

Civil Service Commission Minutes
Thursday, November 20, 2008

The Civil Service Commission held a quarterly meeting on Thursday, November 20, 2008 in the Board of Supervisors' Chambers, 701 Ocean Street, Santa Cruz, California. The regularly scheduled quarterly meeting of October 16, 2008 was continued to November 20 for lack of a quorum.

ORDER OF BUSINESS

Commissioners received copies of the Order to Show Cause, dated Nov. 12, 2008 and Response to Order to Show Cause dated Nov. 14, 2008 regarding a disciplinary appeal hearing matter.

1. Call to Order: Vice Chair Gordon called the meeting to order at 5: 50 p.m.
2. Attendance: Commissioners present: Vice Chair Jack Gordon, Judy Jones, Robert Taren and newly appointed Olivia Madrigal. Commissioner Patricia Fink resigned Oct. 9, 2008. Michael Barsi resigned on November 18, 2008. Staff present: Michael J. McDougall, Personnel Director, Ajita Patel, Deputy Director, and Laurie Hill, staff to the Commission.
3. Approval of Minutes: The minutes of the July 17, 2008 meeting were approved as amended by Commissioner Jones: 4-0. Page 4 should read Commission "staffed" by Personnel Department.
4. Additions to the Agenda: Reviewed employee representative's response to the Commission's Order to Show Cause for failure to appear at the November 12 scheduled appeal hearing. The Secretary said that she informed Betsy Allen, Assistant County Counsel at 3:50 pm that Mr. Cohn planned to appear at this meeting regarding his request to reschedule the appeal hearing. Ms. Allen responded that she could not attend with such short notice and would like to have the opportunity to respond to Mr. Cohn's arguments before the Commission makes a decision. Mr. Cohn said that he had the wrong hearing date on his calendar. The Commission met briefly in closed session and returned with the finding that they would reschedule the second day of the hearing.
5. Oral Communications:
 - a. Sharon Mitchell, employee, requested that the Commission's agenda on the website include referenced documents. Commission directed staff to review this request, implement where possible, and return with information regarding any additional costs.
 - b. Vincent LoFranco, employee, regarding his appeal to the County in hopes to return to work following an injury. Commission encouraged him to seek counsel. LoFranco expressed concerns about the Whistleblower program, claimed preferential hiring, and said that his job was threatened because he presented disciplinary letters to the Board. Commissioner Taren agreed that the Whistleblower Program was flawed; Chair Gordon added that the Board was

responsible for the Whistleblower program and that few counties had independent investigators. Chair Gordon told the employee that he was welcome to present evidence to the Commission of his preferential treatment or submit information through his representative.

- c. G. Richard Arnold, citizen, complained about red tags, the Planning Appeals Board, Whistleblower, and questioned the qualifications of the Planning Department staff. Commissioner Jones observed that the Board was addressing the Appeals Commission and Chair Gordon said that the Civil Service Commission is appointed by the Board.
 - d. Reverend Oracle, citizen, offered a copy of AB 717 and said that it prescribed the necessary qualifications for Building Inspectors, and claimed that personnel in the Planning Department are not certified. She cited the California Association of Code Enforcement Officers in Sacramento and questioned the qualifications of the County's Code Compliance Officers. She said that the Joint Legislation Audit Committee was a Whistleblower source for employees.
 - e. Clive Boustred, citizen, questioned the qualifications of the Sheriff's Department employees following a personal incident. Chair Gordon directed him to speak to the Sheriff.
 - f. Acting Chair Gordon, with support of the Commission, directed staff to return with copies of AB 717, and to report back as to whether the County's Building Inspectors met the requirements of their job specifications.
6. Secretary Report: Laurie Hill introduced new Commissioner, Olivia Madrigal, appointed by the Board on Nov. 18, 2008. She reported the resignation of Commissioner Barsi. She reminded Commissioners of their Ethic's training requirement once every two years. Commissioner Taren asked if the ethics training required by his legal profession met this requirement. Ms. Madrigal said she completed the course through Monterey County. Secretary asked Commission to provide copies of any training certificates. The Commission calendared day two for the appeal hearing discussed in the closed session. The appeal hearing originally calendared for December 3rd was cancelled.
7. Old Business:
- a. Response to the 2007-08 Grand Jury Report: Copy of the response was provided. Nancy Elliott noted that the whistleblower program required further analysis and expressed concern that the Commission's response did not address SEIU's concerns about confidentiality or anonymity and asked that the Commission follow up on this concern. After discussion, Commission Taren moved and Jones seconded, to draft a letter to the Board about the Commission's interest in an independent oversight for whistleblower complaints.
 - b. Staff Report on Commission staffing: survey of comparable counties. Four of our comparable counties have a Civil Service Commission and all are staffed by Human Resources or Personnel. See staff report.
 - c. Staff Report on how Counties handle personnel related complaints on Whistleblower Hotline: Seven of the eight counties did not have a Whistleblower Hotline. Solano County has a Hotline and they refer personnel related complaints to the Personnel Department or other appropriate authority for investigation. See

staff report. Nancy Elliott added that the Commission's role was to oversee the activity of the Personnel Department and she felt that Personnel staffing of the Commission was a conflict. She asked about the frequency of Civil Service meetings, and the Commission directed staff to report back on the frequency of Civil Service meetings at our eight comparable counties.

- d. Commission directed staff to prepare certificates of recognition for Commissioners Fink and Barsi.
8. New Business: 2008 Annual Report: Request for input on future goals, and Commission agreed to provide any feedback by email.
9. Reports
 - a. Commission adopted the Delegated Classification report Reviewed the budget actions and Deputy Director responded to questions regarding layoffs. Moved by Jones and seconded by Taren Adopted: 4-0.
 - b. Commission received the Employment Services Workload report.
 - c. Commission received the Provisional Appointment Report. Nancy Elliott offered a distinction between extra help and provisional appointments. Commissioner Taren wanted to know how many provisional appointees become regular employees and the Commission asked to add that information semiannually to this report.
10. Received Correspondence Items
 - a. Board of Supervisors' Sept. 23, 2008 Response to the 2007-08 Grand Jury Report.
 - b. Memo from Board Chair 2008 Annual Report Reminder.
 - c. Board of Supervisors' Sept. 23, 2008 Auditor's report on the Whistleblower Hotline.
11. Adjournment: There being no other business or public comment, the quarterly meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Laurie Hill, Staff to the Commission