

**COUNTY OF SANTA BARBARA  
CIVIL SERVICE COMMISSION**

HEARINGS/APPEALS 2010-2011

<b>Appellant/Title:</b>	<b>Date:</b>	<b>Issue (Rule):</b>	<b>Disposition:</b>
** J.H. v. SHERIFF'S DEPARTMENT	07/01/2010 06/30/2011		Case carried forward from prior fiscal year. No further information received during this fiscal year. Case carries forward to next fiscal year.
**W.N. v. PROBATION DEPARTMENT	07/01/2010 06/30/2011		Case carried forward from prior fiscal year. Writ pending in Superior Court. Case carries forward to next fiscal year.
R. PELTCHER v. PUBLIC WORKS	07/01/2010  07/15/2010	Non- Disciplinary Separation from Employment (Rule 1103, 1304)	Case carried forward from prior fiscal year. Hearing has been scheduled for July 15 <sup>th</sup> following the Commission's regular meeting. Commission is informed that the case has settled; hearing cancelled.
S. TERRIS v. ATTORNEY FEES	07/01/2010  07/15/2010	Attorney Fees (Rule 1321)	Case carried forward from prior fiscal year. Request for a re-hearing on the case to be considered by the Commission on July 15, 2010. Mr. Cordes, counsel for Ms. Terris, informs the Commission that he accepts the decision as submitted by Hearing Officer Micon. Commissioners deny request for a re-hearing.

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

<b>Appellant/Title:</b>	<b>Date:</b>	<b>Issue (Rule):</b>	<b>Disposition:</b>
S. TERRIS v. ATTORNEY FEES	07/01/2010 07/15/2010	Attorney Fees (1321)	Case carried forward from prior fiscal year. Request for a re-hearing on the case considered by the Commission at the July 15 meeting. Mr. Cordes, counsel for Ms. Terris, informs the Commission that he accepts the decision as submitted by Hearing Officer Micon. Commissioners deny request for a re-hearing.
**D.T. v. SHERIFF'S DEPT.	10/13/2010 10/21/2010 11/18/2010 12/16/2010 01/18/2011		Letter received by the Commission office requesting an appeal hearing from Mr. Liberman, counsel for D.T. Commissioners accept the case for a hearing. Case continued to next month's meeting to calendar the hearing. Commission calendars a three day hearing for January 18-20, 2011. Hearing dates are re-confirmed. A settlement is reached. The hearing is convened to record the settlement between the parties. Settlement documents prepared by County Counsel's Office.
J. CORTEZ v. PARKS DEPARTMENT	01/06/2011 01/17/2011 03/17/2011	Non-Disciplinary Separation (1103 & 1308)	Letter received from Mr. Green, Senior Field Rep., SEIU Local 620, requesting an appeal hearing on behalf of Mr. Cortez. Hearing Officer, Mr. Flores, requests a one-day hearing. Both parties agree to waive time. Hearing scheduled for March 17, 2011; to follow the Commission's regularly scheduled meeting. Commission is informed that the case has settled; hearing is cancelled.

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<b>Appellant/Title:</b>	<b>Date:</b>	<b>Issue (Rule):</b>	<b>Disposition:</b>
**D. R. v. PROBATION DEPT	03/15/2011 05/03/2011		Letter received from appellant's attorney requesting an appeal hearing on the department's disciplinary action. Commission office notified that case has settled.
**D.E. v. PROBATION DEPT.	03/31/2011 04/21/2011 05/19/2011 06/02/2011		Letter received from appellant's counsel, Ms. Jansen, on behalf of the employee requesting an appeal hearing on the department's disciplinary action. Hearing Officer, Mr. O'Neill, informs the Commission that a two-day hearing is requested on the case. Commissioners schedule the hearing for July 21- 22, 2011. Hearing dates are re-confirmed. Deputy County Counsel Tuttle informs the Commission Office that the case has been settled. Hearing for July is cancelled.
**J.H. v. PROBATION DEPT.	03/15/2011 04/21/2011 05/19/2011 06/09/2011 06/30/2011		Letter received requesting an appeal hearing from Ms. Jansen, counsel for J.H. Hearing Officer Ms. Macdonald requests a two-day hearing for June 16-17, 2011. Continuance to the May meeting requested by Deputy County Counsel Ms. Tuttle to confirm the availability of witnesses. Hearing dates for June 16 - 17, 2011 are reconfirmed; availability of the witnesses is confirmed. Parties from both sides request a continuance of the Hearing to July 21- 22, 2011. Case carries forward to next fiscal year.

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<b>Appellant/Title:</b>	<b>Date:</b>	<b>Issue (Rule):</b>	<b>Disposition:</b>
L. HILLMAN v. SOCIAL SERVICES DEPT.	06/28/2011	Appeal of Demotion – Probationary	Letter received from appellant's attorney requesting an appeal hearing.
	06/29/2011	period (1109, 1102, & 912)	Case considered by the Commission at the July 21, 2011, meeting.
	06/30/2011		Case carries forward to next fiscal year.

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INVESTIGATION REQUEST 2010-2011

Appellant/Title:	Date:	Issue (Rule):	Disposition:
N. GOTTLIEB v. ALCOHOL, DRUG & MENTAL HEALTH SERVICES	10/18/2010	Investigations (1305)	Commission office receives a letter from Ms. Gottlieb requesting an appeal hearing.
	10/27/2010		Letter from Commission Counsel, Mr. Lavayen, sent to appellant informing her that the request is not subject to an appeal under Civil Service Rules.
	12/16/2010		Letter from Ms. Gottlieb requesting an investigation under Civil Service Rule 1305.
	01/20/2011		Commission grants request for an Investigation at the meeting. Investigation is scheduled to commence after the Commission's regularly scheduled meeting of February 17, 2011.
	02/17/2011 03/17/2011		Investigation conducted by the Commission. Commission sends their recommendations on the Investigation to CEO Wallar and the Board of Supervisors. Department is asked to conduct EPRS retroactively so that Ms. Gottlieb's personnel file reflects her title and performance during her provisional appointment without prejudice.

DISCRIMINATION COMPLAINT 2010-2011

Appellant/Title:	Date:	Issue (Rule):	Disposition:
T. FALFAL v. GENERAL SERVICES	06/08/2011	Discrimination Complaint (508, 1304)	E-mail from appellant requesting a hearing by the Commission on the investigation conducted by the EEO and County Counsel's Office.
	06/16/2011		Commissioners deny the request for a hearing. Commissioners vote to issue a letter reiterating expectations of conduct and speech on County premises. Commissioners Solomon and Binion provide letter at the July meeting for Commission approval.
	06/30/2011		Case carries forward to next fiscal year.

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## SUMMARY 2010 – 2011

### **5 NEW DISCIPLINARY APPEALS FILED:**

D.T., CORTEZ, D.R., D.E., J.H.

### **1 NEW LAYOFF APPEAL FILED:**

HILLMAN

**1 Hearing day:** D.T. v. SHERIFF (Case settled; hearing convened to record the settlement)

4 Settlements reached without a hearing: Peltcher; Cortez; D.E.; D.R. (Note: Peltcher filed in **FY 2009-10**)

**1 New Discrimination Complaint filed and denied:** T. Falfal v. General Services.

**1 Request for Investigation filed and granted:** N. Gottlieb v. Alcohol, Drug & Mental Health Department.

**1 Hearing day.** Commission issues their recommendations to the department.

### **PENDING AS OF JUNE 30, 2011 – 2 DISCIPLINARY APPEALS:**

J.H. (SHERIFF); J.H. (PROBATION)

### **2 WRITS OF MANDAMUS:**

W.N.; TERRIS v. SHERIFF'S DEPT.

### **1 LAYOFF APPEAL:**

L. HILLMAN

## SUMMARY - ACTIVITY FOR THREE PRIOR YEARS

### 2009-2010

**8 NEW APPEALS FILED:** WONG, BELLETTO DE PUJO, R.M., TERRIS-CEO, D.T., PELTCHER, BISHOP, TERRIS-ATTY FEES

**9 HEARING DAYS:** Terris v. Sheriff (2 days), Terris v. CEO (1 day), R.M. v. Probation (4 days), Terris v. Sheriff on attorney fees (1 day)  
Belletto De Pujo v. Planning & Dev. (1 day)

2 Hearings held with department's action reversed: Terris v. Sheriff (**NOTE: Filed in FY 2008-2009**) & Belletto De Pujo v. Planning & Development

1 Hearing held with department's decision upheld: Terris v. CEO

1 Hearing held with department's decision modified: R.M. v. Probation

1 Hearing held but not concluded: Terris v. Sheriff on Attorney Fees

1 Appeal Hearing (**NOTE: Filed in FY 2008-2009**) G.M. v. Sheriff: Department's decision upheld.

1 Appeal request withdrawn by appellant: Wong

1 Appeal request dismissed without prejudice: D.T.

1 Appeal request denied: Bishop

1 Petition for Writ of Mandamus filed by Respondent: S. Terris v. Sheriff's Dept.

**1 New Discrimination Complaint filed and denied:** Morris v. Fire Dept.

**No Requests for Investigations filed**

### **PENDING AS OF JUNE 30, 2010 – 4 DISCIPLINARY APPEALS:**

J.H., W.N., R. PELTCHER, S. TERRIS (ATTORNEY FEES)

## 2008-2009

**10 new Appeals filed:** R.G., Morgan, Cross, Carlson, Leeman, Angulo, Smith, R.M., G.M., Terris

**4 Hearing Days** – Smith v. Gen. Svcs. (Consolidated Hearing included two disciplinary suspension actions, 1 request for discrimination complaint and 1 request for investigation)

Hearing held on department's disciplinary action upheld (T. Smith v. General Services)

1 Hearing held on discrimination complaint with conclusion that there was no delay in handling the complaint and no prejudice to employee's interests

5 Settlements reached by parties without a hearing: (Finnegan, R.G., Cross, Carlson, Angulo) NOTE: Finnegan filed in FY 2007-08

1 Appeal removed from the calendar without prejudice (R.M.)

2 Appeals dismissed with prejudice (Morgan & Leeman)

**1 new request for Discrimination Complaint** (Smith v. General Services) Department's action was upheld.

### **2 pending Discrimination Complaints:**

1 Discrimination Complaint (FY 2007-08 Klucker v. Public Health) concluded with Commission dismissing appeal for lack of prosecution

1 Discrimination Complaint (FY 2007-08 Ponce v. Social Services) concluded with Commission signing the County's motion for summary judgment

**1 New Investigation** (Smith v. General Services) concluded with the Commission's decision that there was no undue delay in processing

**1 New Investigation** (Crouse v. H.R.) request filed and withdrawn by applicant

### **Pending as of June 30, 2009 - 4 DISCIPLINARY APPEALS:**

J.H., W.N., G.M., TERRIS

**2007-2008**

**7 new Appeals Filed:** W.N., G.F., Freitas, Murphy, Placencia, Wolfcale and Finnegan

**3 Hearing Days** W.N. v. Probation (2 days) and Placencia v. Public Works (1 day)

1 Hearing held with department's disciplinary action reversed (W.N. v. Probation)

1 Hearing held but not concluded (Placencia v. Public Works)

1 Decision issued upholding department's disciplinary action (J.R. v. Probation carried forward to this FY for Commission's determination on 07/18/07 that no new legal issue was raised by Appellant's post hearing brief)

3 Settlements reached by parties without hearing (Beeman, Freitas, and Murphy) NOTE: Beeman was filed in FY 2006-07)

1 Appeal withdrawn by employee and case dismissed without prejudice (G.F. v. Sheriff's Dept.)

2 Petitions for Writ of Mandate filed by Respondent (W.N. v. Probation and L. Noble v. DSS)

**1 New Discrimination Complaint Filed** (S. Kluker v. Public Health Dept.) Pending on 06/30/08

**1 Discrimination Complaint concluded by Summary Judgment** (C. Ponce v. DSS) Pending Signed Order

**2 New Requests for Investigation Filed and Denied** (T. Smith v. Gen. Services) Sept. 2007 and May, 2008

**Pending as of June 30, 2008 - 6 Disciplinary Appeals:**

(W.N., J.H., Noble, Placencia, Wolfcale, and Finnegan) and 2 Discrimination Complaints (Ponce and Kluker)

COUNTY OF SANTA BARBARA  
 CIVIL SERVICE COMMISSION  
 ANNUAL REPORT  
 FISCAL YEAR 2010 - 2011

<b><u>COMMISSIONER INFORMATION</u></b>		
First District	Richard C. Solomon	
Second District	Robert L. Donerson Gayle Binion	Resigned from Commission effective 08/2010 Appointed to Commission 09/21/2010
Third District	Sheila Cassidy Federman	Elected as Chair 01/20/2011 – 06/30/2011
Fourth District	Ronald L. Nanning	Chairman 07/01/10 – 01/20/2011
Fifth District	Bonnie Royster	Elected as Vice Chair 01/20/2011 – 06/30/2011 Reappointed to Commission 05/10/2011
Commission Counsel		Mr. Gustavo Lavayen
Commission Secretary		Shen Rajan

<b><u>REGULAR MEETINGS</u></b>	<b><u>ABSENT</u></b>
JULY 2010	COMMISSIONERS DONERSON & FEDERMAN
AUGUST 2010	ALL PRESENT
SEPTEMBER 2010	ALL PRESENT
OCTOBER 2010	COMMISSIONERS SOLOMON & ROYSTER
NOVEMBER 2010	ALL PRESENT
DECEMBER 2010	ALL PRESENT
JANUARY 2011	ALL PRESENT
FEBRUARY 2011	ALL PRESENT
MARCH 2011	COMMISSIONER ROYSTER
APRIL 2011	ALL PRESENT
MAY 2011	COMMISSIONER NANNING
JUNE 2011	ALL PRESENT

<b><u>EXPENDITURES</u></b>	
<b><u>Amount</u></b>	<b><u>Description</u></b>
39449	Salaries and Benefits
5786	Per Diem for Commissioners
1195	Mileage
102	Office Expenses (Duplicating, Reprographics, Postage, Supplies)
291	Telephone- including equipment rental
62	Telephone-charges for relocation to EEO office
TOTAL \$46,885	

RULE REVISION DISCUSSIONS  
FISCAL YEAR 2010-2011

**RULE 1321** – ATTORNEY FEES IN DISCIPLINARY ACTIONS

JUNE 2010 - The discussion on possible amendments to this Rule was considered in June 2010 and continued into this fiscal year. This rule revision request was brought before the Commission by a case (S. Terris v. Attorney Fees) that was considered by the Commission. A revision to the rule was requested to bring the County's reimbursement rate of \$100.00 an hour for attorney fees to current market rates.

JULY 2010 – Commissioners continue their discussion regarding amending Rule 1321. Commissioners discussed that the compensation rate for employee retained counsel needed to be brought up to current market rates. Commissioners requested additional information before moving forward on proposing amendments, if any. The Commission asked that Human Resources/CEO research the compensation amount allowed by other counties as a point of reference and requested that Human Resources report back to the Commission at the September meeting.

SEPTEMBER 2010 – Mr. Joe Pisano, Employee Relations Manager, stated that Human Resources had conducted a survey on compensation rates allowed by other counties. The survey showed that other counties do not have this Rule in place and do not make any provisions for reimbursement for employee retained counsel. Mr. Pisano stated that Human Resources' recommendation would be to eliminate this rule altogether, as there was no legal obligation to have this rule in place. Commissioners discussed the pros and cons of eliminating the rule and asked Human Resources to consider some sort of compromise regarding the rule and to present their findings at the November meeting.

NOVEMBER 2010 – Mr. Pisano stated that Human Resources had discussed various options regarding proposed amendments to this rule. He noted that Human Resources would be amenable towards withdrawing their recommendation to eliminate the rule altogether as stated at the September meeting. However, Human Resources was not willing to support any changes to the rule should the Commission decide to propose an increase in attorney fees to the Board of Supervisors. Commissioners decided that no changes be recommended at this time.

RULE REVISION DISCUSSIONS  
FISCAL YEAR 2010-2011

**RULE 1304** – DISCRIMINATION COMPLAINTS

July 2010 - Discussion to amend or modify this Rule was put on the agenda per Commissioner Solomon's request.

Commissioners discussed changes to the Rule that would allow employees to by-pass the Equal Employment Office (EEO) process prior to coming before the Commission. This was considered because the Equal Employment Office manager's position has been vacant for over a year.

Mr. MacLeod, Chief of Employee Relations, informed the Commission that the EEO manager's position has not been eliminated. Filling that vacancy was put on hold due to the current economic downturn.

The Commission decided that considering this rule change may not be relevant at this time.

**Rule 904 & 905** – TEMPORARY OR LIMITED TERM APPOINTMENT & EXTRA HELP APPOINTMENTS

September 2010 – Mr. Joe Pisano, Employee Relations Manager, informed the Commission that the County was requesting an amendment to Rule 904. This amendment would allow the County Executive Officer to extend extra help positions that are funded by dedicated sources, such as the American Recovery and Reinvestment Act, at her discretion. Mr. Pisano stated that amending this rule would allow County departments' greater flexibility and would make filling these positions more efficient.

Mr. Pisano also explained that the language under Rules 904 & 905 would be amended to clarify that such positions may have income as well as other eligibility restrictions mandated by the funding sources.

November 2010 – Commissioners accepted the changes as presented and made a motion to recommend these amendments be adopted by the Board of Supervisors. Mr. Pisano informed the Commission that the amendments would need to go through the meet and confer process with the labor unions before they could be submitted to the Board of Supervisors. No further action on these Rules commenced during this fiscal year.