

# MINUTES

**Sacramento County Civil Service Commission Meeting  
700 H Street, Suite 1450  
Sacramento, California 95814**

**March 11, 2011**

The Commission convened for its regularly scheduled meeting at 1:30 p.m. on Friday, February 25, 2011, at 700 H Street, in Suite 1450, Sacramento, California. Commissioners Bowler, Johnson, Meredith, Nelson, and Suter were present.

## CONSENT CALENDAR

(Matters on The consent calendar are acted upon as one motion.)

**A. Minutes 2/25/11**

**ACTION:** By unanimous vote, approved the Consent Calendar.

## SEPARATE MATTERS

**B. Departmental Requests To Extend Provisional Appointments - NONE**

**C. Appeals Pursuant To Civil Service Rule 4.2, Application Rejections—**

**1) Anthony Roberts Appeal From Rejection Of Application For The Airport Operations Worker Examination:**

**ACTION:** By the following vote, granted the appeal.

AYES: Commissioners Nelson, Johnson, Suter, Meredith

NOES: Commissioner Bowler

ABSTAIN: None

ABSENT: None

**2) Anthony Lewis Appeal From Rejection Of Application For The Special Assistant, Board Of Supervisors Examination:**

**ACTION:** By unanimous vote, denied the appeal.

**D. OPEN SESSION: Civil Service Commission Discussion Regarding Directive That Department Of Personnel Services That Classification Specifications Be Submitted With Inside Minimum Qualification Pattern Requirements That Recognize Sacramento County Career Service; And Receipt Of Report Back On Commission Counsel's Opinion (Continued from 2/25/11 at request of Commission Counsel)**

Traci Lee, Commission's Counsel, presented to the Commission that it is her and County Counsel's opinion that Minimum Qualifications that are unequal in duration for inside and outside candidates and that are without some factual showing of why the County employee is more qualified, do not measure the candidates' fitness and abilities, but merely affords a preference to existing County employees. This therefore conflicts with the Charter requirement that hiring be based on merit and fitness, and constitutes an abuse of discretion by the Commission.

However, she provided a caveat to the Opinion that situations do exist in which County

employment is entitled to preference, as in the use of Promotional-Only examination. And she noted that if the Commission can articulate an evidentiary basis, or order that DPS be required to articulate an evidentiary basis, as to why a particular series of classifications have differentiating inside and outside patterns; and, if it is not based solely on the fact of a candidate having County service, then that does not constitute an abuse of discretion by the Commission and thus provides the proper rationale based on fitness and merit in order to justify the unequal patterns.

To Department of Personnel Services' assertion that unequal Minimum Qualifications violates Local Agency Personnel Standards adopted by the State Personnel Board to implement Government Code Sections 19800-19810, which require establishment of personnel standards necessary to assure state conformity with applicable federal requirements, Ms. Lee responded that these are only "broad, flexible guidelines" which neither establish nor impose particular criteria or Minimum Qualifications.

Mr. Joe Lopez, Human Resources Manager II with the Employment Office, despite the Opinion given by the Office of the County Counsel, reiterated it was DPS' standpoint that based on their job analyses and through thorough consideration during the classification process, they hold that unequal Minimum Qualifications violates merit system principles and is thus discriminatory. Additionally, he stated that "all the Minimum Qualifications you see from this point forth ... are going to be based on job analysis and an equal nature."

During discussion, the Commission noted their concerns regarding upholding career service within the County, in that DPS has moved toward giving more Open Examinations and subsequently there are currently fewer Promotional-Only Examinations than existed even five years ago.

Mr. Lopez responded that in order to do more Promotional-Only Examinations, DPS must review the affirmative action policies through the Office of Disability and Compliance as well as the Equal Employment Opportunity Officer, in order to ensure that they are not disadvantaging any groups. Additionally, Mr. Joseph Hsieh, Human Resources Manager II with the Employment Office, stated that in light of the recent layoffs, it is the intention of DPS to incorporate more Promotional-Only Examinations in order to retain permanent County employees. However, it was also noted that Rule 5.2 Promotional-Only Examinations does not apply to those employees who were laid off during the past few years and are waiting on reemployment lists.

The Commission continued the matter for the April 8, 2011 meeting requesting that Commission's Counsel report back as to the propriety of modifying Rule 5.2 and whether should be modified. The Commission also directed that staff set the matter for discussion of Rule 5.2 particularly employees who have had a break in County service due to lay off and their inability to apply for Promotional-Only Examinations.

**E. Fiscal Year 2011 – 2012 Proposed Civil Service Commission Budget**

The Executive Officer, Leslie Leahy, presented the Fiscal Year 2011-2012 Proposed Civil Service Commission Budget, noting that it had already been submitted to the Commission's assigned analyst for review prior to submittal to the County Executive, noting the proposal included the request that full funding be maintained for the Commission.

Commission's attention was directed to the *Reduction Impact Statement*, explaining the results the *Preliminary General Fund Allocation* would have on the department; and the *Additional Growth Request* presenting justification for the replacement of the department's over 9 year old computers that are experiencing system failures on a regular basis.

Commissioner Meredith expressed concern that during previous budget hearings the County Executive was given clear direction not to cut more from the Commission's budget, noting that County Counsel and the Board of Supervisors warned that further cuts would seriously impair the Commission's ability to carry out its mandated responsibilities and violate the Charter.

Commissioner Meredith suggested the Commission obtain an opinion from its Counsel regarding the legal ramifications such a reduction would have on the business of the Commission. During discussion, the Commission noted the *Preliminary General Fund Allocation* requires a 50% reduction in its staff and would result in a decrease to its meeting scheduled to, in the best case scenario, one meeting a month, or perhaps one meeting every six weeks or each quarter. Fewer meetings will produce a backlog of Department of Personnel Services and County department business needs due to the postponement of classification studies and suspension or delays in administering exams and/or establishing eligible lists due to appeals filed.

The Commission denied the Executive Officer's request to approve the Civil Service Commission's Proposed Fiscal Year 2011-2012 Budget, voting unanimously to continue the matter to its April 8, 2001 meeting for further consideration pending receipt of Commission Counsel's opinion.

### ADJOURNMENT

There being no further business to come efore The Commission and by unanimous vote, the meeting was adjourned at 3:28 p.m. The Commission will reconvene for its next regularly scheduled meeting at 1:30 p.m. on Friday, March 25, 2011, in Suite 1450 at 700 H Street, Sacramento.

Respectfully Submitted:

Approval Recommended:

/S/  
Jeanette King,  
Civil Service Specialist

/S/  
Leslie Leahy,  
Executive Officer

APPROVED:

/S/  
Ron Suter,  
Chairperson