

SUMMARY OF PROCEEDINGS

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

Regular Meeting
Monday, June 11, 2018
5:30 p.m.

PRESENT: Commissioners Agbalog, Price, and Rose

ABSENT: Commissioner Burrow

OTHERS: Devin Brown, Michael Goulart, Maria Murbach, Margo Raison, Brian Van Wyk, and others.

NOTE: Ag, Bu, Pri, and Ro are abbreviations for Commissioners Agbalog, Burrow, 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 p.m.

PUBLIC SESSION

1. Public Presentations

Shawn R. Beyeler, Kern County Planning and Natural Resources Department employee, explained to the Commission that he would like to submit a formal complaint against Ms. Lorelei Oviatt, Director of the department. Mr. Beyeler stated that he and his peers have been subjected over the years to an abusive/hostile work environment through Ms. Oviatt’s bullying management style, through fear and intimidation. He stated he respects Ms. Oviatt but her extreme use of profanity and her bullying style of management is not appropriate. This type of activity needs to stop and needs to foster an environment of more professionalism, dignity, and respect for all employees, so that the people who have suffered from eating disorders and mental illness because of this hostile work environment, can seek healing, and move forward.

President Jeremy Price thanked Mr. Beyeler for speaking and asked Devin Brown, Chief Human Resources Officer (CHRO), to assist with this complaint.

Mr. Brown informed the Commission that the Human Resources Division (HRD) will accept Mr. Beyeler’s documents and will be in touch with him to discuss his complaint.

***CONSENT AGENDA**

***2. Approval of Minutes**

Regular Meeting on April 9, 2018; NO PUBLIC COMMENT; **APPROVED**; Ro/Ag – 3 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 – 3 ayes/1 ab (Bu)*

7239) Office Services Assistant – Ridgecrest
7240) Maintenance Worker III
7241) Fiscal Support Supervisor – Department Promotional – Airports Department
7242) Planning Division Chief – Department Promotional 0 Planning & Natural Resources
7243) Network Systems Administrator
7244) Waste Management Support Supervisor-Department Promotional-Public Works Department
7245) Juvenile Corrections Officer I/II
7246) Juvenile Corrections Facility Maintenance Worker-Department Promotional-Probation
7247) Technology Services Supervisor-Countywide Promotional
7248) Storekeeper I
7249) Registered Veterinary Technician
7250) Office Services Specialist – Countywide Promotional
7251) Nurse Practitioner
7252) Senior Office Services Specialist – Countywide Promotional
7253) Office Services Technician-Confidential-Department Promotional-County Counsel
7254) Human Resources Specialist I-Department Promotional-Behavioral Health

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; **APPROVED**; *Ro/Ag – 3 ayes/1 ab(Bu)*

- Deputy County Counsel I/II/III/IV/V, Exam No. 7100

Margo Raison, Chief Deputy County Counsel, informed the Commission that she was present on behalf of Mark Nations, County Counsel, should they have any questions. Devin Brown, CHRO, provided a brief overview. No Public Comment

5. **New Specification(s):** The following job specification(s) have been created and approved by the Chief Human Resources Officer and are submitted for the Commission's review in accordance with Civil Service Rule 204.21. **REVIEWED, RECEIVED, AND FILED**; *Ro/Ag – 3 ayes/1 ab (Bu)*

- a) Electronic Health Records Specialist I/II/III and Electronic Health Record Support Supervisor, Items No. 3954, No. 3953, No. 3952, and No. 3951; *Ro/Ag – 3 ayes/1 ab (Bu)*
- b) Behavioral Health Peer Specialist I/II/III, Items No. 3726, No. 3725, and No. 3724; *Ro/Ag – 3 ayes/1 ab (Bu)*

Devin Brown, CHRO, provided a brief overview. No Public Comment.

6. **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; **REVIEWED, RECEIVED, AND FILED**; *Ro/Ag – 3 ayes/1 ab (Bu)*

- Medical Investigator, Item No. 3420

Devin Brown, CHRO, provided a brief overview. No Public Comment.

7. Response to Referral Re: Discrimination/Harassment Complaints

Mr. Brown informed the Commission that Michael Goulart, Equal Employment Opportunity Officer (EEOO), would present a brief report on the timeline as requested. Mr. Goulart presented a general timeline related to Ms. Fitzgerald's complaint. He stated that during last month's Commission meeting, there was some confusion regarding where he was in the investigation process and Ms. Fitzgerald had the perception that he was not working on her complaint. He was able to answer most of Ms. Fitzgerald's questions last month outside of the meeting. He explained to her that the updates were provided directly to her representative union because the union had notified the office of her complaints. When someone is representing an employee, the communication goes directly through that representative. All communications are now sent directly to Ms. Fitzgerald.

Mr. Goulart stated that his office had received a letter from Ms. Fitzgerald dated February 26, 2018. The informal investigation phase is thirty business days, which would take it out to April 9, 2018, to conclude the informal investigation. He informed the Commission that Ms. Fitzgerald's complaint is very complex; there are 66 pages of narrative plus exhibits in the complaint. A lot of the time involved was spent reviewing and vetting the information. They were not able to resolve the complaint through the informal process so then it would move to the next step articulated in the Civil Service rules, the formal investigation process, which applies another forty-five business days and would move it out to June 18, 2018.

There was a slight wrinkle discussed at last month's meeting, that his office was notified by Ms. Fitzgerald, via letter, that she had filed a complaint with the Department of Fair Employment and Housing (DFEH). It is HRD's practice that when there is an ongoing Civil Service Rule 1800 complaint, and they receive notification that the complaint was filed with DFEH or the Equal Employment Opportunity Commission (EEOC), the complaint is then assigned to whichever agency the individual files with, and that office then becomes the neutral finder of fact. Ms. Fitzgerald asked this body to continue to process the investigation, and HRD agreed to do so even though it is not standard practice. The office received notification from Ms. Fitzgerald on May 3, 2018 that she had filed with DFEH and EEOC, the case was closed on May 7, 2018. After last month's Commission meeting on May 14, 2018, it was reopened, which adds an additional six business days and takes it out to June 19, 2018 to complete the investigation. Mr. Goulart stated that he has been in contact with Ms. Fitzgerald, and she is aware of where the investigation is in the process. It is ongoing and there are no further specifics about the complaint.

President Price thanked Mr. Goulart for his presentation.

8. Commission Secretary Monthly Report

Mrs. Murbach informed the Commission that there were only routine inquiries received in the Commission Office during the past month regarding the dates and times for the Commission meetings.

Mrs. Murbach visited the Kern County Department of Child Support Services and met with Director Ms. Elizabeth Chavez. It was interesting to learn about the many services that the department provides to the community. The department is in the midst of hiring more staff and they are coordinating an office move to a different location. The new building will meet their needs and provide them with much needed space. The department will hold an open house once they are settled in their new location.

9. Human Resources Division Items/Report:

Mr. Brown informed the Commission that the Department of Child Support Services will be moving to the old Brighthouse/Spectrum building by Buck Owens Blvd.

He introduced new HRD employee Kimberlyn Stillwell. Ms. Stillwell is the newest Senior Talent Recruiter who has been with the County a number of years, recently with the Kern County Department of Child Support Services. Another new staff member, Lorena Solis, comes to HRD from the Assessor's Office.

Mr. Brown announced that, beginning in July, HRD will hold a monthly roundtable for the HR staff to meet monthly with the executive team to learn about new policy changes and discuss improvements they would like to see.

President Price thanked Mr. Brown and agreed the roundtable is a good idea.

10. Commission Member Presentations or Announcements:

None

- 11. Adjourn to Closed Session:** at 6:01 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)

12. PUBLIC EMPLOYMENT– Discipline/Dismissal/Release
Human Services Supervisor (Human Services) – Case No. 2018-0004; **HEARING DATES SET TO JUNE 18, 19, 20, AND 25, 2018; Ag/Ro – 3 ayes/1 no (Bu)**
13. PUBLIC EMPLOYMENT– Reinstatement to the Re-Employment List
Office Services Assistant (Behavioral Health & Recovery Services) – Case No. 2018-0005; **REQUEST APPROVED; Ag/Ro – 3 ayes/1 no (Bu)**
14. PUBLIC EMPLOYMENT– Reinstatement to the Re-Employment List
Medical Assistant (Behavioral Health & Recovery Services) – Case No. 2018-0006; **REQUEST DENIED; Ag/Ro – 3 ayes/1 no (Bu)**

15. PUBLIC EMPLOYMENT– Discipline/Dismissal/Release
Deputy Sheriff (Sheriff's Office) – Case No. 2016-0011; **REQUEST FOR POSTPONEMENT UNTIL FURTHER NOTICE APPROVED**; *Ag/Ro – 3 ayes/1 no (Bu)*
16. President Price adjourned the meeting at 6:30 p.m. to the next Regular Meeting to be held on Monday July 9, 2018 at 5:30 p.m.