

SUMMARY OF PROCEEDINGS

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

Regular Meeting
Monday, April 13, 2020
5:30 p.m.

THIS MEETING WAS CONDUCTED TELEPHONICALLY

PRESENT: Commissioners Agbalog, Holt, Oliver, Price, and Rose

ABSENT: None

OTHERS: Devin Brown, Maria Murbach, Keri Pharris, Brian Van Wyk, and others.

NOTE: Ag, Ho, Ol, Pri, and Ro are abbreviations for Commissioners Agbalog, Holt, Oliver, Price, and Rose. For example, Ho/Pri denotes Commissioner Holt 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 Agbalog called the meeting to order at 5:30 p.m. and announced about Governor Newsom’s Executive Order N-29-20 issued on March 18, 2020.

Commissioner Price joined the meeting at 5:53 p.m.

PUBLIC SESSION

1. **Public Presentations**
None

*CONSENT AGENDA

- *2. **Approval of Minutes**
Regular Meeting on March 9, 2020 and Special Meeting on March 16, 2020; NO PUBLIC COMMENT; **APPROVED**; Ro/Ho – 4 ayes/1 ab (Pri)
- *3. **Examination Schedule:** The following examinations have been scheduled in accordance with Civil Service Rules and established procedures. NO PUBLIC COMMENT; **APPROVED**; Ro/Ho – 4 ayes/1 ab (Pri)

7849) Child Support Customer Service Representative-Bilingual
7850) Child Support Specialist I/II-Bilingual
7851) Media Services Coordinator
7852) Chief Deputy Public Defender
4. **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/Ol – 4 ayes/1 ab (Pri)

- Sheriff's Detentions Deputy, Item No. 4544

Devin Brown, Chief Human Resources Officer, provided a brief overview. No public Comment.

Commissioner Oliver asked for clarification about why the Department was hiring a candidate without a firearms certification and asked if that person would be working at a facility where one would not be needed. Mr. Brown stated yes, but the person would be going to get the certification as soon as possible. He explained that the Department was working to hire lateral hires out of Westec but they did not come with this particular certification out of that organization and so they would get the certification as soon as they can. Commissioner Oliver asked if they would be put on desk duty until then because he would think that as a Sheriff Officer, a big thing would be to be able to fire a firearm.

Commissioner Rose asked if the County is well in alignment with other counties about requiring that, because it seemed different to her not require that certification. Mr. Brown stated that he did not believe they did any research with other counties. He explained that this request came from the Sheriff's Office.

Commander Todd Bishop, Sheriff's Office, informed the Commission that they actually have a classification that follows this similar path and allows candidates to take that certification within their 12-months probationary period. Commissioner Rose thanked Commander Bishop for providing this information.

Commissioner Oliver stated that it struck him funny to have law enforcement officers who cannot fire firearms. Commander Bishop stated that the agency limits them the use of firearms when they are correctional officers. He explained that the detentions staff classification is limited to use of firearms when they are correctional duties, they are not the same as when you see a deputy on the street. The arming of the detention duties allow us to have the flexibility to allow them to take that training certification within their first year. Commissioner Oliver thanked Commander Bishop.

5. **Request to Extend Civil Service Rule 700 Probationary Period for Non-Essential and Remote Workers during Proclaimed Emergency Related to Covid-19; APPROVED; Pri/Ro; all ayes**

Devin Brown, Chief Human Resources Officer, provided a brief overview. No public comment.

6. **BUDGET: Commission Secretary to present Civil Service Commission Recommended Budget; ADOPTED RECOMMENDED BUDGET AND AUTHORIZED THE SECRETARY TO SUBMIT TO THE HUMAN RESOURCES DIVISION; Ro/Ho – 4 ayes/1 no (Pri)**

Maria Murbach, Commission Secretary, provided a brief overview.

Commissioner Price asked why proposed amount for services and supplies was higher than the previous years. Mrs. Murbach explained that the recording system in the Civil Service

Commission Hearing Room needed to be replaced as the wiring had been spliced and taped together several times. She explained that she was also looking into possible technology upgrades such as tablets or computers which could streamline the amount of paperwork processed in relation to hearings. Commissioner Price indicated that he was willing to forego upgrades if the current pandemic created too great a fiscal burden.

7. Civil Service Rule 1800 Update

Brian Van Wyk, Deputy County Counsel, reported that due to the declared state of emergency as a result of Covid-19, HR has not been able to conduct the CS Rule 1800 investigations. The logistics of these investigations involves going to the departments, interviewing employees, complainants, and witnesses. Mr. Van Wyk stated that there is good reason why they would not be able to carry these investigations while this crisis is ongoing.

Commissioner Holt asked if this would need any action from the Commission so there is no exposure if these things go on.

Mr. Brown stated that something to consider bringing to the Commission for approval would be an extension of the time periods. He explained that HRD is in pretty good shape with most of their investigations however, there is still one with outside counsel. The challenge is that they have staff with a skeleton crew operating throughout the county and interviewing them would be challenging. They would have to do those interviews remotely, which creates difficulty for the investigators to determine credibility of the witness. Certainly that is an important part in any investigation when you are wanting facts. It is challenging when you are doing it remotely if you are not able to see the person or their expressions. If it is the pleasure of the Commission, they could to put together an item to bring forth to extend if they are into May, or work with counsel, to bring a special meeting to look at that as well. He explained they would certainly be in support of it.

Commissioner Price stated that since we are not beyond it, it was alright. He would like to be proactive and asked Mr. Brown to bring it to the next meeting.

Commissioner Rose, stated that was an excellent idea.

Kendra Graham, Chief Deputy County Counsel, stated that Brian Alba, Deputy County Counsel, would like to provide an update on the case.

Mr. Alba, reported that in regards to the case being handled by outside counsel, he explained that he had given an update for last month's meeting to Mr. Van Wyk and it still remained current. Although it is outside of the timeline, if this case can be encapsulated in any timeline additions that would be great.

President Agbalog thanked Mr. Alba.

8. Commission Secretary Monthly Report

None

9. Human Resources Division Items/Report:

Devin Brown, Chief Human Resources Officer, reported on the following:

Towards the end of March 13, 2020 - that since the last meeting, HRD with the CAO's Office decided to implement policies they had in place which were related to pandemic policies. Those policies turned out to be the 2009 bird flu pandemic policies, which allowed for some extension of leaves to employees. Following that, there was the requirement that March gatherings were closed off following other similar organizations throughout the country and state, which precipitated meetings like this being closed off to the public.

March 16, 2020 - In an abundance of caution, Mr. Alsop declared a local state of emergency to activate the County's emergency operations center. It has been activated since that date at the highest level, which allows us to work and support of the Public Health Department. The Public Health Department is the lead agency in the emergency response to the Covid-19 crisis.

March 17, 2020 – on this date, non-essential staff were sent home on emergency paid administrative leave. HRD felt it was in the best interest of the County and employees to continue to provide wages to all staff during this time. This emergency administrative leave paid status is non-disciplinary but employees are still required to remain at home during regular business hours and be readily able to respond when asked by their departments. There are at least a couple of thousand employees in this status. The purpose of doing this was limit exposure in the workplace. At the same time, the closure of local schools was taking place and it was something that was considered so that employees who have kids in those schools were able to deal with their children as soon as possible. The County does have essential services to provide such as law enforcement, fire protection, public health, public work, social services, behavioral health, and continues to have a large number of staff to work during this pandemic response. The County continues to provide lots of services even though most of the County facilities are closed to the public.

Essential workers have been encouraged, and where able, are allowed to work from home. This is following a national trend that has been seen and our staff is a good example. Almost all of the HRD team is working remotely if they are non-essential staff. There has been a great significant rise in working remotely. They are getting accustomed to it with all of the technology that is available, including Microsoft teams, which we are fortunate to have. Our essential workers are being counted on for a lot of assistance not only with their normal scope of duties but with extraordinary work covering other desks and other duties that they are not normally accustomed to performing. Mr. Brown stated that they have put together a package of essential worker benefits to be taken to the Board of Supervisors (BOS) for approval on April 21, 2020, which will provide additional sick leave for emergency responders and health care workers to cover gaps where they are not eligible for other leave entitlements and it will also cover child care reimbursement

10. Commission Member Presentations or Announcements:

None

11. **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)

12. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Sheriff's Detentions Deputy Trainee (Sheriff's Office) – Case No. 2020-0106; **REMOVAL REQUEST APPROVED**; *Ho/Ro – all ayes*
13. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Deputy Sheriff (Sheriff's Office) – Case No. 2019-0013; **TABLED TO THE NEXT REGULAR MEETING ON MAY 11, 2020.**
14. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. (Government Code section 54956.9(d)(2): Facts and circumstances that might result in litigation, which facts and circumstances are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclose; **NO REPORTABLE ACTION**
15. Reconvened from Closed Session. President Agbalog adjourned the meeting at 7:17 p.m. to Regular Meeting to be held on Monday, May 11, 2020 at 5:30 p.m.