

COUNTY OF VENTURA

civil service commission

BOARD OF REVIEW AND APPEALS



Commissioners

Don Becker
Alyse M. Lazar
Haywood Merricks III
Patricia S. Parham
James Vandenberg

MINUTES
REGULAR BUSINESS MEETING
THURSDAY, November 17, 2016
9:30 a.m.
Pacific Conference Room
Hall of Justice

- I. **CALL TO ORDER** – Chair Lazar called the meeting to order at 9:34 a.m.
- II. **ROLL CALL** – Commissioner present Chair Lazar, Vice-Chair Vandenberg, Commissioners Merricks, Becker and Parham. Staff present Cheryl Shaw, Commission Assistant, Robert Orellana, Law Advisor and Mike Curnow (IR).
- III. **PLEDGE OF ALLEGIANCE**
- IV. **CLOSED SESSION** – Peace Officer Discipline or Dismissal – One Matter. Chair Lazar stated that the closed session would be moved to the end of the meeting agenda and that the Commission would adjourn following the closed session.
- V. **MINUTES FOR APPROVAL** – The minutes of the Regular Business Meeting of September 22, 2016, were approved on motion by Vice-Chair Vandenberg, and seconded by Commissioner Becker.
- VI. **PUBLIC COMMENTS** – None.
- VII. **OLD BUSINESS** – None.

VIII. REQUEST FOR HEARING – Kimberly Michael (District Attorney’s Office), Case #16-321-13-02, regarding Senior Investigator promotional process, pursuant to Ventura County Personnel Rules and Regulations section 525.

Petitioner Kimberly Michael was present with her attorney Kathleen Crouch. Emily Gardner, Assistant County Counsel, appeared on behalf of Assistant County Counsel Matthew Smith, who will be representing the Sheriff’s Department.

Ms. Gardner stated that the Sheriff’s Department would be challenging the Commission’s jurisdiction with respect to some of the claims being made by Ms. Michael and requested the Commission set a briefing schedule to address the issues. Ms. Crouch agreed that a briefing schedule should be set and the matter continued. Following a brief discussion, Chair Lazar indicated that the Commission’s law advisor in this matter, Grant Burton, would set the briefing schedule and that the Commission would continue the matter to its regular business meeting on January 26, 2017.

Vice-Chair Vandenberg requested the parties to also brief the issue of whether or not any action taken by the Commission with respect to the subject promotion would potentially trigger any legal action by the employee promoted by the District Attorney. He also raised the issues of whether the Commission has jurisdiction to abrogate a promotional process and whether the fact that the District Attorney is an elected official factors into resolution of the issue of the Commission’s jurisdiction.

IX. REQUEST FOR INVESTIGATION – None.

X. NEW BUSINESS – None.

XI. INFORMATIONAL – None.

XII. COMMISSION/STAFF COMMENTS –

Presentation of report to the Board of Supervisors of the Commission’s activities for first fiscal quarter.

Upon motion by Commissioner Becker, seconded by Vice-Chair Vandenberg, the Commission voted unanimously to direct Chair Lazar to sign the report letter and staff to forward it to the Board of Supervisors for review during its next business meeting.

Mike Curnow, Industrial Relations, reported that the County was currently in negotiations with two represented employee groups, the International Union of Operating Engineers (IUOE) and the Service Employees International Union (SEIU). In response to a question from Commissioner Becker, Mr. Curnow indicated that four other MOA’s

will be expiring within the next year but that they have staggered expiration dates and he will keep the Commission apprised as negotiations continue.

Ms. Shaw stated that she had contacted the attorneys involved in the Criminal Justice Attorneys Association matter, which is still pending as an investigation item for the Commission. She stated that the Superior Court had not yet entered its judgment in the concurrent civil proceeding and that there would be a 60 day appeal period following entry of judgment. Ms. Shaw informed the Commission that the parties had been asked to contact her once the appeal period has run so that the matter may be placed back on the Commission's agenda for further review.

The Commission proceeded into closed session at 9:50 a.m.

XIII. ADJOURNMENT – The meeting was adjourned at 10:05 a.m.