

SUMMARY OF PROCEEDINGS

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

Regular Meeting
Monday, November 13, 2017
5:30 p.m.

PRESENT: Commissioners Burrow, Price, Prince, and Rose

ABSENT: Commissioner Agbalog

OTHERS: Michael Goulart, Maria Murbach, Keri Pharris, Margo Raison, Brian Van Wyk, and others.

NOTE: Ag, Bu, Pri, Pr, and Ro are abbreviations for Commissioners Agbalog, Burrow, Price, Prince, and 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 Burrow called the meeting to order at 5:31 p.m.
Commissioner Prince left the meeting at 6:26 p.m.

PUBLIC SESSION

1. Public Presentations

Reva Pena addressed the Commission and stated that she had applied for a Senior Human Resources Specialist position, which was a department promotional recruitment for the Human Resources Division (HRD). She also applied for the Senior Human Resources Specialist position, which was a department promotional recruitment for General Services (GS). She was under the impression that she would be able to apply to both because both departments are under the County Administrative Office. She received notice from HRD that she did not qualify to apply for the GS position. She was notified that the HRD is considered a department on its own. She is wondering if HRD is no longer considered a part of the CAO's Office. For example, Ms. Pena explained that previously, in the Public Works Department, employees could apply for a department promotional position if the departments were both under the same executive umbrella.

Keri Pharris, Deputy Chief Human Resources Officer, explained that an ordinance change went into effect when the HRD was absorbed as part of the CAO's Office budget unit. It specifically breaks out the various departments and divisions for the purpose of personnel transactions. The HRD has conducted several recruitments since that ordinance change went into effect.

Ms. Pena explained that she did not qualify to apply for the GS position and asked, if HRD is considered its own department, why a Department of Human Services (DHS) funded employee was allowed to apply for the HRD department promotional position. She felt that if the DHS employee applied for the HRD position then she should be able to apply for the GS position.

Ms. Pharris stated that a Memorandum of Understanding (MOU) exists between the HRD and DHS that specifically addresses that the personnel, who are funded by DHS, are HRD employees. It is only due to budgetary reasons that DHS has those employees allocated to them. In years past, when HRD underwent some significant personnel impacts with layoffs, the DHS funded employees were placed in the seniority listings with HRD. They are not eligible for any DHS department promotional recruitments. This is a unique funding arrangement and the MOU provides for two HRD positions funded by DHS.

Commissioner Price suggested that Ms. Pena meet with Commission Secretary to discuss further, look at applicable CS Rules for this, and discuss at the next meeting.

Ms. Pena explained that interviews have already taken place and asked if they will be able to proceed with the appointment or if that would be placed on hold.

Ms. Pharris stated that there are two separate recruitments and she did not know if GS had completed their interview process.

Ms. Pena asked, since there were three different departments with openings for the same position of Senior Human Resources Specialist, why a countywide recruitment was not conducted instead of department promotional recruitments for each separate department.

Ms. Pharris explained that the position in HRD is a confidential position and the positions in Behavioral Health and GS are not confidential positions.

Ms. Pena stated that she used to process the certifications previously and even if the positions are confidential, the names can be pulled from a general list.

Commissioner Rose asked for clarity on the timeframe as to when this occurred and Ms. Pena explained it all took place last week. They interviewed to establish the list on Wednesday, names were certified later that afternoon, interviews were conducted on Friday, and one today since someone was out sick on Friday.

Ms. Pharris explained that they had not been able to conclude that final interview since there was an employee out on Friday and Devin Brown, Chief Human Resources Officer, was out of the office today.

Commissioner Rose asked Ms. Pena at what point did it become an issue for her. President Burrow asked when she brought it to the attention of the Commission's office. Ms. Pena explained it became an issue for her when she found out she did not qualify to apply for the GS position on November 1, 2017, and she notified the Commission Secretary November 8, 2017. Mrs. Murbach, Commission Secretary, explained that Ms. Pena informed her she might have a concern about the certification process of the recruitment for this position. It was too late to add the matter to the CSC meeting agenda and informed Ms. Pena that she was welcome to attend the CSC meeting and speak during the Public Session if she felt she needed to address the Commission.

Commissioner Price asked Ms. Pharris when she expects the decision to appoint for this position. Ms. Pharris stated she expects it will take place sometime this week. If there is some direction from the Commission, she will communicate that to Mr. Brown. The county ordinance addresses the changes to the HRD.

President Burrow directed the Secretary to look at the county ordinance as well as the CSC ordinance. Commissioner Prince asked Commission's legal counsel to join the Secretary in further review of this issue.

PUBLIC REQUESTS

2. Request of Alice Aguilar to address the Commission regarding Recruitment and Eligible List for the position of Administrative Coordinator, Exams No. 7051 and No. 6982.

Alice Aguilar reported to the Commission she was concerned about the recent recruitments for the position of Administrative Coordinator. She explained that the countywide promotional recruitment, exam no. 6982, was conducted and a list of approximately 30 eligible applicants established on August 11, 2017. Less than 60 days later, a second general recruitment, exam no. 7051, was opened. Civil Service Rules state that the general list cannot be used until the promotional list is exhausted or it expires. Initially when the countywide promotional recruitment took place, the job posting indicated that the recruitment would fill positions in the Public Works Department. She contacted HRD and they informed her that they did not have a requisition and as of today, she has not yet received notification of the date of the exam for the second recruitment. She contacted HRD on October 3, 2017, but did not receive a response. She is not clear on HRD's intentions for opening up a second recruitment when an established list already exists. She is concerned about the checks and balances and wonders who will enforce the Civil Service Rules. She provided a timeline of the communication between herself and HRD staff.

Commissioner Rose explained that the Commission takes this very seriously and is here to ensure equity and fairness to everyone. She asked Ms. Aguilar when she first contacted the Commission Secretary with her concern. Ms. Aguilar stated she first contacted Mrs. Murbach on October 13, 2017, because she felt it was important to let the Commission know about her concerns regarding the recruitments.

President Burrow stated everything the Commission does is serious and asked the HRD to respond.

Ms. Pharris stated she understood Ms. Aguilar's frustrations with the communication flow. She explained that both she and Mr. Brown were out of town attending a work conference and there was a gap in the response time. Mr. Brown asked Ms. Pharris to contact Ms. Aguilar on October 17, 2017. She informed the Commission that Ms. Aguilar is not the only person who reached out to HRD regarding the recruitments, but she is the only person who has pursued it to this point. Ms. Aguilar is correct about the rules of certification and HRD employees are well aware of them. To date, there has been no error in the certification of names from the eligible list for the classification of Administrative Coordinator. If HRD conducted the second recruitment, and continued with it, in the order of certification, the countywide eligible list would be fully exhausted before using that open recruitment list. Since the Board of Supervisors (BOS) instructions to

have a very restricted hiring process, HRD is conducting a countywide recruitment method rather than open recruitments, there have been several countywide recruitments where there is not a sufficient number of applicants. In the case of this situation, the Administrative Coordinator, exam no. 7051, recruitment is at a standstill. The HR Analyst who is assigned to Public Works did open the recruitment but did not think that there was any specific intended reason in opening it. The Administrative Coordinator position is one that spans across most large departments. The reason Ms. Aguilar has had no communication on that second recruitment is that it is on hold. Ms. Pharris assured the Commission that the certification of names from the countywide recruitment will be conducted according to the Civil Service Rules and would go in advance of any names on an open list

Vice President Price asked for clarification if Ms. Pharris stated that the second recruitment was accidentally or incorrectly opened. Ms. Pharris stated she cannot speak as to the exact confusion that occurred but it was opened with the intent of proceeding with the process. Public Works has been certified names. They are utilizing the countywide list, and complying with the certification rules.

Vice President Price asked Ms. Aguilar if she is still concerned now that she has heard that the second recruitment has stalled. Ms. Aguilar stated she is concerned because the recruitment stated it was to fill positions in Public Works and the same had been stated when the first list was established. She asked if she would receive notice that the second recruitment will not move forward.

Ms. Pharris stated that would be Mr. Brown's decision. HRD is excellent about communication with candidates and is currently experiencing a need to have lists in place quicker than it has in the past.

Vice President Price stated that better communication might be called for in this instance.

Commissioner Prince stated he is concerned that there are other individuals who may not have Ms. Aguilar's HR experience, who did not raise a concern, but who might be affected because if Ms. Aguilar had not caught this, then who would have caught it and reported it.

Ms. Pharris explained that if they had continued with the second recruitment as normal, the result would have been the establishment of an open eligible list for this classification. The rules of certification dictate the names, and the list they are certified from first. They completed a full audit of the certifications and found that nobody in this recruitment was certified in an inappropriate way.

Vice President Price stated that once a complaint comes before the Commission, and then explained away as a mistake, it does not sit well. He wondered if other mistakes are not being caught.

President Burrow instructed the Secretary to discuss this further with Mr. Brown to avoid missteps in the future. The Civil Service Rules need to be followed without missteps otherwise it raises questions if the process is being followed or not.

***CONSENT AGENDA**

***3. Approval of Minutes**

Regular Meeting on October 9, 2017; NO PUBLIC COMMENT; **APPROVED**; *Ro/Pri – 4 ayes/1 ab (Ag)*

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

- 7042) GIS Technician
- 7043) Sheriff's Dispatch Assistant CWP
- 7044) Health Education Assistant I
- 7045) Legal Secretary – Bilingual – CWP
- 7046) Job Developer I
- 7047) Medical Investigator – Bilingual
- 7048) Sheriff's Civil Litigation & Risk Management Coordinator
- 7049) Communication Technician III – DP (GS/CAO)
- 7050) Waste management Technician
- 7051) Administrative Coordinator
- 7052) Public Health Project Specialist – DP – Public Health
- 7053) Cook I – Taft – Part-Time
- 7054) Cook I – East Kern – Part-Time
- 7055) Public Health Nurse III – DP
- 7056) Human Resources Specialist I/II – CWP
- 7057) Billing Office Specialist III – DP – BHRS
- 7058) Senior Patients' Rights Advocate – DP – BHRS
- 7059) Senior Human Resources Specialist, CWP
- 7060) Deputy Probation Officer III – DP – Probation
- 7061) Technology Services Supervisor – DP – Auditor
- 7062) Sheriff Aide
- 7063) Sheriff's Dispatcher I
- 7064) Sheriff's program Technician – CWP
- 7065) Forensic Laboratory Technician I/II
- 7066) Behavioral health Recover Specialist I/II
- 7067) Behavioral Health Therapist I/II
- 7068) Fiscal Support Specialist – Department Promotional – Assessor
- 7069) Accountant I – DP – Auditor/Controller
- 7070) Social Service Supervisor I
- 7071) Family Advocate – DP - BHRS
- 7072) Senior Human Resources Specialist – DP- HR Division
- 7073) Senior Human Resources Specialist – DP – General
- 7074) Technology Services Supervisor – DP – Sheriff's Office
- 7075) Accountant II
- 7076) Librarian I – Delano
- 7077) Permit Specialist I
- 7078) Geographic Information Systems Specialist

- 7079) Senior Human Resources Specialist – DP – HR Division
- 7080) Airport Maintenance Supervisor
- 7081) Airport Police Officer I
- 7082) Evidence Technician I
- 7083) Criminalist I/II/III
- 7084) Legal Process Technician I – Assessor – Recorder
- 7085) Coroner Division Chief
- 7086) Workers' Compensation claims Adjuster I
- 7087) Assistant Director of Agriculture and Measurement Standards – DP
- 7088) Sheriff's Detentions Sergeant – Department Promotional

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; KERI PHARRIS HEARD; **REVIEWED, RECEIVED, AND FILED**; *Pri/Ro – 4 ayes/1 ab (Ag)*

- Deputy Director of Animal Services, Item No. 2158

Keri Pharris, Deputy Chief Human Resources Officer, provided a brief overview. No public comment. Commissioner Rose mentioned she is impressed with the changes implemented in the Animal Services Department and thanked the department staff for their hard work and dedication.

6. **Civil Service Commission Hearing Calendar:** Secretary to present findings and recommendations to the Commission regarding the scheduling of hearings; MARIA MURBACH, and BRIAN VAN WYK HEARD; **DISCUSSED; DIRECTED SECRETARY TO PRESENT FINDINGS AT THE NEXT REGULAR MEETING**; *Pri/Pr – 4 ayes/1 ab (Ag)*

Mrs. Murbach reported the historical research on the Commission's hearing calendar-scheduling process showed that, depending on the length of the case, hearings were scheduled for three to eight nights. She did not find there was any previous limited rescheduling that took place. Her research into other comparable California counties found that some hold prehearing conferences, while some allow for continuances or rescheduling only on a showing of good cause. She did find one county that holds a settlement conference prior to a hearing. Mrs. Murbach and Mr. Van Wyk met with Mark Nations, County Counsel, to discuss scheduling options, and explained the recommendations outlined in the memo submitted to the Commission for consideration.

Vice President Price asked if the Commission would be notified of the reason that a settlement was not reached. Mr. Van Wyk explained that the Commission could require the parties to report as to what issues have been settled. Vice President Price would like to have this added to the CS Rules.

Commissioner Rose asked for clarification on setting multiple cases for hearings. Mrs. Murbach explained multiple cases would be set for the same hearing dates, the Commission would hear the oldest case first. If the oldest case were ready to be heard on that first scheduled date, then the second case would be notified that the Commission would not be hearing it that evening. Mr.

Van Wyk explained that ninety percent of cases settle prior to the hearing date and it would be rare that two cases would actually be ready for presentation on the same night. Should that occur, one of the cases would be scheduled for a later date.

President Burrow stated that pre-settlement conferences are already taking place. He would like to see a more aggressive effort to get facts stipulated by both parties to figure out all objections prior to the hearing. Mrs. Murbach stated she would meet with Mr. Van Wyk to discuss revisions to the CS Rules.

7. Human Resources Division Items/Report:

NONE

8. Commission Member Presentations or Announcements:

Commissioner Rose reported that she had recently been in Napa during the fires and she had noticed a Kern County Fire Department Fire Truck. Kern County and the City of Bakersfield sent two different groups of firefighters to fight those fires. She offered profound thanks all the firefighters who helped fight the fires.

9. Adjourn to Closed Session: at 6:47 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)

11. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release

Social Services Worker V (Human Services) – Case No. 2017-0027; **REMOVED – ABSENT SHOWING OF GOOD CAUSE – TO DECEMBER 11, 2017 REGULAR CSC MEETING;** *Pri/Ro – 3 ayes/2 ab (Ag, Pr)*

12. PUBLIC EMPLOYMENT – Removal from Eligible List

Office Services Technician – Bilingual No. 6597 – Case No. 2017-0028; **REQUEST FOR REMOVAL FROM ELIGIBLE LIST APPROVED;** *Pri/Ro – 3 ayes/2 ab (Ag, Pr)*

13. PUBLIC EMPLOYMENT – Personal Necessity Leave

Workers' Compensation Claims Adjustor II (County Counsel) – Case No. 2017-0029; **ITEM CONTINUED TO DECEMBER 11, 17 REGULAR MEETING;** *Pri/Ro – 3 ayes/2 ab (Ag, Pr)*

14. President Burrow adjourned the meeting at 8:40 p.m. to the next Regular Meeting to be held on Monday December 11, 2017 at 5:30 p.m.