

## Attachment A

### COUNTY OF SANTA BARBARA



### CIVIL SERVICE COMMISSION

### ANNUAL REPORT 2018-2019

Santa Barbara County is governed by Civil Service Rules which ensure that employees are hired through a neutral, impartial, merit-based competitive process. The Civil Service Rules provide guidance for the recruitment and appointment process, employee compensation, probationary periods, layoff provisions, and discipline and appeal procedures. The five-member Civil Service Commission, a quasi-judicial body established by referendum ordinance in 1971, is charged with administration of the Civil Service System. Each supervisorial district appoints one member to the Commission to serve a four-year term of office. Commissioners can serve more than one term. The Commission meets regularly on the third Thursday of each month; holds hearings on appeals of disciplinary actions as provided by the Civil Service Rules; holds hearings on discrimination complaints; conducts investigations concerning the administration of personnel or conditions of employment; administers Extra Help Appointment Extension requests, makes recommendations on Civil Service Rules and advises the Board of Supervisors. In Fiscal Year 2018-19 all meetings and hearings of the Civil Service Commission were held in the Basement Conference Room at the County Administration Building at 105 E. Anapamu St. in Santa Barbara.

This report is submitted yearly in accordance with Civil Service Rule 202 (c) and summarizes the work conducted by the Civil Service Commission (Commission).

The Human Resources department is continuing work to update the Civil Service Rules for Santa Barbara County. This project is ongoing; and since the Rules are codified by a 1970 vote of the public, any proposed changes are process dependent, and inclusive of labor union representatives and legal counsel.

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### Appeals/Hearings FY 2018-19

The Appeals and Hearing Procedure is established by Civil Service Rule Thirteen as described below:

#### **RULE THIRTEEN**

#### **APPEAL AND HEARING PROCEDURE**

1301. General. All hearings and investigations authorized by the initiative ordinance shall be governed by the initiative ordinance and by rules of practice and procedure adopted by the Commission. It is the intent of these rules that the conduct of any hearing or investigation shall be as informal as possible, and any informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision or rule made, approved or confirmed by the Commission. Employees shall be free from reprisals or other punitive actions for availing themselves of the appeal procedures.

The Civil Service Commission has the responsibility to 1) investigate the administration of personnel and conditions of employment, and is 2) required to place on their agenda any Appeal filed by an employee that meets the requirements, and has the discretion to 3) establish a Hearing Officer for each Hearing.

An overview of FY 2018-19 Appeals and Hearings are below:

<b>APPEALS/HEARINGS FY 2018-2019</b>			
<b>Appellant/Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
**R.H. v. PROBATION DEPT.	07/01/2018  06/30/2019	**	Case carried forward from prior fiscal year. Case was initially heard on January 21, 2016. Subsequent action is pending in court. <b>Case carries forward to next fiscal year.</b>
**R.K. v. SHERIFF'S DEPT.	07/01/2018  08/21/2018  09/05/2018	**	Case carried forward from prior fiscal year. Case was initially heard in Nov. and Dec. 2016. Subsequent court actions filed in Superior Court. Communication to affirm possession of Amended Administrative Record. R.K. Writ of Mandate denied in Superior Court.
**C.J. v. SHERIFF'S DEPT.	07/01/2018  08/16/2018	**	Case carried forward from prior fiscal year. Appeal was initially filed in April 2014. Case trailed pending companion court actions. Case has settled, CSC hearing has been cancelled.
C. MAUS-HENKEL v. PUBLIC HEALTH	11/08/2018  12/20/2018	Appeal of Dismissal (1212, 1308)	Received letter of Appeal from C. Maus-Henkel. Placed on December agenda. CSC denied request for Appeal due to lack of jurisdiction because C. Maus-Henkel voluntarily resigned.
D. HESS v. BEHAVIORAL WELLNESS DEPT.	01/29/2019  02/21/2019 03/21/2019 04/18/2019 05/01/2019 06/13/2019	Appeal of Dismissal (1212, 1308)	Received letter of Appeal from D. Hess; assigned Hearing Officer. CSC set hearing dates for April 4 & 5, 2019. CSC revised hearing date to May 1, 2019. Report to CSC on pre-trial conference. One day hearing. CSC final decision delivered upholding Department's disciplinary action.
M. SPECTOR v. CLERK RECORDER ASSESSOR DEPT.	11/05/2018	Appeal of Suspension (1209, 1308)	Appeal rejected as untimely.

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

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**Requests for Investigations FY 2018-19**

Requests for Investigations are defined by Civil Service Rule 1305 below:

**RULE 1305. INVESTIGATIONS.** An informal method by the Commission of inquiring into the administration of personnel or conditions of employment in County service. The Commission shall have the power to subpoena and require the attendance of witnesses and the production thereby of documents to the investigation. Such investigation shall be considered non-adversary, and witnesses shall not be required to testify under oath. The parties shall not be represented by counsel except that an employee organization representative may be present and participate in the investigation. Any findings, conclusions or recommendations may be reported to the Board of Supervisors and the Administrative Officer. Before the Commission considers a request for an investigation or grants such a request, it is recommended that the employee attempt to affect a resolution of the problem at the departmental level. Before the Commission grants such an investigation, the department(s) which is (are) affected shall be served with a request for investigation and with a written notice setting forth the date, time, and location where the Commission will hear the request or motion for an investigation. Service shall be made on the department head by mail no later than 15 days or personally delivered no later than 5 days before the date the Commission will consider the request on motion for investigation.

An overview of FY 2018-19 Requests For Investigation are below:

<b>REQUESTS FOR INVESTIGATION FY 2018-2019</b>			
<b><i>Appellant/Department</i></b>	<b><i>Date</i></b>	<b><i>Issue/Rule</i></b>	<b><i>Disposition</i></b>
<i>D. SIGISMONDI v. COUNTY EXECUTIVE OFFICE</i>	07/01/2018	Investigation (1305)	CSC accepted the case for investigation & placed on agenda for July 19, 2018.
	07/19/2018		CSC continued item to September to receive staffing report from consultant.
	09/20/2018		CSC requests information from Counsel re: retroactive award of benefits/compensation. Case continued to October.
	10/18/2018		Counsel submits Memo to CSC advising that County cannot award retroactive compensation or benefits to Extra Help employee(s). Commission referred issue back to Department for resolution.
<i>A. VILLA v. HUMAN RESOURCES</i>	09/06/2018	Investigation (512)	Received request for investigation into disqualification from recruitment #18-0014-02 for Accountant I position.
	09/20/2018		CSC denied Appellant's request for an investigation on the basis that Appellant had not completed educational courses that are prerequisite to Accountant 1 position.

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**Discrimination Complaints FY 2018-19**

Discrimination Complaints are defined by Civil Service Rule 1304 below:

**RULE 1304. DISCRIMINATION COMPLAINTS.** Persons alleging discrimination under County Code Section 27-30 and Civil Service Rule Five shall have the right to challenge the alleged discrimination at a hearing before the Commission, but shall first file the complaint with the County Affirmative Action Officer, who shall perform an investigation and file a factual report with the Commission within ninety (90) days. Persons retain the right to pursue an appeal directly to the Civil Service Commission following the report from the County Affirmative Action Officer or in the event the County Affirmative Action Officer does not acknowledge the complaint within thirty (30) days or does not file a report within ninety (90) days. The Commission shall consider accepting the complaint at its next Commission meeting, and if accepted, a hearing shall be set within 20 calendar days. Rule 1303 shall govern the procedures for discrimination hearings by the Commission.

An overview of FY 2018-19 Discrimination Complaints are below:

<b>DISCRIMINATION COMPLAINTS FY 2018-2019</b>			
<b>Appellant/Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
L. TRAGA v. HUMAN RESOURCES	07/01/2018 07/19/2018  09/20/2018 10/18/2018 11/15/2018  12/20/2018  01/17/2019  02/21/2019 04/18/2019  05/16/2019    06/30/2019	Investigation (1304)	Case carried forward from prior fiscal year. Appellant indicates Investigative Report was incomplete and appeals findings. CSC directs Appellant to submit all relevant materials for second Investigative Report. Item continued to October 18, 2018. Item continued to November 15, 2018. CSC accepts Appeal of discrimination complaint, appoints Hearing Officer contingent upon focusing scope. Mediation recommended by Hearing Officer and rejected by department. CSC directs department to enter mediation. Hearing Officer reports no agreement reached in mediation. CSC accepts discrimination complaint. Hearing dates set for June 5, 6 & 7, 2019. CSC receives Progress Report. Affirms dates of June 5, 6, & 7, 2019 for hearing. CSC receives Progress Report. Department filed Motion To Terminate Proceeding and Dismiss Appeal on basis that Appellant has now raised issues not raised in her request for investigation. CSC denied Department's Motion to Dismiss and postponed the June hearing to allow Appellant to file new/amended complaint. <b>Case carries forward to next fiscal year to allow time for completion of investigation relative to amended complaint.</b>

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### Other Commission Business FY 2018-19

Other Commission Business includes business brought to the Commission by Departments that are related to the Civil Service Rules such as proposed Rule changes and informational presentations.

OTHER COMMISSION BUSINESS 2018-2019			
Department	Date	Issue/Rule	Disposition
HUMAN RESOURCES/ SHERIFF'S DEPT. Revision to Civil Service Rules	10/18/2018	Rule 908	Sheriff's Office request to amend Rule 908 to extend the duration of the probationary period of SB Sheriff's Office employees in the classification of Communications Dispatcher 1 from one year to one year and sixty days, which is similar to employees in safety classifications. CSC recommended to the BOS approval of the proposed Rule 908 amendment.
	11/15/2018		Required second hearing in accordance Rule 1901. CSC affirmed recommendation to BOS to approve the proposed amendment to Rule 908.

### Extra Help Appointments FY 2018-19

Extra Help Appointments are defined by Civil Service Rule 905 below:

**RULE 905. EXTRA HELP APPOINTMENT.** An extra help appointment is defined as an appointment made to a non- regular, non-permanent position established on a temporary basis to meet peak loads, unusual work situations, seasonal and recurrent work, intermittent assignments, or emergencies.

An extra help appointment is not a regular appointment and need not be made from an established eligible list except that appointments to positions covered by Local Agency Personnel Standards shall be made from eligible lists if appropriate lists are available. In the event an extra help position is subsequently converted to a regular position, only a continuing incumbent, whose original appointment was made from one of the ten highest standings on the appropriate eligible list, may be granted probationary status effective on the date of establishment of the regular position without further examination, except medical examination or evaluation as may be required by current personnel policies.

An extra help appointment shall require prior recommendation and/or approval of the Administrative Officer or Board of Supervisors, as appropriate. Such appointment, except emergency appointment, shall not exceed one thousand and forty hours in the twelve month period immediately following the first day of the first appointment of the incumbent, unless extended by prior approval of the Commission; however, an extra help appointment covered by Local Agency Personnel Standards shall not exceed twelve months.

Except in the case of emergency or when the nature of the assignment is such that it does not fall within an existing classification, the appointing authority shall be responsible for determining that the extra help appointee meets the minimum qualifications established for the class at the time of appointment.

In the case of an extra help appointment to a position for which no appropriate classification exists, the appointing authority shall be responsible for determining that such appointee is qualified to perform the duties of the job.

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In the case of a bona fide emergency, a person may be appointed on an extra help basis without regard to the minimum qualifications established for the class, and such appointment shall be reported to the Administrative Officer and Personnel Director within seventy-two hours of appointment and shall not exceed thirty working days unless extended by prior approval of the Administrative Officer.

An overview of FY 2018-19 Extra Help Appointment Extension Requests are below:

<b>EXTRA HELP APPOINTMENT EXTENSION REQUESTS FY 2018-2019</b>			
<b>DEPARTMENT</b>	<b>MONTH/YEAR</b>	<b># OF REQUESTS</b>	<b>POSITION TITLE</b>
<b>Behavioral Wellness</b>	September 2018	1	Administrative Office Professional
	October 2018	2	Administrative Office Professional
	January 2019	4	Psychiatric Nurse; Recovery Assistant
	February 2019	1	Case Worker
	May 2019	2	Administrative Office Professional; Recovery Assistant
<b>Clerk/Recorder/Assessor</b>	October 2018	1	Administrative Office Professional
<b>County Administration</b>	November 2018	1	Cable TV Staff Assistant
<b>District Attorney</b>	August 2018	1	Victim Witness Program Assistant
	September 2018	1	Computer Systems Specialist
	October 2018	3	Legal Office Professional
	December 2018	1	Deputy District Attorney
	January 2019	1	Legal Office Professional
	February 2019	1	Deputy District Attorney
	March 2019	2	Legal Office Professional
	May 2019	1	Legal Office Professional
<b>Fire</b>	July 2018	1	Fire Control Crew
	August 2018	19	Fire Control Crew
	September 2018	8	Fire Control Crew
	October 2018	1	Fire Control Crew
	December 2018	1	Fire Control Crew
	April 2019	4	Fire Control Crew
<b>General Services</b>	July 2018	1	Mail Center Worker
	January 2019	1	Real Property Agent
<b>Human Resources</b>	August 2018	1	Administrative Office Professional
	April 2019	1	Administrative Office Professional
<b>Parks-CSD</b>	November 2018	2	Assistant Naturalist; Park Ranger
	January 2019	1	Park Ranger

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<b>EXTRA HELP APPOINTMENT EXTENSION REQUESTS FY 2018-2019</b>			
<b>DEPARTMENT</b>	<b>MONTH/YEAR</b>	<b># OF REQUESTS</b>	<b>POSITION TITLE</b>
	February 2019	2	Assistant Naturalist; Administrative Professional
<b>Public Defender</b>	August 2018	6	Legal Office Professional; Deputy Public Defender; Public Defender Investigator
	September 2018	2	Deputy Public Defender
	October 2018	3	Social Service Worker; Legal Office Professional; Deputy Public Defender
	March 2019	5	Legal Office Professional; Investigator; Public Defender; Computer Systems Specialist
	April 2019	1	Legal Office Professional
	May 2019	3	Legal Office Professional; Social Services Worker
<b>Public Health</b>	August 2018	1	Medical Assistant
	October 2018	2	Animal Shelter Attendant; Administrative Office Professional
	November 2018	1	Laboratory Assistant
	February 2019	1	Animal Shelter Attendant
	April 2019	1	Animal Shelter Attendant
	May 2019	1	Animal Shelter Attendant
	June 2019	1	Administrative Office Professional
<b>Public Works</b>	September 2018	1	Maintenance Worker
	October 2018	1	Maintenance Worker
	March 2019	3	Maintenance Worker; Civil Engineer Specialist
	May 2019	2	Maintenance Worker Apprentice
<b>Sheriff</b>	December 2018	1	Communications Dispatcher II
	January 2019	1	Special Sheriff's Deputy
<b>Total Extra Help Extension Requests 2018-19</b>		104	

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### Summaries

Below is a summary of the work of the Civil Service Commission for Fiscal Year 2018-19

Summary 2018-2019			
	Resolved	Pending	Notes
Hearings/ Appeals	4	2	R.H. v. Probation (2015/16) Writ of Mandamus Superior Court R.K. v. Sheriff's (2015/16) Writ of Mandamus Superior Court C.J. v. Sheriff's (2015/16) August settlement. M. Spector v. Clerk Recorder. (2018) Reject appeal. C. Maus-Henkel v. Public Health (2018) request for Appeal denied. D. Hess v. Behavioral Wellness (2019) Department decision upheld.
Requests for Investigation	2	0	Sigismondi v. C.E.O. (2018) Employee hired full time. A. Villa v. H.R. (2018/19) Reject letter of appeal.
Discrimination Complaints		1	Traga v. H.R. (2018/19) Carries to next fiscal year to allow for investigation of amended complaint.
Extra Help Extensions	104		There were a total of 104 Extra Help Extension Requests from 12 different departments.

Below is a three year summary of the work of the Civil Service Commission covering Fiscal Year 2015-16 through Fiscal Year 2018-19.

TOPICS	CURRENT	FY 2017-18	FY 2016-17	FY 2015-16
New appeals filed	3	0	3	2
Request for rehearing	0	1	0	1
Appeals withdrawn/dismissed Removed with prejudice	1	0	0 1	0
Hearing days	1	0	5	2
Settlements without hearings	1	0	3	1
Discrimination complaints	1	2	1	2
Investigation requests	2	2	4	3
Unlawful reprisal action	None	None	None	None
Pending cases - carried forward to next year	3	4 1 (Investigation)	1 1 (Investigation)	3
Pending writs in superior court from prior years	2 (R.H. & R.K.)	3 (Terris, R.H. & R.K.)	2 (Terris & R.H.)	1 (Terris)
Petition for writ filed	0	0	1(R.K.)	1 (R.H.)
Extra Help Extensions	104	113	Not Tracked	Not Tracked



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**FISCAL ANALYSIS AND COMMISSIONER INFORMATION  
FY 2018-19**

<b>FISCAL YEAR 2018-19</b>		
<b><u>COMMISSIONER INFORMATION</u></b>		
First District	Mr. Richard Solomon Mr. R.W. Hap Ziegler	7/01/18-2/15/19 2/15/19—present
Second District	Ms. Judith Koper	
Third District	Ms. Jean Morris	10/18/18-present
Fourth District	Mr. Matt Olson	
Fifth District	Mr. Alex Carrillo	
Commission Counsel: Mr. Jerry Czuleger		
Commission Secretary: Ms. Stephanie Langsdorf		
<b><u>REGULAR MEETINGS</u></b>		<b><u>ABSENT</u></b>
July 2018		Solomon
August 2018		Koper/D3 vacant
September 2018		All present/D3 vacant
October 2018		Carrillo
November 2018		All present
December 2018		Solomon
January 2019		All present
February 2019		All present
March 2019		All present
April 2019		All present
May 2019		All present
June 2019		Olson
<b><u>EXPENDITURES</u></b>		
<b><u>Amount</u></b>	<b><u>Description</u></b>	
\$ 73,168	Salaries and Benefits	
6,000	Commissioner per Diem	
2,200	Commissioner Mileage	
360	Telephone	
491	Services and Supplies (e.g. Duplicating, Reprographics, Postage, Office Supplies)	
Total: \$ 82,219		