

**Sacramento County Civil Service Commission
January 24, 2014 ~ 1:30pm**

ACTION MINUTES

PROCEDURAL MATTERS

- 1) Call to Order: The meeting was called to order by Commission Chair Gordon Purdy at 1:33p.m 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 Ron Suter were present and that Commissioners Patricia Macht and Bruce Nelson were absent. A quorum was announced.

Commissioner Macht arrived at 1:38pm and Commissioner Nelson arrived at 1:47pm

CONSENT MATTERS

- 4) Adoption of Commission Meeting Minutes:
 - A) *December 20, 2013 Regular Meeting*
- 5) Reports: The following status reports was prepared by the Department of Personnel Services and submitted for receipt and filing:
 - A) *Student Class Appointments*: report for December 2013
 - B) *Promotional Exams and Late Applications*: report for December 2013
 - C) *Eligible Lists Extended*: quarterly report for October, November and December 2013

ACTION: Motion by Commissioner Johnson and seconded by Commissioner Suter to adopt the December 20, 2013 Minutes and receive and file the Student Class Appointments, Promotional Exams and Late Applications, and Eligible Lists Extended reports. The motion was adopted unanimously (3 to 0).¹

¹ Commissioners Macht and Nelson were not present at the time this motion was adopted.

TIMED MATTERS

6) 1:35pm: Appeal Hearing – Examination Disqualification for Alleged Failure to Meet Exam Minimum Qualifications (Civil Service Rule 5.7(d))

A) *Appeal No. 5986-13*

ACTION: Motion by Commissioner Suter and seconded by Commissioner Johnson to adopt the Executive Officer's recommendation to: 1) find that the Appellant in the instant case did not prove that the Director abused his discretion in rejecting her exam application; and 2) deny the appeal and allow the decision of the Director of the Department of Personnel Services to stand. The motion was adopted unanimously (3 to 0).²

SEPARATE MATTERS

7) Reports:

A) *Provisional Appointments*: report for December 2013

ACTION: Motion by Commissioner Suter and seconded by Commissioner Johnson to receive and file the Provisional Appointments report for December 2013. The motion was adopted unanimously (3 to 0).³

8) Unfinished Business:

A) *Consideration for approval proposed revisions to the Sacramento County Classification Plan to amend the following class specifications within the Traffic Signal and Lighting Series: 1) Traffic Signal and Lighting Operations Manager, 2) Traffic Signal and Lighting Supervisor, 3) Senior Traffic Signal and Lighting Technician, and 4) Traffic Signal and Lighting Technician. Continued from the November 15, 2013 Meeting.*

Before the Commission began its deliberations on the proposed revisions to the Classification Plan, it first discussed the legal issue as to whether or not the Commission could approve exam minimum qualifications (MQ) that establish

² Commissioners Macht and Nelson were not present at the time this motion was adopted.

³ Commissioners Macht and Nelson were not present at the time this motion was adopted.

different durational work experience requirements for County and non-County employees given that this was an issue of concern with this specific class study. It appeared that a majority of Commissioners agreed with the January 3, 2014 legal opinion published by Commission Counsel Lisa Travis that states,

[a]bsent an evidentiary or factual showing to the contrary, such minimum qualifications do not measure fitness or merit, but rather merely afforded preference to existing County employees. Absent such a showing, such minimum qualifications conflict with the Charter requirement that hiring be based on merit and fitness.

Commissioners Suter and Johnson opined that it was likely that evidentiary and/or factual showing could be demonstrated that would allow for the approval of minimum qualifications establishing different durational work experience requirements for County vs. non-County employees. The remaining three Commissioners did not echo this position.

ACTION: After much deliberation, motion by Commissioner Macht and seconded by Commissioner Johnson to request that the DPS Director prepare and submit a written report to the Commission on the history of MQ equality between internal and external exam applicants (including a discussion as to when and why the policy regarding MQ equality changed over the years); whether or not there could be discoverable evidence or factual showing that would justify affording preference to existing County employees in the examination qualification process; and his professional opinion as to whether or not there would be merit in the Commission adopting a policy allowing said preference to be given to existing County employees during the examination qualification process, and if not, why not. In addition, the Commission requested that the DPS Director include in the aforementioned written report to the Commission the intent of Civil Service Rule 5 and a discussion as to how it has been applied over time. The motion was adopted 4 to 1 (Commissioner Purdy voted no).

The Commission directed Executive Officer Alice Dowdin Calvillo and Legal Counsel Travis to analyze the aforementioned report and to submit that analysis to the Commission in conjunction with the DPS Director's report.

The Commission then turned its attention to the specific proposed revisions to the County's Classification Plan that would amend the classes within the Traffic Signal and Lighting Series.

ACTION: It was moved by Commissioner Macht and seconded by Commissioner Nelson to adopt the Executive Officer's recommendation to approve DPS' proposed revisions to the Classification Plan to: amend the following class specifications within the Traffic Signal and Lighting Series: 1) Traffic Signal and Lighting Operations Manager, 2) Traffic Signal and Lighting Supervisor, 3) Senior Traffic Signal and Lighting Technician, and 4) Traffic Signal and Lighting Technician; and refer the approved revisions to the Classification Plan to the County Board of Supervisors for its review and approval.

ACTION: Motion to amend was made by Commissioner Johnson and seconded by Commissioner Nelson to exclude the Traffic Signal and Lighting Operations Manager classification specification from Commission approval until a subsequent report regarding the equality of MQ for internal vs. external exam applicants is presented to the Commission failed 2 to 3 (Commissioners Purdy, Suter and Macht voted no).

ACTION: The original motion to adopt the Executive Officer's recommendation to approve DPS' proposed revisions to the Classification Plan to: amend the following class specifications within the Traffic Signal and Lighting Series: 1) Traffic Signal and Lighting Operations Manager, 2) Traffic Signal and Lighting Supervisor, 3) Senior Traffic Signal and Lighting Technician, and 4) Traffic Signal and Lighting Technician; and refer the approved revisions to the Classification Plan to the County Board of Supervisors for its review and approval was adopted 3 to 2 (Commissioners Johnson and Suter voted no).

9) New Business: None

INFORMATIONAL MATTERS

10) Public Comment: None Received

11) Executive Officers Report:

Executive Officer Dowdin Calvillo stated that there are two exam disqualification appeals set for hearing at the Commission's February 7, 2014 meeting and that meeting packets were distributed today. She also reported that there is one exam disqualification appeal scheduled for hearing at the Commission's February 21, 2014 meeting. Commissioner Suter reiterated that he would not be present for the February 21 or the March 7, 2014 meetings.

She also reported that class studies for the Planner Series and the Park Maintenance Mechanic Series may be ready for Commission consideration at one of the March meetings.

Executive Officer Dowdin Calvillo said that the Commission received one exam disqualification appeal this week, and that there are current five exam disqualification and five release from probation appeals pending before the Commission.

Lastly, she reported that the Commission's mid-year financial review is due to the County Executive Office in February and that currently, the Commission is operating within the limits of its approved budget.

ADJOURNMENT

There being no further business before the Commission, Chairman Purdy adjourned the meeting without objection at 3:52 p.m.

Respectfully Submitted:

Approval Recommended:

Jeanette King
Civil Service Specialist

Alice Dowdin Calvillo
Executive Officer

APPROVED:

Gordon Purdy
Chair