

SUMMARY OF PROCEEDINGS

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

Regular Meeting

Tuesday, November 13, 2018

5:30 p.m.

PRESENT: Commissioners Burrow, Holt, Price, and Rose

ABSENT: Commissioner Agbalog

OTHERS: Brittany Bonilla, Devin Brown, Michael Goulart, Kendra Graham, Maria Murbach, Keri Pharris, Mary Stewart, 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 5:30 p.m.

Commissioner Burrow arrived at 5:36 p.m.

President Price introduced new Commission member, Brian Holt, who stated he was looking forward to working with everyone and serving on the Commission.

PUBLIC SESSION

1. Public Presentations

Perla Davis – Department of Human Services (DHS) employee, addressed the Commission regarding a complaint she filed. She filed a discrimination due to union affiliation complaint via email on August 30, 2018 and she has not had a response yet. Her union affiliation is important and she would like to continue to be involved without being treated unfairly and discriminated against. Ms. Davis stated that she is in a vulnerable position as she is on probation. She is fearful of the retaliation that follows upon speaking publicly. She asked for the Commission’s assistance and hopes for a resolution to these issues.

President Price asked Devin Brown, Chief Human Resources Officer, to respond.

Devin Brown, Chief Human Resources Officer, stated he was unaware of Ms. Davis’ complaint but would look into it the following morning, and contact Ms. Davis. Mr. Brown stated that although the Human Resources Division (HRD) has experienced a significant increase in its investigations caseload, all complaints are taken very seriously.

Rey Ramirez – Fire Department employee, informed the Commission that he has been a county employee for the past 33 years. He stated that he recently took a promotional exam for the position of Deputy Chief. As he took the exam, he noticed numerous irregularities in the process. He spoke with a couple individuals in HRD about his concerns. Five candidates were all given a score of 70 and ranked tied at number one. The reason he complained to HRD is that this process was different than the previous four exams he had taken. When he filed his complaint,

he was told that HRD only handled the application process and after that, they allow the Fire Chief to do as he sees fit to determine who will be promoted. He felt that after meeting with HRD staff, he was not allowed the rights to the promotional process and felt he got no relief from HRD and he decided to appear before the Commission.

President Price asked Brian Van Wyk, Deputy County Counsel, if Mr. Ramirez was able to appeal the process. Mr. Van Wyk referred to Mr. Brown to clarify HRD's process.

Mr. Brown provided details on the exam. He explained that the promotional opportunity for the Deputy Fire Chief position has historically been handled as an appraisal only examination, which means that HRD appraises each candidate's application and experience to determine their qualifications for the position and because this position is a very high-ranking position, there is difficulty in obtaining a panel for this level of employee. HRD has historically tied all candidates at the ranking of 70. Mr. Ramirez and the other applicants were tied in this rank. As noted, there has been a hiring decision, there is another vacancy that may be sought to be filled, but he is not sure what remedy could be done if an appeal was filed. Mr. Ramirez was certified, along with the other candidates, at the same level and afforded an opportunity to interview with the department for the position.

Mr. Ramirez requested enforcement of the rules and he was not afforded those rules. He spoke with Michael Goulart, who explained HRD's stance. Mr. Ramirez stated that HRD's stance was that because the department has not filled the number two spot in approximately seven years, the department head has the latitude to choose as he sees fit. He feels that disenfranchises the whole process set up under Civil Service Rules and allows the good old boy process to thrive.

Michael Goulart addressed the commission and clarified that he and Mary Stewart, Senior Talent Recruiter, met with Mr. Ramirez and explained to him that HRD's stance was not that HRD only oversees the application process. The concern Mr. Ramirez had was the actual department selection process that is employed after HRD has made a certification to the department. The department receives the appropriate number of names and the department makes the actual appointment selection. Mr. Ramirez's opinion was that the Civil Service Rules for the selection process should have bearing on the department's internal decision-making process as well. Mr. Goulart stated that he and Ms. Stewart informed Mr. Ramirez that the Civil Service Rules pertain to the application, recruitment, and examination process, up to establishing the eligible list. There are rules for certification and appointment, and the latitude that exists within those rules, allows the department to make a selection from any of the names that are certified to them for that particular examination. Based on those rules, the department was within their rights to make a selection from anyone who was certified as eligible on that list. They did discuss that, for a number two position, if the department head is making the sole decision it is realistic because otherwise, you would have people that are in the same level or even below, evaluating someone who is going to be in a position higher than they are, which is not realistic. The only other option would be to call in fire chiefs from other jurisdictions to sit in on the department's internal process to assist our Fire Chief in making the decision, which is not required by your Commission.

President Price stated that the purpose of the Civil Service Rules is to establish a qualified list of people without nepotism, without favoritism, and given to the department head to hire from. It sounds like HRD adhered to those rules. Brian Van Wyk, Deputy County Counsel, stated any

Commissioner might request to place this item on a future agenda. No request to place this item on a future agenda was made. President Price thanked Mr. Ramirez for his comments.

***CONSENT AGENDA**

President Price announced that new Commissioner Holt would not be voting on Consent Agenda Item No. 2, as he was not present at that meeting. Commissioner Burrow motioned to approve Item No. 2, Commissioner Rose seconded the motion.

***2. Approval of Minutes**

Regular Meeting on September 10, 2018; NO PUBLIC COMMENT; **APPROVED**; *Bu/Ro – 3 ayes/1 abd (Ho)/1 ab (Ag)*

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

- 7372) Assistant Director of Planning and Natural Resources – DP
- 7373) Office Service Technician – Shift – Rosamond
- 7374) Vocational Nurse I/II – Shift
- 7375) Program Support Supervisor-Department Promotional-Employers' Training Resource
- 7376) Public Health Fleet Specialist
- 7377) Traffic Signal Technician I/II
- 7378) Supervising Heavy Equipment Mechanic-DP
- 7379) Behavioral Health Unit Supervisor I/II
- 7380) Tree Trimmer I/II
- 7381) Legal Secretary
- 7382) Marketing & Promotions Coordinator
- 7383) Public Health program Manager – DP
- 7384) Real Property Agent I/II
- 7385) Waste Management Aide I/II/III
- 7386) Waste Management Aide I/II/III-Bilingual
- 7387) Senior Engineering Manager – Public Works – DP
- 7388) Automotive Service Writer – DP – General Services
- 7389) Human Services Technician – Bilingual
- 7390) Senior Appraiser
- 7391) systems Analyst I/II
- 7392) Engineering Technician I/II
- 7393) Veterans Service Assistant
- 7395) Supervising Veterans Service Representative
- 7396) Child Support Customer Service Representative

4. 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/Ho – 4 ayes/1 ab (Ag)*

- Senior Workforce Development Analyst, Item No. 0919

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

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; **REVIEWED, RECEIVED, AND FILED**

- a) Assistant Registrar of Voters and Chief Deputy Registrar of Voters, Items No. 3256 & 3257; *Bu/Ro 4 ayes/1 ab (Ag)*
 - b) Elections Process Supervisor, Item No. 2224; *Bu/Ro 4 ayes/1 ab (Ag)*
 - c) Fire Helicopter Pilot, Item No. 4476; *Ro/Bu 4 ayes/1 ab (Ag)*
 - d) Airports Finance Manager, Item No. 0468; *Bu/Ro 4 ayes/1 ab (Ag)*
 - e) Group Counselor I/Department of Human Services, Item No. 3553; *Ro/Ho 4 ayes/1 ab (Ag)*
- Mr. Brown requested the Commission to table this item to the next meeting due to a meet and confer request received from SEIU.

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

6. **Commission Secretary Monthly Report**

None

7. **Human Resources Division Items/Report:**

Mr. Brown reported that he attended the LinkedIn talent connect conference in October where he presented Kern County's most recent transformation changes in recruiting, to a group of approximately 40 other government human resources practitioners. All are part of a group who are using LinkedIn as a sourcing tool to enhance recruiting practices. It was a successful event.

HRD is working with County Counsel to revise the office workplace policy and they are on track to move forth with the revised proposed policy by the beginning of next year.

8. **Commission Member Presentations or Announcements:**

None

9. **Adjourn to Closed Session:** at 6:22 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 – Status of Complaint
Social Service Worker (Human Services) – Case No. 2018-0014; **HEARING DATES SET TO DECEMBER 3, 6, AND 11, 2018.**

11. President Price adjourned the meeting at 6:40 p.m. to the next Special meeting to be held on Monday, December 3, 2018 at 5:00 p.m.