

COUNTY OF VENTURA
civil service commission
BOARD OF REVIEW AND APPEALS



AMENDED MINUTES
REGULAR BUSINESS MEETING
THURSDAY JANUARY 28, 2010
9:30 a.m.
LOWER PLAZA ASSEMBLY ROOM

- I. **CALL TO ORDER** The meeting was called to order at 9:30 a.m.
- II. **ROLL CALL**- Commissioners present: Chair Vandenberg, Vice-Chair Merricks and Commissioners Becker and Little. Staff present: Cheryl Shaw, Commission Assistant, Law Advisors Robert Orellana and Bob Boehm, Tom Temple, County Counsel, and Jim Dembowski (IR).
- III. **CLOSED SESSION** – PEACE OFFICER DISCIPLINE OR DISMISSAL CASE(S)
Two Matters – No announcements.
- IV. **PLEDGE OF ALLEGIANCE**
- V. **MINUTES FOR APPROVAL** – The minutes of the Regular Business Meeting of December 10, 2009, were approved on motion of Commissioner Becker, seconded by Commissioner Little.
- VI. **PUBLIC COMMENTS** - None.
- VII. **OLD BUSINESS** – Adoption of amendments to Article VI, Section 4 of the Civil Service Commission By-Laws.

The Commission voted unanimously, on motion of Commissioner Little, seconded by Commissioner Becker, to adopt an amendment to Article VI, Section 4 of the Civil Service Commission By-Laws to permit cancellation of a business meeting upon notice due to lack of substantive business to be conducted.
- VIII. **NEW BUSINESS** – Request for Review of Human Resources Director’s Determination on Petition for Recognition of Employee Organization under Section 2009.J. of the Ventura county Personnel Rules and Regulations (Union of American Physicians and Dentists).

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Present were Jim Dembowski (IR), Matthew Smith, County Counsel and Lawrence Rosenzweig counsel for the UAPD.

Mr. Rosenzweig asked the Commission to expedite the issue of processing the union's petition and expressed a desire to avoid a further briefing of the issues. It is acceptable to the union to have a third party, possibly the Commission's assistant, to review, count and verify the signature cards. Mr. Dembowski urged the Commission to follow the applicable rules and with respect to their jurisdiction. He indicated that every petition was required to be accompanied by signed cards representing at least 30% of the proposed union members and that the signed cards had to be given to the County. That did not occur in this instance.

Mr. Smith stated that there could be no expectation of privacy by those who signed cards as the rules specifically indicate that the cards must be submitted with the petition to the County. Further, it is up to the petitioner to define the proposed unit. The petition submitted by UAPD was insufficient and the union would be able to re-submit another petition during the next open window period in October.

Mr. Boehm inquired as to the County's position on the issue regarding the inadequate description of the unit as it appears that UAPD is capable of describing a discrete unit of employees. Mr. Rosenzweig stated that to look at the cards to determine the unit is inappropriate but that the defined unit would be all full and part time primary care physicians.

In response to Commissioner Little's inquiry about compliance with PERB's Order, Mr. Smith indicated that the County was following the Order by restarting the processing of the petition which was when the H.R. Director decided the petition was incomplete and did not comply with the rules.

Jake Baxter, the union organizer for UAPD, indicated he has the required cards both from 2006 and more recently in his possession today and is willing to provide them. Jim Dembowski indicated that the Commission has not accepted anything outside of the 45 day period based on the rules and on precedence. Mr. Boehm stated that it was only recently that UPAD had been informed that there was an objection based on the lack of submission of signature cards and that had not been the original reason for denying the petition. Mr. Rosenzweig stated that the cards would be turned over to whomever the Commission ordered.

Mr. Dembowski stated that petitions submitted in October are not responded to until November, typically after the window period closes. Commissioner Becker disagreed that what was happening before the Commission could necessarily be considered to be happening outside the window period, given a 45 day window period and that the rules require H.R. to respond within 30 days and that the PERB order appeared to treat this as of the October, 2006 timeframe. Mr. Smith responded that due to the window period, there would be no time to fix deficiencies in the petition.

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Vice Chair Merricks disagreed that there would be any precedential effect of having the signature cards submitted at this point and time. In response to Chair Vandenberg, Mr. Dembowski indicated that if the cards were turned over to him, he would give them to the H.R. Director, John Nicoll. With submission of the cards the issue of the unit determination may become moot.

The Commission voted unanimously and ordered that the 2006 signature cards be turned over to Mr. Dembowski to hand deliver to County Director of Human Resources John Nicoll, and that the petition be processed according to procedure. The Commission will retain jurisdiction over this matter and will be agendized again for the next regular business meeting on February 25, 2010.

Commissioner Becker further urged the Commission to consider recommendations be made to the Board to change various provisions of the Personnel Rules and Regulations. Mr. Boehm indicated he could make recommendations to the Commission in that regard and the Commission unanimously agreed to agendize a discussion relating to recommended changes to the County Personnel Rules and Regulations to March 25, 2010.

IX. REQUEST FOR HEARING – None.

X. REQUEST FOR INVESTIGATION – None.

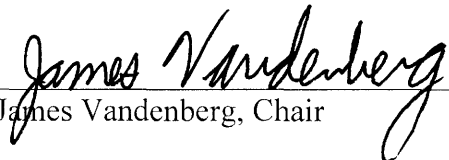
XI. INFORMATIONAL – None.

XII. COMMISSION/STAFF COMMENTS

The quarterly report of the Commission's activities was reviewed and there being no further discussion, on unanimous vote on motion made by Commissioner Becker, seconded by Vice-Chair Merricks, Chair Vandenberg was authorized to sign the report's cover letter dated January 28, 2010, and these documents will be transmitted to the Board of Supervisors.

Cheryl Shaw advised that the County has upgraded its computer system to Office 2007.

XIII. ADJOURNMENT – The meeting was adjourned at 11:40 a.m.

APPROVED: 
James Vandenberg, Chair