

SUMMARY OF PROCEEDINGS

CIVIL SERVICE COMMISSION – COUNTY OF KERN 1115 Truxtun Avenue Bakersfield, California 93301

Regular Meeting

Monday, February 11, 2019

5:30 p.m.

PRESENT: Commissioners Agbalog, Holt, Price, and Rose

ABSENT: Commissioner Burrow

OTHERS: Devin Brown, Michael Goulart, Kendra Graham, Maria Murbach, Keri Pharris, Brian Van Wyk, and others.

NOTE: Ag, Bu, Ho, Pri, and Ro are abbreviations for Commissioners Agbalog, Burrow, Holt, Price, and Rose. For example, Bu/Pri denotes Commissioner Burrow made the motion and Commissioner Price seconded the motion. The abbreviations “ab” means absent and “abd” abstained.

COMMISSIONER ACTION IS SHOWN IN CAPS AFTER EACH ITEM

President Price called the meeting to order at 5:34 p.m.

PUBLIC SESSION

1. Public Presentations

None

***CONSENT AGENDA**

***2. Approval of Minutes**

Regular Meeting on January 14, 2019; Special meeting on January 22, 2019; NO PUBLIC COMMENT; **APPROVED**; Ro/Ag – 4 ayes/1 ab (Bu)

***3. Examination Schedule:** The following examinations have been scheduled in accordance with Civil Service Rules and established procedures. NO PUBLIC COMMENT; **APPROVED**; Ro/Ag – 4 ayes/1 ab (Bu)

7447) Office Services Technician – Shift – California City/Tehachapi

7448) Retirement Services Specialist

7449) Child Support Staff Development Specialist

7450) Retirement Services Manager – KCERA

7451) Building Plans Technician – DP – Public Works-Bilingual

7452) Office Services Coordinator – DP – Public Defender

7453) Deputy Public Administrator

7454) Talent Recruiter

7455) Fiscal Support Supervisor – Department Promotional – Department of Human Services

7456) Senior Human Resources Specialist

7457) Billing Office Specialist II

- 7458) Supervising Therapist
- 7459) Contract Systems Administrator
- 7460) Appraiser I-DP-Assessor
- 7461) Information Systems Specialist I-Desktop Technician
- 7462) Fiscal Support Supervisor-DP-Assessor
- 7463) Departmental Aide-PT-Shift-Mojave
- 7464) Fiscal Support Specialist-DP-BHRS
- 7465) Senior Office Services Specialist-DP-BHRS
- 7466) Program Technician-ETR
- 7467) Accountant III
- 7468) Public Health program Manager – DP
- 7469) Senior Emergency Medical Services Coordinator-DP
- 7470) Senior Health Educator-DP
- 7471) Probation Departmental Analyst I/II
- 7472) Senior Information Systems Specialist
- 7473) Employer's Training Resource CAO Manager
- 7474) Probation Local Area Network Systems Administrator
- 7475) Job Developer

4. CS Rule 1800 Proposed Revisions Progress Report; RECEIVED AND FILED REPORT;
Ro/Ho – 4 ayes/1 ab (Bu)

Brian Van Wyk, Deputy County Counsel, provided an update on the proposed revisions to Civil Service Rule 1800. He informed the Commission that the first monthly meeting with Commission staff and Human Resources Division staff was held recently. Mr. Van Wyk, Mrs. Murbach, Commission Secretary, Devin Brown, Chief Human Resources Officer, Keri Pharris and Eric Bisnett, Deputy Chief Human Resources Officers, and Kendra Graham, Chief Deputy County Counsel, attended the meeting. He explained that County Counsel would provide some input in the proposed changes to Civil Service Rule 1800. Once the proposed revisions are finalized, they would move forward with the meet and confer process, and present a final version for approval to the Commission in the near future.

Vice President Agbalog asked when the County Counsel recommendations would be ready for the Commission's review. Mr. Van Wyk reported they would be ready by the next meeting. Vice President Agbalog thanked everyone for working to put these revisions together and explained he did not have an opinion until the final version of the proposed revisions are ready.

Commissioner Rose thanked Mr. Van Wyk and stated she was delighted County Counsel would put forth their ideas and recommendations, but also had no opinion until all data is gathered.

Commissioner Holt thanked all who are working on this project. He noted that the forty-five days allowed for the formal investigation were changed to sixty days and asked the reason why it was changed. Mr. Van Wyk explained that the second draft includes the new proposed revisions from HRD. He stated that these working drafts were intended to give the Commission a full idea as to what is being considered. Commissioner Holt asked if the timeline previously

mentioned was still being considered and Mr. Van Wyk explained he was planning to include it in the final version.

Commissioner Rose asked if the calendar days mentioned in the investigation timeline were calendar days or working days. Mr. Van Wyk explained they are business days.

President Price thanked staff for their work and stated he would like to see these proposed revisions finalized with as little delay as possible. Commissioner Rose made the motion to receive and file the report and Commissioner Holt seconded the motion.

5. Commission Secretary Monthly Report

Mrs. Murbach reported that the first monthly meeting with HRD was a productive meeting and looks forward to meeting with them on a monthly basis.

Mrs. Murbach informed the Commission that Item 12a included an email, which was filed with the Commission office by Perla Davis, employee with the Department of Human Services. Ms. Davis contacted Mrs. Murbach and requested to submit her email as part of the Commission's record.

President Price asked if a motion to receive was necessary and Mr. Van Wyk informed the Commission that it was not required.

Vice President Agbalog asked if a search had been conducted under Ms. Davis' maiden name as she mentioned in the email and asked if the investigation had been completed. Mr. Brown explained that the investigation was completed and findings and recommendations were provided to Ms. Davis and she had filed a request for an evidentiary hearing. That information was transmitted to Commission Secretary, Mrs. Murbach. Mrs. Murbach informed the Commission that she had received the request for an evidentiary hearing earlier today and would be placing the matter on the March 11, 2019 agenda.

Mr. Brown stated that, in this particular case because of the issue with the email, HRD asked Ms. Davis to waive the informal investigation process and they initiated a formal investigation immediately upon learning about her complaint. He stated the timelines were met under the circumstances.

6. Human Resources Division Items/Report:

Mr. Brown reported that HRD did have a productive meeting with Mr. Van Wyk and Mrs. Murbach on February 4, 2019. The main point of discussion was rule 1800. He stated it would be helpful in the future to exchange proposed revisions ahead of time in order to have a full discussion. He reported that Ms. Graham, County Counsel, is interested in putting together the best version of this rule. He stated that some things have not been considered since the HRD was formulated regarding how investigations are conducted, who has the opportunity to object to findings and recommendations, and whether or not a hearing should be a part of the process at all. At the same time, HRD has been meeting with the labor unions over its proposed respectful workplace policy, which will go in the County Policy and Administrative Procedures Manual. The proposed Respectful Workplace Policy will replace the sexual harassment, hostile work environment, and discrimination policies in the manual. They are having discussions with SEIU over the proposed

policy to get their input and suggestions. That policy and the rule largely mirror in process to make sure employees have a clear expectation of how their complaints will be investigated by the county. In addition, HRD provided Mrs. Murbach and Mr. Van Wyk a spreadsheet in which HRD tracks their complaint investigations. HRD will provide this at the monthly meetings so that they have status on the investigations if needed by the Commission. He reported that all investigations are up to date and meeting the timelines within CS Rule 1800. He thanked HRD staff, Eric Nisbett, Michael Goulart, and Brenda Villanueva, who have been diligently working hard to investigating employees' complaints and timely submitting their findings and recommendations to the employees and the departments that employ them.

7. Commission Member Presentations or Announcements:

President Price announced that Commissioner Holt and previous Commissioner Fred Prince were selected by the City of Bakersfield to sit on their oversight committee for the funds raised by the new taxes. He congratulated them and commended the city for selecting Commissioner Holt and Mr. Prince.

Item No. 9 – Case No. 2019-0001 was heard next at the request of Michelle Salazar.

**9. PUBLIC EMPLOYMENT – Evidentiary Hearing Request
Social Service Worker III (Human Services) – Case No. 2019-0001; HEARING DATES SET
FOR MARCH 14, 18, & 19, 2019.**

Michelle Salazar requested this matter be heard in open session and stated she did not have representation. Kendra Graham, County Counsel was present. President Price stated that dates would be set for three dates and more would be set if needed. Hearing dates set for March 14, 18, and 19, 2019. President Price explained that Mrs. Murbach would be in contact with both parties about the upcoming hearing and thanked everyone.

8. Adjourn to Closed Session: at 5:58 p.m., the Commission adjourned to closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of public employees and/or to hear complaints or charges brought against employees by another person or employee.

CLOSED SESSION (Government Code § 54957)

**10. PUBLIC EMPLOYMENT – CS Rule 1800 Complaint
Social Service Worker (Human Services) – Case No. 2018-0014; NO REPORTABLE ACTION**

11. Reconvened from Closed Session. President Price adjourned the meeting at 6:52 p.m. to the next regular meeting to be held on Monday, March 11, 2019 at 5:30 p.m.

12. MISCELLANEOUS DOCUMENTS FILED WITH THE COMMISSION:

- a) Email dated 1/14/19 from Perla Davis - relating to complaint of violation of Rule 1810.01