

SUMMARY OF PROCEEDINGS

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

Regular Meeting
Monday, December 11, 2017
5:30 p.m.

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, 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 5:30 p.m.
Commissioner Prince left the meeting at 6:26 p.m.

PUBLIC SESSION

- 1. Public Presentations**
None

***CONSENT AGENDA**

- *2. Approval of Minutes**
Regular Meeting on November 13, 2017; NO PUBLIC COMMENT; **APPROVED**; *Ro/Pri – 4 ayes/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/Pri – 4 ayes/1 ab (Ag)*

7089) Buyer I
7090) Human Services Aide – Public Health Department
7091) Information Systems Specialist I – Desktop
7093) Child Support Officer II/III
7092) Billing Office Specialist II
7094) Office Services Coordinator
7095) Supervising Child Support Officer – DP – CSS
7096) Victim/Witness Services Specialist
INTERNSHIP PROGRAM 2018) Kern County Internship Program 2018
7097) Sheriff's Support Specialist

- 7098) Emergency Medical Services Coordinator – CWP
- 7099) Accountant I
- 7100) Deputy County Counsel II-V
- 7101) Assistant Director of AG & Measurement Standards – DP
- 7102) Emergency Medical Services Coordinator
- 7103) Supervising Child Support Officer
- 7104) Office Services Assistant – Part Time – Department Promotional – Tehachapi/Cal City

4. **Civil Service Commission Update Regarding November Public Session Items; DISCUSS**
Mrs. Murbach reported findings on the Commission's request to review the recruitment concerns presented to the Commission at the November 13, 2017 meeting. Commission staff met with HRD employee Ms. Pena, and HRD representatives, Devin Brown, Chief Human Resources Officer, and Keri Pharris, Chief Deputy Human Resources Officer.

Senior Human Resources Specialist Recruitments:

Commission staff observed that there is a special funding arrangement in place between the Department of Human Services and HRD defining that two HRD positions are funded by DHS. The practice of treating the DHS-funded positions as part of HRD for the purposes of the Civil Service System has been in place for several years. Updating the Memorandum of Understanding (MOU) to reflect these practices and to clarify that the DHS-funded positions are considered HRD positions all of the time would help clarify any future questions. Commission staff found that there was no intent to allow someone to apply for a position where he/she should not have applied. Better management of the process of opening several recruitments for the same position and better communication by HRD staff would have avoided the confusion in this situation.

Devin Brown, Chief Human Resources Officer, addressed the Commission to explain that in this particular case, HRD had received requests from different departments for department promotional recruitments after a countywide recruitment was initiated. The departments wanted to promote from within and Mr. Brown made the decision to cancel the countywide recruitment since it was early in the process. All candidates were notified of that decision. Separate department promotional recruitments were then opened for positions in Behavioral Health and Services, General Services, and HRD.

Commissioner Agbalog asked about Ms. Pena's thoughts about the review and Mrs. Murbach explained that Ms. Pena felt that the MOU was confusing and that she had missed an opportunity to promote.

President Burrow stated that communication with employees and clarity in the MOU need improvement. Mr. Brown responded that HRD does strive to respond quickly. However, in the case of Ms. Pena's concern, she did not bring it to HRD's attention. In the next concern brought forth by Ms. Aguilar, HRD staff is retraining to relearn the rules. They are seeing some conflicts with how departments are anticipating receiving names but they are working through those issues.

Administrative Coordinator Recruitments

Commission staff determined that this recruitment was mistakenly opened. Ultimately, an eligible list would be compiled from those who applied but the names on the already established list would be certified to requesting departments before any of the names on the second list, based on the certification rules. This situation could have been avoided if HRD had responded to the employee's concerns in a timely manner.

President Burrow asked Mr. Brown if there is a system in place to respond to employees' questions when both he and the second person in command are out of the office. Mr. Brown explained that Ms. Aguilar had been informed that he and the Deputy Chief Human Resources Officer were out of town and they would respond upon their return. President Burrow asked when the employee received a response.

Mrs. Murbach reported that Ms. Aguilar initially contacted her HRD analyst on October 3, 2017 and received an immediate response. However, Ms. Aguilar then asked another question and she did not hear back from HRD. She then contacted Mrs. Murbach on October 13, 2017 and asked to appear before the Commission. Ms. Aguilar received a response from Ms. Pharris on October 17, 2017.

Vice President Price stated he was satisfied with the first issue but this second issue was concerning because during the meeting, Ms. Pharris stated that the second recruitment was mistakenly opened but that it had been closed and that the list would not be used before the previously established list. The challenge was that there was an employee who had already expressed concern about this to HRD and to the Commission, but who had never had that information communicated to her. Ms. Aguilar heard about it when the Commission heard about it at the meeting. This created an odd scenario where it was stated it was a mistake by the time it was in front of the Commission. At that point the Commission is left with the question of wondering if this would have been rectified if Ms. Aguilar had not raised a concern about it. It is unfathomable why someone would not call her and tell her it was an error and that the list would not affect her ranking.

Mr. Brown explained that this goes back to the department relearning the countywide promotional recruitment in different ways. These positions are pretty broadly described, Public Works had a need specific to Public Works, and they were concerned that the current list would not meet that expertise need. They asked County Administrator, Ryan Alsop, to approve an open recruitment. Mr. Alsop is not as familiar with the Civil Service rules and so it was approved that way. That is why it was opened as an open recruitment before HRD had the opportunity to examine whether this was an eligible list that could be used in any form in the future. Once they determined that it could not, which was after Ms. Aguilar brought the issue to HRD's attention, they took some time to review the rules before responding to her. They made sure that they had the correct interpretation and met with the Public Works Department and informed them that they would have to fill the vacancy from the countywide list that Ms. Aguilar was on. HRD appreciates Ms. Aguilar bringing this to their attention and the CS Rules were not violated.

5. Human Resources Division Items/Report:

Mr. Brown informed the Commission that the County negotiated with SEIU Local 521 for a new MOU and they reached a tentative agreement on a new contract. One of the items included is a winter recess, an extended holiday break over the winter holidays. There have always been three working days in between the current holidays and the County has tentatively agreed to close down for those three working days. This will give employees a total of eleven days off, including weekends. These are considered paid days off. The Board of Supervisors has determined that if the contract is ratified and approved by the membership, the same policy for winter recess will apply to confidential management and mid-management staff. The County is in a fiscal crisis and instead of salary increases this is a way bridge to better times without impacting the general fund.

6. Commission Member Presentations or Announcements:

Commissioner Prince announced this was his last night serving on the Commission and thanked the County of Kern, County Counsel, HRD, Commission Secretary, and fellow Commissioners. It has been a pleasure serving and he looks forward to maintaining a continued professional relationship with all.

Commissioner Agbalog thanked Commissioner Prince for his dedicated service to the County and to the Commission.

Commissioner Rose stated it has been a rare honor serving with Commissioner Prince and thanked him for his moral integrity, sense of honor, and fairness.

Vice President Price thanked Commissioner Prince for his outstanding dedication and time he has spent serving on the Commission.

President Burrow thanked Commissioner Prince for his many years of service on the Commission, it is deeply appreciated.

- 7. Adjourn to Closed Session:** at 6:25 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)

8. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Social Services Worker V (Human Services) – Case No. 2017-0027; **WITHDRAWN**
9. PUBLIC EMPLOYMENT – Removal from Eligible List
Office Services Technician – Bilingual No. 6597 – Case No. 2017-0028; **WITHDRAWN**
10. PERFORMANCE EVALUATION - Consideration of the evaluation of performance of the Civil Service Commission Secretary (Govt Code § 54957(b)(1)); **NO REPORTABLE ACTION**
11. President Burrow adjourned the meeting at 6:50 p.m. to the next Regular Meeting to be held on Monday January 8, 2018 at 5:30 p.m.