

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, February 23, 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 9:30 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, Mike Curnow (IR), Craig Leedham, Industrial Relations Manager, and Jim Dembowski, Assistant Human Resources Director.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MINUTES FOR APPROVAL** – Ms. Shaw stated that Vice-Chair Vandenberg had noted a typographical error and that the minutes for the meeting of January 26, 2017, have been amended to correct the spelling error in the last paragraph of page 5. The minutes of the Regular Business Meeting of January 26, 2017, were approved as amended on motion by Vice-Chair Vandenberg, seconded by Commissioner Becker.
- V. **PUBLIC COMMENTS** – None.
- VI. **OLD BUSINESS** –
 - A. Criminal Justice Attorneys' Association of Ventura County (CJAAVC) request for investigation of 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.

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Chair Lazar stated that the matter was before the Commission to schedule the hearing dates and discuss the scope of the investigation.

Ms. Vanarelli then addressed the Commission and stated her client's concerns regarding the use of the lateral transfer process, including that the process has not been made available to the public (with the exception of transfers to the Sheriff's Department, which does advertise positions open to lateral transfers). CJAAVC requests that the Commission review its evidence and make recommendations to the Board of Supervisors to insure that the entire process is fair, open and transparent.

Mr. Dembowski countered by stating that the lateral transfer process has been utilized by the County since the 1980's and the County has developed certain administrative guidelines to provide for how the process is to be used. He also stated that there has been no showing by CJAAVC that any person hired by lateral transfer was not qualified for the position for which they were hired. He added that the process is used to make the hiring more streamlined. He also stated that of the past 8,600 employees hired by the County, only 73 persons were hired using the lateral transfer process.

Chair Lazar stated that Commissioner Becker had outlined some questions and asked that the parties include responses to those questions in their future presentations to the Commission. Commissioner Parham also asked that the parties provide more details on the process utilized when the County undertakes to hire via lateral transfer.

Vice-Chair Vandenberg stated that he felt that the Commission should not conduct an investigation at all, as the issues regarding the use of the lateral transfer process should be dealt with in collective bargaining. Chair Lazar stated that the issue had been raised before and the Commission is vested with the power to review the rules, regulations and policies of the county and that the Commission had jurisdiction to make recommendations to the Board of Supervisors regarding same and had already voted to conduct an investigation into this matter, prior to the litigation that caused the Commission to stay its proceedings on the matter.

Mr. Smith countered by stating that, when the case first came before the Commission for review, there was a question regarding a specific hire of a single employee by lateral transfer, which is now moot. He urged the Commission to stay focused on the issue of whether or not the process can be improved, offering to provide whatever information the Commission needed should it proceed with an investigation.

After further discussion by Commissioners, the matter was set for an investigation hearing to be added to the Commission's regular business meeting agenda for Thursday, April 27, 2017, at 9:30 a.m.

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- B. Review of Ventura County’s Adopted Personnel Rules and Regulations (PR&R) Pursuant to Subdivision (b) of Section 1345 of the Ventura County Ordinance Code for the Purpose of Making Suggested Revisions to the PR&R to the Board of Supervisors for the County of Ventura.**

Ms. Shaw stated that she had received no suggested corrections or edits from the Commission members. Commissioner Becker stated that it appeared that all of his original suggested edits have been rectified in the most current version of the Personnel Rules and Regulations that he reviewed after the prior meeting. Vice-Chair Vandenberg stated that proposed changes to grammar and language should be dealt with by Human Resources or the Clerk of the Board, rather than the Commission.

Chair Lazar stated that the Personnel Rules and Regulations is a large document and she would like to see a review session placed on the Commission’s agenda twice per year. Staff was directed to agendize a general review of the Personnel Rules and Regulations in the spring and fall.

VII. REQUEST FOR HEARING – None.

VIII. REQUEST FOR INVESTIGATION – None.

IX. NEW BUSINESS – Discussion regarding amending Commission’s By-Laws with respect to regular business meeting start times.

Ms. Shaw stated that Commissioner Parham had requested the item be placed on the agenda for discussion. Commissioner Parham stated that the last few meetings had been quite lengthy and suggested the Commission consider starting meetings at 8:30 or 9:00 a.m. Commissioner Becker agreed that an earlier start time was a good idea.

Mr. Orellana stated that Article 6, section 1 of the Commission’s By-laws could be amended to reflect an earlier start time but that the amendment could not be adopted until the matter was agendized for consideration at two Commission meetings at least 30 days apart, pursuant to Article 10 of the By-Laws. If a specific change were proposed today, he stated that the Commission could amend the By-Laws at its April business meeting.

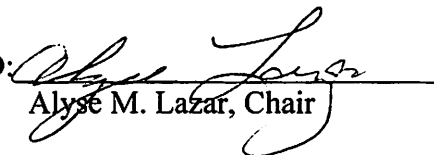
On motion by Commissioner Becker, seconded by Commissioner Parham, that the Commission’s By-laws be amended to change the start time for regular business meetings from 9:30 a.m. to 9:00 a.m. Staff was directed to agendize the proposed amendment for final adoption at the Commission’s April general business meeting.

X. INFORMATIONAL – None.

XI. COMMISSION/STAFF COMMENTS

Ms. Shaw stated that the Commission's minutes have had a history of been quite lengthy, containing detailed discussions and reiterations of arguments, especially with respect to contested matters. She and Mr. Orellana suggested that the minutes of meetings wherein detailed discussions occur be condensed using brief paragraph summaries of arguments and discussions with a notation that audio copies of the entire meeting could be obtained via a request made to the Commission's office. All Commissioner were in agreement and directed staff to utilize a condensed version for meeting minutes, adding a notation regarding the availability of the audio recordings where appropriate.

XII. ADJOURNMENT – The meeting was adjourned at 10:11 a.m.

APPROVED: 
Alyse M. Lazar, Chair