

CIVIL SERVICE RULE REVISIONS AND RECOMMENDED REVISIONS

Summary of Activities – Fiscal Year 2015-2016

Rule 804 – Number of Names to be Certified

August 2015 - Request submitted by Human Resources and the Sheriff's Department.

Consider amendment to add the classification of Sheriff's Deputy **Trainee** to the list of classifications where all eligible names are certified to the hiring department.

Amendment was necessary due to the extensive background checks and lengthy timeline in the hiring of Sheriff's Deputy Trainees. Change would assist in starting background checks on a larger pool of eligible applicants and would help expedite the hiring process.

Motion was made and carried to approve the amendment for this classification and to submit it to the Board of Supervisors.

Motion was approved and passed by the Board of Supervisors at their meeting of October 6, 2015.

Discussions and changes to the rules below were initiated by Chairman Solomon during his term as Chair in 2014. Discussions to these rules have been carried over from the prior fiscal year.

Mr. Pisano, Employee Relations Manager, had informed the Commissioners that the proposed changes would have to be discussed with all 10 bargaining units. Updates would be provided as necessary.

Rule 905 Extra Help Appointment

July 2015 - At the request of the Commission at their meeting of May 2015, Commission Counsel, Mr. Czuleger, was asked to research the option of providing Extra Help employees with additional points or credit on their application for permanent employment.

Mr. Czuleger stated that his research showed that this was not done by any other agency or County. The State Office of Personnel Services was not aware of this being practiced anywhere either and it was thought that this could be a violation of the merit system as extra help employees are initially hired outside of a competitive hiring process. Allowing extra points to extra help employees has no precedent. Commissioners decided not to pursue this option.

August 2015 – Commissioners were in favor of and voted to adopt the requirement that departments need not appear before the Commission for extensions on grant funded appointments; these appointments should be allowed to run through the duration of the grant period.

Commissioners also wanted to implement an exemption for the Fire Department; so that it was not necessary to appear before the Commission for an extension on the 1040 hours for seasonal fire maintenance crew, as this was essential for their basic operations and was routinely granted by the Commission.

Rule 1104 - 1106 Layoff; Order of Layoff; Displacement

Commissioners wanted the language in this rule simplified and clarified, especially as it pertains to the Order of Layoffs and Displacement rights. Commissioners emphasized that changes requested were non-substantive only.

Human Recourses was asked to work on this as time and resources allows.

Rule 1204 Notice of Proposed Disciplinary Action

Commissioners wanted a defined timeline between the notice of proposed discipline and the time to request a Skelly meeting. Having it open ended adds additional stress to employees during a difficult period. Commissioners were in consensus that 14 calendar days should be added as a timeline.

For consistency, all CS rules that reflect a timeline should be changed to 14 calendar days as well.

Subset 1204 (b) should be deleted. With recommended changes, it is redundant.

September 2015 – Commissioner Underwood proposed ministerial updates to the language on various Rules that were accepted by the Commission. In addition, the proposed changes to these Rules listed below were approved by the Commission:

Rule 1004 – Change “employee is unable to perform the work of the present position” to “employee is unable to perform the essential functions of the job”.

Rule 1103 (a) – Add, If the permanent employee is a “peace officer” as defined by Gov. Code 3301, or a “firefighter” as defined in Gov. Code 3251, then any action pursuant to this rule must also comply with Gov. Code 3300 et seq. commonly referred to as the “Peace Officer Bill of Rights” and Gov. Code 3250 et seq. commonly referred to as the “Firefighters Bill or Rights.”

Rule 1202 – Add, “If the permanent employee is a “peace officer” as defined by Gov. Code 3301, or a “firefighter” as defined in Gov. Code 3251, then any action pursuant to this rule must also comply with Gov. Code 3300 et seq. commonly referred to as the “Peace Officer Bill of Rights” and Gov. Code 3250 et seq. commonly referred to as the “Firefighters Bill or Rights.”

Rule 1214 - change “unless the Notice of Disciplinary Action is served within one (1) year after the cause for discipline, upon which said Notice is based first arose”, to “unless the Notice of Disciplinary Action is served within one (1) year after the cause for discipline, upon which said Notice is based first arose, or was first discovered, or in the exercise of reasonable diligence should have been discovered.”

Rule 1323 - change “unless such action or proceeding is commenced and served within one hundred (100) days after such cause of action or complaint first arose” to “unless such action or proceeding is commenced within the period of time set forth in County Code, Article XVIII, sections 2-114 – 2-116.”

December 2015 – Update by Mr. Pisano on collective bargaining regarding the proposed rule changes.

Rule 1203 (b) Causes for Disciplinary Actions. Human Resources recommended adding “or failure to exercise integrity, honesty, and/or good judgement in the performance of assigned duties” as a cause for discipline.

Engineers and Technicians Association (ETA) objected that “good judgment in the performance of assigned duties “was too broad and open-ended. Commissioners were in consensus that it could be misused.

Mr. Pisano said he would delete that part and keep honesty and integrity as an addition to the Rule.

Deputy Sheriff’s Association (DSA) did not want any changes to Rule 1203. Mr. Pisano thought they would be amenable towards incorporating the minor change and he would discuss it with them at their next meeting.

Rule 1214 – Statue of Limitations. DSA wanted to include language from the Peace Officer Bill of Rights as well as the Fire Fighter Procedural Bill of Rights in this Rule. State laws always take precedence over the Civil Service Rules, so it would be redundant, but HR agreed to add the language.

Rule 1311 – Discovery. No change to this rule was recommended by the Commission, but the DSA objected to the part that “permits any party to a disciplinary hearing the right to engage in written discovery made to the party”. Commissioners said this has not been an issue at their hearings and could be handled on an as needed basis; no Rule change is proposed or necessary.

January 2016 - Update by Mr. Pisano on collective bargaining regarding the proposed rule changes.

Rule 1203 (b) - ETA agrees to the clause “good judgment” being removed as they thought it was subjective; ETA did not object to the other proposed changes.

DSA was not in agreement with some of the proposed changes, but acknowledged that the County had met its obligation to meet and confer so the changes could continue.

Mr. Pisano informed the Commission that he believed that since certain Rule changes affect the Department of Social Services and Child Support Services, they would have to be sent to the State Personnel Board for review as well.

April 2016 - Mr. Pisano informed the Commission that the County has met its obligation to meet and confer with all 10 labor organizations and the proposed changes would be submitted to the State prior to being presented to the Board of Supervisors for approval and implementation.

June 2016 - Mr. Pisano informed the Commission that Ms. Lori Gentles, Human Resources Director, planned to initiate an audit to some of the Rules of concern to County Department Heads and consider whether additional changes to those being proposed are necessary.

The proposed changes and updates will be carried over to the next fiscal year.