



## **CIVIL SERVICE COMMISSION**

### **ANNUAL REPORT 2020-2021**

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 2020-21 all regular monthly meetings of the Civil Service Commission were held via Zoom video conference due the COVID-19 pandemic health-related stay-at-home and social distancing orders issued by California Governor Gavin Newsom and outlined in the State of Emergency and Executive Order N-25-20. One Appeal/Hearing was conducted via Zoom in November 2020, and beginning in May 2021 one Appeal/Hearing was held over fifteen (15) non-consecutive days, nine (9) of which were before June 30, 2021, in the Board of Supervisors Hearing Room and the Planning Commission Hearing Room in the County Administration Building at 105 E. Anapamu St. in Santa Barbara to accommodate social distancing and other COVID-19 protocols.

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 2020-21

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 3) has the discretion to appoint a Hearing Officer for each hearing.

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

<b>APPEALS/HEARINGS FY 2020-2021</b>			
<b>Appellant/Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
**R.H. v. PROBATION DEPT.	07/01/20	**	Case was initially heard on January 21, 2016. Department's decision was upheld. R.H. filed Petition for Writ of Administrative Mandamus (05/2016). Administrative Record submitted to Superior Court (08/2016). Superior Court Judgment granting Petition (07/2018). County appealed (01/2019). Superior Court Order upheld (04/19). Superior Court remanded case back to CSC (11/2019).
	07/18/2020		Outside Counsel retained for this matter. Closed Session conference with Outside Counsel.
	08/20/2020		Both parties submitted Briefs on jurisdiction issue. Item continued to meeting of September 17, 2020.
	09/03/2020		Special Meeting Closed Session conference with Outside Counsel re: jurisdiction.
	09/09/2020		Ruling by Commission to assert jurisdiction and exercise authority pursuant to Superior Court's decision.
	09/17/2020		Closed Session conference with Outside Counsel.
	10/15/2020		Status report by Outside Counsel and overview of 09/09/2020 Ruling re: jurisdiction. Hearing date set.
	11/19/2020		Closed Session conference with Outside Counsel. Discussion about hearing details.

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<b>APPEALS/HEARINGS FY 2020-2021</b>			
<b>Appellant/Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
	12/16/2020		Closed Session conference with Outside Counsel. One day hearing held. Decision served concluded as follows: set aside prior Commission findings of violation of CSR 1203(c); affirm prior findings of violation of CSR 1203 (f); conclude that Appellant violated Administrative Manual Section 1102 (I)(B)(1). Awarded backpay for time prior to retirement minus 45-day suspension. Determined that reinstatement is not appropriate. <b>Case Closed.</b>
**R.K. v. SHERIFFS DEPT.	12/11/2020 12/17/2020	**	Appeal received from Appellant. Request for hearing accepted by Commission. Directed staff to retain Hearing Officer to provide an update in January.
	01/21/2021		Received Progress Report dated 01/13/21 from Hearing Officer R. Solomon. Heard summary of briefs submitted by parties on 01/19/21. Appellant asserted right to in-person hearing. Commission decided hearing would take place via Zoom within 20 days. Hearing set for February 3, 4, 5, 8, 9 & 10.
	01/26/2021		County submitted Motion to Continue due to unavailability of witness.
	02/02/2021		Special Meeting received Progress Report from Hearing Officer R. Solomon on Motion to Continue. Commission canceled February hearing dates.
	02/18/2021		Received Progress Report from Hearing Officer R. Solomon. Directed staff to inquire about feasibility of in-person hearing. Set Special Meeting for 02/24/21.
	02/24/2021		Special Meeting re: discovery items and in-person vs. Zoom hearing protocols. Appellant asserted that a video hearing is a change in terms of employment and requires a Meet & Confer with labor group. Set hearing for April 8, 9, 15, 16, 21, 22, & 23.
	03/03/2021		Appellant filed Motion to Dismiss based on Statute of Limitations.
	03/11/2021		County filed Opposition to Motion to Dismiss.
	03/18/2021		Received Progress Report from Hearing Officer R. Solomon re: Motion to Dismiss. Decision to continue with R. Solomon as Hearing Officer in regard to CSR 1302.

**APPEALS/HEARINGS FY 2020-2021**

<b>Appellant/Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
	04/15/2021		Report on Meet & Confer obligation. Heard arguments from parties on Motions before Commission.
	05/20/2021		Received Progress Report from Hearing Officer R. Solomon. Staff reported on Protocols for In-Person Meetings received by Risk Management division. Hearing set for May 3, 5, 6, June 2, 4, 7, 11, & 14.
	06/30/2021		Commission confirmed additional and remaining hearing dates of June 2, 3, 4, 7, 11, 14, July 8, 9, 12, 14, 23, & 26. <b>Case carries forward to next fiscal year.</b>

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

**Requests for Investigations FY 2020-21**

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 2020-21 Requests For Investigation are below:

**REQUESTS FOR INVESTIGATION FY 2020-2021**

<b>Appellant/Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
<i>F. CASTILLO v. PROBATION DEPT.</i>	11/19/2020	Investigation (1305 & 512)	Approved request for investigation into recruitment exam process that led to applicant's disqualification. Dept. reported back within two weeks.
	12/17/2020		HR provided update. Proposed resolution: rescind disqualification, score exam & continue recruitment. If Appellant was eligible after scoring, will move forward in competitive recruitment. Commission accepts resolution. <b>Case closed.</b>

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### Discrimination Complaints FY 2020-21

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 2020-21 Discrimination Complaints are below:

<b>DISCRIMINATION COMPLAINTS FY 2020-2021</b>			
<b>Appellant/Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
L. TRAGA v. HUMAN RESOURCES	07/01/2020	Investigation (1304)	Case carried forward from prior fiscal year.
	08/20/2020		Received Progress Report dated 08/15/20 from Hearing Officer N. Micon and set potential hearing dates to be held via Zoom. Directed parties to check witness availability.
	09/17/2020		Received Progress Report dated 09/09/20 from Hearing Officer N. Micon. Set hearing dates for November 04-06, 2020 via Zoom.
	10/16/2020		Received Progress Report from Hearing Officer N. Micon. Message from Appellant read into record stating she would pursue grievance outside County process and withdraw issue from Commission. Staff and Hearing Officer N. Micon directed to contact Appellant directly to determine if she would participate in hearing scheduled for November.
	10/26/2020		Order of Dismissal issued by Hearing Officer N. Micon.
	11/19/2020		Order of Dismissal dated 10/26/2020 and signed by Appellant accepted by the Commission and read into the record. <b>Case dismissed.</b>

**Other Commission Business FY 2020-21**

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 2020-21 Other Commission Business is below:

<b>OTHER COMMISSION BUSINESS 2020-2021</b>			
<b>Department</b>	<b>Date</b>	<b>Issue/Rule</b>	<b>Disposition</b>
HUMAN RESOURCES DEPT. Civil Service Personnel Ordinance Update	09/17/2020    06/30/2021	County Code Ch. 27	HR provided a briefing about the update to Ch. 27-Personnel Article I – Civil Service System of Santa Barbara County.  <b>This is an ongoing project. Carries forward to next fiscal year.</b>
HUMAN RESOURCES DEPT. Extra Help Briefing	09/17/2020	CS Rule 905	HR provided a briefing about CSR 905 and how departments use Ex. Help employees in temporary assignments.

**Extra Help Appointments FY 2020-21**

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.

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

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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 2020-21 Extra Help Appointment Extension Requests are below:

<b>EXTRA HELP APPOINTMENT EXTENSION REQUESTS FY 2020-2021</b>			
DEPARTMENT	MONTH/YEAR	# OF REQUESTS	POSITION TITLE
<b>Auditor-Controller</b>	August 2020	1	Financial Office Professional I
<b>Behavioral Wellness</b>	July 2020	2	Recovery Assistant; Department Business Specialist II
	August 2020	4	Department Business Specialist I & II; Recovery Assistant
	October 2020	1	ADP Recovery Assistant
	November 2020	1	Case Worker
	February 2021	1	Practitioner II; Recovery Assistant
	May 2021	1	Department Business Specialist II
	June 2021	1	Recovery Assistant
<b>Clerk/Recorder/Assessor</b>	October 2020	1	Administrative Office Professional II
<b>District Attorney</b>	July 2020	1	Victim Witness Program Assistant
	August 2020	2	Legal Office Professional I; Victim Witness Program Assistant
	September 2020	3	Deputy District Attorney I; Computer Systems Specialist I
	November 2020	1	Legal Office Professional I
	January 2021	1	Legal Office Professional I
	June 2021	2	Legal Office Professional I; Deputy District Attorney I
<b>Fire</b>	August 2020	33	Fire Control Crew; Administrative Office Professional I; Fire Equipment Operator Assistant
	September 2020	8	Fuels Crew Worker; EMS Administrator; Fire Control Crew
	October 2020	4	Fire Control Crew; Fuels Crew Worker
	May 2021	3	Fire Control Crew; Storekeeper; Fuels Crew Worker
	June 2021	3	Fuels Crew Worker; Fire Control Crew
<b>General Services</b>	August 2020	1	Administrative Office Professional
	December 2020	1	Mail Center Worker
<b>Parks-CSD</b>	November 2020	1	Park Maintenance Worker
	April 2021	1	Park Ranger Trainee

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<b>EXTRA HELP APPOINTMENT EXTENSION REQUESTS FY 2020-2021</b>			
<b>DEPARTMENT</b>	<b>MONTH/YEAR</b>	<b># OF REQUESTS</b>	<b>POSITION TITLE</b>
<b>Public Defender</b>	July 2020	5	Legal Office Professional I; Social Services Worker; Deputy Public Defender I
	August 2020	2	Legal Office Professional I; Deputy Public Defender I
	September 2020	1	Rehabilitation Services Coordinator
	November 2020	2	Deputy Public Defender; Legal Office Professional I
	December 2020	2	Computer Systems Specialist; Legal Office Professional I
	February 2021	2	Legal Office Professional Sr.; Social Services Worker Sr.
	April 2021	1	Social Services Worker
	May 2021	1	Public Defender I
	June 2021	1	Legal Office Professional I
<b>Public Works</b>	December 2020	1	Engineering Intern
	January 2021	1	Heavy Truck Driver
	February 2021	1	Maintenance Worker Apprentice;
	March 2021	4	Maintenance Worker Apprentice
	May 2021	4	Maintenance Worker Apprentice; Financial Office Professional Sr.; Urban Forest Maintenance Worker
<b>Sheriff</b>	August 2020	2	Communications Dispatcher II
	June 2021	1	Communications Dispatcher I
<b>Social Services</b>	May 2021	1	Administrative Office Professional I
<b>Total Extra Help Extension Requests 2020-21</b>		<b>110</b>	



## Attachment A

### Summaries

Below is a summary of the work of the Civil Service Commission for Fiscal Year 2020-21

<b>Summary 2020-2021</b>			
	Resolved	Pending	Notes
Hearings/ Appeals	1	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), Outside Counsel retained (2020). Issues re: jurisdiction resolved. One day hearing. Decision delivered; R.K. v. Sheriff (12/2020) Request for hearing accepted. (06/2021) Hearing ongoing. Case carries forward to next fiscal year.
Requests for Investigation	1	0	F. Castillo v. Probation (11/2020) Accept request for investigation. Resolved 11/19/20
Discrimination Complaints	1	0	Traga v. H.R. (2018/19) Case dismissed 11/19/2020
Other Business	1	1	HR briefing re: Extra Help (09/2020); Civil Service Rules Update ongoing. Continues to next fiscal year.
Extra Help Extensions	110		There were a total of 110 Extra Help Extension Requests from 11 different departments.

Below is a four- year summary of the work of the Civil Service Commission covering Fiscal Year 2017-18 through Fiscal Year 2020-21.

TOPICS	CURRENT	FY 2019-20	FY 2018-19	FY 2017-18
New appeals filed	1	0	3	0
Request for rehearing	0	0	0	1
Hearing/Appeal (continued)	1 (R.H)			
Appeals withdrawn/dismissed Removed with prejudice	1 (Traga)	0	1	0
Hearing days	9	0	1	0
Settlements without hearings	0	0	1	0
Discrimination complaints	1	0	1	2
Investigation requests	1	1	2	2
Pending cases - carried forward to next year	1 (R.K. v Sheriff)	2	3	4 1(Investigation)
Pending writs in superior court from prior years	0	0	2 (R.H. & R.K.)	3 (Terris/ R.H./ R.K.)
Petition for writ filed	0	0	0	0
Extra Help Extensions	110	114	104	113

**FISCAL ANALYSIS AND COMMISSIONER INFORMATION  
FY 2020-21**

<b>FISCAL YEAR 2020-21</b>		
<b><u>COMMISSIONER INFORMATION</u></b>		
First District	Mr. R.W. Hap Ziegler	
Second District	Ms. Judith Koper	
Third District	Ms. Jean Morris Ms. Tamara Rowles	07/01/20-09/01/20 10/06/20-present
Fourth District	Mr. Matt Olson	
Fifth District	Mr. Alex Carrillo	
Commission Counsel: Ms. Maria Novatt		
Commission Secretary: Ms. Stephanie Langsdorf		
<b><u>REGULAR MEETINGS</u></b>		<b><u>ABSENT</u></b>
July 2020		All present
August 2020		All present
Special Meeting September 3, 2020		All present
September 2020		All present - D3 Vacant
October 2020		All present
November 2020		All present
December 2020		All present
January 2021		All present
Special Meeting February 2, 2021		All present
February 2021		All present
Special Meeting February 24, 2021		All present
March 2021		All present
April 2021		All present
May 2021		Olson
June 2021		All present
<b><u>EXPENDITURES</u></b>		
<b><u>Amount</u></b>	<b><u>Description</u></b>	
\$ 82,700	Salaries and Benefits	
12,700	Commissioner per Diem	
318	Commissioner Mileage	
360	Telephone	
208	Services and Supplies (e.g. Duplicating, Reprographics, Postage, Office Supplies)	
Total: \$ 96,286		