

SUMMARY OF PROCEEDINGS

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

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

THIS MEETING WAS CONDUCTED TELEPHONICALLY

PRESENT: Commissioners Holt, Oliver, Price, and Rose

ABSENT: Commissioner Agbalog

OTHERS: Devin Brown, Maria Murbach, Eric Nesbitt, Brian Van Wyk, Brenda Villanueva, 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

Vice President Holt 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. He asked Commission Secretary Maria Murbach if any public emails had been received and she stated none had been received.

PUBLIC SESSION

1. **Public Presentations**
None

*CONSENT AGENDA

- *2. **Approval of Minutes**
Regular Meeting on June 8, 2020; NO PUBLIC COMMENT; **APPROVED**; *Pri/Ro – 4 ayes/1 ab (Ag)*
- *3. **Examination Schedule:** The following examinations have been scheduled in accordance with Civil Service Rules and established procedures; **APPROVED**; *Pri/Ro – 4 ayes/1 ab (Ag)*

7846) Facilities and Services Manager
7849) Child Support Customer Service Representative-Bilingual
7850) Child Support Specialist I/II-Bilingual
7851) Media Services Coordinator
7852) Chief Deputy Public Defender
7854) Sheriff’s Detentions Deputy-Lateral
7855) Emergency Medical Services Coordinator
7856) Maintenance Plumber
7858) Public Health Nurse I/II

4. **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. **REVIEWED, RECEIVED, AND FILED; Ro/Pri – 4 ayes/1 ab (Ag)**
 - Behavioral Health Workforce Development Coordinator, Item No. 2319
Devin Brown, Chief Human Resources Officer, introduced Brenda Villanueva, Principal Human Resources Analyst, to inform the Commission about this item. Ms. Villanueva provided a brief overview.
5. **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**
 - a) Communicable Disease Investigator, Item No. 3420; *OI/Ro – 4 ayes/1 ab (Ag)*
Ms. Villanueva, provided a brief overview.
 - b) Airport Operations and Security Manager, Item No. 4725; *Ro/OI – 4 ayes/1 ab (Ag)*
Mr. Brown introduced Eric Nesbitt, Deputy Chief Human Resources Officer, to inform the Commission about this item. Mr. Nesbitt provided a brief overview.
 - c) DNA Technical Lead Criminalist, Item No. 1639; *Ro/OI – 4 ayes/1 ab (Ag)*
Mr. Nesbitt provided a brief overview.
 - d) Juvenile Corrections Officer I/II/III, Items No. 3566, 3563, and 3560; *Ro/OI – 4 ayes/1 ab (Ag)*
Ms. Villanueva provided a brief overview.
6. **County Budget Update: DISCUSSED**

Mr. Brown, provided a brief update regarding the County budget and informed the Commission that the first step in the process of adopting the budget was to meet the State requirements for having a recommended budget in place before the end of the fiscal year. On June 30, 2020, the Board of Supervisors (BOS) adopted a preliminary recommended budget to meet that requirement. There are still three budget meetings to take place, one public meeting is scheduled on August 3, 2020, the BOS will take up a recommended budget on August 4, 2020, and the final budget hearings are scheduled for August 25, 2020. In past years during previous County financial difficulties, departments were asked to reduce their net general fund cost. Mr. Brown explained that not all departments have a general fund cost. Some departments are required to operate based on their enterprise funds like the Airport and Public Works Departments, while some are funded by state and federal dollars, like Behavioral Health and the Department of Human Services. However, even those departments have a general fund allocation, but mostly the general fund departments are public safety departments and general government departments that operate mostly off of property tax or sales tax revenue. He stated they have been asked this year to take 7.5% reductions in net general fund costs to meet the reductions due to the COVID-19 crisis. Human Resources Division (HRD) took their full cut and were able to make that reduction through eliminating temporary extra-help staff and reducing services and supplies considerably. They had a pretty extensive contract with

LinkedIn that they had to pretty much zero out, but they do still have a smaller commitment with them for the next year. He explained that each department is making similar choices, but after a few years of cuts there really is not much left besides deleting positions and eliminating those temporary positions that they have had for some time. The hope is that this does not go any longer than two fiscal years. He stated they anticipate that the financial challenges will be this fiscal year and then the next fiscal year they are projecting a decline in oil revenue and that will hit the next fiscal year because of the reduced price of oil. As the pandemic goes on, it could have additional impacts. This has been a challenge to address both with departments and employees.

Commissioner Price asked if the Commission budget was included with the HRD budget and Mr. Brown stated that was correct. Commissioner Price stated that he would like the Commission to think about what the Commission could do to contribute in some way, he did not know if there was a motion to be made, or if the Commission's budget needed to be reviewed again since it had already been adopted.

Commissioner Rose asked Commission Secretary if the Commission's budget included the cost to hire a hearing officer. Maria Murbach, Commission Secretary, stated that the Commission's adopted budget did include the hearing officer cost. Commissioner Rose stated that perhaps that amount could be reduced because the Commission had not needed to hire a hearing officer in a very long time. Mr. Brown stated that HRD had a budget and savings incentive account which could be used for one time purchases and if there was a need to hire a hearing officer, that account could be used for that purpose. Mr. Brown stated he appreciated all of their effort and he would be happy to discuss any further budget changes with Commission staff.

Vice President Holt asked Commission Secretary to relay the budget discussion to President Agbalog.

7. **Covid-19 Update:** Conduct of In-Person Hearings: **DISCUSSED**

Vice President Holt reminded everyone this discussion would be about holding the hearings and asked Commission's legal counsel for a brief report.

Brian Van Wyk, Deputy County Counsel, explained that there are upcoming hearings scheduled on the Commission's calendar. The question before the Commission this evening is whether to move forward with them or not. Due to COVID-19 social distancing guidelines, the hearing room that the Commission typically uses to hold hearings has a set limit and will not be able to accommodate everyone. If the Commission decides to move forward with holding in-person hearings, staff has identified the County Counsel hearing room as being a room that is large enough to accommodate enough people to hold the hearings. If your Commission were to decide to go down that route, there are definitely some logistical issues that would need to be worked out, such as spacing, PPE requirements, communication of documents. Those would be some of the issues that would need to be addressed by your Commission in holding a hearing in person.

Another option would be to hold electronic hearings. Mr. Van Wyk explained that some jurisdictions have held hearings electronically. The BOS has held various hearings electronically, using electronic communications even though the BOS Chambers are closed to the public. The nature of some of those hearings are not as complex as the types of evidentiary hearings that the Commission is familiar with. There would definitely be some logistical challenges as well to holding an electronic hearing.

The third option would be to postpone hearings. It has been a practice in the past, that if both parties make a joint request for a continuation or to take dates off calendar, to generally honor that request if it were coming from both parties. All parties and your commission have expressed reservations about holding electronic hearings. He stated that while electronic hearings are a good option to address some of the concerns related to the spread of COVID-19, based on what your Commission has said in the past about difficulties in holding those hearings, they might not be something your Commission might want to do.

Alternatively, your Commission could move the hearings down the road. At this point, it is not clear how long that might be. When this topic was discussed last month, he stated that he had hoped that your Commission would be able to hold hearings in July. However, it is not looking so clear at this point in time. There are some interesting challenges ahead and that is why this item is on the agenda for discussion.

Vice President Holt stated that he was interested in the last option and asked if there were any legal ramifications in postponing a hearing. He asked about the due process for the folks that are waiting. Commissioner Rose stated she was not comfortable in holding a hearing in July. Vice President Holt stated he understood, noted her concern, agreed there was a need for further discussion, and asked Mr. Van Wyk about the legal issues involved in postponing hearings.

Mr. Van Wyk stated there were some legal issues in postponing hearings. However, with the hearings involved, there is a request from the employees to either hold in-person hearings or calendar hearings down the road. He explained that his concern about the employee being denied that opportunity is they are lessened by that. Having an actual in person hearing, is not something that would be required at this time. The governor has provided guidance on the issue through the Executive Order. This is an unprecedented time.

Commissioner Price stated his concern was that there is no definite date when all of this will clear up. He is sensitive to all and everyone is adapting to the new normal but we need to come up with a work around to hold hearings. He stated he is fine with holding in-person hearings.

Commissioner Rose stated that there is no reason not to hold the hearings if all parties are ready and there is a quorum.

Commissioner Oliver stated he respected everyone's feelings in regards to social distancing. He was fine with in-person or hybrid hearings and stated he would like to hear all ideas.

Vice President Holt stated he would be fine holding in-person hearings and he would be available if there is enough room for social distancing.

Mr. Van Wyk stated that the parties are ready to move forward with an in-person hearing. Vice President Holt stated that at least three Commissioners are interested in holding an in-person hearing. Commissioner Oliver mentioned holding a hybrid and asked Mr. Van Wyk to speak about that. Mr. Van Wyk stated that using a hybrid model is legally supported. He noted that in using the hybrid model, Commissioners would call into the meeting, staff would need to work out a way to present evidence electronically to them that was presented at the meeting, but he believed the technology would work.

Commissioner Oliver stated that he did not know that would be an option that would work but if the hearing could be held in-person that would be fine with him.

Commissioner Rose stated she would not mind holding the hearing in person. She stated she would like to look at the hybrid model to possibly call in and participate. Discussion followed about calling in and participating to avoid exposure to COVID-19. Commissioner Price agreed that holding the upcoming hearing in person would work for him. Mr. Van Wyk stated that when using a hybrid model there is also some precedent in the use of the tape recordings by Commissioners who are unable to attend and both parties may stipulate to that. He stated he could look further into what backup tape systems are available as this situation continues to change rather quickly.

8. Civil Service Rule 1800 Update

Brian Van Wyk, Deputy County Counsel, reported that Commission staff met with the HR team in July electronically via Microsoft Teams. He informed the Commission that Rule 1800 complaints have slowed down a bit with fewer workers in the office and working remotely, there are less of these complaints coming through. There was one of these complaints that was a little bit behind however, it was concluded last week. This was one that was handled by an outside investigator. There are a couple more cases working their way through, but they are within their time frames.

9. Commission Secretary Monthly Report

None

10. Human Resources Division Items/Report:

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

HRD continues having half of their staff working remotely and half of the staff working in the office. This rotation has been working well. They are in the process of procuring about 20 laptops for staff to be able to work remotely and getting this purchase reimbursed through the CARES Act. This is certainly a fluid situation and things are subject to change daily. They are preparing to be well equipped to work outside the office if for whatever reason they need to, due to self-quarantine because of exposure or the office is shut down because of state order. They do have a hiring freeze order put into place by the BOS and it has dramatically slowed down recruitments that are run in the office. They have taken the opportunity to cross train their recruitment team and bringing them into the world of payroll. Specifically helping with the new payroll

implementation. He explained that they are moving to a cloud based human capital management system which should be implemented in 2021. It certainly has been helpful to have the extra staff help with such a huge project. They are also enhancing the learning and development program. He stated that it is important that they continue to support that staff who are providing the services that are working with us, whether it is with LinkedIn Learning or Launch Kern Program. A key objective for this year is to relaunch the Launch Kern Program and get it intertwined with the culture here at Kern County.

11. Commission Member Presentations or Announcements:

None.

12. Adjourn to Closed Session: at 6:32 p.m., the Commission adjourned to closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of employees or to hear complaints or charges brought against employees by another person or employee.

CLOSED SESSION (Government Code § 54957)

13. PUBLIC EMPLOYMENT – Discipline/Dismissal/Release

Deputy Sheriff (Sheriff's Office) – Case No. 2020-0107; **HEARING DATES SET TO OCTOBER 19, 20, AND 22, 2020.**

14. Reconvened from Closed Session. Vice President Holt adjourned the meeting at 6:44 p.m. to the next Regular Meeting to be held on Monday, August 10, 2020 at 5:30 p.m.