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COUNTY OF SANTA BARBARA



CIVIL SERVICE COMMISSION

ANNUAL REPORT 2019-2020

The Santa Barbara County Civil Service Rules exist to 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, administers 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 on the third Thursday of each month; holds hearings on appeals of disciplinary actions as outlined 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 makes recommendations to the Board of Supervisors. In Fiscal Year 2019-20 the first eight (8) meetings 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. Due the COVID-19 pandemic health-related stay-at-home and social distancing orders by California Governor Gavin Newsom outlined in the State of Emergency and Executive Order N-25-20, the March 2020 meeting was held in the Planning Commission Hearing Room in the County Administration Building at 105 E. Anapamu St. in Santa Barbara and through conference call for remote participation. The regularly scheduled meetings for April and May were canceled, and the June meeting was held through video conference using Zoom.

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 update to the Civil Service Rules for Santa Barbara County led by the Human Resources Department in collaboration with County Counsel is ongoing. The Rules were codified by a 1970 vote of the public, and any proposed changes are process dependent, and will be inclusive of the Commission, labor union representatives and legal counsel.

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Appeals/Hearings FY 2019-20

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

An overview of FY 2019-20 Appeals and Hearings are below:

APPEALS/HEARINGS FY 2019-2020			
Appellant/Department	Date	Issue/Rule	Disposition
**R.H. v. PROBATION DEPT.	06/30/19	**	Case was initially heard on January 21, 2016. Department's decision upheld. R.H. filed Petition for Writ of Administrative Mandamus (05/2016). Administrative Record submitted to Superior Court (8/2016). Superior Court Judgment granting Petition (07/2018). County appealed (01/2019). Superior Court Order upheld (04/19)
	07/01/2019		Case carried forward from prior fiscal year.
	11/05/2019		Superior Court remands case back to Civil Service Commission.
	06/18/2020		Following post-remand discussions, Attorneys present case to Commission. Commission requests Counsel to clarify issue of jurisdiction.
	06/30/2020		Case carries forward to next fiscal year.

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

Requests for Investigations FY 2019-20

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

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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 2019-20 Requests For Investigation are below:

REQUESTS FOR INVESTIGATION FY 2019-2020			
Appellant/Department	Date	Issue/Rule	Disposition
A. NUNEZ v. SOCIAL SERVICES DEPT.	12/19/2019	Investigation (1305 & 512)	CSC denied request for investigation & advised Dept. to improve process & clarify eligibility list requirements for recruiting/hiring especially from the AOP Opportunity Board.

Discrimination Complaints FY 2019-20

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 2019-20 Discrimination Complaints are below:

DISCRIMINATION COMPLAINTS FY 2019-2020			
Appellant/Department	Date	Issue/Rule	Disposition
L. TRAGA v. HUMAN RESOURCES	07/01/2019	Investigation (1304)	Case carried forward from prior fiscal year.
	10/17/2019		Commission received and filed 9/20/19 Investigative Report and Progress Report 10/13/19 from Hearing Officer N. Micon.
	11/21/2019		Receive Progress Report 11/10/19 from Hearing Officer N. Micon. Set hearing dates for March 18-20, 2020.
	02/20/2020		Receive Progress Report- 02/19/20 from Hearing Officer N. Micon.
	03/19/2020		The hearing set for March 2020 was postponed due to the Governor's proclamation of a State of Emergency and Executive Order N-25-20 related to COVID-

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DISCRIMINATION COMPLAINTS FY 2019-2020

Appellant/Department	Date	Issue/Rule	Disposition
	06/30/2020		19. The case will be rescheduled when appropriate. Case carries forward to next fiscal year.

Other Commission Business FY 2019-20

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.

An overview of FY 2019-20 Other Commission Business are below:

OTHER COMMISSION BUSINESS 2019-2020

Department	Date	Issue/Rule	Disposition
HUMAN RESOURCES DEPT. Civil Service Personnel Ordinance Update	02/20/2020 06/30/2020	County Code Ch. 27	HR provided a briefing about the update to Ch. 27-Personnel Article II – Civil Service System of Santa Barbara County. This update carries forward to the next fiscal year as work is ongoing.

Extra Help Appointments FY 2019-20

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 2019-20 Extra Help Appointment Extension Requests are below:

EXTRA HELP APPOINTMENT EXTENSION REQUESTS FY 2019-2020			
DEPARTMENT	MONTH/YEAR	# OF REQUESTS	POSITION TITLE
Auditor-Controller	February 2020	1	Financial Office Professional I
Behavioral Wellness	July 2019	1	Case Worker
	August 2019	2	Psychiatric Nurse I; Recovery Assistant
	September 2019	4	Administrative Office Professional I; Financial Office Professional II; Health Care Program Coordinator
	November 2019	2	Administrative Office Professional; Psychiatric Technician
	December 2019	1	Administrative Office Professional
	January 2020	1	Recovery Assistant
Clerk/Recorder/Assessor	June 2020	1	Administrative Office Professional I
District Attorney	August 2019	1	Victim Witness Program Assistant
	September 2019	4	Deputy District Attorney I; Computer Systems Specialist I; Legal Office Professional I
	November 2019	1	Legal Office Professional I
	December 2019	3	Legal Office Professional
	February 2020	3	Legal Office Professional I; Financial Office Professional I
	March 2020	2	Legal Office Professional; Victim Witness Program Assistant I
	June 2020	2	Legal Office Professional I
Fire	July 2019	2	Fire Control Crew
	October 2019	26	Fire Control Crew
	November 2019	1	Fire Control Crew
	February 2020	4	Fire Control Crew; EMS Administrator
	June 2020	2	Storekeeper
General Services	September 2019	2	Building Maintenance Worker
	January 2019	1	Real Property Agent
Human Resources	July 2019	1	Department Business Specialist I

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EXTRA HELP APPOINTMENT EXTENSION REQUESTS FY 2019-2020			
DEPARTMENT	MONTH/YEAR	# OF REQUESTS	POSITION TITLE
	March 2020	1	Human Resources Analyst
Parks-CSD	October 2019	1	Park Ranger Trainee
	June 2020	1	Park Ranger Trainee-E
Public Defender	August 2019	3	Legal Office Professional I; Deputy Public Defender I
	September 2019	3	Legal Office Professional I; Rehabilitation Services Coordinator; Deputy Public Defender I
	December 2019	1	Legal Office Professional
	January 2020	5	Investigator I; Deputy Public Defender I; Computer Systems Specialist
Public Health	July 2019	1	Animal Shelter Attendant
	October 2019	1	Animal Shelter Attendant
	November 2019	1	Administrative Office Professional
	December 2019	2	Animal Shelter Attendant; Storekeeper
	February 2020	3	Animal Shelter Attendant; Clinical Lab Scientist Sr.
Public Works	August 2019	1	Maintenance Worker I
	October 2019	2	Maintenance Worker Apprentice
	December 2019	2	Maintenance Worker Apprentice; Engineering Intern
	January 2020	3	Maintenance Worker Apprentice
	February 2020	4	Maintenance Worker Apprentice; Engineering Intern; Heavy Truck Driver; Computer Systems Specialist I
	March 2020	2	Maintenance Worker Apprentice
	June 2020	4	Maintenance Worker Apprentice; Refuse Checker
Sheriff	September 2019	2	Communications Dispatcher II
	March 2020	2	Communications Dispatcher II; Administrative Office Professional II
Social Services	June 2020	1	Social Services Case Aide
Total Extra Help Extension Requests 2018-19		114	

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Summaries

Below is a summary of the work of the Civil Service Commission for Fiscal Year 2019-20

Summary 2019-2020			
	Resolved	Pending	Notes
Hearings/ Appeals	0	1	R.H. v. Probation (2015/16) Writ of Mandamus Superior Court. Administrative Record submitted to Superior Court (8/2016). Following Appeal, Superior Court remands case back to Commission (2019).
Requests for Investigation	1	0	A. Nunez v. D.S.S. (2019/20) Reject request for investigation.
Discrimination Complaints		1	Traga v. H.R. (2018/19) Carries to next fiscal year to allow for hearing to be rescheduled due to COVID-19.
Extra Help Extensions	114		There were a total of 114 Extra Help Extension Requests from 13 different departments.

Below is a four year summary of the work of the Civil Service Commission covering Fiscal Year 2016-17 through Fiscal Year 2019-20.

TOPICS	CURRENT	FY 2018-19	FY 2017-18	FY 2016-17
New appeals filed	0	3	0	3
Request for rehearing	0	0	1	0
Appeals withdrawn/dismissed Removed with prejudice	0	1	0	0 1
Hearing days	0	1	0	5
Settlements without hearings	0	1	0	3
Discrimination complaints	0	1	2	1
Investigation requests	1	2	2	4
Unlawful reprisal action	None	None	None	None
Pending cases - carried forward to next year	2	3	4 1 (Investigation)	1 1 (Investigation)
Pending writs in superior court from prior years	0	2 (R.H. & R.K.)	3 (Terris, R.H. & R.K.)	2 (Terris & R.H.)
Petition for writ filed	0	0	0	1(R.K.)
Extra Help Extensions	114	104	113	Not Tracked

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**FISCAL ANALYSIS AND COMMISSIONER INFORMATION
FY 2019-20**

FISCAL YEAR 2019-20	
<u>COMMISSIONER INFORMATION</u>	
First District	Mr. R.W. Hap Ziegler
Second District	Ms. Judith Koper
Third District	Ms. Jean Morris
Fourth District	Mr. Matt Olson
Fifth District	Mr. Alex Carrillo
Commission Counsel:	Mr. Jerry Czuleger 07/01/19-04/01/20 Ms. Maria Novatt 04/20/20--present
Commission Secretary:	Ms. Stephanie Langsdorf
<u>REGULAR MEETINGS</u>	<u>ABSENT</u>
July 2019	Carrillo/Olson
August 2019	All present
September 2019	All present
October 2019	All present
November 2019	All present
December 2019	All present
January 2020	Morris
February 2020	All present
March 2020	Carrillo
April 2020	Cancelled due to COVID-19
May 2020	Cancelled due to COVID-19
June 2020	All present
<u>EXPENDITURES</u>	
<u>Amount</u>	<u>Description</u>
\$ 74,365	Salaries and Benefits
3,900	Commissioner per Diem
970	Commissioner Mileage
350	Telephone
135	Services and Supplies (e.g. Duplicating, Reprographics, Postage, Office Supplies)
Total: \$ 79,720	