

CIVIL SERVICE COMMISSION MINUTES

NOVEMBER 2, 2005

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas
Barry I. Newman
Francesca Krauel
W. Dale Bailey
Cheryl Fisher

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission
December 7, 2005

COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
NOVEMBER 2, 2005

2:00 p.m. CLOSED SESSION: Room 400B, 1600 Pacific Highway,
San Diego, California

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
6,7,8,10			12

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Bailey. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 400B
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.

A. Commissioner Krauel: Jason Aldrich, Esq., on behalf of **Neil Connelly**, Senior Agricultural/Standards Inspector, appealing a Final Order of Demotion in Rank and Charges (from Supervising Agricultural/Standards Inspector) from the Department of Agriculture, Weights and Measures.

OPEN SESSION AGENDA
County Administration Center, Room 358

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

MINUTES

1. Approval of the Minutes of the regular meeting of October 5, 2005.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Bailey: Richard Pinckard, Esq., on behalf of **2005-12**, appealing an Order from the Sheriff's Department.

Confirmed.

3. Commissioner Casillas: Solita Kampley, SEIU Local 2028, on behalf of **Robert Insunza**, Building Maintenance Engineer, appealing a Final Order of Suspension and Charges from the Department of General Services.

Confirmed.

4. Commissioner Newman: Solita Kampley, SEIU Local 2028, on behalf of **Margaret Gant**, Detention Processing Supervisor, appealing an Order of Demotion and Charges from the Sheriff's Department.

Confirmed.

5. Commissioner Krauel: Dennis M. Grady, Esq., on behalf of **Warren Garrett**, Equipment Operator, appealing an Order of Removal and Charges from the Department of Public Works.

Confirmed.

DISCIPLINES

Findings

6. Commissioner Krauel: Jason Aldrich, Esq., on behalf of **Neil Connelly**, Senior Agricultural/Standards Inspector, appealing a Final Order of Demotion in Rank and Charges (from Supervising Agricultural/Standards Inspector) from the Department of Agriculture, Weights & Measures.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of Neil Connelly, from a written Final Order of Demotion in Rank and charges from the Department of Agriculture, Weights and Measures, was presented to the Civil Service Commission. The Commission appointed Commissioner Francesca Krauel to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Having been duly noticed, the evidentiary hearing was conducted by the Hearing Officer on October 18, 2005. Based on the Findings and Conclusions of the hearing officer, it is hereby recommended that Causes I, II and III be sustained; that

Cause IV be reversed; that the Final Order of Demotion and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Krauel to approve Findings and Recommendations; seconded by Newman. Carried.

DISCRIMINATION

Findings

7. Commissioner Bailey: James C. Stevens, Esq., on behalf of **Esti Stevens**, Administrative Analyst III, alleging non-job-related factor discrimination (past community work) by the Health and Human Services Agency (HHSA) (continued from October 5, 2005 meeting).

Prior to the reading of the Findings and Recommendations, Mr. Stevens addressed the Commission on behalf of Esti Stevens. He informed the Commission that Ms. Stevens has accepted a position in the private sector and would like to continue this matter for 30 days in order to assess and discuss resolution of Ms. Stevens' claims. Commissioner Newman asked Mr. Stevens what his objective was at this point regarding conducting a Rule VI hearing. Mr. Stevens responded that his client wishes to ensure that none of her rights have been waived.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission on July 6, 2005, the Commission appointed Commissioner Bailey to investigate the complaint submitted by Esti Stevens alleging non-job related discrimination by the Health and Human Services Agency (past community work). In accordance with the established rules and procedures of the Civil Service Commission, the matter was concurrently referred to the Office of Internal Affairs (OIA) for investigation.

The undersigned Investigating Officer has taken into consideration all documentation, submitted by Ms. Stevens and the Agency, as well as the report of OIA. The Investigating Officer concludes that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred.

It is therefore recommended that Ms. Steven's Rule VI discrimination complaint be denied; that the Commission

approve and file this report with the appended OIA Final Investigative Report with a finding of no probable cause to believe that the Complainant has been unlawfully discriminated against; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Bailey to approve Findings and Recommendations; seconded by Newman.

Commissioner Newman pointed out that he will support this motion with the understanding that Ms. Stevens is free to pursue any remedies she feels are appropriate.

Motion Carried.

SELECTION PROCESS

Appeals

8. James C. Stevens, Esq., on behalf of **Esti Stevens**, Administrative Analyst III, appealing her non-selection for the classification of Departmental Personnel Officer II by the HHSA (continued from October 5, 2005 meeting).

RECOMMENDATION: Deny Request

Mr. Stevens stated that Ms. Stevens has accepted a position in the private sector and wants to ensure that her rights are not waived.

Motion by Newman to approve staff recommendation; seconded by Bailey.

Commissioner Newman stated that the Commission does not want to be placed in a position where a County employee's mistake vests rights in an individual.

Motion Carried.

Findings

9. **Katherine Tojino**, appealing the removal of her name by the Department of Human Resources from the employment list for Deputy Probation Officer.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item No. 9 ratified.

OTHER MATTERS

Extension of Temporary Appointments

10. Department of Planning and Land Use

1 Fire Code Specialist II (Edgar Hayman)

This item was not pulled from the consent agenda, however, Commissioner Newman questioned this item regarding the time frame of the Fire Storm from which this Fire Code Specialist II was appointed. Tracy Mitchell, DPO, Planning and Land Use responded. She explained that this Specialist was appointed in 2003 and his position has been approved by the Board of Supervisors. He will be made permanent by the end of this year.

11. Health and Human Services Agency

10 Community Living Aides (Edward Beltran, Eva Fauke, Rosaura Guerrero, Diana Hernandez, Celeste Hunter, George Mross, Connie Nguyen, Jose Paiz Jurado, Ali Ross, Leslie Saunders)

RECOMMENDATION: Ratify

Item Nos. 10 and 11 ratified.

INFORMATION

12. Salvador Reyes, SEIU Local 2028 Worksite Organizer, on behalf of **Marla Castaneda**, former Detention Information Assistant, withdrawal of appeal of an Order of Termination and Charges from the Sheriff's Department. (Commissioner Casillas)

Withdrawn.

13. Public Input.

ADJOURNED: 3:00 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

DECEMBER 7, 2005