

SUMMARY OF PROCEEDINGS

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

Regular Meeting

Monday, August 12, 2019

5:30 p.m.

PRESENT: Commissioners Agbalog, Holt, Price, and Rose

ABSENT: Commissioner Burrow

OTHERS: Bryan Alba, Devin Brown, Michael Goulart, Maria Murbach, Brian Van Wyk, Brenda Villanueva, 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 5:30

PUBLIC SESSION

1. Public Presentations

Rey Ramirez, Fire Battalion Chief, addressed the Commission to oppose the request to abolish the Deputy Fire Chief Eligible List. Mr. Ramirez stated he had appeared before the Commission towards the end of last year and one promotion had been made from that list at the end of October of 2018. The list has been frozen for eight months and the Chief is now being allowed to make promotions. This list was established and now they are requesting to abolish it during this tough time.

President Price asked Mr. Ramirez to speak on this matter, Item No. 4 on the agenda, when the item was called. Mr. Ramirez stated that he would.

Tracy Shofner stated she was here to schedule a hearing. President Price informed Ms. Shofner her item would be called towards the end of the agenda.

***CONSENT AGENDA**

***2. Approval of Minutes**

Regular Meeting on July 8, 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)

7622) Retirement Services Specialist

- 7623) Deputy Coroner
- 7624) Health Education Assistant I/II
- 7625) Juvenile Corrections Senior Cook-Shift-DP
- 7626) Senior Child Support Customer Service Representative
- 7627) Supervising Child Support Specialist
- 7628) Senior Child Support Specialist
- 7629) Social Service Worker I-Mojave-DHS
- 7630) Health Educator
- 7631) Health Assessment & Epidemiology Manager
- 7632) Auditor-Appraiser III-Countywide Promotional
- 7633) Departmental Aide-Part-Time-Kern River Valley
- 7634) Fiscal Support Supervisor
- 7635) Environmental Health Specialist I/II/III
- 7636) Warehouse Supervisor
- 7637) Senior Administrative and Fiscal Services Officer-DP
- 7638) Contract Administrator-DP-PW
- 7639) Sheriff's Records Administrator-DP
- 7640) Legal Process Tech-DP-DHS-Bilingual
- 7641) Juvenile Corrections Officer I/II
- 7642) Mail Clerk
- 7643) Office Services Assistant-PT-Shift-Kernville
- 7644) Medical Assistant I
- 7645) Juvenile Corrections Support Services
- 7646) Administrative Coordinator
- 7647) Sheriff's Dispatch Assistant
- 7648) Departmental Aide-Library-PT-Shift-Rosamond
- 7649) Sheriff's Detentions Senior Deputy-DP-Shift
- 7650) Sheriff's Emergency Communication Center Manager-DP
- 7651) Retirement Administrative Services Manager-DP
- 7652) Retirement Supervisor-DP
- 7653) Technology Services Supervisor-DP
- 7654) Marketing and Promotions Associate I/II

4. **Abolish Eligible List(s)**; Abolishment of the following eligible list(s) is recommended by the Chief Human Resources Officer and by the affected Department Head

- a) Engineer I, Exam No. 6951; **APPROVED**; *Ro/Ho – 4 ayes / 1 ab (Bu)*

Devin Brown, Chief Human Resources Officer, provided a brief overview. No Public Comment.

- b) Deputy Fire Chief – Department Promotional – Fire Department, Exam No. 7331:**NO ACTION TAKEN**

Devin Brown, Chief Human Resources Officer, provided a brief overview.

Rey Ramirez, Fire Battalion Chief, opposed the request to abolish the list and stated that, in addition to his previous comments at the beginning of the meeting, he did not see the need to

go through the expense of going through a new list when one already exists. President Price asked the Fire Chief to respond to the comments.

Fire Chief David Witt informed the Commission he was appointed Fire Chief on June 12, 2019. Since that time, he has had many discussions with the CAO's office regarding the need to reorganize and add to the command staff. He will be asking to promote and fill all the Deputy Chief positions and the Chief Deputy position. He made the request to abolish the Deputy Chief current promotional position so that he can build his own team. Former Fire Chief Marshall conducted all the interviews for the current Deputy Chief list without the help or input from any of his staff and he has no idea what the questions were or what criteria was used to rank these candidates. Chief Witt stated that he would like the opportunity, with his staff, to interview all the candidates for the position to ensure they select the best candidates. They also believe that there will be several more applicants for this exam. There is a different leader at the top and they could have as many as 20 Battalion Chiefs apply. He thinks it is important to give everyone an opportunity to apply.

Commissioner Rose thanked Chief Witt, the Fire Department, and all the first responders for their work during the recent Ridgecrest earthquake emergency. Chief Witt stated he was proud of all his team and the first responders.

President Price asked if interviews could be conducted with the people on the current eligible list under the new job specifications. Mr. Brown explained that if Chief Witt were given the approval to fill the three positions, he does not have enough names under the Civil Service Rules and a recruitment would have to be run.

Commissioner Holt asked if the list expires on September 24 and Mr. Brown said that was correct. However, since the Chief needed to hire sooner, that was the reason it was brought to the commission at this time.

Loren Whittington, Battalion Chief, informed the Commission that he was also on the eligible list and he had filed a grievance over the abolishment of the list with the County grievance process. He has not had a response to his grievance. He turned it in to his supervisor and the only notification he received was a notice from HR stating that the list would be abolished. The list has been frozen for about six months. This process is not an easy process and that is why there are three of the four people on the list present here to express their thoughts.

President Price thanked Mr. Whittington for his comments and stated the Commission does not handle the County's grievance process. He asked Mr. Brown if there would not be enough applicants on the current list to conduct an interview to fill the positions.

Mr. Brown stated that would be correct, if they have a request for three positions, they would be eligible for five names and there are four names on the list. He would have the option of running a recruitment.

Mr. Whittington stated that interim Chief Witt made the first request for Deputy Chief in February, and there was only one full time position available. Currently, because there is no active list for Deputy Fire Chief there are only two full time Deputy Chief positions available.

Therefore, while another recruitment would be necessary after September 24 it would be subjective to how long it would take to put together and test for Chief Deputy before there are three. Currently there are only two and the rules of three would apply with the two permanent positions that are open.

President Price asked Mr. Brown if there are not enough qualified applicants on the list to hire one position then there are not enough to hire three, is that correct. Mr. Brown explained that certification for one position is only three names, certification for two positions is four names, if the position request were two or three then they would have enough names under the current list, unless someone declined or got excluded by some other means. In this case, the Chief has indicated he will fill his Chief Deputy position, which will then create another vacancy and allow him to have another three names from the recruitment. These names are all tied at the same score and there is no examination. This was discussed previously when Mr. Ramirez brought this matter forward and it is their intent to run the same type of examination process for this particular recruitment, tying all the qualified candidates for the position. There will be multiple candidates for the Chief to consider for these positions. They would prefer to do that with one new recruitment that will not take too much time for staff to do. Mr. Brown explained that the list was not frozen, the Fire Department is in a severe \$6 million deficit right now and the BOS and the CAO have been very careful about whether to fill positions. Up to this point, they have not authorized the Chief to fill any of his management. They have been requested, based on the needs presented by the recent earthquake, to give reconsideration. The Chief is doing this very thoughtfully, trying to approach it, with an interest to make sure to select the best candidates for the positions. If the list is abolished, he will be able to accomplish that objective and at the same time, the current four applicants will still be able to reapply and be considered along with the rest of the group.

President Price asked if the Commission chose not to abolish the list, but approve the revisions, what would stand in the way of the Chief hiring one position now from the available list and the other positions from the subsequent lists. Mr. Brown explained it would be up to the Chief to make the request to certify from the list based on whatever time he chooses. If it comes before September 24 and there is no abolishment and if there are three names, they will have to run a supplementary recruitment to supplement the list. If he waits until after September 24, he will have the flexibility to have a new recruitment run because the list will have expired. The reason why he has made this request is he feels it necessary to staff these positions quickly.

Mr. Ramirez stated Mr. Brown was speaking about the rule of 3's. He stated that rule was violated. There is an active list and the quickest way to fill a position is to fill from the list.

Commissioner Holt stated that he remembered speaking with former Chief Marshall about building his team and about shared vision. He asked if he could re-interview to check on these things with the new Chief. Mr. Brown stated that the answer is yes, there is a way to do that.

Mr. Ramirez stated this went back to the process of this test. The whole application process, after that, there was the final interview with the former Chief and that was it, that was the whole process and now the Chief gets to do this. Currently, there are four on the list, tied at 70.

President Price thanked Mr. Ramirez and asked if anybody else from the public had a comment. No other public comment. President Price stated he was a bit torn about this because he wants the Chief to be able to be a part of the whole hiring process and hire his team. The list will expire in one month and it seemed there was a move to abolish the list. He asked Mr. Brown to address this. Mr. Brown explained that part of the reason is that they are also proposing revisions to the classification and when they do that, they request to abolish existing eligible lists that were created under the old specifications. Sometimes they miss doing that and then end up bringing the abolish request after the revisions are completed but this time they are bringing them both before the Commission at the same time.

Commissioner Rose asked if the names on the current list could move over to the new list. Mr. Brown explained they typically do not do that but if the Commission directs staff, they can ensure that happens. Commissioner Rose stated she was trying to find middle ground.

Mr. Ramirez addressed the Commission and stated that based on Civil Service Rule 502.10, the Commission had the authority to extend the list for one year. He stated that every list in the Fire Department is 2 years long and there are already well-established people on the list. He requested the Commission to extend the list for one year.

President Price stated he would entertain a motion.

Commissioner Rose motioned to abolish the current list and hold over the four names over to the new list if they choose to be on the new list. No second made. The motion died.

No Action taken on this matter.

5. **Revised Specification(s):** The following job specification(s) have been revised and approved by the Chief Human Resources Officer and are submitted for the Commission's review in accordance with Civil Service Rule 204.21

- a) Deputy Fire Chief and Chief Deputy-Fire, Items No. 0690 and 0513; **REVIEWED, RECEIVED, AND FILED;** *Ag/Ho – 4 ayes/1 ab (Bu)*

Devin Brown, Chief Human Resources Officer, provided a brief overview.

Rey Ramirez, Battalion Chief, stated that he had not heard anything about revisions to the requirements to these specifications. He would like time to review and then come back for a discussion on these changes.

Loren Whittington, Battalion Chief, stated that he concurs with Mr. Ramirez. He stated that there are roughly twenty-five Battalion Chiefs in Kern County Fire Department and roughly, half of those would be eligible for the current Deputy Chief promotional standard at three years. Many of the issues raised at their executive staff, have come from lack of experience in formal education and will not be remedied by lowering the standards and grade for employees. Typically, experience performing in that lower function as Battalion Chief is critical to executive chief decision making in understanding the processes and functions that occur throughout the department. He stated he felt this would be limiting applicants.

Chief Witt stated that it is going from three years to two years and nobody will be excluded. Everyone on the current eligible list would qualify for the new list. It opens it up to a variety of candidates. There are many things we look at, not just years of experience at the Battalion chief level. President Price stated he would entertain a motion and Vice President Agbalog moved to approve, Commissioner Holt seconded the motion.

- b) Human Services Chief Deputy Director and Assistant Director of Human Services Items No. 0465 and 0650; **REVIEWED, RECEIVED, AND FILED; Ro/Ho – 4 ayes/1 ab (Bu)**

Devin Brown, Chief Human Resources Officer, provided a brief overview. No Public Comment

Commissioner Rose asked why the experience level was changing in these positions from five to four years, three to two years, and eliminating one year of full time experience. Why that significant change. Mr. Brown explained these changes were taking place to ensure there were enough candidates that will qualify for the positions. Typically, the department hires internally for promotions and in this particular revision, we are trying to make sure to capture enough people to qualify for that. There are several retirements happening in that departments and it is important to make sure that key staff is eligible to apply.

- c) Elections Process Coordinator and Assistant Registrar of Voters, Items No. 2223 and 3256; **REVIEWED, RECEIVED AND FILED; Ro/Ho – 4 ayes/1 ab (Bu)**

Devin Brown, Chief Human Resources Officer, provided a brief overview. No Public Comment.

6. Civil Service Rule 1800 Update

Brian Van Wyk, Commission's legal counsel reported the following:

- President Price and Vice President Agbalog held a workshop on the updates with rule 1800 and discussed the matter with various county department heads, employee representation, and solicited input of what they would like to see in CS Rule 1800 moving forward.
- Mr. Van Wyk and Miss Murbach have been working with HR on some potential process changes relating to the processing of CS Rule 1800 claims and how those will be handled at the departmental level by HR when they eventually move along and implement their Respectful Workplace Policy.
- Status of workplace policy cases – It has been an ongoing concern for your Commission, making sure that employees get their report back to them in a timely fashion in line with CS Rule 1800. Mr. Van Wyk and Miss Murbach have been holding monthly meetings with HR and it appears that, other than the one exceptional case your Commission is familiar with, HR has met the deadlines.

President Price thanked Mr. Van Wyk.

President Price stated that he and Vice President Agbalog had met with department head and various employee associations. It was a listening session to hear CS Rule 1800, which is an older rule, we have not updated in a while. We have struggled as we have tried to update the rule and we have tried to get feedback from the departments. There was some good discussion.

7. Commission Secretary Monthly Report

Last week, the Civil Service Commission Secretary, President Price and Commissioner Holt, visited the Employers' Training Resource Department, otherwise known as America's Job Center. The Commission team met with Teresa Hitchcock, Assistant CAO, Bill Stevenson, CAO Manager (Administrative Services), Candy Cline-Gettman, CAO Manager, and Aaron Ellis, Director/Client Services Division.

This department has a contract with Inyo and Mono counties and together they serviced a total of 29,000 plus citizens in the counties to assist them in finding employment. The department provides many services for the community:

- Assist employers by providing no-cost recruiting and screening assistance with downsizing and other services
- Provide no-cost training, job placement services and other job-hunting resources for job seekers, including typing certificates, help with testing and resume writing.
- Assist farm workers by providing no-cost training and other resources
- Assist training providers by facilitating state application process for potential new training providers
- Offer many training programs and workforce services for job seekers

The department has received several awards for excellence in workforce development and training. They continue to work diligently with their grant writers to obtain grants to expand their workforce development awards. This was a very interesting visit and we enjoyed meeting the ETR team.

8. Human Resources Division Items/Report:

Mr. Brown also attended the meeting this afternoon and was pleased with the discussion. A meeting was held last Friday with the department heads where they updated them with the respectful workplace policy. They will meet with them again to work out some of the process details of how complaints will be handled in both HR and departments to make sure there is consistency across the board. Last week we sent Mrs. Murbach and Mr. Van Wyk a proposed process to intake complaints to make sure that Rule 1800 is still being overseen by your Commission and that the complaints that employees make are with their awareness and what process they are going to be going into. As well as any other processes, they might be permitted to seek to address their complaints. We look forward to further discussion on those steps and agreement on the right process to handle.

9. Commission Member Presentations or Announcements:

Commissioner Holt stated he appreciated the opportunity to attend the visit to the Employers' Training Resource Department.

- 10. Adjourn to Closed Session:** at 6:55 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.

ITEM No. 11 HEARD IN OPEN SESSION AT THE REQUEST OF JAMES JORDAN.

ITEM No. 12 HEARD IN OPEN SESSION AT THE REQUEST OF TRACY SHOFNER.

CLOSED SESSION (Government Code § 54957)

11. PUBLIC EMPLOYMENT – Removal Request

Social Service Worker IV/V (Human Services) – Case No. 2019-0010;BRYAN ALBA AND JAMES JORDAN HEARD; **REMOVAL REQUEST APPROVED**; *Ro/Ho – 3 ayes/2 ab (Ag/Bu)*

Bryan Alba, Deputy County Counsel, informed the Commission that Mr. Jordan's name had been certified to the department and a conditional job offer had been made but which was later withdrawn due to inconsistencies discovered in Mr. Jordan's application. After that conditional job offer was withdrawn, he became agitated and the Department had to request that he stay away for a period of four months. Due to the behavior that he displayed they would ask that he be taken off the list and the Department representative, Miss Kessler, would answer any questions the Commission may have.

President Price asked to hear from Mr. Jordan.

James Jordan stated that there were miscommunications and mistakes made by the department. They actually mixed him up with someone else, when they asked him to sign some documents a couple of years ago. He stated there was no ill will by him and they called him Jonathan or Timothy and that he let them know that his name was James Jordan. He stated that when he received this letter he called and spoke to someone and they said it was because of work history discrepancy.

President Price explained that Mr. Jordan's name was certified to the department on May 29, 2019. In this instance, on his application for employment, Mr. Jordan indicated on his application for employment, under the section of work experience, he worked from May 2013 through February 2018, as a traveling MSW SSW. Mr. Jordan stated he did. President Price stated that Mr. Jordan's name was certified to the department prior, in July 12, 2017. In this instance, on his application for employment, he had indicated under the section for work experience that he was unemployed and did not work from January 2016, through August 2016. This break in employment was further clarified in an email exchange between Mr. Jordan and Senior Talent Recruiter Boykin wherein Mr. Jordan stated, "I am replying in regards to the conversation we had earlier, I am no longer working as a traveling SSW due to state budget cuts, I am currently unemployed and looking for employment." So the discrepancy, they are saying, which Mr. Jordan just confirmed from May 2013 through February 2018, states he was a traveling MSW SSW but then later Mr. Jordan stated he was unemployed for the same time period.

Mr. Jordan stated well, that is because they actually asked me, they requested information from me. She asked me for information from me. I still have a Master's degree. It is not a bad thing to clarify I was still self-employed. I gave her all that information. I was looking for work. That is not a bad thing.

President Price stated it was a discrepancy.

Mr. Jordan stated he was not receiving it, there was no fraud committed. He did not see them mixing his name up.

President Price stated he did not see the part about them mixing up his name. That was not one of the reasons given.

Commissioner Holt stated that the report stated Mr. Jordan was arrested for trespassing in the area of the O.C. Sills building and asked if that was correct.

Mr. Jordan stated no, he let them know that his name was not Timothy, that his name is James Jordan. He stated that he drove three hours to attend this meeting and asked for the arrest date. He stated that they offered him a job and from then on, everything went wrong, they kept calling him Timothy.

President Price asked Mr. Alba to provide the date. Mr. Alba stated that Bakersfield Police Department was called on August 18, 2017 and Mr. Jordan was arrested and taken from the area of the O.C. Sills Building at the Department of Human Services.

President Price stated he would entertain a motion. Commissioner Rose motioned to approve the removal request. Commissioner Holt seconded the motion.

12. PUBLIC EMPLOYMENT – Evidentiary Hearing Request
Social Service Worker II (Human Services) – Case No. 2019-0009; **HEARING DATES SET TO SEPTEMBER 5, 10, and 16, 2019.**

Tracy Shofner requested this matter be heard in open session and stated she did not have representation. Bryan Alba, Deputy Counsel was present. President Price stated that dates would be set for three dates and more would be set if needed. President Price stated that there may be times when a Commissioner may not be able to attend one of the hearing sessions and would need to listen to the hearing recording, he asked if both parties would be alright with that. Both parties agreed. Hearing dates set for September 5, 10, and 16, 2019. President Price explained that Mrs. Murbach would be in contact with both parties about the upcoming hearing and thanked everyone.

13. PUBLIC EMPLOYMENT – CS RULE 1800 Appeal Request Status Conference
DISTRICT ATTORNEY (3 Cases; District Attorney's Office); **NO REPORTABLE ACTION**

14. PUBLIC EMPLOYMENT – Reinstatement to the Re-Employment List
Office Services Technician (Behavioral Health) – Case No. 2019-0008; **REINSTATEMENT REQUEST DENIED; Ro/Ho – 3 ayes / 2 ab (Ag/Bu)**

13. Reconvened from Closed Session. President Price adjourned the meeting at 7:09 p.m. to the next Regular Meeting to be held on Monday, September 9, 2019 at 5:30 p.m.