

Sacramento County Civil Service Commission
June 27, 2014 ~ 1:30pm

ADOPTED
ACTION MINUTES

PROCEDURAL MATTERS

- 1) Call to Order: The meeting was called to order by Commission Chair Gordon Purdy at 1:40 pm in the Chambers of the Sacramento County Board of Supervisors.
- 2) Pledge of Allegiance: Chair Purdy led the Pledge of Allegiance.
- 3) Roll Call and Declaration of a Quorum: Roll was called by Civil Service Specialist Jeanette King, and it was noted that Chair Purdy, Vice Chair Michael Johnson, and Commissioner Patricia Macht were present and that Commissioners Bruce Nelson and Ron Suter were absent. A quorum was declared.

Commissioner Suter arrived at 1:52pm.

PUBLIC COMMENT

- 4) Public Comment: None received.

CONSENT MATTERS

- 5) Adoption of Commission Meeting Minutes:
 - A) *May 30, 2014 Regular Meeting*
- 6) Reports: The following status reports prepared by the Department of Personnel Services (DPS) were submitted for receipt and filing:
 - A) *Student Class Appointments*: report for May 2014
 - B) *Promotional Exams and Late Applications*: report for May 2014

ACTION: Motion by Commissioner Johnson, seconded by Commissioner Macht, to adopt the May 30, 2014 Minutes; and receive and file the Student Class Appointments and Promotional Exams and Late Applications reports for May 2014. The motion was adopted unanimously (3 to 0).

SEPARATE MATTERS

7) Reports:

A) *Provisional Appointments*: report for May 2014

ACTION: Motion by Commissioner Macht, seconded by Commissioner Johnson, to receive and file the Provisional Appointments report for May 2014. The motion was adopted unanimously (3 to 0).

8) Unfinished Business: NONE

9) New Business: NONE

INFORMATIONAL MATTERS

10) Report on the Equality of Civil Service Exam Minimum Qualifications for Internal and External Exam Candidates. *This report, prepared by DPS at the request of the Commission, was continued from the Commission's May 30, 2014 meeting.*

Commissioners engaged in a healthy discussion on this topic upon its introduction by Ms. Meghan Hart, Senior Personnel Analyst with DPS. Commissioner Johnson asked how often the County conducts promotional exams for permanent county employees. It was reported that this does not happen very often. DPS Director Devine said that when departments request promotional only exams, the request must first be reviewed and approved by the Equal Employment Opportunity office to ensure that conducting such an exam will allow for a sufficient diverse applicant pool.

Commissioner Johnson also asked how the five preference points are awarded to exam applicants who are existing County employees. It was reported that five preference points may be awarded to existing permanent County employees who have taken an open exam when: 1) that employee did not rank within the top three ranks, and 2) when there are no existing permanent employees within those top three ranks already. Commissioner Suter asked why all permanent employees cannot receive the five preference points automatically. Ms. Carla Honey, Human Resources Manager with DPS, said that in the late 1990's decision rendered by the appellant court in a case brought by Stationary Engineers, Local 39 it said that the County may not grant preference points in a manner which favors lower-scoring employees over higher-scoring employees. Thus, the County developed its current process of conservatively applying the five preference points.

Commissioner Johnson asked DPS what the evidence could look like to demonstrate that establishing less stringent minimum qualification patterns for existing County employees. DPS stated that it did not know and that was the issue. Commissioner Suter wondered if a

cost savings to the County as a result of hiring existing employees in promotional positions could qualify as such evidence.

Commissioner Macht was concerned that establishing less stringent minimum qualification patterns for existing employees could, as DPS stated in its report, result in costly litigation as well as a loss in vital State and federal funding for noncompliance with employment equality requirements. She also asked DPS Director Devine if departments expressed concerns with the County's practice of establishing equal minimum qualification patterns for internal and external employees. DPS Director Devine responded no.

Commissioner Johnson asked DPS what will happen to the 14 percent of class specifications that currently have less stringent qualifications for either internal or external exam applicants. DPS Director Devine said that they will eventually come before the Commission for revision to make the minimum qualification patterns equal.

Commissioner Macht agreed with the DPS report and recommendation that

[I]n order to be consistent with merit principles, applicable EEO laws and regulations, industry best practices, and internal procedures and to avoid any employment law liability, DPS recommends continuing to bring forward minimum qualification patterns that are equivalent and based on a factual analysis.

She believed that the Civil Service Rules were clear in that the County can provide incentives to promote promotional opportunities for existing employees so long as they do not unduly restrict competition.

ACTION: Motion by Commissioner Suter, seconded by Commissioner Johnson, to receive, accept, and file the Report on the Equality of Civil Service Exam Minimum Qualifications for Internal and External Exam Candidates. The motion was adopted unanimously (4 to 0).¹

11) Executive Officers Report:

Executive Officer Dowdin Calvillo reported that there is one release from probation appeal scheduled for Commission hearing and action at the July 11, 2014 meeting. She said that she initially reported that there would be two such appeals ready for hearing at this meeting; however, since that time, the Appellant in one of those cases withdrew his

¹ At the Commission's July 11, 2014 meeting whereat these Minutes were adopted, the Commission unanimously voted to add the following footnote: At the time Commissioner Johnson voted on Commissioner Suter's motion, he did not understand that the word "accept" was in the motion. Had that been the case, Commissioner Johnson would not have voted in favor of the motion as he does not accept the report. He was under the impression that the word "accept" was taken out of the motion. However, after staff reviewed the audio from the June 27, 2014 meeting, it was determined that the word "accept" was in the motion before the Commission at the time the vote was taken.

appeal. In addition, the Commission will hold its annual election for Chair and Vice Chair at the July 11, 2014 meeting.

She also reported that there is a possibility that the Commission may have a release from probation appeal ready for hearing at July 25, 2014 meeting, but it will depend on how soon the Commission's Hearing Officer can get the Proposed Decision to staff as well as the availability of both the Appellant and the Respondent. If not, then it is likely that this meeting will be canceled. In addition, she said that hearings for a release from probation appeal as well as for the psychological evaluation disqualification appeal may be scheduled for the August 8, 2014 Commission meeting.

Executive Officer Dowdin Calvillo said that although the Commission received no appeals this week, we did receive several inquiries about the appeal process and fully expect that at least one additional psychological evaluation disqualification appeal will be filled next week. She reported that there are currently six formal release from probation appeals, one allocation appeal, and one psychological evaluation disqualification appeal pending before the Commission.

Lastly, she told Commissioners that the Board of Supervisors will conduct public hearings on the countywide proposed budget for the 2-14/15 fiscal year on September 9, 10 and 11.

ADJOURNMENT

ACTION: Seeing no further business before the Commission, it was moved by Commissioner Johnson and seconded by Commissioner Suter to adjourn the meeting. The motion was adopted unanimously (4 to 0), and Chair Purdy adjourned the meeting at 2:46pm.

Respectfully Submitted:



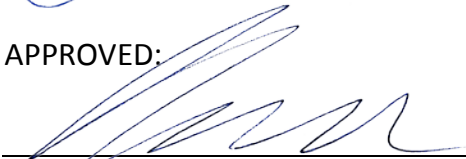
Jeanette King
Civil Service Specialist

Approval Recommended:



Alice Dowdin Calvillo
Executive Officer

APPROVED:



Gordon Purdy
Chair