

SANTA CRUZ COUNTY
CIVIL SERVICE COMMISSION
Minutes for January 17, 2013 at 5:45 p.m.
701 Ocean Street, Room 500
Santa Cruz, California

Present: Olivia Madrigal, Dina Hoffman and James Maxwell.
Absent: Carmen Potro and Margaret Leonard.

Staff present: Ajita Patel, staff to the Commission.

1. Approved minutes of the meeting of November 15, 2012. Motion/Second: Maxwell and Madrigal.

AYES: 2
NOES: 0
ABSTAIN: 1 (Hoffman)
ABSENT: 2 (Petro and Leonard)

2. Changes or additions to the agenda: None
3. Oral Communications: Debbie Narvaez, Executive Director with Service Employees International Union (SEIU) introduced herself and noted that SEIU will speak on Item b. under Old Business.
4. Secretary's report: Two upcoming disciplinary hearings. One in February and the other in April.
5. Old Business:
 - a. Ms. Patel reported that the Health Officer item requires a 4/5 vote and as we only had three Commissioners present the Commissioners could not act on this item. Staff will return at the next meeting for consideration.
 - b. SEIU representatives Debbie Narvaez, Veronica Rodriguez, and Jeffrey Smedberg spoke, on behalf of the employee Arthur Mier, in support of his request for an evaluation hearing.

The representatives relayed that the 2011 evaluation process was flawed, the evaluation protocols and accepted standards were not followed, clear standards and guidelines were not given, the Personnel Director designee review was based on a prior evaluation which is a flaw, there was no fairness, progressive discipline was not used, and the reference to an oral counseling was described in the evaluation and that should not be placed in the file.

The employee, Arthur Mier, also spoke. Mr. Mier relayed that he feels targeted because he received the evaluation within one week of notifying his supervisor that he was in the process of obtaining employment with the Department of Justice. Mr. Mier was very surprised when he received his evaluation, because his supervisor did not have regular meetings with him or share performance concerns prior to serving the evaluation. Mr. Mier believes that the standards and expectations are higher for him than others; and, as such he is treated differently by the Sheriff's Office. Mr. Mier feels his reputation has been damaged and he will not be able to transfer, promote, or find employment elsewhere because the personnel file includes documents with disparaging remarks.

Commissioners discussed the issues presented.

Commissioner Hoffman relayed that the Civil Service Rules are specific and permit appeals to the Commission for particular actions. She did not find that the Commission had jurisdiction over this particular employee action but the Commission does have procedural oversight. As such, she requested that Staff work with the Sheriff's Office to review their evaluating process. Commissioner Madrigal agreed with Commissioner Hoffman and additionally asked Staff to report back on the Sheriff's Office use of benchmark ratings, measurement tools, consistency, accountability, and oversight. Lastly, Commissioners confirmed that the employee received appeal avenues up to the Personnel Director which is considered a final review with no further appeal.

Motion to consider the matter reviewed and take no further action.
Motion/Second: Hoffman and Maxwell.

AYES: 3
NOES: 0
ABSTAIN: 0
ABSENT: 2 (Potro and Leonard)

6. New Business:

a. Commissioners reviewed the Annual Report with no recommended changes. Motion/Second: Maxwell and Hoffman.

AYES: 3
NOES: 0
ABSTAIN: 0
ABSENT: 2 (Potro and Leonard)

b. Commissioners voted to keep the same Chair and Vice-Chair.

Motion/Second: Maxwell and Hoffman.

AYES: 3

NOES: 0

ABSTAIN: 0

ABSENT: 2 (Potro and Leonard)

7. Adopted Delegated Classification Report. Motion/Second: Hoffman and Maxwell.

AYES: 3

NOES: 0

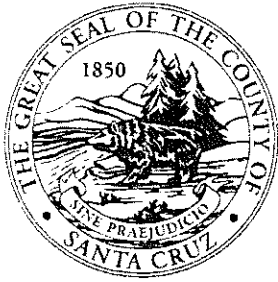
ABSTAIN: 0

ABSENT: 2 (Potro and Leonard)

8. Received and filed correspondence: 2011 correspondence from Chair John Leopold reappointing Commissioner Potro, correspondence from Merit Systems Services dated December 5, 2012 and correspondence from the Personnel Department dated December 20, 2012.

9. Adjournment: 6:50 p.m.

10. Next meeting is scheduled for March 21, 2013 at 5:45 p.m.



County of Santa Cruz ~~0102~~

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
 (831) 454-2200 • FAX: (831) 454-3262 TDD: (831) 454-2123

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AGENDA: 3/5/13

February 22, 2013

BOARD OF SUPERVISORS
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

RE: CIVIL SERVICE COMMISSION REPORT
 FOR CALENDAR YEARS 2011 AND 2012

Dear Members of the Board:

Attached is the Civil Service Commission report for calendar years 2011 and 2012. I recommend that our Board accept and file this report and direct the Chairperson to thank the members of the Commission for their efforts on behalf of the County.

Sincerely,

NEAL COONERTY, Chairperson
 Board of Supervisors

NC:pmp
 Attachment

cc: Civil Service Commission

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CIVIL SERVICE COMMISSION 2011 - 2012 BIENNIAL REPORT

Commission Role

The County Code, Section 2.46.020, specifies that the Civil Service Commission "shall prescribe, amend and enforce rules, for the classified service to make effective the provisions set forth in this chapter, which rules shall have the force of law." The primary duties include the hearing of appeals of administrative personnel decisions, approving position classifications when there is not agreement between the County and the representation unit, and reviewing the processes and outcomes of the County's Civil Service system.

Meeting Dates, Time, and Location

2011: In 2011, the Commission met on the third Thursday of January, March, September and November at 5:45 p.m. in the Board of Supervisors' Chambers in the County Governmental Center. The Commission's scheduled May and July meetings were cancelled for lack of quorum. Additionally, Commissioners held the first Wednesday afternoon and third Wednesday all day of each month for potential appeal hearings. There were three disciplinary appeals filed, only one of which resulted in a hearing before the Commission.

2012: During 2012, the Commission met in January, March (cancelled for lack of quorum), May, July, September, and November on the third Thursday at 5:45 p.m. in the Board of Supervisors' Chambers in the County Governmental Center. Additionally, Commissioners held the first Wednesday afternoon and third Wednesday all day of each month for potential appeal hearings. There were seven disciplinary appeal hearings scheduled of which two resulted in hearings before the Commission.

Commission Structure

The Commission consists of five members, each nominated for full Board approval by each Supervisor. The Commission members in 2011 and 2012 were: First District, Carmen Potro; Second District, James Maxwell; Third District, Dina Hoffman; Fourth District, Olivia Madrigal; and Fifth District, Margaret Leonard.

In January, the Commission elects a Chair and a Vice-Chair for a one-year term. In 2011, the Commission Chair was James Maxwell and the Vice-Chair was Olivia Madrigal. In 2012 the Commission Chair was Olivia Madrigal and the Vice-Chair was Carmen Potro.

Attendance

The columns below indicate Commission attendance for 2011:

| Meeting | Madrigal | Potro | Maxwell | Hoffman | Leonard |
|--------------|-----------|-------|---------|---------|---------|
| January 20 | X | A | X | X | X |
| March 17 | X | X | X | X | A |
| May 19 | CANCELLED | | | | |
| July 21 | CANCELLED | | | | |
| September 15 | A | X | X | X | A |
| November 17 | X | X | X | X | A |
| July Hrg | A | X | A | X | X |

The columns below indicate Commission attendance for 2012:

| Meeting | Madrigal | Potro | Maxwell | Hoffman | Leonard |
|--------------|-----------|-------|---------|---------|---------|
| January 19 | X | X | X | A | X |
| March 15 | CANCELLED | | | | |
| May 17 | X | A | X | X | A |
| July 19 | X | X | A | X | A |
| September 20 | A | X | X | X | A |
| November 15 | X | X | X | A | A |
| February Hrg | A | X | X | X | A |
| March Hrg | X | X | X | X | X |

X = Present; A = Absent

Commission Staff

The Commission is staffed by the County Personnel Department. Ajita Patel, Deputy Director served as the Commission Secretary. Thornton Kontz served as Commission attorney.

Goals and Accomplishments

1. During 2011 and 2012, the Commission conducted three disciplinary hearings as required by the Civil Service Rules for appeals of terminations, suspensions, and demotions.
2. Continued to review staff reports regarding Provisional Appointments.
3. The Commission reviewed classification actions.

Future Goals

1. The Commission will continue its review of provisional appointments.
2. The Commission will continue to familiarize themselves with the Civil Service Rules and will consider improvements as needed.
3. The Commission will continue to conduct disciplinary appeal hearings.
4. The Commission will continue to review classification actions.



County of Santa Cruz

PERSONNEL DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060-4064
TELEPHONE: (831) 454-2600 FAX: (831) 454-2411 TDD: (831) 454-2123
MICHAEL J. MCDUGALL, PERSONNEL DIRECTOR
AJITA PATEL, DEPUTY DIRECTOR

MEMORANDUM

DATE: November 8, 2012
TO: Civil Service Commission
FROM: Ajita Patel, Deputy Director of Personnel
RE: Change to Civil Service designation of classification

Pursuant to County Code 3.12.010, we are recommending that the unrepresented executive management classification of 'Medical Services Director / Health Officer' be designated as a non-Civil Service classification. This single-position classification is currently vacant, so no current incumbent will be impacted.

The Medical Services Director / Health Officer is a high-level management position responsible for directing and administering public health medical services and public health programs for the County and serves as the designated County Health Officer. County public health programs are shaped by the different visions/philosophies and approaches of each County administration and Board of Supervisors. (The job specification for this class is attached for your reference.)

By California statute each County Health Officer is appointed by the Board of Supervisors (California Health and Safety Code § 101000). Here in Santa Cruz County, the Health Services Agency Administrator makes a recommendation for appointment which must be approved by the Board of Supervisors. Therefore, this classification should be designated as non-Civil Service to reflect that the incumbent serves at the direction and will of the Board of Supervisors and the Health Services Agency Administrator.

Attachment

Cc: Michael J. McDougall, Personnel Director
Giang Nguyen, Health Services Agency Administrator

MEDICAL SERVICES DIRECTOR/HEALTH OFFICER

Job Specifications

Class Code: PT7

Analyst: CE, CJS

Date Originated: 5/79

Date Updated: 4/88, 11/12

SANTA CRUZ COUNTY

DEFINITION

Under general direction, to plan, organize, direct and administer public health medical services and public health programs for the County; to provide technical consultation to citizens, public officials, staff and community organizations and agencies on public health and preventive medicine issues; to serve as the designated County Health Officer; and to do other work as required.

DISTINGUISHING CHARACTERISTICS

This single position class is responsible to the Health Services Administrator for planning, organizing and directing the public health medical services and public health programs for the County including enforcement of applicable public health laws and regulations. Serves as the legally designated County Health Officer. Additionally, the incumbent serves as the County liaison and medical expert to the State, the local medical society, and other agency and community groups.

TYPICAL TASKS

Plans, organizes, directs and evaluates through subordinate managers the medical and administrative aspects of public health programs; provides administrative direction to subordinate managers who manage a variety of public health programs and clinics, including chronic and acute general medical services, public health nursing, emergency and disaster medical planning, public health education, indigent medical care, California Children's Service, maternal and child health services and detention medical services; assures enforcement of applicable public health laws and regulations including environmental health and sanitation; supervises, reviews and evaluates the work of physicians and other staff providing medical services for clinics and detention facilities; approves protocols and standardized procedures for new medical developments and procedures; coordinates the work of consultant medical specialists and other physicians; orients consultants to the objectives, operations and regulations of the contract program; may contact private physicians to arrange for their services in departmental clinics and programs; oversees the preparation, monitoring and control of budgets for the public health divisions; serves as an advocate to promote State wide public health policies which also benefit the County; keeps abreast of legislative changes and formulates policies and programs as required; serves as the liaison and medical expert in Public Health matters to the local medical society and community agencies; provides input to grant applications and other externally funded programs; provides medical consultation to private physicians and other personnel on matters related to the prevention, diagnosis and treatment of diseases of public health significance; confers with public officials, private physicians, community organizations and representatives of other agencies on public health matters; participates in programs of health education; addresses community groups and professional associations; evaluates medical and public health policies, programs and procedures and formulates improvements; may conduct medical and physical examinations, make diagnoses, and prescribe and administer treatments and medications; serves as an executive

management team member to coordinate with other divisions, departments and agencies to develop procedures and to resolve administrative and other problems; develops departmental policy and programs; keeps Health Services Administrator informed of changes and problems pertaining to divisional activities; may act for the Health Services Administrator as authorized; prepares reports and correspondence; inputs, accesses and analyzes data using a computer.

EMPLOYMENT STANDARDS

Knowledges:

- Thorough knowledge of current principles and practices of medicine;
- Thorough knowledge of the functions and services of local public health agencies;
- Thorough knowledge of accepted medical practices concerning the prevention and control of communicable diseases and other common public health programs;
- Working knowledge of epidemiology;
- Working knowledge of the laws and regulations governing local public health programs;
- Working knowledge of the interrelationships of services among local public and private and voluntary public health agencies and organizations;
- Working knowledge of the principles of public health administration;
- Working knowledge of the principles and techniques of supervision and training;
- Some knowledge of the general function of a State Department of Health Services.

Ability to:

- Plan, organize and direct, through subordinate supervisors, a broad range of public health programs;
- Exercise initiative, ingenuity and sound judgment in solving difficult technical, administrative and personnel problems;
- Develop and direct the implementation of improvements to enhance the effectiveness and efficiency of public health services and programs;
- Establish and maintain effective working relationships with physicians, representatives of community groups and professional organizations, State representatives and the general public;
- Analyze, evaluate, plan and implement public health programs and budgets;
- Understand and relate to others the aims, concepts, and principles of public health;
- Supervise, review and evaluate the work of professional staff;
- Coordinate public health programs and service activities with other divisions and departments;
- Prepare clear and concise written and oral report;
- Speak effectively before large groups;
- Perform medical diagnosis and treatment;
- Secure State certification to supervise and direct mid-level practitioner;
- Learn to input, access and analyze data using a computer terminal.

Training and Experience: Any combination of training and experience which would provide the required knowledges and abilities is qualifying. A typical way to obtain these knowledges and abilities would be:

- Three years of public health medical experience.

OR

- Certification or eligibility for certification by a recognized American Specialty Board, and two years of public health medical experience.

OR

- Possession of a Master's degree in public health from an accredited school of public health, and one year of public health medical experience.

SPECIAL REQUIREMENTS

- Possession of a valid Physician and Surgeon's certification issued by the State of California*.
- Possession or eligibility for possession of a State and/or Federal narcotic license for administration of narcotics to inmates and patients.
- Possess and maintain a valid California* Class C Driver's license.

(*Out of state candidates possessing a Physician and Surgeon's certification and driver license in their respective state may apply and go through the recruitment and examination process. Candidate must possess California certification and license by the start of employment.)

ORIG: 5/79 REV: 4/88, 11/12

JAD:sjh



**SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW-CLC**

SAN JOSE H.Q.

2302 Zanker Road
San Jose, CA 95131

Phone: 408-678-3300

Fax: 408-954-1538

Phone: 408-678-3398

(Vendors)

BAKERSFIELD

1001 17th Street
Bakersfield, CA 93301

Phone: 661-321-4160

Fax: 661-325-7814

FRESNO

5228 E. Pine Avenue
Fresno, CA 93727

Phone: 559-447-2560

Fax: 559-261-9308

HANFORD

101 N. Irwin St., Suite 205
Hanford, CA 93230

Phone: 559-587-1521

Fax: 559-587-1524

SALINAS

HOLLISTER

334 Monterey Street
Salinas, CA 93901

Phone: 831-784-2560

Fax: 831-757-1863

Phone: 831-636-3455

Fax: 831-636-0787

(Hollister)

SAN CARLOS

981 Industrial Rd., Suite A
San Carlos, CA 94070

Phone: 650-801-3500

Fax: 650-595-1930

SANTA CRUZ

WATSONVILLE

517B Mission Street
Santa Cruz, CA 95060

Phone: 831-824-9255

Fax: 831-459-0756

Fax: 831-724-9095

(Watsonville)

VISALIA

1811 W. Sunnyside Avenue
Visalia, CA 93277

Phone: 559-635-3720

Fax: 559-733-5006

www.seiu521.org

January 24, 2013

Civil Service Commission
c/o County of Santa Cruz Personnel Department
701 Ocean Street, Room 310
Santa Cruz, CA 95060

Request for Reconsideration of Decision Regarding Hearing the Matter of Arthur Mier

Dear Commissioners:

At your January 17, 2013, meeting, your Commission considered a request to hear allegations that the Personnel Department failed to conduct the performance evaluation process for Arthur Mier in accordance with merit employment principles.

The reasons given for denial of this request for a hearing were:

- 1) That the employee was not harmed as a result of suspension, demotion, or dismissal, and
- 2) That the Commission had no other authority in this matter.

These reasons for denial were based on Commissioners viewing the matter before you as an appeal of disciplinary action. On that basis, the Union is following the Civil Service Rules (Personnel Regulations Section 130) Section I, E.7. concerning Requests for Reconsideration. An issue that may be raised for reconsideration of a decision on the appeal of disciplinary action under subpart a. (2) is a claim that the Commission exceeded its authority in rendering its decision.

The Civil Service Commission exceeded its authority by claiming it had no jurisdiction in the matter of Arthur Mier. The case before you was not a disciplinary appeal and was not presented as such. The Commission had no authority to narrow its scope of consideration of an issue and thus render it moot.

In actuality, County Code Section 2.46.080, Powers and duties of the Civil Service Commission, broadly states:

“It shall be within the jurisdiction of the civil service commission to assure that employees within the civil service system are selected, promoted, evaluated and retained within merit employment principles.”

The law clearly charges your Commission with the authority to oversee the Personnel Department in its implementation of personnel procedures including performance evaluations. A well-documented claim that such procedures have not abided by merit employment principles begs for your consideration. The fact that you are not accustomed to exercising your oversight of Personnel Department procedures is not a valid reason to fail to do so in this case.

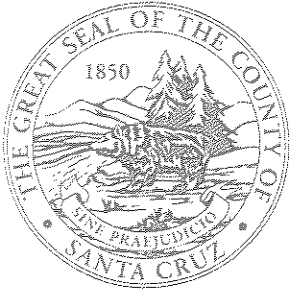
You must hear Arthur Mier’s case as the Civil Service Commission is precisely the correct venue for this matter.

Sincerely,

Jeffrey Smedberg, SEIU Shop Steward

Received
Personnel Dept-1
JAN 24 PM 3:09

| SUMMARY FOR DELEGATED CLASSIFICATIONS - January-February 2013 | | | |
|---|---|---|-----------------------------|
| DEPARTMENT | ACTION | PROPOSED or CURRENTLY ESTABLISHED CLASS | CLASS AFTER PERSONNEL STUDY |
| Sheriff's Office | Re-classify 1.0 FTE filled position (following SEIU re-class request) | Community Svc Officer | Latent Print Examiner |
| Personnel | Split 1.0 FTE Typist Clerk II into two .50 FTE (half-time) positions | Typist Clerk II | Typist Clerk II |
| Personnel | Re-classify .50 FTE vacant position | Typist Clerk II | Clerk II |
| Personnel | Re-classify .50 FTE vacant position | Typist Clerk II | Administrative Aide |
| Health Svcs | Update job specification | Director of Mental Health Svcs | same |



County of Santa Cruz

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FIFTH DISTRICT

March 5, 2013

Civil Service Commission
701 Ocean Street
Santa Cruz, CA 95060

Dear Members of the Commission:

Thank you for submitting your report highlighting the activities of the Civil Service Commission in 2011 and 2012. While Board members review the Commission's minutes as they are received, we really do appreciate the opportunity to have this overview of the various issues considered by the Commission over the past two years. Your next report highlighting the Commission's work during calendar years 2013 and 2014 will not be due until January 31, 2015.

Again, thank you for your report and for supporting the work of County government.

Sincerely,

NEAL COONERTY, Chairperson
Board of Supervisors

NC:pmp

cc: Clerk of the Board

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