

COUNTY OF SANTA BARBARA
CIVIL SERVICE COMMISSION

ATTACHMENT A

HEARINGS/APPEALS FY 2016-2017

Appellant/Department	Date	Issue/Rule	Disposition
S. TERRIS v. SHERIFF'S DEPARTMENT	07/01/2016 06/30/2017	Suspension (1203, 1209 & 13)	Case carried forward from fiscal year 2009/10. Writ pending in Superior Court. Case carries forward to next fiscal year.
R.H. v. PROBATION DEPT.	07/01/2016 08/12/2016 06/30/2017		Case carried forward from fiscal year 2015/16. Administrative record submitted to Superior Court by CSC. Writ pending in Superior Court. Case carries forward to next fiscal year.
G.W. v. SHERIFF'S DEPT	07/01/2016 09/13/2016		Case carried forward from prior fiscal year. Case settled; hearing is vacated.
R.K. v. SHERIFF'S DEPT.	07/01/2016 07/21/2016 10/20/2016 11/01/2016 11/17/1016 11/30/2016 02/06/2017 05/03/2017		Case carried forward from prior fiscal year. Five day hearing will commence Nov.30, Dec. 1, 2, 5 & 7. Hearing dates re-confirmed. Department's appointing authority not available on above dates. Request to reschedule. Dates rescheduled. Five day hearing began on Nov.30, continued on Dec. 1, 8, 12 & 14. Decision on hearing served to all parties; Conclusion on hearing: Department's decision revoked. Request for Administrative Record. Writ filed by County.

NOTE: **Indicates that limited information is presented on summaries concerning a peace officer

Appellant/Department	Date	Issue/Rule	Disposition
R.K. v. SHERIFF'S DEPT. (CONT).	06/30/2017		Case carries forward to next fiscal year.
C.J. v. SHERIFF'S DEPT.	07/01/2016 09/15/2016 02/16/2017 05/18/2017 06/30/2017		Case carried forward from prior fiscal year. Case continued from March 2016. Continuance requested until February 2017. Continuance granted. Request for continuance until May; continuance granted. Request for continuance until Sept. Commission decides to take case off their calendar. Will be re-calendared after case has been resolved in the Federal Court. Case carries forward to next fiscal year.
A. HERNANDEZ v. PUBLIC WORKS	07/19/2016 09/15/2016 09/16/2016 11/17/2016	Dismissal (1212)	Request for an appeal from appellant. Hearing officer is unable to contact appellant; e-mail & phones disconnected. Commission secretary is asked to send a letter informing appellant to contact the office; or case will be dismissed with prejudice. Letter is sent; appellant is asked to respond by 10/07/2016. No response from appellant; case is dismissed with prejudice.
C. GARCIA v. PUBLIC WORKS	08/02/2016 09/15/2016 11/08/2016	Dismissal (1212)	Request for an appeal from appellant's counsel. Hearing scheduled for Nov. 17, 2016. Case has settled; hearing is removed from the calendar.

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Appellant/Department	Date	Issue/Rule	Disposition
D. COBELENS v. DEPT. OF BEHAVIORAL WELLNESS	02/21/2017	Dismissal (1212)	Letter from SEIU Local 620 requesting an appeal.
	03/16/2017		Request is granted to continue case to the meeting in April; hearing date of May 18 is calendared.
	04/20/2017		Continuance requested and granted to May meeting.
	05/08/2017		Request from Union withdrawing appeal. Case has settled.

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INVESTIGATIONS FY 2016-2017

Appellant/Department	Date	Issue/Rule	Disposition
J. NWAIZUGUBU v. PUBLIC HEALTH	07/12/2016 07/21/2016	Probationary Period of Original Probationer (911)	E-mail from appellant requesting investigation regarding dismissal. Appellant addressed Commission and presented issues. Request denied. Commissioners were in agreement that departments have the right to dismiss employees during the probationary period.
K.MATHEWS v. HUMAN RESOURCES	9/27/2016 10/20/2016 10/17/2016	Protest of Disqualification (512)	Request for investigation from appellant regarding notice of disqualification. Meeting cancelled due to lack of quorum. Appellant addressed Commission and presented issues. Commission denies request. Subject matter experts determined qualifications and applicant did not meet the minimum qualifications per Human Resources.
C. CASTILLO v. FIRE DEPARTMENT	03/09/2017 03/20/2017	Investigation (1305)	Appellant requests an investigation. Mr. Castillo presented various issues within the department. Request for an investigation is denied. Issues presented are not within the purview of the Commission.
A. VILLA v. HUMAN RESOURCES	06/12/2017 06/30/2017	Investigation (512)	Request from applicant requesting investigation on disqualification from recruitment. Case carries over to next fiscal year.

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DISCRIMINATION COMPLAINTS FY 2016-2017

Appellant/Department	Date	Issue/Rule	Disposition
J. SEWELL v. GENERAL SERVICES DEPARTMENT	03/29/2017	Discrimination (508)	Request for an investigation from SEIU Local 620. Union feels that perhaps there was discrimination due to health issues as appellant's request to revoke retirement plans was not accepted. Commission asks for more information.
	04/20/2017		
	05/18/2017		Preliminary issues are presented by both sides at the meeting. Commission requests that the case be filed with the County's EEO office. Matter may be brought before the Commission after that office finishes the investigation.

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SUMMARY 2016 – 2017

<p>3 New Disciplinary Appeals Filed:</p> <p>3 Cases Carried Over From FY 2015-2016:</p> <p>3 cases settled without hearing:</p> <p>1 appeal case dismissed with prejudice.</p>	<p>Hernandez; Garcia; Cobelens</p> <p>G.W; R.K.; C.J.</p> <p>G.W.; Garcia; Cobelens</p> <p>Hernandez</p>
<p>4 Requests for Investigations:</p>	<p>Nwaizugubu – Denied</p> <p>Mathews – Denied</p> <p>Castillo – Denied</p> <p>Villa – Carries over to next year.</p>
<p>1 Discrimination Complaint:</p>	<p>Sewell; preliminary issues heard and Union was asked to file with the County's EEO Office prior to coming before the Commission.</p>
<p>PENDING AS OF JUNE 30, 2017.</p> <p>Carries over to next FY - 1 Appeal Request:</p> <p>1 Investigation request:</p> <p>1 Request for Administrative Record: Filed by the County with Commission office on 05/03/2017.</p> <p>2 Writ of Mandamus: Pending in Superior Court.</p>	<p>C.J. Commission votes to remove case from calendar until the case is resolved by the Federal Court.</p> <p>Carries over to next fiscal year.</p> <p>To be submitted to County Counsel on R.K. (Carries over to next fiscal year).</p> <p>S. Terris v. Sheriff's Department (2009-10)</p> <p>R.H. v. Probation (2015-16)</p>

3 YEAR SUMMARY - FY 2016-17 THROUGH FY 2013-14

TOPICS	CURRENT	FY 2015-16	FY 2014-15	FY 2013-14
New appeals filed	3	2	3	12
Request for rehearing	0	1	1	2
Appeals withdrawn	0	0	2	1
Removed with prejudice	1		1	1
Hearing days	5	2	1	7
Settlements without hearings	3	1	1	None
Discrimination complaints	1	2	None	None
Investigation requests	4	3	1	None
Unlawful reprisal action	None	None	None	1
Pending cases - carried forward to next year	1 1 (Investigation)	3	3	7
Pending writs in superior court from prior years	2 (Terris & R.H.)	1 (Terris)	1(Terris)	1 (Terris)
Petition for writ filed	1(R.K.)	1 (R.H.)	0	1(Williams)

COUNTY OF SANTA BARBARA
 CIVIL SERVICE COMMISSION
 ANNUAL REPORT
 FISCAL YEAR 2016 - 2017

<u>COMMISSIONER INFORMATION</u>		
First District	Mr. Richard C. Solomon	Chair – 1/19/2017 – 7/01/2017
Second District	Ms. Judith Koper	Chair – 7/01/2016 – 1/19/2017
Third District	Mr. S. Underwood Ms. Monica Steiner	Resigned – August 2016 Vacancy filled - May 2017
Fourth District	Mr. Ronald L. Nanning	
Fifth District	Ms. B. Royster Mr. Alex Carrillo	Resigned - February 2016 Vacancy filled - April 2017
Commission Counsel:	Mr. Czuleger	
Commission Secretary:	Shen Rajan	
<u>REGULAR MEETINGS</u>		<u>ABSENT</u>
July 2016		Solomon
August 2016		No quorum – meeting cancelled
September 2016		All present
October 2016		No quorum – meeting cancelled
November 2016		All present
December 2016		All present
January 2017		All present
February 2017		All present
March 2017		All present
April 2017		Carrillo
May 2017		All present
June 2017		Koper
<u>EXPENDITURES</u>		
<u>Amount</u>	<u>Description</u>	
54,792	Salaries and Benefits	
4,700	Commissioner per Diem	
532	Commissioner Mileage	
348	Telephone	
263	Services and Supplies (e.g. Duplicating, Reprographics, Postage, Office Supplies)	
Total: 60,635		

CIVIL SERVICE RULE REVISIONS AND RECOMMENDED REVISIONS

Summary of Activities – Fiscal Year 2016-2017

Rule 201 – Meetings of the Commission

March 2017 – Request submitted by Human Resources.

Mr. Pisano, Employee Relations Manager, stated that Human Resources was not able to reserve the Board of Supervisors Conference Room each month as the Civil Service Commission meeting conflicts with Santa Barbara County Association of Governments meetings. He asked if the Commission was amenable with alternating their meeting location between the Basement and the BOS Conference rooms, but he did not want that decision to be made by default.

Another option would be to consider an alternate day or time for their meetings. Commissioners were in agreement that changing the meeting time to 9:00 a.m. was acceptable, but the Commission did not want to change their meeting time until they were fully seated. They wondered if the earlier start time may be too early for the eventual new appointee from North County.

Commissioners did not want to start their meetings at a later time as it would adversely impact their hearing schedule which usually follows at the conclusion of their regular meetings. They need the full day for their hearings.

Commissioners agreed that rotating between the Basement and the Board of Supervisors Conference rooms was the best option. No changes were made at this time.

Rule 804 – Number of Names to be Certified

May 2017 - Request submitted by Human Resources, Sheriff and Probation Departments.

The Sheriff's Department requested that the classification of Communications Dispatcher be added to the list of classifications where the lists of all eligible names are certified to the hiring department.

The Probation Department also requested that Juvenile Institutions Officers and Deputy Probation Officers be added to the list of classifications where all eligible names are certified to the hiring department.

Department representatives addressed the difficulties in hiring for these classifications. Positions require various layers of examinations and testing as well as extensive background checks which add to the extended timeline in finding qualified applicants and filling these vacancies. Receiving a larger pool of qualified applicants will expedite the hiring process.

Departments reiterated that they are in dire need to get this process started quickly and can't wait another month for another public hearing on these changes (as stated in CS Rule 1901).

Commissioners agreed that the departments need these changes to move forward immediately as this was an emergency and that a subsequent meeting will not be needed on these proposed changes.

Motion was made by Commissioner Koper that this was an urgent matter and to approve the amendments for these classifications and to submit the proposed changes to the Board of Supervisors. Motion was seconded by Commissioner Nanning and passed unanimously.

Proposed rule changes were approved by the Board of Supervisors at their meeting of June 20, 2017.

Discussions and changes to the rules below were initiated by Chairman Solomon during his term as Chair in 2014 and carried over for continued discussions in 2015 and 2016. Discussions of these changes to the rules are being carried over to fiscal year 2017-2018 as part of a global review of all Civil Service Rules undertaken by the Human Resources Department. Human Resources will provide the results of the overall review to the Commission and seek feedback and input prior regarding any proposed changes. The dates listed below indicate the most recent meetings of the Civil Service Commission when potential changes to each rule were discussed.

Rule 905 Extra Help Appointment

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 Human Resources planned to audit some 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.