

**MINUTES
REGULAR BUSINESS MEETING
THURSDAY, MAY 28, 2009
9:30 A.M.
LOWER PLAZA ASSEMBLY ROOM**

I. CALL TO ORDER

II. ROLL CALL – Commissioners present: Vandenberg, Relle, Merricks and Chair Frank. Staff present: Donald L. Everhart, Commission Assistant, Cheryl Shaw, Commission Assistant, and Law Officer Roberto Orellana. Tom Dorch (IR) was also present as well as Pamela Briscoe (SEIU) and Kelly Shirk (HR).

III. PLEDGE OF ALLEGIANCE

IV. MINUTES FOR APPROVAL – Regular Business Meeting of February 26, 2009; Regular Business Meeting of March 26, 2009; Special Meeting of April 8, 2009; and, Special Meeting of May 1, 2009.

Approval of above minutes continued to June Regular Business Meeting.

V. PUBLIC COMMENTS – An opportunity for the public to address the Commission on any topic that is not on the agenda, but is within the subject matter jurisdiction of the Civil Service Commission. No action shall be taken on any item not appearing on the agenda. However, the item may be placed on a future agenda or referred to staff for appropriate follow-up. – NONE.

VI. REQUEST FOR HEARING – Motion to Dismiss continued to June 25, 2009 for further proceedings.

Termination of **Sylvia Batista**, CBS I **D-04-02-09-08**

Pam Briscoe (SEIU) was present with her client. Tom Dorch (IR) appeared on behalf of the County. Parties wished to proceed on County's motion to dismiss but Ms. Briscoe indicated she had not received the County's motion to dismiss. Chair Frank indicated she did not have adequate opportunity to review the briefing and felt the Commission needed more time to review. She asked the parties to address Rule and Reg. section 2104.

VII. REQUEST FOR INVESTIGATION – None

VIII. CLOSED SESSION (Re-evaluation of Commission Assistant Performance)-
Pursuant to the authority of Government Code Section 54957.

Subsequent to closed session, the Commission reported out that they were confirming the evaluation given on February 26, 2009, on a unanimous vote (4-0). In compliance with the Brown Act, the Commission discussed their positions as to the amount of merit raise and effective date. (see item IX.)

IX. RECONSIDERATION OF MERIT INCREASE –

After Chair Frank reported that the Commission had made the finding that the evaluation of the Commission Assistant done in February had been ratified, Commissioner Relle moved to approve the previous decision of the Commission to give Mr. Everhart a 5% merit salary increase retroactive to his eligibility date. Commissioner Vandenberg indicated he supported the 5% pay increase but only retroactive to Mr. Everhart's eligibility date for this year.

When the vote was taken, Chair Frank and Commissioner Merricks along with Commissioner Relle voted in favor of the retroactive merit increase of five per cent. Commissioner Vandenberg voted "no". Chair Frank pointed out that there had been an administrative oversight that delayed the evaluation and salary increase. She indicated that Mr. Everhart's eligibility date for his merit increase was not known by the Commissioners until receipt of Mr. Nicoll's letter, which indicated January 18, 2008.

Ms. Shirk said that the eligibility date was provided to Mr. Everhart at some time shortly after his inquiry in December 2008. Chair Frank responded that the Commission needed to put off the evaluation in order to have a full Commission present to participate in the evaluation so there was some delay. She also indicated that H.R. should insure that the Chair, at a minimum, be notified regarding the dates of eligibility and needed evaluations. She also pointed out that Mr. Nicoll's letter had not been sent to all of the commissioners and she, for one, did not receive it.

The commission unanimously agreed that as part of the formal response to Mr. Nicoll, it be requested/ordered that the letter of reprimand in the Le matter be permanently removed from Mr. Everhart's personnel file.

X. CHANGE OF COMMENCEMENT DATE OR SUBSTITUTION ON HEARING PANEL –

Commissioner Merricks reported he would be able to adjust his schedule so the July hearing can proceed on date originally set.

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IX. INFORMATIONAL-- Items not intended for Commission action, however, discussion regarding these items might evolve into action. Those parties having an interest in these items should attend the meeting, as these matters may not be revisited. **None.**

XI. ELECTION OF COMMISSION CHAIR --

By unanimous vote, made upon motion by Commissioner Vandenberg, Commissioner Relle was elected Commission Chair effective June 1, 2009. The election for Vice-Chair shall take place at the July Regular Business Meeting. Mr. Orellana indicated that an acting vice-chair could be selected if the need arises but until someone becomes eligible to be voted to that position, which will not be until July when Mr. Vandenberg has completed his one year of service, an election would need to be postponed until that time.

XII. COMMISSION / STAFF COMMENT—

Cheryl Shaw, the new Commission Assistant, indicated that she was drafting a record retention policy for the CSC and plans on having the draft available for review at the June meeting. Once approved, she will obtain a shred bin for the CSC office for documents to be destroyed in compliance with said policy.

Mr. Orellana indicated that he was trying to coordinate a new commissioner orientation session. Chair Frank noted that the new commissioners were required to take the County ethics course and with the current hearing schedule for June and July, a full orientation session would not be possible until possibly August. Mr. Everhart indicated that Mr. Nicoll stated a schedule would be prepared relating to the orientation for the new commissioners. Chair Frank responded that an item could be added to the July agenda to address questions of any of the new commissioners.

Chair Frank suggested that the Commission should consider amending the by-laws to elect the Chair and Vice-Chair in July given that the commissioners terms end in June.

Chair Frank also recommended that the Commission provide a status packet to the Board of Supervisors on a periodic basis, such as quarterly and also provide the Board of Supervisors a copy of all decisions to reduce unnecessary appeals

XIII. ADJOURNMENT

The meeting was adjourned at 10:45 a.m.

APPROVED: _____
JOHN RELLE, CHAIR