

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, April 27, 2017
9:30 a.m.
County of Ventura Government Center
Hall of Administration
LOWER PLAZA ASSEMBLY ROOM

- I. **CALL TO ORDER** – Chair Lazar called the meeting to order at 9:35 a.m.
- II. **ROLL CALL** – Commissioners present: Chair Lazar, Vice-Chair Vandenberg, Commissioners Becker, Merricks and Parham. Staff present: Cheryl Shaw, Commission Assistant, Robert Orellana, Law Advisor, and Jim Dembowski, Assistant Human Resources Director.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **CLOSED SESSION** – Peace Officer Discipline or Dismissal – One Matter. Chair Lazar announced that the matter set for the Closed Session has been continued to June 22, 2017.
- V. **MINUTES FOR APPROVAL** – The minutes of the Regular Business Meeting of February 23, 2017, were approved on motion by Vice-Chair Vandenberg, seconded by Commissioner Becker.
- VI. **PUBLIC COMMENTS** – None.
- VII. **OLD BUSINESS** –
 - A. Discuss and finalize proposed language for amendment to Commission’s By-Laws to change starting time for Commission regular business meetings to 9:00 a.m.; direct staff to agendize adoption of proposed amendment at a future meeting of the Commission.

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Ms. Shaw read Article 6, sections 1 and 2, the amended sections of the Commission's By-Laws. On motion by Commissioner Becker, seconded by Vice-Chair Vandenberg, the Commission unanimously voted to adopt the proposed amendments to the Commission's By-laws after counsel advised that a second meeting would not be necessary given the length of time between the last meeting and this meeting.

B. Investigation regarding Criminal Justice Attorneys' Association of Ventura County (CJAAVC) request relating to the lateral transfer process used to fill vacancies within District Attorney's Office, Case #14-281-03-02.

Christina Vanarelli, Esq., appeared on behalf of the Criminal Justice Attorneys' Association of Ventura County (CJAAVC). Matthew Smith, Assistant County Counsel, appeared on behalf of the County.

Chair Lazar stated that the Commission's role in the investigation was only advisory in nature and requested comments by the parties addressing what improvements could be made in the lateral transfer process.

Ms. Vanarelli stated that the process needed to be more transparent as currently only the Sheriff's Department advertises to the public that certain positions are open for lateral transfer. She also commented that County Human Resources needed to apply the process in a more consistent manner. In response, Mr. Dembowski indicated that the County's new website which will be launched in June or July, 2017, will have an information button regarding the lateral transfer process with a link to Personnel Rule and Regulation section 1006.

Commissioner Becker referred to Exhibit 4 submitted by the County which contains a letter to potential candidates on the steps to be followed for lateral transfer candidates. He stated that if each of those steps was consistently followed by the County there should be no issues; however, examples have been presented to the Commission wherein each of the steps were not followed. Additionally, Commissioner Becker commented that with respect to Civil Service Ordinance section 1345.1.4.14 and the reference to transfers from other public agencies in a "qualifying class", the section fails to indicate whether or not such candidates but be in a "current qualifying class" and questioned whether or not that meant a candidate could have been in a qualifying class 15-years prior to applying as a lateral transfer candidate. Commissioner Becker concluded by saying that the Personnel Rules and Regulations contain no definition of the word "agency" and it is unclear if there is any distinction between an "agency" and a "public agency" in regard to the transfer rules.

***Please note:** The minutes reflect a summary of the Commission's business meeting. A copy of the complete audio tape of the meeting can be obtained from the Commission's office at (805) 662-6787 or by email to: civil.servicecomm@ventura.org

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Chair Lazar stated that the matter comes down to a question of fairness and whether the current process gives lateral transfer candidates an unfair advantage. She suggested that rather than having just general information on the website, the County's employment postings contain information on the transfer process. Commissioner Parham agreed that given how the process is being implemented there could well be current employees in other agencies that are not necessarily known to the hiring agency, which means there is no opportunity for those candidates to even be considered.

Mr. Dembowski stated that the lateral transfer process is being used to achieve efficient operations and its purpose is to allow a department to meet operational needs quickly, especially in an emergency. Chair Lazar reiterated that the issue was not one of outcomes but of the process being used and questioned why, if the Sheriff's Department advertises the lateral transfer process for all openings, the County could not also do so for other openings.

In response to a question from Commissioner Merricks, Mr. Dembowski stated that, in all instances, management attempts to fill positions with the best possible candidates, even in an emergency, but that there is nothing in the rules that prohibits the County from utilizing a more efficient process. Commissioner Becker stated that the list of hired classifications using the lateral transfer process includes Administrative Assistant I and Office Assistant II, which are entry level positions, and questioned the need for the use of the lateral transfer process for some of the classifications listed. He reiterated that the Commission was not opposed to using the process but it should be an open and transparent process.

Chair Lazar agreed with Commission Becker and suggested some language could be inserted to ensure more open recruitments. She suggested the Commission could appoint a sub-committee to work with Human Resources on the issues that have been raised. Vice-Chair Vandenberg stated that the Commission should decide whether to make any formal recommendations to the Board of Supervisors and is opposed to forming a sub-committee. He also stated that the Board of Supervisors has already ignored the request of the Commission to postpone a decision on amending the Civil Service Ordinance until the Commission provided its thoughts on this matter. Chair Lazar stated that her reason for suggesting the formation of a sub-committee was to explore the potential for reaching some consensus with Human Resources before making recommendations to the Board of Supervisors. Commissioners Merricks, Becker and Parham all agreed that formation of a sub-committee could be beneficial to the process.

Commissioner Becker stated that forming a sub-committee to meet with Human Resources would be futile if Human Resources was not receptive to the idea. Mr.

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Dembowski stated that he would discuss with the Director of Human Resources and respond to the Commission on this point. Commissioner Parham suggested the Commission continue the discussion to the May business meeting and delay forming the sub-committee until a response from Human Resources is received.

The Commission unanimously voted on motion by Chair Lazar that the matter be continued to May 25, 2017.

VIII. REQUEST FOR HEARING – None.

IX. REQUEST FOR INVESTIGATION – None.

X. INFORMATIONAL – None.

XI. COMMISSION/STAFF COMMENTS - Presentation of report to the Board of Supervisors of the Commission's activities for third fiscal quarter.

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

XII. ADJOURNMENT – The meeting was adjourned at 10:37 a.m.

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