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**MINUTES OF THE REGULAR MEETING
OF THE
CIVIL SERVICE BOARD OF THE CITY OF ALAMEDA
WEDNESDAY, OCTOBER 10, 2012**

1. The meeting was called to order at 5:00 p.m. by Board President Avonnet Peeler.

2. **ROLL CALL:**

PRESENT: President Avonnet Peeler, Vice President Peter Horikoshi, Members Dean Batchelor, Linda McHugh (late), Marguerite Malloy, and Executive Secretary Holly Brock-Cohn.

ABSENT: None

STAFF PRESENT: City Attorney Kern, Personnel Management Analysts Emily Hung, Jill Kovacs, and Chris Low

3. **MINUTES:**

A. Approval of Minutes of the Regular meeting of July 11, 2012.

President Peeler asked for clarification on if there is an annual training for the Sunshine Ordinance. City Attorney Kern stated that the training is a one-time only training.

Member Malloy moved that the July 11, 2012 Minutes be approved. Motion was seconded by Member Batchelor which was passed by a 4-0 vote.

B. Approval of Minutes of the Special Meeting of August 8, 2012.

Member McHugh moved that the minutes of August 8, 2012 Special Meeting be approved as written. Motion was seconded by Vice President Horikoshi which was passed by a 5-0 vote.

C. Approval of Minutes of the Special Meeting of August 28, 2012.

Vice President Horikoshi stated that in the first paragraph on page 3, weighing should be changed to weighting. On page 4, third paragraph, second line, supplement questionnaire should be changed to supplemental questionnaire. On page 7, fifth paragraph, Mr. Riddler should be changed to Mr. Riddle. On page 9, in bolded paragraph, Motion passed 4-1. It should be noted that the one vote was an abstention and Mr. Horikoshi would like the record to reflect that abstention.

Vice President Horikoshi moved that the minutes of August 28, 2012 Special Meeting be approved with the corrections stated. Motion was seconded by Member McHugh which was passed by a 5-0 vote.

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4. **CONSENT CALENDAR:**
SUMMARY REPORT FOR EXAMINATION ELIGIBLE LISTS AND CLASSIFICATIONS FOR OCTOBER 10, 2012

4-A.i. ELIGIBLE LIST ESTABLISHED

		DATE ESTABLISHED	EXAM NO.
Assistant City Attorney II		4/23/2012	2012-15
Custodian		5/18/2012	2012-23
Fire Captain		1/30/2012	2011-32PR
Journey Lineworker		8/29/2012	2012-32PR
Public Works Coordinator		7/16/2012	2012-24
Recreation Services Specialist		4/17/2012	2012-16PR
Recreation Services Specialist		9/25/2012	2012-25PR
Senior Electrical Engineer		7/26/2012	2012-21
Senior Engineer		7/24/2012	2012-22
Senior Librarian		8/23/2012	2012-10
Supervising Librarian		5/24/2012	2012-18
Police Officer		8/4/2012	2012-27
Allen, Richard			
Clifford, Alfred			
Ferreira, Kevin			
McDowell, Scott			
Pangelinan, Bryant			
Woulfe, Brendan			
Police Officer		9/25/2012	2012-27
Aguilar, Junior	Matos, Israel	Viray, Ludivico	
Allen, Jennifer	McCants, Matthew	Waters, Thomas	
Bernales, Pio	Montgomery, Sean	Yuen, Edward	
Borman, Lee	Nanthasiri, Katan		
Bradley, Nyal	Neese, John		
De La Rosa, Junior	O'Guinn, Lance		
DeLuna, Daniel	Palmer, Michael		
Furness, Patrick	Reeder, James		
Gibson, Jacob	Ringler, Christopher		
Hall, Mark	Sablan, Daniel		
Huie, Alexander	Salgado, Jaymie		
Jones, Gary	Shokair, Mark		
Konze, Kyle	Socarras, Chano		
Turner, James			
Police Officer		4/16/2012	2012-05
Anderson, Jeffrey	Groh, Jay	Olsen, James	
Asefi, Mostafa	Goyt, Shane	Perdue, Dan	
Boyer, Cooppy	Halog, Jordan	Rhodus, Steven	
Concepcion, Pete	Holmes, Benjamin	Rhoton, Kyle	
Cote, Tyler	Houdashelt, Richard	Saffold, Darryl	
Deys, Jon	Howells, David	Sanjideh, Arvin	
Elliot, Joseph	Huff, Jonathan	Sherman, Matthew	
Fuller, Christopher	Lew, Eugene	Slater, Ari	

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Glaspy, Daniel
Green, Andrew
Vieira-Riberio, Alexander
Viera, Jonathan
Viveros, Victor
Wagner, Justin

Moore, Aaron
Mourdriak, Sergey

Stevenson, Bryce
Tatarian, Vatche

4-A.ii. ELIGIBLE LIST EXTENDED

	DATE ESTABLISHED	EXAM NO.
Accounting Supervisor	3/14/2012	2012-04
Administrative Services Coordinator	12/19/2011	2011-26PR
Administrative Technician II	5/29/2012	2012-20
Associate Civil Engineer	8/30/2011	2011-21
Assistant City Clerk	5/3/2012	2012-19PR
Customer Service Representative	4/19/2012	2012-13
Division Chief	10/10/2011	2011-16PR
Emergency Medical Svc Education Coordinator	1/7/2011	2010-36
Fire Apparatus Operator	3/11/2011	2010-43PR
Fire Captain	1/30/2012	2011-32PR
Library Technician	10/18/2011	2011-35
Meter Reader Collector	3/31/2011	2011-08
Police Lieutenant	2/13/2012	2012-02PR
Public Safety Dispatcher	4/4/2011	2011-02
Senior Management Analyst	1/18/2012	2011-39

4-A.iii. ELIGIBLE LIST EXPIRED/CANCELLED/EXHAUSTED

	DATE ESTABLISHED	EXAM NO.
Account Clerk	12/14/2011	2011-40PR
Accounting Technician	11/10/2011	2011-37PR
Administrative Technician II	11/21/2011	2011-31PR
Assistant City Attorney II	4/23/2012	2012-15
Chief System Dispatcher	9/27/2011	2011-25
Communications Engagement Specialist	1/18/2012	2011-39
Energy Resources Analyst	1/5/2012	2011-33
Intermediate Clerk	9/6/2011	2011-28PR
Journey Lineworker	8/29/2012	2012-32PR
Maintenance Worker I	3/12/2012	2012-01PR
Office Assistant	7/19/2011	2011-15
Planner I	5/4/2011	2011-12
Police Officer	7/1/2010	2010-21
Police Officer	7/30/2010	2010-18
Police Officer	4/20/2011	2011-04
Police Officer	4/16/2012	2012-06
Police Sergeant	5/10/2011	2011-11PR
Public Works Coordinator	12/16/2010	2010-41
Public Works Maintenance Team Leader	8/16/2011	2011-20PR
Public Works Supervisor	3/18/2011	2011-10PR
Risk Manager	3/19/2012	2012-09PR
Senior Energy Resources Analyst	1/5/2012	2011-33
Senior Engineer	10/6/2011	2011-23
Utility Information & Billing Systems Supervisor	3/20/2012	2012-12PR

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4-A.iv. ELIGIBLE LISTS REDO ORDERED

Recreation Services Specialist

DATE ESTABLISHED

4/17/2012

EXAM NO

2012-16PR

4-A.v. LIST OF SPECIFICATION

City Planner (New Class) (removed from 7/11/2012 CSB Agenda for follow-up)

Malloy asked how this position fits into the scheme of the Department. Laurie Taylor, Community Development Director, was at the meeting to answer any questions of the Board. Ms. Taylor oversees three divisions (Economic Development, Building, and Planning which includes Code Enforcement).

In Planning, there were two Planning Services Managers which were equal. One handled advanced planning, one handled current planning. Current planning is when someone comes in at the counter and pulls permits, etc.

The Department was reorganized so that there would be a City Planner position slightly higher than the Planning Services Managers so that all divisions would have a division head similar to the building official or economic development manager for consistency. This was to streamline operations.

Member Malloy asked if it now is a City Planner above the current people applying for permits, etc. Director Taylor stated no, it is one City Planner - a division head for all of planning. They oversee advance planning and current planning. Personnel Management Analyst Kovacs stated that this was one part of a departmental reorganization. There were a total of approximately nine positions involved in the total reorganization which involved developing a new classification. The reorganization of the department and addition of the position has already been approved. At hand today is not the positions per se, the issues are do the job specifications represent the work to be performed, do the qualifications support the work and is it fair so it does not look like we are trying to hire someone's brother-in-law.

Member Malloy asked if the position was now being done by three people, just part-time, or if the function is not being done at all. As an example, if she is the head of planning and is performing 55 functions and it is too much for her, are we going to parcel off eight of the functions to create a job. She is just trying to get a lay of the land to see if this person needs to be the department manager. Personnel Management Analyst Kovacs stated that the position and staffing structure has already been approved. Ms. Malloy stated that she is not questioning it; she just wants to understand to whom the person reports to and who reports to this person. Ms. Kovacs stated that the City Planner will report to the Director. There are a variety of other planners that are to be reported to. There is an organizational chart in the budget book which shows the reporting structure which can be provided to the Board. Member Malloy stated she wants to understand before the position was created how the function was performed; was it performed or who did it. Personnel Management Analyst Kovacs stated it was spread over a variety of different things so what they are doing is consolidating current and advanced planning reporting to one position.

4-B. Report Recommending Limited Exception to Allow the Executive Secretary/Human Resources Director to Place Three Police Officer Recruits on a Police Officer Eligible List Prior to Completing the Police Academy.

Member Malloy asked for Item B to be removed for discussion.

Member Malloy asked what month in 2010 that the list was certified. Vice President Horikoshi stated that the list was originally certified, and then the Board stated that it was okay to continue to add names onto that list.

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Even though the list was certified in 2010 the names of the three officers were added in 2012. Personnel Management Analyst Kovacs stated that is correct.

Member Malloy stated the Board can extend that list up until 2012. She would like to know what rank they are certified in. Personnel Management Analyst Kovacs stated that at this time, we are now certifying the names to the rolling list as they come in because we have "open until filled" positions.

President Peeler stated that there was a hardship in finding police officers which is why this was done differently. Personnel Management Analyst Kovacs stated that is correct.

Member Malloy asked if a list can be extended for more than two years. Personnel Management Analyst Kovacs stated no, a name can be on the list. A list could have started in January, but a name may not have been put on the list until October. The name would have two years from October on that list.

Member McHugh asked when the officers would start the Police Academy and when they will have completed the Academy. Police Chief Noonan stated they started the academy on October 1, 2012. The Academy lasts six months and they will complete it in March 2013.

Member McHugh asked if it was normal for them to wait almost two months before they start the Police Academy. Police Chief Noonan stated this is not normal. In this case, these were such good, high quality candidates that they wanted to hire them before the list expired. The purpose was to get quality candidates, get them oriented before going into the Academy for the Department administrative tasks, and orientation of the city so that would be one less thing for them to worry about when coming out of the Academy in six months.

Member Malloy asked if there are more names on the list. President Peeler asked Human Resources Director Brock-Cohn to explain to Ms. Malloy the difference between the police officer recruitment, other recruitments, and how they are different. Police Chief Noonan stated that the list is good for two years. The Police Officer, Police Lieutenant, and Police Sergeant lists are good for up to two years. Every six months the list is sent to the Police Chief for renewal.

Member Malloy asked if there were more names on the list but those three came off the list. Personnel Management Analyst Hung stated there may have been more names on the list but these were the officers that were selected for hire.

Member Malloy asked if it is customary that we (the City) select before the completion of the six month Academy. Human Resources Director Brock-Cohn stated no. There are many cities that when they do hire they make the recruit an employee. However, in this particular case because of the pension reform that was recently approved, these people were hired with the understanding that they will be under the current formula. The length of the Academy is such that they will not become permanent employees if we do not do this until after January 1. They would be considered new employees at that time and would not be eligible for the same benefits that they were hired under. The concern is because there are other cities that do hire recruits in the Academy, we may lose them.

Chief Noonan stated that these are three entry level police recruits that were hired to fill the vacancies. They passed the background check, medical, polygraph, and psychological testing. They are always hired before the Academy. We hired them a little earlier than normal because we did not want to lose these three individuals. There are other lists that they work off of; laterals, officers coming from other police departments, and people who have put themselves through the Academy. It is not uncommon for us to hire prior to the Academy for entry levels. We did it a little earlier than normal this time because they were such high quality candidates that we did not want to lose them.

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Chief Noonan stated that if they successfully complete the Academy then they become police officers and come back for more training within the Police Department.

Member Batchelor asked when the city was informed about the pension reform going to the new formula. Human Resources Director Brock-Cohn stated that it was in late August early September. Member Batchelor stated that was after we hired them in July.

Member Malloy asked if there were not any other people in the Academy now that the Chief would like to come onboard before the 31st. Chief Noonan stated no. There are people there that if they are qualified, he may recruit them. Everyone is looking for quality police officers.

Member Malloy asked how likely it is that these three people could jump into some other jurisdiction to find work and be hired as employees before December 31st. Chief Noonan stated that it is quite good, very likely. Because every city has different hiring processes and if they are in the Academy they are considered an Academy grad technically. Other cities can expedite the testing process. A perfect example is that Fremont, Union City, Newark, and Oakland put their people through as police officers. Other cities will come in with a waiver from the recruit and take a look at our background check, etc. and the hiring would be expedited.

Member McHugh asked if Oakland and Fremont hiring them as police officers is to prevent poaching in the Academy. Chief Noonan stated yes.

Member McHugh asked why we changed the rules and maybe we should reconsider the policy we have. Personnel Management Analyst Kovacs stated that it was changed approximately 15 years ago because there were high instances of injuries. As a full-time regular police officer the disability benefits are very different for a non-sworn officer. Policy was changed due to high incidences of injuries.

Member McHugh asked if there has been any thought to reconsider the policy given how hard it is to recruit. Personnel Management Analyst Kovacs stated it could go either way.

Vice President Horikoshi stated that in Assistant City Attorney Sierra's memo it states that the Police Chief, at his discretion, can consider them full-time sworn employees at the time they begin the Academy. When Mr. Horikoshi looked at BART requirements it states that they cannot be considered sworn until they finish the Academy. Ms. Sierra reiterated that if they are in the Academy they are considered sworn officers while in the Academy.

Member Malloy stated that under the pension reform legislation the goal is to not have people make decisions with the sole purpose of enhancing someone's retirement benefit. She feels that the main reason is to not have to go to the expense and energy of recruiting new people through the program and being down 11 officers. There are other goals here. She will not support something in essence that is designed to enhance their retirement benefit.

Member McHugh stated that for her it comes down to the City making a good faith effort to the recruits. The timeline revealed says to her that the City moved as quickly as they could to try and mitigate the situation. She feels that all parties were acting in good faith.

Vice President Horikoshi made a motion to allow the Human Resources Director on a limited exception to place three police officer recruits on the Eligible List prior to completing the Police Academy. Motion was seconded by Member Batchelor which passed by a 4-1 vote.

4-C. Information Report on Cancellation of Eligible List – Assistant City Attorney II, 2012-15.

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Member McHugh asked how we can have an eligible list with seven candidates who are qualified or no longer interested or qualified but do not possess the specific legal expertise the City Attorney needs. Personnel Management Analyst Low stated that an Assistant City Attorney II can have a wide variety of legal responsibilities that are assigned. As an example, Assistant City Attorney II Stephanie Sierra was hired from the list but she is not an expert in every aspect of municipal law. The current vacancy is more of a litigating attorney. There were some litigating attorneys on the list but who have subsequently taken other positions. Other qualified candidates could do this level of work, but were not litigators, and do not meet the needs of the city any longer. The City Attorney has indicated that the current eligible list does not meet the business needs of her office or the city. Therefore, she is recommending to cancel the current Eligible List and go back out to get an attorney that does meet their needs.

Vice President Horikoshi asked if they were trying to hire two different Assistant City Attorney II's with different types of expertise. Personnel Management Analyst Low stated that at the time the recruitment was done Ms. Sierra met those business needs.

Human Resource Director Brock-Cohn stated that another vacancy has occurred and so the needs that they have to fill that new vacancy are different than the ones they had for the existing list. Vice President Horikoshi stated that because it was a generalist classification you could have different assignments with different sets of skills but it just so happens that the people who are left on the list do not have those. Human Resources Director Brock-Cohn stated that is correct.

Member Batchelor asked if there are two vacancies. Human Resources Director Brock-Cohn stated no there is one vacancy. Personnel Management Analyst Kovacs stated that the recruitment was held and Ms. Sierra was hired and then another attorney left. The second vacancy occurred subsequent to the filling of the first vacancy.

Member McHugh asked if we need to do a better job with how we describe these positions, or will this always be a problem, where we go out and recruit and then find out that more expertise is needed and requires more detail in another area. Vice President Horikoshi stated that this is similar to the Park and Golf maintenance worker classification where you may have an opening in the parks but it is a generalist classification. You hire that person and then you need someone in the golf area. Sometimes a park maintenance person can work in golf, but if the answer is no then you have to do another recruitment. Human Resources Director Brock-Cohn stated that if they know multiple people are leaving in a department then Human Resources can do a recruitment that would meet the needs of multiple positions. In this case, Human Resources had no idea that this person was leaving, it was a complete surprise.

Member Batchelor asked if this is more of a general position. Litigation issues would have been somewhere in this job description and there were some folks on the candidate list, some are gone, and some are still on the list that we said were qualified. Why are they all of a sudden not qualified? Human Resources Director Brock-Cohn stated that her understanding is that they were qualified for the original position that they applied for, they are not qualified for the new position that they now need to fill.

Member McHugh stated that the memo in the packet says that they are qualified but they do not have the skill set needed. Ms. Sierra, Assistant City Attorney II, stated that there are four attorney's in the City Attorney's Office. The four attorneys have to provide services throughout the whole city. Ms. Sierra's expertise is in construction law, human resources, and affordable housing which were needed at the time. Unfortunately, the job classification in general sort of encompasses everything, but the people on the list had strengths in those areas. But the person who left after she was hired was a strong litigator and her background is litigation. The people on the list may have had some litigation background but the people on the list were strong in human resources, construction, etc. Their real strengths were not in litigation. The City Attorney's Office is looking for somebody with specific skills in litigation.

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4-D. Information Report on Human Resources' Action to Implement the Board's Decision Regarding Redoing the Recreation Services Specialist Recruitment.

Member Batchelor asked if the appellants raised any concerns regarding the Recreation Service Specialists due to the same three people being put back into the positions. Human Resources Director Brock-Cohn stated that they had not received any concerns. For anyone that was laid off there was a letter that they could sign, agreed not to sue the city, and they would get \$5,000. That letter had been delayed for all of those appellants due to the situation. The letters have now been sent and we have not received the letters back yet but according to the appellants union they will be signing the letter. There have not been any other complaints, comments, or concerns.

Vice President Horikoshi made a motion to approve all consent calendar items with the exception of Item 4.B. Motion was seconded by Member Malloy which passed by a 5-0 vote.

5. REGULAR AGENDA ITEMS

5-A. Activity Report – Period of June 1, 2012 through August 31, 2012.

FULL-TIME HIRES

DATE	DEPARTMENT	JOB CLASSIFICATION
06/11/12	City Attorney's Office	Assistant City Attorney II
06/19/12	Library	Custodian
06/25/12	Human Resources	Administrative Technician II
07/10/12	Police	Public Safety Dispatcher
07/23/12	Alameda Municipal Power	Utility Energy Analyst
07/30/12	Public Works	Assistant Engineer
07/30/12	Library	Supervising Librarian
08/14/12	Police	Police Officers (3)

PROMOTIONS

DATE	DEPARTMENT	JOB CLASSIFICATION
06/04/12	City Clerk	Assistant City Clerk
07/29/12	Fire	Administrative Technician II (2)
08/26/12	Alameda Municipal Power	Senior Electrical Engineer

TRANSFERRED JOB CLASS PER CIVIL SERVICE ARTICLE IX

DATE	DEPARTMENT	JOB CLASSIFICATION
07/01/12	Alameda Municipal Power	to Utility Energy Analyst From Senior Management Analyst

DEMOTION TO FORMER POSITION

DATE	DEPARTMENT	JOB CLASSIFICATION
07/01/12	Alameda Municipal Power	to Stock Clerk From Apprentice Line Worker
07/02/12	Community Development	to Planner I From Planner II (in lieu of lay off)

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RETIREMENTS

DATE	DEPARTMENT	JOB CLASSIFICATION
06/03/12	City Clerk	Assistant City Clerk
06/16/12	Police	Police Officer (2)
06/30/12	Police	Police Lieutenant
08/02/12	Recreation/Parks	Office Assistant

LAY OFFS

DATE	DEPARTMENT	JOB CLASSIFICATION
07/12/12	Police	Jailer (6)
07/12/12	Information Technology	Telecom Maintenance Tech
07/12/12	Police	Administrative Technician III

SEPARATIONS

DATE	DEPARTMENT	JOB CLASSIFICATION
06/14/12	Community Development	Permit Technician III
06/27/12	Police	Police Officer
06/28/12	Public Works	Assistant Engineer
08/05/12	Fire	Firefighter

Member McHugh asked about the layoff of six jailers in the Police Department, when we are hiring three new Police Officers. Personnel Management Analyst Kovacs stated that the six jailers were laid off due to the outsourcing of jail services.

Vice President Horikoshi asked how many Police Officers are budgeted. Personnel Management Analyst Kovacs stated that there are a total of approximately 99 sworn officers of which 66 are actual police officers.

6. ORAL COMMUNICATIONS, NON-AGENDA (PUBLIC COMMENT)

None.

7. CIVIL SERVICE BOARD COMMUNICATIONS (COMMUNICATIONS FROM BOARD)

Vice President Horikoshi stated that Human Resources Director Brock-Cohn was going to talk to the Board about how the Council handles decisions in the budget and what the purview is of the Civil Service Board.

Human Resources Director Brock-Cohn stated that there was a question regarding could budget items come to the Civil Service Board first. The answer is no. The answers to the questions are in the Special Meeting Minutes of August 8, 2012. It is the City Council's purview to determine new positions layoffs, elimination of positions, all of those types of items.

Member Malloy asked how many of the current city employees with 25 years of service are likely to retire due to AB3040 as of January. Human Resources Director Brock-Cohn stated that current employees really are not impacted too much other than a cap on the retirement.

Member Malloy stated that for some jurisdictions counting vacation/sick pay into their final salary will affect their retirement and make enough of a difference for some people that they are retiring early. For some jurisdictions it has become an issue. Human Resources Director Brock-Cohn stated that her understanding is

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that for current employees they will be able to continue to do that.

A. Review of 2013 Civil Service Board Meeting Dates.

The Board discussed 2013 Civil Service Board Meeting Dates. The Board agreed to move the January meeting to Wednesday, January 9, 2013. And the July meeting will be moved to Wednesday, July 10, 2013.

8. **CIVIL SERVICE BOARD COMMUNICATIONS (COMMUNICATIONS FROM STAFF)**

9. **ADJOURNMENT**

Meeting was adjourned at 6:03 p.m.

Respectfully submitted,



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