

Civil Service Commission Minutes

Thursday, April 15, 2010

The Civil Service Commission held a quarterly meeting on Thursday, April 15, 2010 in the Board of Supervisors' Chambers, 701 Ocean Street, Santa Cruz, California.

ORDER OF BUSINESS

1. Closed Session: At 5:45 p.m. the Commission continued their close session deliberation following the April 14, 2010 disciplinary appeal hearing. The Commission provided their decision verbally to the parties and said that the written decision, both findings and orders, would be issued within two weeks.
2. Call to Order: Chair Taren called the meeting to order at approximately 6:03 p.m.
3. Attendance: Commissioners present: Commissioners Robert Taren, James Maxwell, Olivia Madrigal and Carmen Potro. Absent: New Commissioner Margaret Leonard. Staff present: Michael J. McDougall, Personnel Director, Ajita Patel, Deputy Director, and Laurie Hill, staff to the Commission.
4. Approval of Minutes: Moved by Commissioner Maxwell, seconded by Commissioner Madrigal, the meeting minutes for January 21, 2010 were approved (4-0-1).
5. Additions to the Agenda: Secretary reported that the Commission met in closed session earlier to finalize deliberations on an appeal hearing held April 14, 2010. The Commission planned to meet briefly at the close of this meeting to prepare their findings in writing.
6. Oral Communications: James Heaney, Shop Steward, expressed interest in talking about the number of meetings and the Whistleblower program.
7. Secretary Report: There was no report and no appeal hearings pending.
8. Old Business:
 - a. Reconsider the number of regularly scheduled Commission meetings. Secretary Hill referenced the staff report and the request from the Board of Supervisors that all Commissions reconsider the number of regularly scheduled meetings. In April 2009, this Commission increased their meetings from quarterly to eight times a year, starting in May 2009. Commissioner Taren explained the Commission's interest in the added number of meetings to stay on top of emerging issues and revisited the concept of an ad hoc committee process to meet with employees. Thornton said that a regularly scheduled committee of this ad hoc committee would be a standing committee under the Brown Act. The Commission could appoint one Commissioner to work with parties outside of their regularly scheduled meetings on a specific topic or the Commission could call for Special meetings. Hill added that any action proposed by one Commissioner must be reviewed and approved by the full Commission. Jim Heaney, SEIU, expressed interest in the Commission's activities and the County's rules regarding hiring and treatment of employees. He acknowledged budget restraints and preferred the alternate month plan. Maxwell moved and Potro seconded recommendation for 6 meetings a year. Approved 4-0-1, starting May 20, 2010.
 - b. Summary of Commission response to complaints regarding the Whistleblower Hotline. Chair introduced the topic, summarized the Whistleblower process, a process that includes reports to Personnel and to the departments. The Commission wrote their concerns to the Board of Supervisors, the Board responded, and made no changes. Secretary Hill summarized the staff report, a report that includes all Commission

communications on this program. Jim Heaney thanked the Commission for their interest in the program, and added that this program works well for financial matters but not Personnel matters. The Commission voted to accept the report. Mary Jo Walker, County Auditor Controller said that some complaints are forwarded to the proper jurisdiction and some matters determined to be best addressed by the Auditor's office. If it is a Personnel matter, her office sends it to the Department Head and then to the Personnel Department. An independent body would be expensive, and only two Counties in the state have a Whistleblower program and an outside investigative source. Auditor's Department works hard to protect confidentiality. In 2009, 14 reports were outside the scope of the program, 10 were personnel matters, 4 welfare fraud and 3 other matters. Commissioner Maxwell was sympathetic to employees but did not have a solution. He felt that at some point the complaint generally needs to get to the department head. Personnel Director McDougall pointed out the flow chart of various avenues that employee have to bring forward concerns and appeals all of which potentially lead to an outside person. Commissioner Potro does not want to drop this review and wants employees to have options. She added that eventually the employee will have to present their charges. Ms. Walker said that she is aware that Personnel matters are being addressed. Taren asked about the kind of report that is required. Ms. Walker said that the preliminary report is expected back to her office within 60 days and the complaint resolved within 6 months. The content of the report is brief, primarily that the matter was resolved. It was clarified that reports against a department head go to the County Administrative Officer or to the Board for elected officials. Walker said that she would not mind if the program was served by another department but added that her department has done a good job on a program that requires follow up and confidentiality. Heaney offered that Personnel issues that are reported could also be shared with the employee's representation unit. Taren suggested that Heaney talk to his unit and see if they would be interested. Ajita Patel observed that the Commission added a goal in their annual report regarding the Whistleblower Program and Taren said that the Commission was still interested in this matter.

9. New Business:

- a. Rescheduled reception for Jack Gordon to May 20
- b. Appointment of new Commissioner: Margaret A. Leonard. She attended the April 14 appeal hearing.

10. Reports:

- a. Adopted Delegated Classification Actions: Maxwell moved and Madrigal 2nd, approved report 4-0-1.
- b. Accepted and filed Employment Services Division Workload Report
- c. Accepted and filed Provisional Appointment Report. Chair Taren thanked staff.

11. Received Correspondence Item:

- a. Received Board appointment of Margaret A. Leonard as new Commissioner.
- b. Received Boards thank you for the annual report.

12. Adjourned to closed session at 7:00 pm to finalize deliberations on the appeal hearing

13. Next meeting calendared for May 20, 2010

Respectfully submitted,

Laurie Hill, Staff to the Commission