operations and staff in a large department with complex information technology. There is a current IT Manager classification reserved for employees within the IT department. This position is responsible for Countywide IT. IT Supervisor is the most senior position within an operational department. Large departments like the Sheriff's department have a large variety of department-specific technology. The expectation to maintain this, plan for current and future needs and solutions, create short- and long-range plans, in addition to other responsibilities exceed the scope of an IT supervisor. By creating this department level management position outside of IT would allow departments to properly adapt and address their unique technology needs. Based on conversations with the Sheriff's department and IT and from market research, it has been concluded this new specification accurately reflects the roles and responsibilities that will be in place for this position.

President Nix asked if there were any persons who had public comment on this position. Seeing none, she asked Commission Clerk Ms. Reyes if there was public comment received by mail or email. Ms. Reyes reported none were received.

Commissioner Baltodano suggested clarifying language and then brought the discussion to the Education and Experience section. She asked if there should be law enforcement IT experience required because of the technology with which this person would potentially work. Ms. McCarthy White reported after conducting research of other agencies that had IT Program Managers, it was concluded this was not necessary to include. This is because an IT professionals with the level of experience required should be able to quickly gain the required knowledge to work with the specific technology. Ms. D'Entremont advised this could also be addressed when the job is advertised that law enforcement experience is desirable.

Commissioner Bergman asked what other departments this person could potentially work with. Ms. McCarthy White reported there may be other large departments such as Health Agency or Department of Social Services that may be interested in a position like this. This is why it was necessary to strengthen the language in the Distinguishing Characteristics section so it would only be available to departments with complex IT operations. The Sheriff's department assignment is highlighted in this specification to emphasize the differences in the position. The intention was to create a specification that could be utilized by other departments to hire their own full-time person if there became a need, without having to create a brand-new specification for each department. Commissioner Bergman brought the discussion back to the Education and Experience section. The

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Commissioners agreed that they would be in support of changing the language on line 111 to “A combination of education, training, and experience that provides the required knowledge and abilities listed.” Commissioner Bergman made a motion to approve the specification with the amendments and Commissioner Baltodano seconded the motion. Motion carried 3-0-2.

9. Request Administrative Authority to Update Peace Officer Job Classifications Pursuant to AB 846

Mark McKibben, Principal Human Resources Analyst, reminded the Commission that last month he provided notice that a significant number of specifications would be updated as result of the passing of Assembly Bill 846. The Assembly Bill requires that language in peace officer job specifications be updated to deemphasize references to paramilitary-type descriptions, include language that is more supportive of community interactions and a requirement of POST (Police Officer Standards and Training) pre-employment psychological evaluation testing. Testing would include identifying potential bias of protected groups either conscious or unconscious.

The Human Resources Department spoke with all the impacted employee associations and management, received feedback and agreed upon standard language to propose to the Commission for approval. This language would be added to the twenty-six (26) identified job specifications.

President Nix asked if there were any persons who had public comment on this matter. Hearing none, she asked Commission Clerk Ms. Reyes if there was written public comment. Ms. Reyes reported none were received.

Commissioner Bergman asked if this language was mirrored throughout the state. Mr. McKibben reported each county was given the discretion to update their job specifications with their own specific language but the language needed to meet the parameters outlined in the Assembly Bill. Commissioner Bergman made a motion to approve and President Nix and Commissioner Baltodano both seconded the motion. Motion carried 3-0-2.

10. Receive and File Job Class Salary Listing

Mr. McKibben reminded the Commission at the last meeting there were concerns from the Commission that there may be a growing number of individual specific classifications being created. In response, HR committed to providing this documentation and Mr. McKibben reported he had conducted research on this matter. In 2016, fifty-eight (58) job classifications were eliminated leaving five hundred and fifty-six (556) active classifications. Five years later there are nine (9) new classes, resulting in five hundred sixty-five (565) active classifications. with efforts by HR and the Commission “job creep” has been avoided. Current activity also indicates that potentially thirty-six (36) more job classifications can be identified as obsolete because they have not been filled for the past 4-5 years. This matter will be discussed with the

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Analysts to see if other job classes could be removed from the classification plan.

11. Discussion regarding virtual meetings

- a. Civil Service Commission Regular Meetings
- b. Civil Service Commission Special Hearings

President Nix considered item 11.b, Civil Service Commission Special Hearing first. Outside Counsel Steve Simas began the discussion with stating reasons why having in person hearings were preferable for employee hearings and the issues that need to be considered if hearings were on ZOOM. Mr. McKibben reported the first opportunity for an evidentiary hearing could potentially be as far off as August and there has not been the opportunity to discuss the logistics of the hearing. President Nix expressed her concerns with having hybrid hearings. She is hoping at the minimum having the Commission, attorneys, and witnesses in person for Special hearings to see and evaluate the parties in the case. Commissioner Bergman also expressed his preference for in-person hearings. This is also his preference for Regular Meetings. Commissioner Baltodano provided her input on this matter and wanted to hear from County Counsel about what the County and state requirements were for in-person meetings. Nina Negranti, Assistant County Counsel reported there are two orders that address virtual meetings and hearings These are the Public Meeting Executive order and Executive Order N-29-20. She went over these briefly. Additionally, any statutes requiring a party or witness to participate in a hearing in person are suspended, meaning they cannot be required to appear in person so long as certain criteria is met. It is recommended against requiring public attendance while the pandemic and Executive orders are in place. The Commission can indicate their desire to have public meetings and have people appear in person, but Ms. Negranti does not believe they can be compelled. She also addressed the criteria to hold a public meeting.

(Commissioner Bergman left the meeting at approximately 10:50 a.m.)

12. Reports

President Nix, Commission Counsel and Commission Outside Counsel had nothing to report. Commission Secretary Tami Douglas-Schatz reported more specs would be brought before the Commission and discussed having a dialog with the Commission about direction and parameters pertaining to minimum qualifications to be considered when writing minimum qualifications. She inquired if another general discussion about minimum qualifications should be agendized. President Nix agreed that a discussion about rewording would be beneficial. Commissioner Baltodano also agreed to have a discussion on minimum qualifications. President Nix recognized in the most recent Annual report the County was more successful in diversity. There appeared to be a significant increase in the percentage of a diverse employee population. President Nix complimented HR in the effectiveness of their efforts in this area.

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Ms. Negranti pointed out there had not been a request for public comment on item 11. President Nix took the matter back to item 11 and asked if there were any persons who had public comment on this matter. Seeing none, she asked Commission Clerk Ms. Reyes if there was written public comment. Ms. Reyes reported none and President Nix closed public comment for item 11. She moved the matter to Public Comment on Closed Session.

13. Public Comment on Closed Session Item

President Nix asked if there were any persons online who had public comment on this matter. Hearing none, she asked Commission Clerk Ms. Reyes if there was written public comment. Ms. Reyes reported none were received.

Ms. Negranti reminded the commission there would be no reportable action because there wasn't a quorum.

14. 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 20CV-0524.

President Nix brought the meeting back into Open Session at 11:41 and advised there was no reportable action.

15. Adjournment

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.***

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¹ There was a glitch in the recording where no audible sound could be heard from approximately 2:10:00-2:10:54