

SUMMARY OF PROCEEDINGS

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

Regular Meeting
Monday, January 9, 2017
5:30pm

PRESENT: Commissioners Agbalog, Burrow, Price, Prince, and Rose

ABSENT: None

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

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

COMMISSIONER ACTION IS SHOWN IN CAPS AFTER EACH ITEM

President Rose called the meeting to order at 5:30 p.m.

Commissioner Agbalog arrived at 5:34 p.m.

Commissioner Burrow arrived at 5:35 p.m.

PUBLIC SESSION

1. Public Presentations

NONE

***2. Approval of Minutes**

Regular Meeting on December 12, 2016; **APPROVED**; Pr/Pri – 3 ayes/2 ab

***3. Examination Schedule:** The following examinations have been scheduled in accordance with Civil Service Rules and established procedures. **APPROVED**; Pr/Pri – 3 ayes/2 ab

6830) Human Services Technician I-East Kern

6831) Child Support Officer IV

6832) Deputy Director of Agriculture & Measurement Standards-DP-Agriculture & Measurement

6833) social Service Worker I/II-East Kern County

6834) Library Associate-Shift Lake Isabella

6835) Senior Office Services Specialist

6836) Office Services Technician-DP-Aging and Adult Services

6837) Heavy Equipment Mechanic

4. First Reading of Amendment to Rule 1500 of the Civil Service Commission; No public comment; **WAIVED READING; APPROVED**; Pri/Pr – All ayes

Devin Brown, Chief Human Resources Officer, informed the Commission that the proposed updates to Rule 1500 remove a couple of duplicate steps to the layoff appeal process. The proposed rule changes were presented to the affected labor organizations. HRD, SEIU representatives, Mark Nations, and Ms. Murbach met to reach agreed upon rule revisions.

5. Proposal to Retain Conflicts Legal Counsel; DISCUSSED

Commissioner Agbalog shared that a couple of years ago, the Commission was faced with an issue where there was a potential for an appeal in the County Counsel's office. It was discussed that perhaps County Counsel would not be able to advise the Commission on that issue due to a potential conflict. At that time, the Commission had inquired about Conflicts Counsel and there had also been some discussion about using a hearing officer. However, using a hearing officer in the past had been a great expense and so it was decided to try something different. A recruitment took place and interviews were conducted. A law firm in Fresno was selected but the contract never came to fruition. It was thought it would be a good idea to have conflict counsel on retainer, to be able to obtain assistance quickly. It is a good idea to have something in place in the event something like this happens again in the future.

President Rose added that there was an exhaustive search narrowed down to five California law firms. The law firm that was selected had done other work with the County of Kern. Commissioner Price asked if the appeal resolved itself. Commissioner Agbalog shared that the appeal did not take place and Conflict Counsel services were not needed. President Rose added that there would be no charge to the County unless services were needed. Mr. Brown shared that he had not been involved in the selection process at that time but the selected law firm was an employment law firm. They were retained by the County as a labor negotiation firm but their services were never utilized and a contract no longer exists. Since that time, there are now a number of local law firms that have developed a specialty in employment law. It is rare when County Counsel cannot provide services and it is usually when there is an attorney in their office involved in an appeal. HRD would have a concern if there was an ongoing cost since they provide the budget for the Commission. If there was a contract it would be preferable if it is an on demand with no cost to the County unless services are needed.

Commissioner Prince stated that having a contract in place is an opportunity to be proactive in the event the Commission needs Conflict Counsel. Commissioner Burrow asked what exactly does having a contract do for the Commission now as opposed to producing a contract at the point that one is needed. Commissioner Agbalog explained that there is time involved with the vetting process. The benefit is that the Commission has to meet certain timelines when an appeal request is submitted. The Commission has already gone through the vetting process and it would be good to have a contract in place. The Commission directed the Secretary to research and contact the firm originally selected in July of 2014 and find out if they are still interested in providing Conflict Counsel services.

6. Election of 2017 Civil Service Commission Officers:

Motion made by Commissioner Prince, seconded by Commissioner Agbalog, nominating Bryan Burrow as President. APPROVED; *Pr/Ag – all ayes*

Motion made by Commissioner Prince, seconded by Commissioner Agbalog, nominating Jeremy Price as Vice President. APPROVED; *Pr/Ag – 4 ayes/1abd*

Commissioner Burrow thanked President Rose for her hard work and dedication serving the Commission as President the past two years.

7. Human Resources Division Items/Report:

Mr. Brown thanked President Rose for her exemplary leadership. He is hoping to introduce the new County Administrative Officer at the next meeting.

8. Commission Member Presentations or Announcements:

Commissioner Burrow thanked retiring CAO, John Nilon, for all his work and many years with the County.

Commissioner Price asked if there will be any need for the Commission's involvement due to the recent investigations from the State and Federal agencies. Mr. Brown is not aware of any information requests from those agencies at this time.

Commissioner Prince thanked President Rose for her dedication and leadership to the Commission during the past two years.

Commissioner Agbalog thanked President Rose for her dedication to the Commission. He congratulated Commissioner Burrow and Commissioner Price.

President Rose thanked the Commissioners for their support and Mark Nations for all of his work throughout the transition.

Commissioner Price thanked all the recently retired County employees for their service. He also thanked President Rose for her leadership, dedication, and attitude in serving the Commission.

9. **Adjourn to Closed Session:** At 6:08 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 – Discipline/Dismissal/Release
Deputy Sheriff (Sheriff's) – Case No. 2016-0013; **HEARING DATES SET FOR JULY 24, 25, 27, 31, AUGUST 3, 7, 10 & 15, 2017**
11. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Detentions Deputy (Sheriff's) – Case No. 2016-0022; **WITHDRAWN**

12. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Detentions Deputy (Sheriff's) – Case No. 2016-0020; **DENIED**; *Bu/Pr – All ayes*
13. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Deputy Sheriff (Sheriff's) – Case No. 2016-0023; **REMOVED – ABSENT SHOWING OF GOOD CAUSE – TO FEBRUARY 13, 2017 REGULAR CSC MEETING**; *Pri/Ag – All ayes*
14. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Maintenance Worker III (Human Services) – Case No. 2016-0024; **DISMISSED**; *Bu/Pri – All ayes*
15. PERFORMANCE EVALUATION - Consideration of the evaluation of performance of the Civil Service Commission Secretary (Govt Code § 54957(b)(1)); **NO REPORTABLE ACTION**
16. President Rose adjourned the meeting at 7:20 p.m. to the next Regular Meeting to be held on Monday, February 13, 2017 at 5:30 p.m.