

Civil Service Commission Minutes Thursday, August 20, 2009

The Civil Service Commission held a quarterly meeting on Thursday, August 20, 2009, in the Board of Supervisors' Chambers, 701 Ocean Street, Santa Cruz, California.

ORDER OF BUSINESS

1. Call to Order: Chair Gordon called the meeting to order at 5:50 p.m.
2. Attendance: Commissioners present: Chair Jack Gordon, Commissioners James Maxwell and Carmen Potro. Absent: Commissions Bob Taren and Olivia Madrigal. Staff present: Michael J. McDougall, Personnel Director, and Laurie Hill, staff to the Commission.
3. Approval of Minutes: The meeting minutes for July 16, 2009, were approved. Moved by Maxwell and 2nd by Potro, 3-0-2.
4. Additions to the Agenda:
Request to add urgency item for closed session: On August 19, 2009, the Commission received the Superior Court Order and Writ of Mandate in case # CV 163520. The mandate calls for the case to be remanded to the Commission to determine appropriate discipline. The employee's representative sent a letter on August 18, 2009, with his recommended actions in this case. Laurie Hill recommended that the Commission review this court decision and the representative's letter tonight, in a closed session due to the time sensitive nature of the materials. This recommendation requires that the Commission move to add this to their agenda as an urgency measure and requires passage by quorum. Maxwell moved that the item be added as a closed session item, Potro seconded the motion. Approved 3-0-2. Item added to the end of the agenda.
5. Oral Communications: Morgan Koch, from the Auditor's office, spoke and submitted a letter to the Commission regarding Civil Service Rule XV Nepotism. Mr. Koch read from his letter (attached). The Commission did not have any questions or comments. There was no other public comment.
6. Secretary Report: Hill provided the Commissioners with materials for their closed session and a revised contact list. Appeal Hearings: Sheriff's case scheduled for August 19, 2009, was continued to October 7 and 9. Planning Department case is scheduled for October 21, 2009. One more case, from Public Works, may be calendared as a result of closed session discussion. Provided another reminder regarding the required Ethics training and resources for that training.
7. Old Business: Classification complaint from Suzie Kriz, Disposal Site Maintenance Worker. Ms. Kriz's complaint was attached to the agenda. The Chair offered Ms. Kriz an opportunity to speak and she deferred to the Commission. Laurie Hill reported the following: May 21, 2009 complaint submitted, July 6 response from the Public Works Department, followed by Personnel Department response regarding the classification actions. On July 16, 2009, Ms. Kriz told the Commission that the responses provided were inadequate. She wanted the Commission to place this complaint on their agenda and asked them to set aside any issues of discrimination and to focus instead on the response from

Public Works and the classification actions of the Personnel Department. In preparation for this report, Ms. Hill reviewed the responses from the Public Works and Personnel. The Personnel Department found no discriminatory actions. The request for classification came to Personnel from Public Works following an item before the Board of Supervisors in late 2001. The Board's agenda item described a plan to add separating and recycling construction materials (C&D) services at the landfill. The C&D program added Disposal Site Maintenance Workers and it was the responsibility of Personnel to review the proposed classification of the new positions. After reviewing the specifics with Public Works, Personnel determined that the proposed job description met the current classification of Disposal Site Maintenance Worker with some changes to the job specification to include the C&D tasks. The revised job description was submitted in writing to SEIU for review. Personnel routinely notifies the union that if they have not heard from them within a specific period of time that the Personnel Department will move forward with the changes in the job specification. There was no response to this notification. Ms. Kriz felt that the County did not abide by the Civil Service Rule regarding the classification of positions (Section 130 Section III. C. D.)

C. Basis for Classification of Positions: All positions having substantially the same duties and responsibilities, requiring substantially the same qualifications, to which the same descriptive title can fairly be applied and which can properly be subject to the same salary schedule, shall be included in a single class.

D. Allocation of Positions to Classes: Positions shall be allocated to their appropriate class upon comparison of the duties and responsibilities of the position with the class specifications. If the positions cannot be properly allocated to any existing class, then the creation of a new class shall be proposed.

The standard classification process was applied. The process of job classifications is delegated to Personnel, with final approval by the Commission. The revised job specification was presented in a quarterly report and approved by the Commission. Commissioner Potro questioned the Commission's further jurisdiction in this matter. Hill reported that SEIU members can alternatively request a classification study under their MOU. Ms. Kriz said that the MOU route was recommended to her three years ago. She added that the responsibility of this new work group was simply added to the job description and claimed that the C&D employees do not fulfill the job description requirements. She said that the C&D employees are not required to have a commercial driver's license, do not operate the heavy equipment and that there is an uneven distribution of work – most points were repeated in her written complaint. She is asking for more equality between the assignments and the assigned days off. Hill said that equality of assignment between employees is not a classification concern and that the department is responsible for the assignment of work. Hill added that all applicants are required to meet the specifications of the job. Commissioner Gordon was surprised that Kriz's did not have Union representation, if this was a work unit problem. Gordon added that not all employees in the same job classification perform the same assignments. He offered the example of Sheriff's Deputy, Director McDougall offered several social services job classifications, and Hill offered Public Works Supervisor as examples. McDougall offered that many job specifications are broadly defined in order to meet the needs of the departments. Maxwell said the job

description was appropriate. There was no further comment from the Commission. Kriz asked for the Commission's response in writing and Gordon offered the meeting minutes.

8. New Business: There was no new business.
9. Reports
 - a. Adopted Delegated Classification Actions. Maxwell moved, and Potro seconded, and approved 3-0-2.
10. Received Correspondence Item: There were no correspondence items.
11. Adjournment: To closed session to discuss Superior Court Order and Writ of Mandate in case # CV 163520.
12. Commission Counsel Report: There were no reportable actions.
13. Adjournment: There being no other business or public comments, the quarterly meeting was adjourned at 6:45 pm. Next meeting October 15, 2009.

Respectfully submitted,

Laurie Hill, Staff to the Commission

Attachment: Letter from Morgan Koch, dated August 20, 2009

August 20, 2009

Chair Mr. Jack Gordon, Esquire
Santa Cruz County Civil Service Commission
c/o Laurie Hill, Risk Management
Department of Personnel
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

Re: Article XV of the Santa Cruz County Civil Service Code on Nepotism

Dear Commissioners:

My name is Morgan Koch and I have worked for the County of Santa Cruz for almost nine years and am a member of SEIU Local 521.

At last Thursday's SEIU Local 521 County Chapter Board meeting -- in an effort to make the wording in Article XV of the Civil Service Code on Nepotism as airtight and as unmistakable as possible, the Chapter Board authorized me to suggest to this Commission the following changes to the current article. I understand that the County has found value in the hiring of qualified people that were related to managers and supervisors -- as long as they were not within their direct line of authority. Under some circumstances this may indeed be true, but when the Personnel Director herself -- as qualified and as capable as she may have been -- allows the hiring of her spouse -- as qualified and as capable as he may have been --- in a high-paying position in another department, it opens up the County to serious conflict of interest allegations which did indeed finally take place, resulting in the departure of both managers from County employment.

Therefore it would seem to be in the County's and therefore the Commission's best interest to endorse wording of this section that prevents this kind of circumstance from ever occurring again. This would put strong wording in place for the public to witness for themselves any time a staffing conflict of interest allegation is made against the County. Currently, SEIU does not take the wording of this article to be strong enough, hence our efforts to strengthen it here with the support and assistance of the Civil Service Commission.

On the reverse page is the current wording in the Civil Service Code and, below that, our suggested wording. Over the next two months until the Commission's next meeting on October 15, SEIU Local 521 would respectfully request that all Commissioners consider the best wording of this article to ensure that the above-mentioned circumstance does not occur again so that the County can carry on its important business free of the possibility of any conflict of interest hirings.

*Attachment to
MINUTES III*

I thank you for your time and remain respectfully yours,

Morgan Koch

Morgan Koch
Santa Cruz County Employee, Member of SEIU Local 521
& Citizen of Santa Cruz County

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SECTION XV - NEPOTISM (Current)

No person who is related within the first or second degree to a department head may be appointed in a paid capacity within that department. No person who is related within the first or second degree to a manager or supervisor may be appointed or assigned to a position which is in a direct reporting relationship or within the supervisory line of authority to such manager or supervisor.

Relatives within the first or second degree are spouses, parents, children, grandchildren, brothers and sisters.

In order to avoid the appearance of favoritism or impropriety, department heads are discouraged from appointing relatives within the first or second degree to volunteer assignments within that department.

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SECTION XV - NEPOTISM (Revised - In ***Bold Italics***)

In order to avoid both the actuality and the appearance of favoritism or impropriety, no person who is related within the first or second degree to a department head may be appointed in a paid capacity within that department. Further, no person who is related within the first or second degree to a manager or supervisor may be appointed or assigned to a position which is in direct reporting relationship or within the supervisory line of authority to such manager or supervisor.

Also, in order to avoid the appearance of favoritism or impropriety, department heads are discouraged from appointing relatives within the first or second degree to volunteer assignments within that department.

Relatives within the first or second degree are spouses, parents, children, grandchildren, brothers and sisters.

The spirit and purpose of this policy is to ensure effective supervision, internal discipline, security, safety, and positive morale in the workplace and to avoid the potential for problems of favoritism, conflicts in loyalty, discrimination, and appearances of impropriety or conflict of interest within the County staff community that may in any way betray the public's trust.