

SUMMARY OF PROCEEDINGS

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

Regular Meeting
Monday, May 11, 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 Oliver joined the meeting at 5:34 p.m.

PUBLIC SESSION

1. **Public Presentations**
None

*CONSENT AGENDA

- *2. **Approval of Minutes**
Regular Meeting on April 13, 2020 and Special Meeting on May 1, 2020; NO PUBLIC COMMENT; **APPROVED**; Ro/Ol – all ayes

3. **Conduct of Civil Service Commission Hearings During Covid-19 Pandemic; Determine Procedures for Hearings; Provide Direction to Staff**

Brian Van Wyk, Deputy County Counsel, informed the Commission that there was one case that the Commission had scheduled for hearing in early June. Counsel in that case requested information from the Commission as to whether they would be going forward in that hearing or whether they would be rescheduling new dates. Mr. Van Wyk was not aware of how the Commission intended to approach the issue and so the item was placed on the agenda for discussion.

President Agbalog asked if anybody from the public had any comment. There was no public comment.

Commissioner Rose stated she would not be able to attend the scheduled hearing June dates and apologized.

President Agbalog stated he did not have a problem conducting a hearing using a virtual platform. However, he requested that video be used when people testify, as there is a lot to be said when they can be seen as they are testifying. Also, if any exhibits are provided to the Commission, they need the ability to be able to have somebody share the screen and provide those documents for review as well. He stated that he would refer the rest to the Commission, and whatever the consensus of the Commission, he would follow.

Commissioner Rose agreed and stated she did not have any problem going into closed session over basic items, open session, and conducting a meeting. She was a little concerned about conducting a virtual hearing and making it a fair and equitable for all parties. She had a question about the video, and asked if it would that be two-way or one-way or how it would work.

President Agbalog explained that the platform would usually allow for a two-way video so that the parties would be able to see each other on the computer screens.

Commissioner Price stated that he had seen that the County staff would soon be going back to work and so the hearing might be able to be held in person. He would rather conduct the hearing in person.

Commissioner Rose stated the hearing room is large enough to conduct the hearing and observe social distancing guidelines.

Commissioner Price stated he would think there are several programs that could be used but we would try to do it live if possible.

Commissioner Oliver stated he would like to try to do it live if possible.

Commissioner Holt agreed.

President Agbalog stated there was consensus with proceeding with hearing dates and the preference would be to hold the hearing in person. If that was not possible then a virtual platform would be investigated. He asked Mr. Van Wyk if a motion was needed and Mr. Van Wyk stated the direction the Commission provided to staff on this issue was sufficient for staff to move forward. He stated that he would add if this were required to move forward on a virtual platform, the Governor has issued an executive order which has requirements that participants in the hearing are able to observe exhibits. He informed the Commission that would also be a requirement that would have to be observed to hold the meeting virtually. Hopefully the meeting can be held live. However, if that is not the case, staff will establish a live virtual meeting in line with what the Commission has established this evening.

4. Civil Service Rule 1800 Update

Brian Van Wyk, Deputy County Counsel, reported that HR has been able to meet the deadlines. Other than the one long standing case which your Commission is already familiar with, there are no outstanding cases which are beyond their deadlines. President Agbalog asked if there were any public comments. No public comments.

NOTE: Veronica Vasquez provided comment regarding this item in response to item 5 below, and Mr. Devin Brown provided a response during item 6 below.

5. Commission Secretary Monthly Report

Mrs. Murbach stated she did not have anything to report.

Veronica Vasquez, for Civil Service Rule 1800, addressed the Commission. Her account is as follows: she stated that she had a complaint and it was over the 30 days and wanted that correction on record. President Agbalog asked if this was a new complaint or if this was a complaint that she had addressed the Commission about at a prior meeting. Ms. Vasquez stated she had addressed this at the March meeting when she submitted her paperwork. She stated she was contacted last week. She wanted it on record they were past the 30 days. President Agbalog thanked Ms. Vasquez and stated it was noted and asked for the HRD report from Mr. Devin Brown.

6. Human Resources Division Items/Report:

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

Mr. Brown addressed Ms. Vasquez's previous comments and stated that the informal process takes 30 days, there is an additional timeline for the formal investigation, which is the phase they are in with the complaint and well within the timelines prescribed by the Civil Service Rules. The complaint is being investigated by an outside attorney who is handling the investigation and anticipates a prompt completion of that complaint.

On HRD Report – Mr. Brown stated he wanted to brief the Commission on what the plans are to return to work as mentioned by Commissioner Price, during his comments on the previous item. Our essential staffing model is continuing through May 15, 2020. We are working with each department to prepare guidelines for them to follow to safely return Kern County employees to work. That may not be on the May 18, 2020 as the schedule indicates currently. It may be throughout the balance of the month of May. The important part is that the departments will be creating a department worksite specific plan that must comply with our guidelines before they are to reopen to the public and move to full staffing models. He explained that they are working hard with the departments to create those guidelines; they have a return to work taskforce they have established that has been working the last couple of weeks. They met with SEIU last week to go over some of the issues and concerns and worked through those. They are now at the phase where they are sending guidelines to each department for them to begin developing those plans so they can provide feedback on how they will safely return staff to their worksite. It will not be the same as it was when we left March 17, 2020. Things are different but he is hopeful we can continue to move forward. The challenges Covid-19 has brought forth are steep.

Commissioner Price stated that understanding the timelines under Rule 1800 complaint, there are 30 days for the informal investigation and 45 days for the formal investigation, he asked if they are making sure that communication has taken place between the complainant and the investigator. Mr. Brown stated yes, communication has taken place. No other comments or questions.

7. Commission Member Presentations or Announcements:

None

- 8. Adjourn to Closed Session:** at 5:48 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.

President Agbalog left the meeting at 5:48 p.m. Vice President Holt presided over the Closed Session.

CLOSED SESSION (Government Code § 54957)

9. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Deputy Sheriff (Sheriff's Office) – Case No. 2019-0013; **HEARING DATES SET TO JULY 20, 21, AND 22, 2020,**
10. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release
Deputy Sheriff (Sheriff's Office) – Case No. 2020-0105; **VACATED HEARING DATES SET FOR JUNE 1, 2, 3, and 4, 2020; CONTINUED THE MATTER TO THE NEXT REGULAR MEETING ON JUNE 8, 2020; Pri/Ol – 4 ayes/1 ab (Ag)**
11. Reconvened from Closed Session. Vice President Holt adjourned the meeting at 6:14 p.m. to the next Regular Meeting to be held on Monday, June 8, 2020 at 5:30 p.m.