

MINUTES OF THE SPECIAL CIVIL SERVICE BOARD MEETING
WEDNESDAY - - AUGUST 8, 2012 - - 5:00 P.M.

Draft

1. **CALL TO ORDER:** 5:03 p.m.

2. **ROLL CALL:**

Present: President Avonnet Peeler, Vice President Peter Horikoshi, Member Linda McHugh, Executive Secretary Holly Brock-Cohn and Michael Robles-Wong (Former Civil Service Board President).

ABSENT: Members Dean Batchelor and Marguerite Malloy.

Staff: Assistant City Attorney Stephanie Sierra, Senior Management Analysts Jill Kovacs, Emily Hung, Chris Low and Administrative Technician Sharlene Jackson.

3. **AGENDA ITEM:**

A. A Special Training Session Meeting has been called for the Civil Service Board.

Assistant City Attorney II Sierra began the meeting stating that a special meeting was called to clarify and discuss the roles and responsibilities of various Boards and Commissions. There have been questions regarding the parameters of the Civil Service Board and the appropriate role of a Board Member under the Civil Service system.

Assistant City Attorney II Sierra distributed materials (Civil Service Rules, City Charter and Civil Service Board Ordinance 3011). Ms. Sierra stated that the Civil Service System came about when President Garfield was assassinated by somebody who was angry because they could not acquire employment. In turn the Vice President at that time, who became President Arthur, put the Civil Service System in place by creating the merit system.

The role of the Civil Service Board is to ensure a fair process and to safeguard the merit system. The Charter and the Ordinances are to support the Board in safeguarding the Civil Service Board Rules within the City of Alameda.

City Charter Article 13 states that each Board member is responsible to the City Council for establishing, reviewing the policies of the Civil Service System and making recommendations. Each member is part of a Policy body, just as much as the City Council and the Mayor who direct policy and direct the City Manager to administer those policies. Each member's job is to make sure the system is fair and when a member has recommendations on policy, they are to be directed to the Human Resources Director who administers those policies. A parallel can also be drawn between the City Manager and

City Council.

City Charter Article 7, the City Manager's role, explains that just like the Human Resources Director's role is to administer and execute policies and undertakings formulated by the CSB, the City Manager administers and executes policies formulated by the City Council. The City Manager's job is to also appoint, discipline and remove officers and employees of the City and she/he is the sole person responsible for appointing people through the Civil Service System who will carry out those duties.

City Charter Article 13 states that the Civil Service System shall be established by ordinance. There are two ordinances that discuss the Civil Service System (Ordinance 3011 and Ordinance 2130) where the purpose and responsibilities of the Board are outlined. Ordinance 3011, talks about the role of Human Resources staff and the Human Resources Director within Section 6 and 7. The responsibilities listed within Section 7 are the job of the Human Resources Department: Preparation of the classification plan, reclassification, class specification, review of employment standards and qualifications.

The Board's job is to ensure that the Civil Service system is a good and fair system. The Board has the power to look at those rules and look at those policies and make sure that nothing is going amiss. For example, if a classification is so narrowly written, you as a Board member can say "no, you can't do that. That is too specific." The Board's job is to ensure that it is a fair system and is broadly tailored to attract quality applicants that will fit the needs of the job.

City Council's role, according to the Charter is to establish and abolish offices and positions of employment and fix compensation. In terms of how many people are allotted to a certain department that is the City Council's job. According to Ordinance 2130, the purpose and objective of the Civil Service Rules is to set forth procedures which insure a fair and equitable system of personnel management in City government and to define the privileges, obligations, rights and restrictions which are equally imposed upon all Civil Service employees within the City of Alameda. Also, to ensure fair employment practices and that the City of Alameda is an Equal Opportunity employer.

Assistant City Attorney II Sierra stated that she is at the meeting to answer the Board's questions and introduced former Civil Service Board President, Michael Robles-Wong. Former President Robles-Wong explained that the main issue for Council and Boards is that they are a policy making body. The City has staff to implement the policy. The Civil Service Board has the power to create policies and the City Attorney is there to assist the Board in doing so.

Mr. Robles-Wong stated that he was at the meeting to talk about certain issues that he had to deal with that may apply to the Board's current circumstances. During his 33 years of public service (City of Berkeley, BART, AC Transit, and Hayward Area Recreation District) three quarters of the time he was involved in civil service board responsibilities. The main staff duties and hiring responsibilities are separate from the duties of the Civil Service Board as hearing officers. The Board should not write or evaluate written examinations or

job specs, or deal with budget or layoffs. Those responsibilities are assigned to someone else in the City or another policy board.

The Civil Service Board should not undertake responsibilities that are not “theirs”. The Civil Service Board’s responsibilities are very narrow and it should be kept that way. The one and only hearing that occurred during his term at the City of Alameda involved an employee accused of making threats to fellow staff members which caused this employee to be terminated. The Civil Service Board’s responsibility was to hear all the evidence. He followed Robert’s Rules of Order to manage the process, witnesses, attorneys and everyone else. The Board’s responsibility is to hear the evidence, not generate technical or psychological advice. The purpose of the Board is to promote and go through due process for the employee involved and staff. The Board should do their job as narrowly and correctly as they can and not undertake responsibilities of the experts at hand, (e.g., bargaining unit representatives, lawyers, or City Council). Page 14 of Section 7-3, refers to the section where a Board member may be eliminated from their position should they undertake the responsibilities outside of their scope.

President Peeler stated that during her commission term in Berkeley, the Board was given a choice to either hear the case themselves or have the case be heard by an attorney, but with the City of Alameda the Board has an attorney as an advisor. What is the attorney there for and what is his/her role?

Assistant City Attorney II Sierra stated that the Board may be faced with questions of evidence; the Board is not a governing body of administrative procedures; the Board is free to accept any form of evidence presented. If someone presents the Board with hearsay, they can hear it if they wish. The City Attorney’s job is to ensure that the Board takes action according to their limited roles and responsibilities of hearing and weighing all information. Another responsibility of the Board’s advisor is to ensure that all confidential matters that need not be discussed with the Board in a public forum be immediately stopped. Ms. Sierra stated that she is the advisor assigned to assist the Civil Service Board, as she is the advisor to Human Resource along with City Attorney Janet Kern who will also be assisting the Board at times.

Human Resources Director Brock-Cohn stated that an outside counsel has been appointed as City Attorney Kern was advising the City and they needed someone different to be advising the Board.

Assistant City Attorney II Sierra stated that the Board should make sure that a fair process is conducted and once that is done, the Board has done its job. The Board’s job is to direct policy, it is staff’s purview to carry out that policy.

Mr. Robles-Wong stated that a responsibility that the Board has is to make recommendations to change the rules. The Board applies the rules and ensures that they are in compliance. If the Board feels that there are any changes that need to be made to the Rules, then the Board should/can make a recommendation to change the Rules. During Mr. Robles-Wong’s term on the Board, there were only two rules that were changed

following proper procedure of recommending changes to the City Council.

Human Resources Director Brock-Cohn stated that she hoped the meeting session was helpful to the Board. Board Member Malloy had questions during the last meeting, and it is unfortunate that Board member Malloy was not there to take advantage of this training session. One of Ms. Malloy's concerns was to have the Board meet with Council prior to the meeting regarding reviewing the position listings presented. Human Resources Director Brock-Cohn clarified that things of this matter should go to Council first as it is under their purview and responsibilities to handle and manage positions/classifications issued, expired or extended. The Board is allowed to look at the job specs, and the positions are to be presented to Council just to ensure that nothing violates the rules, and not to make recommendations on the subject matter at hand.

Vice President Horikoshi asked about Board communications, specifically written communication between Board Members and staff. For example, scheduling of meetings and who is available. It is his understanding that Board Members are not to "reply to all" with other Board Members within a media of communication, whatever that may be.

Assistant City Attorney II Sierra stated that the Board is not allowed to conduct chain meetings without notifying the public, as this will be a direct violation of the Brown Act. A staff member is allowed to communicate with each Board member to coordinate his/her attendance to a meeting. Questions regarding meeting notes and agendas or concerns should not be communicated through email or with staff members as this is a violation of the Brown Act, falling under being categorized as a chain meeting.

President Peeler called to adjourn the meeting. She moved to ask Board members, Horikoshi and McHugh if there are any objections to adjourn, no objections are made. All Board members seconded the motion which passed by a 3-0 vote.

4. ADJOURNMENT: 5:57 p.m.

Holly Brock-Cohn
Human Resources Director &
Executive Secretary to the Civil Service Board