

**CIVIL SERVICE BOARD
SPECIAL MEETING MINUTES**



DATE: September 13, 2010
5:00 PM – 6:40 PM

BOARD: Hugh Logan, Chairperson
Debra Allen, Vice Chairperson
Doug Coulter, Chairperson
James "Mickey" Dunlap, Board Member
Maiqual "Mike" Talbot, Board Member

STAFF: Terri L Cassidy, Human Resources Director/Secretary to the Board
David Hunt, City Attorney
Christine Fox, HR Analyst
Jyll C Ramirez, Administrative Assistant to the HR Director

1. FLAG SALUTE

The Pledge of Allegiance was led by Vice Chairperson Allen.

2. ROLL CALL

All Board Members were present.

3. APPROVAL OF THE AUGUST 11, 2010 CSB MEETING MINUTES

A Motion was made by Board Member Coulter to approve the Minutes for the August 11, 2010 Civil Service Board meeting. Board Member Dunlap seconded the Motion. It was approved 5 Ayes, 0 No.

4. MONTHLY REPORT FROM THE SECRETARY

Terri L. Cassidy, Human Resources Director and Secretary to the Board, reported the following matters:

a. Acting Appointment – Lifeguard Battalion Chief

In the interest of transparency, HR would like to notify the Board that an Acting Lifeguard Battalion Chief has exceeded the allotted amount of time, as outlined in the Civil Service Board rules, in the acting position. With the Board's approval tonight, we anticipate opening the promotional recruitment to fill the regular Lifeguard Battalion Chief position.

b. Status of Fire Chief Recruitment

Several Department Heads, and other key positions, played a role in the oral/testing process for Fire Chief, and City Manager Dave Kiff will be interviewing the final two candidates within the next week. Once a selection is made, the background process will begin.

c. HR Director Not Able to Attend the October 4, 2010 CSB Meeting

Ms. Cassidy will be out of the office and not able to attend the October 4, 2010 CSB regular meeting. In her absence, HR/RM Administrator Lauren Farley will serve as the Acting Director.

d. City Manager's Direction Regarding Recruitments/Selective Hiring

Although the Board may have noticed continued requests for approving recruitments on the CSB agendas, City Manager Dave Kiff has given HR and the Executive Management direction that every recruitment be justified and a rationale presented before HR opens or fills any vacancies. We are still in a budget crisis and evaluating for efficiency, restructuring and downsizing. It has not been business as usual and all recruitments are strategically selected.

5. DISCUSSION/RECOMMENDATION – CIVIL SERVICE SYSTEM/ORDINANCE

As requested by the Civil Service Board at the August 11 Special Meeting, Mr. Hunt provided a matrix of the Civil Service Board's recommendations, proposed Charter language and revisions to the Civil Service Ordinance and gave a detailed explanation of his attachments. Some noteworthy comments included:

- Mr. Hunt notified the Board that, if approved, only City employees will have the right to appeal to the Board. Candidates and applicants in the recruitment process will no longer have that privilege.
- Regarding the appeal process, Mr. Hunt explained that the Civil Service Board has the final decision in appeals for Civil Service-covered employees; however, for non-Civil Service employees (with the exception of at-will employees), the Board will hear an appeal and provide a recommendation to the City Manager, who makes the final decision. The appeal process for non-Civil Service employees is governed by the Employee Policy Manual.
- Vice Chairperson Allen expressed her concern regarding changes in the Fire/Police Chief recruitment process. She believes having Civil Service Board Members involved in the hiring process is important and should be mandated in the rules. She does not recall recommending that this rule be changed. Board Member Dunlap reminded staff and the Board that the recommendation to exclude CSB Members involvement in the Fire/Police Chief recruitment did not come from the Board, but from the Charter Review Commission. The Commission didn't want to mandate the rule in the event

there was a conflict of interest. HR Director Terri Cassidy informed the Board that the change in this process is not intended to omit the CS Board Members, but to be left open for development and not restrict the process by certain requirements. Ms. Cassidy assured the Board that she and City Manager Kiff value community input and have demonstrated such during the Police Chief recruitment, but also reminded them that the Police and Fire Chief positions are not covered by the Civil Service Board and serve at the pleasure of the City Manager, who is the hiring authority. The recruitment and testing process may need to evolve to adhere to the best practices current at the time of recruitment.

Vice Chairperson Allen requested to include only one requirement in the Police and Fire Chiefs recruitment and that is to have at least two Civil Service Board Members serve on a Qualification Appraisal Panel. City Manager Dave Kiff addressed the Board and expressed his appreciation and commitment to community input and informed the Board that he wouldn't mind including the requirement in the proposed new ordinance as long as there was not additional structure included.

- Board Member Dunlap referred to Section 801 – Positions Included in the System and asked if there was a typo in the first sentence that reads: *The civil service system shall include all full time, regular and permanent positions or employment on the Police and Fire Department.* Should “on” read “of?” Mr. Hunt replied that a number of people have raised this issue and that the wording comes from the original Charter and nobody requested that it be changed.
- Board Member Talbot recalled, and asked for clarification on, a previous conversation the Board had in an open forum about not being involved in approving the eligibility lists of Civil Service employees and empowering HR to use their best practice standards and rules to facilitate these recruitments independently. Ms. Cassidy confirmed Board Member Talbot's recollection and added that HR would still want to keep the Board informed of the recruitments' status and updates, but that having to wait for approval at a monthly CSB meeting sometimes creates a delay in the recruitment process or even a conflict if an appeal arises.
- Chairperson Logan asked how futures changes would be made to the Ordinance, if it passes. Mr. Hunt explained that it could/would be amended by the City Council with CSB recommendation. If Measure V passes, any updates to the Charter would have to be changed by vote of the people.

- Ms. Cassidy pointed out the Employee Policy Manual allows one year for an employee to request re-employment with the City, while the Civil Service Rules provide two years for Civil Service employees. Ms. Cassidy asked the Board, for consistency purposes, if they would like to change the two-year requirement to one year. The Board agreed unanimously to recommend that the two-year allowance for employment re-instatement for Civil Service employees be amended to one year.

Board Member Dunlap and Mr. Hunt complimented the City Attorney's Office and HR Analyst Christine Fox for putting together such a comprehensive and user-friendly document.

Chairperson Logan opened discussion to the public.

There were no comments.

Ms. Cassidy wanted to remind all present that all changes are subject to the approval of Measure V on the ballot this November, 2010.

Mr. Hunt informed the Board that all of the bargaining units have been provided with these documents and are aware of the proposed changes.

Chairperson Logan asked if anybody present from a bargaining unit wanted to address any of these issues.

There were no comments.

With the exception of the change in language for the Police and Fire Chiefs' recruitments, the Board is comfortable with and recommends the proposed Charter, Ordinance and Rules.

A Motion was made by Board Member Coulter to approve and recommend, subject to including language that would mandate CSB members being included on a Qualifications Appraisal Board for the Police/Fire Chiefs' recruitments. Board Member Dunlap seconded the Motion. It was approved 5 Ayes, 0 No.

6. DISCUSSION AND SCHEDULING OF DATE(S) FOR A NON-CIVIL SERVICE, COVERED EMPLOYEE WHO IS APPEALING DISCIPLINARY ACTION

Ms. Cassidy informed the Board that the non-Civil Service employee's legal counsel requested scheduling three (preferably consecutive) days for the hearing.

Board Member Coulter asked for Attorney Jeff Freedman's (from Liebert Cassidy Whitmore) schedule.

Mr. Hunt explained that because the City Attorney's Office is ethically walled, he could provide advice to the Board. However, due to workload and pending issues, he has chosen not to take the assignment of advising the Board. He will be able to handle the procedural issues coming up to the time of the hearing. He has prepared proposal requests from a number of law firms to provide the Board's advisory service, including Mr. Freedman. The reason the City Attorney's Office has done this is because there are potentials for conflict for Mr. Freedman based upon Liebert Cassidy Whitmore's involvement in some disciplinary appeals, providing advice to the appointing authority and being involved in actually presenting appeals to the Board. It is up to Liebert Cassidy Whitmore to run their conflicts check and make consistent, appropriate decisions.

Mr. Hunt informed the Board that they will have more in-depth training on appeals at the October 4, 2010 CSB Regular Meeting.

The Board decided to schedule a hearing November 3, 4 and 5 (consecutive days) 2010.

Mr. Hunt notified the Board that the City Attorney's Office received another appeal today (9/13/2010), which was after the posting of this agenda and distribution of the packets, for a Civil Service employee's disciplinary issue. Under the CSB rules, appeals need to be set within 14 days of receipt. Therefore, this appeal needs to be set before the next CSB Regular Meeting. If the Board wishes to add this discipline appeal for the purpose of scheduling it to this meeting agenda, this would be consistent with the Brown Act, if approved by majority vote (3/5).

A Motion made by Board Member Dunlap to add this disciplinary appeal to this agenda for scheduling purposes. Vice Chairperson Allen seconded the Motion. It was approved 5 Ayes, 0 No.

7. DISCUSSION AND SCHEDULING OF DATE(S) FOR A NON-CIVIL SERVICE, COVERED EMPLOYEE WHO IS APPEALING DISCIPLINARY ACTION (added at the meeting by majority vote – see last paragraph of agenda item 6)

Ms. Cassidy informed the Board that the Civil Service employee's legal counsel probably only needs one day scheduled.

The Board decided to schedule the meeting for December 17, 2010.

8. REQUEST APPROVAL OF THE UPDATED JOB DESCRIPTION FOR POLICE OFFICER

*A Motion was made by Board Member Coulter to approve agenda items 8, 9 and 10 with one Motion. Board Member Dunlap seconded the Motion. It was approved 5 Ayes, 0 No.

9. REQUEST APPROVAL TO OPEN THE RECRUITMENT FOR POLICE OFFICER – LATERAL

*Please refer to agenda item 8.

10. REQUEST APPROVAL TO OPEN THE RECRUITMENT FOR POLICE CUSTODY OFFICER

*Please refer to agenda item 8.

11. REQUEST APPROVAL TO OPEN THE PROMOTIONAL RECRUITMENT FOR LIFEGUARD BATTALION CHIEF

A Motion was made by Board Member Coulter to approve opening the promotional recruitment for Lifeguard Battalion Chief. Vice Chairperson Allen seconded the Motion. It was approved 5 Ayes, 0 No.

12. STATUS REPORTS

a. Police Report by Tom Gazsi, Police Captain

Recruitment Update

- Currently recruiting for Community Services Officer, Police Dispatchers, Lateral Police Officer and Custody Officer.
- Testing for Community Services Officer occurred on August 21, 2010 and Police Dispatcher occurred on August 28, 2010. There are 35 Community Services Officer candidates scheduled for interviews September 21, 22 and 23 and 32 Police Dispatcher candidates scheduled for interviews September 27, 28 and 29. There are two Police Dispatcher and three Community Services Officer openings to fill.

Points of Interest

- Police Recruit Officers Alex Maslin, David Seriega and Joseph DeJulio began the Orange County Sheriff's Academy August 16, 2010.
- Police Recruit Robert Hufford and Ricardo Adame graduated on September 2, 2010, from the Orange County Sheriff's Academy.

Backgrounds in Progress

- 1 – Lateral Police Officer
- 2 – Police Dispatcher

b. Fire Report by Ralph Restadius, Acting Deputy Chief of Operations

- September is National Preparedness month, and the Fire Department has many activities and events planned. One of the bigger events is the 2nd Annual Disaster Preparedness Expo at Central Library Sunday, September 18, from 10:00 am – 2:00 pm.
- The Lifeguards have finished the Summer Season. Even though the water temperature has been the coldest in 90 years, the Lifeguards successfully completed over 2,000 rescues.
- The Fire Department is still in process of hiring for the Firefighter positions. Candidates are in the background process.

13. BOARD MEMBER COMMENTS

None

14. ITEMS FOR FUTURE AGENDAS

None

15. PUBLIC COMMENTS

None

16. ADJOURNMENT

The Civil Service Board meeting adjourned at 6:40 PM



Terri L Cassidy, HR Director
Secretary to the Board