

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: 9/14/06

Department Name: Human Resources Dept.

Department No.: 064

Agenda Date: 9/26/06

Placement: Administrative

Estimate Time:

Continued Item: NO

If Yes, date from:

2006 SEP 14 PM 2:00
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

TO: Board of Supervisors

FROM: Robert L. Donerson *Robert L. Donerson / MJD*
Civil Service Commission

STAFF Theresa Duer, X2822
CONTACT: Deputy Director, Human Resources Dept.

SUBJECT: Annual Report of the Civil Service Commission

Recommendation(s):

That the Board of Supervisors:
Receive and file the Annual Report of the Civil Service Commission

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The enclosed report is a summary of the activities of the Civil Service Commission for the Fiscal Year 2005-2006. It is submitted in accordance with Civil Service Rule 202c.

Any questions to the Commission can be directed to Theresa Duer, Deputy Director of the CEO/Human Resources Department.

Mandates and Service Levels:

No change in programs or service level.

Fiscal and Facilities Impacts:

None

Copy to Department Heads and recognized employee organizations

**COUNTY OF SANTA BARBARA
CIVIL SERVICE COMMISSION
ANNUAL REPORT
2005-2006 Fiscal Year**

COMMISSIONERS

1st District Richard C. Solomon
2nd District Robert L. Donerson, Vice Chairman 07/01/05 - 12/31/05;
Chairman 01/01/06 – 06/30/06
3rd District Carlos C. Yanez, Vice Chairman 01/01/06 – 06/30/06
4th District Ronald L. Nanning, Chairman 07/01/05 – 12/31/05
5th District Donald E. Lahr
Counsel Gustavo Lavayen; Secretary Marjorie Johnsen

REGULAR MEETINGS (9:30 a.m.)

July 21, 2005
July 28, 2005 (Special Meeting)
August 18, 2005
September 15, 2005
October 20, 2005
October 21, 2005 (Special Meeting)
November 17, 2005
December 15, 2005
January 19, 2006
February 16, 2006
March 16, 2006
April 20, 2006
May 18, 2006
June 15, 2006

ABSENT

Meeting cancelled due to lack of a quorum
Solomon
Solomon
Lahr, Yanez
Solomon, Yanez
Lahr
Donerson
Yanez
Yanez
Yanez

EXPENDITURES

<u>Amount</u>	<u>Description</u>
\$ 27,646	Salaries and Benefits
5,100	Per Diem for Commissioners
1,718	Mileage for Commissioners
500	Office Expense (Duplicating, Postage, Supplies)
311	Telephone (Including equipment rental)
 \$ 35,275	 TOTAL

COUNTY OF SANTA BARBARA

CIVIL SERVICE COMMISSION

HEARINGS (APPEALS) 2005-2006

<u>Appellant/Title</u>	<u>Dates</u>	<u>Issue(Rule)</u>	<u>Disposition</u>
A. MARINO v. DISTRICT ATTORNEY'S OFFICE	07/28/05	Termination (1212 & 1203 a, d & o)	Case carried forward from prior year. Hearing Officer Nancy Beezy Micon confirms the hearing schedule of September 1 and 2.
	08/18/05		Hearing schedule is reconfirmed.
	08/26/05		Hearing cancelled due to unavailability of Appellant.
	09/15/05		Progress report. Hearing rescheduled for one day only on 10/21/05.
	10/21/05		Hearing held. Department's termination action is confirmed and upheld.

J. TIESO v. SHERIFF'S DEPT.	07/28/05	Suspension (1203 a, f, & o)	Case carried forward from previous year. Hearing Officer Nancy Beezy Micon confirms the hearing schedule of 08/26/05.
	08/18/05		Hearing schedule is reconfirmed.
	08/25/05		Settlement reached. Hearing is cancelled.

R. H. v. PROBATION DEPT.	07/28/05	Suspension (1209 & 1203 a, c & d)	Case carried forward from previous year. Hearing Officer Desmond O'Neill confirms the hearing schedule of August 18, 2005.
	08/18/05		Hearing held. The Commission modified the discipline by vacating the two-day suspension and directing that the department reprimand the employee for violating department policy and for improper use of a County credit card. The Commission did not order that the employee pay any restitution.

HEARINGS (Continued)

<u>Appellant/Title</u>	<u>Dates</u>	<u>Issue(Rule)</u>	<u>Disposition</u>
T. M. v. SHERIFF'S DEPT.	07/28/05 08/19 & 08/22/05	Suspension (1209)	Case carried forward from previous year. Hearing Officer Desmond O'Neill confirms the hearing schedule of August 19 th and 22 nd . Hearing held. The Commission modified the discipline by vacating the two-day suspension. However, the Commission determined that the employee's attitude with co-workers and superiors was deliberately intimidating and aggressive and that he should, by a letter of reprimand, be recommended to participate in counseling and anger management. The Commission also found no retaliation in the initiation of the proceeding against the employee.
A. BRAY v. DEPT. OF SOCIAL SERVICES	07/28/05 08/18/05 09/15/05 10/20/05 11/17/05 12/15/05 01/19/06 02/16/06 03/16/06 04/20/06 05/25/06	Demotion (1211 & 1203 b)	Case carried forward from previous year. Hearing Officer Desmond O'Neill reports that the union decision not to represent the employee is being appealed. The case is continued one month. The HO reports that there is still no decision from the union re representation. The HO reports that a decision from the union is expected before the end of the month. The case is continued to the October meeting. Discussion on whether scheduling an appeal hearing reflects the employee's intention to retire in November, 2005. Appellant's representative reports that she is not interested in just a monetary settlement. Commission Counsel Lavayen advises that the employee can not be deprived of the right to a hearing if the settlement offer is refused. HO reports that the union will represent the employee. The hearing is scheduled for Feb. 16 and 17 beginning at 10:30 a.m. on the 16 th . Progress report from the HO is presented and the hearing dates are confirmed. The hearing schedule of Feb. 16 and 17, 2006 is reconfirmed. The February hearing is cancelled and rescheduled for May 30 and 31, 2006. The May hearing dates are reconfirmed. Hearing dates confirmed, with a request that the starting time be clarified. County Counsel's Office advised that the matter has been resolved.

<u>Appellant/Title</u>	<u>Dates</u>	<u>Issue/Rule</u>	<u>Disposition</u>
HEARINGS (Cont.)			
H. CRUZ v. PUBLIC HEALTH DEPT.	10/20/05	Suspension (1209 & 1203 a, b, & k)	Initial progress report letter from the Hearing Officer, Terrence Bonham, who recommends a one-day hearing. The Commissioners schedule the hearing for November 17, 2005 at 10:30 a.m. after the regular meeting.
	11/09/05		The HO reports that the parties have stipulated to vacating the hearing date due to unavailability of witnesses.
	11/17/05		The Commissioners reschedule the hearing for 12/15/05 at 10:30 a.m.
	12/14/05		The hearing is cancelled; Appellant withdraws the appeal of discipline.

M. SARQUILLA v. TREASURER- TAX COLLECTOR	11/17/05	Termination (1212 & 1203 b & d)	Initial progress report from the Hearing Officer, Charles Voorhis. The parties agree that the matter will require a two-day hearing which is tentatively scheduled for January 26 and 27, 2006.
	12/15/05		The HO reports that the parties now request new hearing dates due to the "considerable" amount of discovery involved in the case. The new schedule of February 22 and 23, 2006 is approved by the Commissioners.
	01/19/06		The hearing schedule is confirmed.
	02/16/06		The Hearing Officer reports that the matter has been resolved.

A. JOUGHIN v. PUBLIC WORKS DEPT.	10/20/05	Termination (1212 & 1203 a & k)	Initial progress report from the Hearing Officer, Desmond O'Neill who reports that SEIU, Local 620, has referred the case out to legal counsel.
	11/17/05		The HO recommends a one-month continuance because the Appellant's legal counsel has not yet contacted the HO re scheduling matters.
	12/15/05		The HO reports that the parties recommend a two-day hearing. The CSC sets the hearing for March 23 and 24, 2006 starting at 9:30 a.m. each day.
	01/19/06		The hearing schedule of March 23 and 24 is confirmed.
	02/16/06		The Hearing Officer reports that the hearing is on schedule.
	03/06/06		Letter from the HO reports that the Appellant has withdrawn the appeal.

HEARINGS (Cont.)

<u>Appellant/Title</u>	<u>Dates</u>	<u>Issue/(Rule)</u>	<u>Disposition</u>
A. LOPEZ. v. DEPT. OF SOCIAL SERVICES	07/28/05 08/18/05 09/15/05	Termination (1203 j)	Case carried forward from previous year. Hearing Officer Terrence Bonham reports that the union has declined representation. The case is continued. The Commissioners schedule the hearing for 09/15/05 at 10:30 a.m. A settlement is reached. The hearing is convened to record the settlement between the parties. Settlement documents will be prepared by County Counsel's Office.
C. DUARTE v. DEPT. OF SOCIAL SERVICES	09/15/05 10/18/05	Demotion (1203 f & k)	Initial progress report from the Hearing Officer, Charles Voorhis, who reports that the parties are ready to schedule the hearing. By agreement the hearing date is set for 10/20/05 at 10:30 a.m. following the regular monthly meeting. Notice received from County Counsel's Office that the matter has been resolved. The hearing set for October 20, 2005 is cancelled.
K. NIX v. PUBLIC WORKS DEPT.	02/16/06 03/16/06 04/20/06	Termination (1212 & 1203 a, b)	Progress report letter from the Hearing Officer, Terrence Bonham, recommending that the matter be continued to March because the parties are not ready to schedule the hearing. Progress report from the Hearing Officer that a settlement is being discussed. County Counsel's Office reports that the matter has settled. Commissioners take the case off calendar.
E. FLORES v. CHILDREN & FAMILIES COMMISSION	03/13/06 04/20/06 05/18/06	Reduction in Salary (1210)	Terrence Bonham is appointed to serve as the Hearing Officer for this case. The Hearing Officer's report letter states that settlement negotiations are in process and recommends a one-month continuance. The Hearing Officer reports that the matter has been resolved and the case can be taken off the calendar.

HEARINGS (Cont.)

<u>Appellant/Title</u>	<u>Dates</u>	<u>Issue/Rule</u>	<u>Discussion</u>
E. T. DAVIS-LINDSEY v. SHERIFF'S DEPARTMENT	05/09/06 05/18/06 06/15/06	Termination (1212 & 1203 b)	Nancy Beezy Micon is appointed to serve as the Hearing Officer for this case. The Hearing Officer's initial progress report letter states that the hearing will require one to two days. The parties agree to a one-month continuance. By agreement, the HO, the parties and the Commissioners schedule the hearing for July 21, 2006. The case carries forward to the next Fiscal Year.

S U M M A R Y – 2005-06

PENDING AS OF June 30, 2006 1 DISCIPLINARY APPEAL: E. T. Davis-Lindsey v. Sheriff's Dept.

7 NEW DISCIPLINARY APPEALS FILED (Cruz, Sarquilla, Joughin, Duarte, Nix, Flores, Davis-Lindsey).

5 HEARING DAYS (Marino, Hample, Mathews and Lopez) NOTE: All of these cases were originally filed in FY 2004-05.

1 Hearing held with department action upheld (Marino).

2 Hearings held with department action modified by vacating the two-day suspensions and directing that reprimands be issued in each case (Hample and Mathews)

1 Hearing convened to record the settlement between the parties (Lopez)

7 Settlements reached by the parties without a hearing (Tieso, Bray, Sarquilla, Lopez, Duarte, Nix and Flores) NOTE: Tieso and Bray filed in FY 2004-05.

2 Appeals withdrawn by employees (Cruz and Joughin)

NO DISCRIMINATION COMPLAINTS FILED WITH THE CIVIL SERVICE COMMISSION.

NO NEW REQUESTS FOR INVESTIGATION FILED

In FY 2004-05 the Commission conducted an investigation of classification issues at their meetings in August, September and December, 2004 and in February, 2005.

At the February 2005 meeting the Commissioners concluded this specific investigation without making any findings or recommendations. The Commission requested periodic updates from Human Resources on discussions with SEIU, Local 620, on the broad topic of the County's classification and compensation system. A repeat request was made at the May 2006 meeting.

At the June 2006 meeting the Commissioners received an update from HR on three projects related to these issues. They also requested an additional presentation from HR regarding pending proposals concerning classification and compensation. The presentation was scheduled for the meeting on July 20, 2006. The topic carries forward to the next Fiscal Year.

SUMMARY – ACTIVITY FOR THREE PRIOR YEARS

2004-2005 11 new Appeals filed (Hanson, King, Mathews, Marino, Trombella, B. Smith, Tieso, Hample, Madden, Bray and Lopez) and 1 New Discrimination Complaint filed (Buckingham).

1 Hearing Day (Hanson).

1 Hearing held with department action upheld (Hanson).

2 Settlements reached by the parties without a hearing (King and Madden).

2 Appeals withdrawn by employees (Trombella and B. Smith).

1 Appeal request to schedule a hearing denied. (Request from A.Tesar denied based on equitable doctrine of laches. Appeal initially filed in July, 1994 and off calendar in December, 1994 by agreement to allow employee to pursue her workers' compensation action.)

1 Discrimination Complaint request for an appeal hearing denied based on lack of standing as complaint was filed after the employee had resigned from County service (Buckingham).

4 New Requests for Investigation filed (Arnoldi, Buckingham, Backus and Donaghy); all were denied.
No Investigation days.

6 Appeals carried forward to next Fiscal Year (Mathews, Marino, Tieso, Hample, Bray and Lopez).

2003-2004 11 new Appeals filed (McPherson, Barajas, Osuna, Wuest, Layman, DeLarvin, E. Hernandez, Trotter, Wiggins, Perkins and Thompson) and 2 New Discrimination Complaints filed (Bolduc and Bauman)

4 Hearing Days (Whyte, Brenner, Trotter and E. Hernandez NOTE: Whyte & Brenner were from prior year.)

4 Hearings held with department action upheld (Whyte, Brenner, Trotter and Hernandez)

1 Appeal withdrawn by employee (Wuest)

1 Appeal dismissed with prejudice (Wiggins)

4 Appeals settled without hearing (Barajas, Osuna, Layman and DeLarvin)

2 Appeals carry forward to next Fiscal Year (Thompson and Perkins)

2 Discrimination Complaint Requests withdrawn (Bolduc and Bauman)

2 New Requests for Investigation filed (J.Guzzardi and D. Johnson). Both requests were denied.

No Investigation days

SUMMARY FOR THREE PRIOR YEARS (Cont.)

- 2002- 2003** 18 New Disciplinary appeals filed (Campos, Trotter, Santiago, McCoy, Owen, Lewotsky, Rosas, Hall, Brenner, E.Hernandez, Paff, Ortiz, Delgadillo, Harris, Whyte, K. Johnson, Price and Christenson)
- 3 Hearing Days (Cabrera, Blaha and E.Hernandez). NOTE: Cabrera and Blaha appeals were from prior Fiscal Year.
- 2 New Discrimination Complaints filed (Brooke and Salafian)
- 2 Hearings held with department action upheld (Cabrera and Blaha) NOTE: Cabrera and Blaha were from prior year.
- 1 Hearing held with department's action modified (E. Hernandez)
- 5 Settlements reached by the parties without a hearing (Campos, Santiago, McCoy Owen and Brooke)
- 2 Appeals withdrawn by employees (Trotter and Price)
- 5 Appeal requests denied by CSC (Lewotsky, Rosas, Hall, Paff and Ortiz) NOTE: Lewotsky, Rosas and Hall also filed Requests for Investigations.
- 8 Appeals carry forward to next Fiscal Year (7 Disciplinary Appeals and 1 Discrimination Complaint)
- 7 New Requests for Investigation filed (George, Cabrera, Lewotsky, Hall, Local 620 v. Fire Dept, S. Rosas and Thomassen)
- 1 and ½ Investigation Days (Lewotsky – ½ day; Hall – 1 day)
- 2 Investigations held with the Commission issuing no report (Edgar and Laurel & Wideman) Note: cases filed in prior Fiscal Year.
- 5 Requests for Investigation denied (George, Cabrera, Local 620 v. Fire Dept. and Thomassen)
- 2 Investigations held with the CSC issuing findings and recommendations (Lewotsky and Hall)