

**COUNTY OF SANTA BARBARA
CIVIL SERVICE COMMISSION**

HEARINGS/APPEALS 2014-2015

Appellant/Department	Date	Issue/Rule	Disposition
S. TERRIS v. SHERIFF'S DEPARTMENT	07/01/2014 06/30/2015	Suspension (1203, 1209 & 13)	Case carried forward from prior fiscal year. Writ pending in Superior Court. Case carries forward to next fiscal year.
G. WILLIAMS v. GENERAL SERVICES DEPARTMENT	07/01/2014 07/31/2014 06/30/2015	Dismissal (1212)	Case carried forward from prior fiscal year. Writ submitted to Superior Court. Case settled. Writ denied 1/9/2015.
R.H. v. PROBATION DEPT.	07/01/2014 08/21/2014 09/11/2014 10/02/2014 10/16/2014		Case carried forward from prior fiscal year. Hearing scheduled for August 21, 2014. Hearing held. Decision served to both parties. Conclusion: Dept. decision is upheld. Request for a rehearing. Rehearing denied – new evidence is not presented. Case dismissed.
K. DONAGHY v. CLERK - RECORDER ASSESSOR	07/01/2014 07/17/2014 08/21/2014 09/18/2014	Suspension (1209)	Case carried forward from prior fiscal year. Hearing officer to determine if case will move forward. Hearing officer – no response from appellant. Commission office to notify appellant, via letter, that case will be dismissed with prejudice unless appellant responds. No response from appellant. Commission votes to dismiss the case with prejudice.

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

Appellant/Department	Date	Issue/Rule	Disposition
C. FUERTE v. PUBLIC HEALTH	07/01/2014 07/17/2014 08/21/2014 10/16/2014 12/18/2014 01/15/2015 04/16/2015	Dismissal (1203)	Case carried forward from prior fiscal year. Pending outcome of criminal case; continued to August. Criminal case pending; continued to October. Case pending; continued to December. No meeting due to lack of quorum. Pending criminal case; continued to April. Criminal case concluded; union has not had response or contact from appellant since Nov. 2014. Union withdraws case. Commission dismisses case with prejudice.
M. CAMARGO v. SOCIAL SERVICES	07/01/2014 07/17/2014 08/21/2014 09/18/2014 10/16/2014 11/20/2014 01/15/2015	Suspension (1209)	Case carried forward from fiscal year. Hearing scheduled for Sept. 18, 2014. Hearing date re-confirmed. Hearing cancelled. Appellant's medical leave extended. Case continued to Sept. Case continued; pending appellant's response to case moving forward before the Commission. Case continued to November. Meeting cancelled due to lack of quorum. Appeal withdrawn by union; case removed from calendar.
R.K. & C.J. v. SHERIFF'S DEPT.	07/01/2014 10/16/2014 02/19/2015 06/18/2015 06/30/2015		Cases carried forward from prior fiscal year. Continued to October. Cases continued to February, 2015. Awaiting outcome of federal trial scheduled for January, 2015. Cases continued to June, 2015. Criminal case is underway. CC will present update on status in July. Cases carry forward to next fiscal year.

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Appellant/Department	Date	Issue/Rule	Disposition
M. PANTOJA v. SOCIAL SERVICES	07/01/2014 07/17/2014 09/18/2014 10/16/2014 01/15/2015 04/13/2015	Probationary Dismissal (508 & 911)	Case carried forward from prior fiscal year. Case filed with County's Equal Employment Opportunity Office (EEO). Continued to Sept. pending EEO report. Case continued. EEO investigation is ongoing. EEO report submitted. Tentative hearing scheduled for January 15, 2015. Hearing cancelled; appointing authority not available. Hearing scheduled for April 16, 2015. Hearing cancelled; case has settled.
D. COBELENS v. ALCOHOL, DRUG & MENTAL HEALTH	01/09/2015 01/15/2015	Suspension (1209)	Request for appeal of suspension by Local 620. Appeal denied by Commission; not timely filed per CS Rule 1308.
E. GOMEZ v. ALCOHOL, DRUG & MENTAL HEALTH	01/09/2015 01/15/2015	Suspension (1209)	Request for appeal of suspension by Local 620. Appeal denied by Commission; not timely filed per CS Rule 1308.
R. H. v. PROBATION DEPT.	05/26/2015 06/18/2015 06/30/2015		Request for an appeal from appellant's counsel. Dates for a two day hearing will be scheduled next month. Case continued to July. Case carries forward to next fiscal year.

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INVESTIGATIONS 2014-2015

G. HILL v. HUMAN
RESOURCES

02/09/2015
02/19/2015

Protest of
Disqualification
(512)

E-mail from appellant requesting an investigation.
Investigation request denied by Commission.

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SUMMARY 2014 – 2015

<p>3 NEW DISCIPLINARY APPEALS FILED:</p> <p>7 CASES CARRIED OVER FROM FY 2013-2014:</p>	<p>Cobelens; Gomez; R. H.</p> <p>R.H.; Donaghy; Fuerte; Camargo; R.K. & C.J.; Pantoja</p>
<p>R.H. Donaghy Fuerte Camargo Pantoja Cobelens Gomez</p>	<p>1 day hearing; department's decision upheld. No response from appellant; case dismissed with prejudice. Withdrawn by union; case dismissed with prejudice. Withdrawn by union; case dismissed. Hearing cancelled - case settled. Denied by Commission; not timely filed per CS Rule 1308 Denied by Commission; not timely filed per CS Rule 1308</p>
<p>INVESTIGATION REQUESTS: 1</p>	<p>Hill – request denied.</p>
<p>DISCRIMINATION COMPLAINTS:</p>	<p>None</p>
<p>PENDING AS OF JUNE 30, 2015 Carries over to next FY - 3 Appeal Requests:</p> <p>1 Writ of Mandamus: Pending in Superior Court</p>	<p>R.K., C.J.; & R.H.</p> <p>S. Terris v. Sheriff's Department (FY 2009-10)</p>

3 YEAR SUMMARY - CURRENT THROUGH FY 2011-12

TOPICS	CURRENT	FY 2013-14	FY 2012-13	FY 2011-12
New appeals filed	3	12	4	7*
Request for rehearing	1	2	None	None
Appeals withdrawn	2	1	None	1
Removed with prejudice	1	1	None	None
Hearing days	1	7	3.5	3
Settlements without hearings	1	None	1 (FY 2011-12)	4 (2 from FY 2010-11)
Discrimination complaints	None	None	None	1
Investigation requests	1	None	4	None
Unlawful reprisal action	None	1	None	None
Pending cases - carried forward to next year	3	7	2	2
Pending writs in superior court	1 (Terris)	1	2	2
Petition for writ	0	1(Williams)	0	0

*1 appeal from 2006 heard in FY 2011-12

COUNTY OF SANTA BARBARA
 CIVIL SERVICE COMMISSION
 ANNUAL REPORT
 FISCAL YEAR 2014 - 2015

<u>COMMISSIONER INFORMATION</u>		
First District	Mr. Richard C. Solomon	Chair - 07/01/2014 – 01/15/2015
Second District	Ms. Judith Koper	Appointed - August 2014
Third District	Ms. Sheila Federman Mr. Stephen Underwood	Resigned - November 2014 Appointed - April 2015
Fourth District	Mr. Ronald L. Nanning	Chair - 01/15/2015 – 06/30/2015
Fifth District	Ms. Bonnie Royster	
Commission Counsel:	Mr. Lavayen Mr. Czuleger	Until December 2014 Effective January 2015
Commission Secretary	Shen Rajan	
<u>REGULAR MEETINGS</u>		<u>ABSENT</u>
July 2014		Royster
August 2014		All present
September 2014		Federman & Nanning
October 2014		All present
November 2014		No quorum – meeting cancelled
December 2014		No quorum – meeting cancelled
January 2015		All present
February 2015		All present
March 2015		No quorum - meeting cancelled
April 2015		Solomon & Royster
May 2015		All present
June 2015		All present
<u>EXPENDITURES</u>		
<u>Amount</u>	<u>Description</u>	
41,048	Salaries and Benefits	
3,900	Commissioner per Diem	
1,384	Commissioner Mileage	
334	Telephone	
234	Services and Supplies (e.g. Duplicating, Reprographics, Postage, Office Supplies)	
Total: 46,900		

CIVIL SERVICE RULE REVISIONS AND RECOMMENDED REVISIONS

Summary of Activities – Fiscal Year 2014-2015

Discussions of the rules below were initiated by Chairman Solomon during his term as Chair in 2014. Chairman Solomon met with labor unions, department heads, and Human Resources (HR) to discuss the Civil Service Rules to see if they were meeting the needs of the departments.

Rule 506 Application Review

January 2015 - This rule limits the County, specifically the Auditor's Office, from hiring students/applicants until their final quarter or semester of study. This puts the County at a disadvantage in hiring the top students, as the private sector does not have this stipulation. Commissioner consensus was that this should be changed to "final year of study".

May 2015 – On recruitments that require a degree, allow departments to hire applicants who are in their final year of study. This was very important for the Auditor's Department in staying competitive with the private sector.

June 2015 – Human Resources suggests an alternate remedy, in lieu of a rule change. Changes would be made to the language on the particular job specifications. This will meet the needs of the Auditor's department. Commission is in agreement as long as the needs of the department are met. No rule change required.

Rule 703 Duration of Eligibility Lists

January 2015 - Some large departments are hindered by the duration of eligibility lists and having to wait for the list to expire, even though it did not generate eligible applicants who would be a good fit for the departments.

February 2015 - It was determined that shortening the time frame of the eligibility list to under 3 months (the minimum time the list stays active) was not advisable, as it is labor intensive to open a recruitment and the change would not accomplish much. Mr. Pisano suggested that departments need to consider some other options in refining their recruiting needs.

Rule 804 Number of Names to be Certified

July 2014 - This rule change was discussed in June 2014 and was carried over to this fiscal year. Human Resources/Sheriff's Department proposed amending Rule 804 to assist with their recruitment process by requesting names of all eligible applicants. Change was requested due to the time involved in conducting the extensive background checks and high attrition rates during the training process. In the case of Custody Deputy, "names of all eligible applicants will be certified".

Commission approves proposed changes to Rule 804.

Rule change is approved by the Board of Supervisors in August, 2014.

Discussion on Rule 804

January 2015 - The rule, which allows the departments a list of 10 names, also limits some departments, specifically the District Attorney's Office, who is often unable to find qualified candidates within the list of 10 names that are provided. Commission was informed that the departments have other options in structuring their recruitments.

February 2015 - Mr. Pisano informed the Commissioners of the options available to the departments in tailoring their recruitment to meet their needs. Departments have the option of asking the recruiter for all names of applicants who have scored above a predetermined score, or receiving ten percent of the names of eligible applicants, or the list of the top 10 who are eligible.

May 2015 – This rule was discussed again as the Commission wanted to be sure that the needs of the departments could be met with the rule as it is currently written. Mr. Pisano explained the flexibility allowed within this rule.

June 2015 – Mr. Pisano argued that a rule change would not be necessary as the rule has the capability to meet the needs of the departments. Commissioners asked that HR work with the departments in educating them on the options available in tailoring their specific recruitments as it seemed like most of the departments are not aware of their options. No rule changes implemented.

Rule 905 Extra Help Appointment

August 2014 - An initial discussion took place on amending the requirement that departments appear before the Commission when the allocated 1040 hours have been reached on grant funded appointments. This was considered by some to be an unnecessary burden on the departments.

Allowing an exemption to the Fire Departments' annual hiring of seasonal fire maintenance crew was also discussed.

May 2015 - Commissioners were all in favor of eliminating the requirement that departments appear before the Commission on grant funded appointments and voted to recommend such appointments be able to run through the duration of the grant.

Commissioners agreed to recommend an exemption to the Fire Department on their seasonal hiring of Fire Maintenance Crew. The crew is essential during the fire season and extensions are routinely granted by the Commission.

Commissioners wondered about the option of providing extra help employees with extra points on their job applications for their public agency service. This would help departments in hiring extra help personnel who have a proven track record and are a good fit for the departments. Some people don't perform well on tests, and as a result don't place high enough on the eligibility lists to get hired.

Commissioners requested that Commission Counsel provide information on whether this is a viable option.

Information on this point will be presented at the July meeting and will be carried over to the next fiscal year.

June 2015 – Mr. Pisano, Employee Relations Manager, informed the Commission that all their proposed changes have been discussed with Human Resources and the Human Resources Leadership Team (HRLT).

The modifications that pertain to grant funded appointments would help the departments, who hope this change will move forward. He asked that some stipulations be added to the rule as some grants are renewed and reset on an ongoing basis for a period of many years. Commissioners asked that the rule be modified to state that the departments appear before the Commission when a grant is first received and when it renews, but departments would not need to request extensions from the Commission within the period of the specific grant cycle.

An exemption would also be extended to the Fire Department in hiring their seasonal fire maintenance crew, without the department coming before the Commission. A regular position in this classification is not available so this would not present any conflicts.

Mr. Pisano said that amendments/changes to the rules would be presented to the Commission at their August meeting.

This will carry over to the next fiscal year.

Rule 908 Duration of Probation Period

October 2014 - Commissioners discussed if there was any value in extending the probationary period to allow managers additional time in evaluating an employee in some situations? HR said any such extensions needed to be very narrow and allowed only for good cause shown. It was decided that a year was more than adequate. No changes required.

Rule 1104 - 1106 Layoff; Order of Layoff; Displacement

September 2014 - The layoff rules and procedures are complex, especially as it pertains to the Order of Layoffs and Displacement rights. It is difficult for the managers to interpret and explain to the employees.

May 2015 - Commissioners agreed that the language should be simplified. This would assist in layoffs being implemented correctly. Commissioners requested that Human Resources work on this as time and resources allow. No substantive changes were needed but overall simplification was essential.

June 2015 – Mr. Pisano stated that Human Resources will work on clarifying and simplifying this rule with no substantive changes. He said this would be time consuming and HR would work on it as time allows.

This will carry over to the next fiscal year.

Rule 1204 Notice of Proposed Disciplinary Action

January 2015 - Commissioners thought that having an open ended timeline between the notice of proposed discipline and the time to request a Skelly hearing adds additional stress to employees during a difficult period. Changing the rule by

adding a specific timeline of “10 working days” would clarify this process and make it consistent with the timeline on the other rules.

Also, item 1204 (b) is un-necessary if a specific timeline is implemented, so it should be removed.

May 2015 – There was consensus that “10 working days” should be added (to request a Skelly hearing) as it would provide a definite timeline.

June 2015 – Mr. Pisano recommends that “working days” be defined for clarity as many employees work weekends and holidays, depending on the services they provide.

Upon further discussion, the Commission decided that the timeline should be changed to 14 calendar days. For consistency, Commission requested that all other rules that have a timeline should also be changed to 14 calendar days.

Subset 1204 (b) will be deleted.

HR will add timeline of 14 calendar days in lieu of “within a reasonable period of time”. For the sake of uniformity, all pertinent rules that have a timeline will be changed to 14 calendar days.

This will be carried over to the next fiscal year.

Rule 1304 Discrimination Complaints

February 2015 - A general discussion took place about the placement of the Equal Employment Opportunity Office being under the jurisdiction of the CEO’s office. This could discourage employees from coming forward with their complaints. There did not seem to be a solution so the Commissioners thought it best to leave this for now.

Rule 1410 Medical Leave of Absence, Not Work Related

January 2015 - Commissioners asked for an explanation of the application of this rule. It was explained that the rule runs concurrently with other protected leave, i.e. Family, or Pregnancy and Disability leave. It offers an additional layer of protection for employees who have run out of family or sick leave.

Commissioners decided that no changes were necessary.

Rule 1503 Evaluation of Employee Performance Review (EPR's)

October 2014 - Discussions centered on concerns over discrepancies when the employee is given a “less than satisfactory” rating on critical job skills, yet is given an overall “satisfactory” rating on the EPR.

- Commissioners wondered if having HR conduct random audits of EPR's may be of value in holding appointing authorities accountable in performing EPR's that are consistent , and
- Considered mandatory training for managers and supervisors to help develop a better skill set in providing EPR's

May 2015 – Providing employees with an honest assessment is important as it provides a gauge for the employee to know how they are performing. Reason for the suggested audits was to see if EPR discrepancies are prevalent in all departments or are isolated incidents.

June 2015 – Mr. Pisano informed the Commission that the issue of EPR's could be addressed with proper training for managers and supervisors. He said that some curriculum addressing this issue has been developed. Requiring that the training be mandatory would need to be negotiated with the bargaining units.

Request for an audit was withdrawn.

Commissioners wanted to be on the record that this was an area of concern for the Commission. Mandatory training for supervisors and managers, if possible, would help in this regard, as would HR monitoring EPR's on a consistent basis.

Rule 1602 Time for Training for Promotions

February 2015 - This discussion revolved around communications methods in providing promotional training options objectively to all employees. Mr. Pisano stated that training classes are offered by the County on various subjects through the Employees University; employees are also advised of training via online webinars. Training and conferences offered by outside agencies are other options that are available as well. The Commission was also informed of a recently implemented e-mail notification feature that is sent to all employees alerting them about promotional and other job openings within the County.