

CIVIL SERVICE COMMISSION

Thursday, July 7, 2022

3:30 p.m.

In accordance with AB 361, Governor Newsom's March 4, 2020 State of Emergency due to the COVID-19 Pandemic, the Sonoma County Public Health Officer's Recommendation for Teleconferenced Meetings, and the Sonoma County Board of Supervisors Resolution 21-0399, the July 7, 2022 Civil Service Commission meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

The July 7, 2022 Civil Service Commission will be facilitated virtually through Zoom.

1. Join the Zoom meeting application on your computer, tablet or smartphone:
Go to:

<https://sonomacounty.zoom.us/j/95827969093?pwd=NVPqRnNtUFh6eINyWVZVV0J4UWlxZz09>

2. Call-in and listen to the meeting:

By telephone:

Number: +1 (669) 900-9128

Webinar ID: 958 2796 9093

Passcode: 515160

PUBLIC COMMENT PRIOR TO THE COMMISSION MEETING:

Public Comment may be submitted via email.

EMAIL PUBLIC COMMENT: To submit an emailed public comment, email the Commission Secretary at yuka.kamiishi@sonoma-county.org by July 1, 2022 to ensure the commissioners review time. Please provide your name, the agenda items on which you wish to speak, and your comment in the email. These comments will be emailed to all Civil Service Commission members.

PUBLIC COMMENT DURING THE COMMISSION MEETING:

PUBLIC COMMENT USING ZOOM: Available time for comments is determined by the Chair based on agenda scheduling demands and total number of speakers. Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment when the Chair opens the public hearing for your item of interest. Please take the time to locate the raise hand feature in the app, press the Alt & Y keys together on your

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keyboard, or press *9 to raise and lower your hand when calling in. Your name, or phone number if you call in, will be announced when it is your turn to speak. One public comment is allowed per person.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the Commission Secretary at (707) 565-6195 or by email yuka.kamiishi@sonoma-county.org by 1pm Monday, July 4, 2022 to ensure arrangements for accommodation.

The rules for public observation and comment supersede and replace the standard provisions on below for the duration of the public health emergency.

Public Comment: Any member of the public may address the Commission on a matter listed on the agenda. Commenters are requested to come forward to the podium when recognized by the Commission Chair. Please state your name and limit your comments to the agenda or report item under discussion. Available time for comments is determined by the Commission Chair based on agenda scheduling demands and total number of speakers.

Disabled Accommodation: If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Commission Secretary, Yuka Kamiishi at (707) 565-6195 or by email at yuka.kamiishi@sonoma-county.org, as soon as possible to ensure arrangements for accommodation.

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Human Resources office at the above address during normal business hours.

- I. **Call to Order**
- II. **Approval of Minutes of June 16, 2021**
- III. **Director's Report**
- IV. **Public Comment**

Any member of the public may address the Commission on a matter not listed on the agenda but within the subject matter jurisdiction of the

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Commission. Please state your name and who you represent, if applicable. Comments may be limited to 3 minutes, or as determined at the discretion of the Chair. Under State Law, matters presented during public appearances cannot be discussed or acted upon by the Civil Service Commissioners.

V. Agenda Items

A. Ad Hoc Subcommittee Draft Report – Findings from the Civil Service Ordinance Reviews

Commissioners John Hadzess and Mark Walsh

VI. Reports

VII. Appeals

VIII. Other Scheduling Matters

IX. Commissioners Closed Session

X. Reconvene from Closed Session

XI. Commissioners Open Session

XII. Adjourn

The next Civil Service Commission meeting will be **Thursday, July 21, 2022** at 3:30 p.m., virtually with Zoom. The Agenda deadline for this meeting is 2:00 p.m., Friday, July 18, 2022.

CIVIL SERVICE COMMISSION
Ordinance Review and Rules Reconciliation Ad Hoc Committee
July 7, 2022 Draft Report

Between September 2020 and June 2022, an Ad Hoc of the Civil Service Commission, the Human Resources Director, and Human Resources staff, met eleven (11) times to review the Civil Service Ordinance with the purpose of reconciling the Ordinance with the Civil Service Rules and Human Resources' current practices.

This report represents the work of the Ad Hoc – pairing each section of the Ordinance with the related Civil Service Rule(s), pertinent notes related to the Ad Hoc's discussion of each section, and any further actions the Ad Hoc has identified are necessary. As indicated throughout the report, Human Resources has contacted County Counsel requesting interpretations, updates, and edits on a number of sections of the Ordinance. Once Counsel's response is received, the Ad Hoc will return to the Commission with updated information and any applicable recommendations.

Sonoma County Ordinance, Chapter 21 - Personnel; Article I. - Civil Service

Sec. 21-1. Authority and Purpose – Adoption of System.

Related Rule(s): 2.1

Notes: Section 21-1 defines the authority and purpose of the civil service system, which is to establish an equitable and uniform process for dealing with personnel matters through a Civil Service Commission, and for County employment decisions to be made on a merit basis, ensuring the best qualified individuals are hired.

Sec. 21-2. Civil Service Commission – Created – Composition – Appointment and Terms of Members.

Related Rule(s): N/A

Notes: This section defines the term of office of Commissioners. It is not necessary to be included in the Civil Service Rules. Civil Service Rules 2.2 refers to the election and duration of the Chairperson and Vice-Chairperson, which is not defined in the Ordinance.

Sec. 21-3. Civil Service Commission – Qualifications, Election, Removal and Compensation of members – Investigations, etc.

Related Rule(s): N/A

Notes: This section defines the qualifications, election, removal, and compensation for Commissioners. Human Resources has sought clarification from County Counsel regarding the following language in Section 21-3 (a): “No member of such commission shall be an employee of the classified or unclassified service and concurrently a member of such commission, a member of any local, state or national committee of a political party or an officer or member of a committee in any partisan political club or organization or shall hold, or be a candidate for, any elective office.” The Ad Hoc will provide the Commission with an update once Counsel’s response is received.

Sec. 21-4. Civil Service Commission – Chairman – Meetings – Responsibilities of Director of Human Resources.

Related Rule(s): 2.2A, 2.2B

Notes: Section 21-4 indicates the Commission shall meet at least once a month. The Ad Hoc recommends compliance with this section and the Ordinance not be amended to allow for less frequent meetings.

Section 21-4 also states, “...The director of human resources shall keep an official record of all actions taken by civil service commission and shall prepare, or cause to be prepared, an annual report that shall be amended or approved by the civil service commission and submitted to the board of supervisors.” At present, an annual report is not being provided to the Board of Supervisors. The Ad Hoc recommends modifying the Annual Recruitment and Classification Workload Presentation/Report the Recruitment and Classification Manager presents to the Commission in the fall of each year to include the number of meetings, number of hearings related to disciplinary actions, and an overview of any other associated work or actions taken by the Commission during the preceding fiscal year. The report will then be forward to the Board of Supervisors for awareness.

Sec. 21-5. Classified and Unclassified Service Generally

Related Rule(s): N/A

Notes: Section 21-5 includes the list of positions that are in the Unclassified service. The list of unclassified department heads can be amended through Board action; it does not require a vote of the people. The online version of the Ordinance has been updated to reflect the most recent changes from October 2020, the addition of the County Equity Officer and the deletion of the Director of Fire Services/Emergency Program Manager.

During the review process the Ad Hoc identified a number of department heads not listed in Section 21-5. They are: County Counsel, Chief Probation Officer, Public Defender, CDC Executive Director, APOSD General Manager, UCCE Director, Sonoma Water General Manager, and Retirement Administrator. Human Resources has sought clarification from County Counsel to determine if they should be added to the list.

Further, the Ad Hoc identified several outdated positions that should be removed. These include:

- (c) The law library trustees;
- (f) Interns, ~~resident physicians and student nurses~~; (Note: The County still utilizes interns, so they should remain. Resident physicians and student nurses can be deleted)
- (g) Casual patient and inmate employees at county institutions;
- (j) The director of the Sonoma County Health Services; (Note: The director of health services is listed under item “v”)
- (k) The county sanitation engineer;

Sec. 21-6. Civil Service Commission – Duties and Obligations of Members.

Related Rule(s): Refer to Sec. 21-6/Civil Service Rule Matrix

Notes: The text associated with item (J) of Section 21-6 was amended in 1994 but the edits are not reflected in the online version of the Ordinance. Human Resources is working with County Counsel to have the language updated as follows:

“For the number of standings on an employment list that may be certified to department heads, boards or officers possessing appointive power for their consideration; however in no event shall the number of standings that may be certified in connection with a promotional examination exceed three standings for one vacancy”

Item (P) states the rules shall “provide for recommendations of rates of pay for each classification of position.” Pursuant to the Meyers-Milias-Brown Act, this is not legally appropriate and must be removed from the Ordinance. Human Resources has contacted County Counsel to determine the most appropriate methodology to have item (P) removed. The Ad Hoc will provide the Commission with an update once Counsel’s response is received.

Sec. 21-7. Appropriation of Funds to Effectuate Article.

Related Rule(s): N/A

Notes: This section states the Board shall provide appropriate funds to carry out the provisions of the Ordinance. It is not necessary to include in the Civil Service Rules. Civil Service Rule 2.3 defines the duties of the Human Resources Director, which include: (A) performing and discharging, under direction and control of the Civil Service Commission, such authority and duties as delegated; and (B) carrying out all procedures in the administration of the County’s personnel system in conformity with the provisions of the Ordinance and the Civil Service Rules.

Sec 21-8. Contracting for Personnel Services.

Related Rule(s): N/A

Notes: Section 21-8 allows the Board, at the request of the Civil Service Commission, to contract with any State Department or competent agency or person to conduct competitive exams or other service in connection with personnel selection and administration. It is not necessary to include in the Civil Service Rules. Civil Service Rule 2.3 defines the duties of the Human Resources Director, which include: (A) performing and discharging, under direction and control of the Civil Service Commission, such authority and duties as delegated; and (B) carrying out all procedures in the administration of the County's personnel system in conformity with the provisions of the Ordinance and the Civil Service Rules.

Sec 21-9. Effect of Article as to Present Employees, etc.

Related Rule(s): N/A

Notes: This section is no longer applicable as it addresses the status of individuals employed by the County at the time the classified service was established. Human Resources has contacted County Counsel to determine if/how this section can be removed from the Ordinance. The Ad Hoc will provide the Commission with an update once Counsel's response is received.

Sec. 21-10. Improper Political Activity.

Related Rule(s): N/A

Notes: Section 21-10 states, "No officer or employees under the civil service system shall engage in improper political activity as the term is defined in the rules of the civil service commission." The Civil Service Rules do not specifically define improper political activity. However, political activity of employees is covered in the following laws/rules/policies:

- Sonoma Municipal Code Sec. 2-3 – Political Activity of Appointive Officers and Employees
- California Government Code Ch. 9.5 – Political Activities of Public Employees
- Federal Hatch Act (applies to employees whose positions are financed in whole or part by Federal loans or grants)

Tangentially related, Civil Service Rule 12.1D allows for an appointive County officer or employee, who becomes a bona fide candidate for public office, to take a leave of absence without pay during their candidacy period.

Sec. 21-11. When Auditor to Withhold Payment of Salary, etc.

Related Rules(s): 2.3C

Notes: Section 21-11 prohibits compensating individuals for performing the duties of a position in the classified service unless the Human Resources Director has approved the individual has been appointed/employed under the provisions of the Ordinance and the Civil Service Rules. This section of the Ordinance is supported by Civil Service Rule 2.3C that states the Human Resources Director will, “Check department payroll documents for legality and accuracy of appointment of persons named therein and certify the names to the Auditor-Controller.”

Sec. 21-12. Discrimination Prohibited.

Related Rules(s): N/A

Notes: Section 21-12 states, “No person in the civil service system, or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against, because of his race, religion or political opinions or affiliations.” The language is outdated and does not address other types of discrimination, including age, disability, national origin, sexual orientation, gender identify, etc. Human Resources has contacted County Counsel to determine how the language in this section of the Ordinance can be updated. The Ad Hoc will provide the Commission with an update once Counsel’s response is received.

Tangentially related, Civil Service Rule 5.6E, regarding appeal of examination due to unlawful discrimination, directs individuals to file the appeal in accordance with the Discrimination Complaint Procedure specified in the County’s Affirmative Action Plan. The name of the policy in the Civil Service Rules should be updated to “Equal Employment Opportunity Policy.” Human Resources will make this edit during a future update of the Civil Service Rules.

Sec. 21-12.1 Dismissals, Suspensions and Reductions in Rank or Compensation.

Related Rules(s): 10.5B, 10.5C (1)

Notes: This section specifies the actions, and timing of said actions, that need to be followed to dismiss, suspend, or reduce (in either rank or compensation) a classified employee. The Ad Hoc reviewed this section of the Ordinance in comparison to Civil Service Rules 10.5B and found them to be in agreement.

Specific to appeal hearings, the Ordinance states, “Within twenty days from the filing of the appeal, the civil service commission shall commence a hearing and either affirm, modify or revoke the order.” Similarly, Civil Service Rule 10.5C (1) states, “Within twenty (20) regular County business days after the filing of the appeal, Human Resources Director shall begin the Civil Service Commission hearing process on the order and appeal by holding a prehearing conference.” When discussing the timing of appeal prehearing conferences, the Ad Hoc noted that while the Ordinance does not state the hearing must occur within 20 days of an appeal being filed, it does stipulate commencement of the process. The Ad Hoc has interpreted this to mean that the Human Resources

Director shall communicate with the interested parties and begin scheduling the pre-hearing conference within the 20-day timeframe.

Sec. 21-12.2 [Transfer of Employees Holding Permanently Allocated Positions.]

Related Rule(s): N/A

Notes: Section 21-12.2 grants Civil Service Status to employees whose positions are transferred from the Water Agency, Community Development Commission, and Sonoma County Fair to the Sonoma County service by the Board of Supervisors. It also speaks to accrual, accumulation, and use of sick and vacation leave, seniority credit, salary-step placement, and probationary status. Further, it allows individuals at the aforementioned agencies/organizations to transfer, pursuant to the Civil Service Rules, to a position within the County service and speaks to transfer of accrual, accumulation, and use of sick and vacation leave, seniority credit, and salary-step placement the employee is eligible to receive if they do not have a break in pay status greater than two (2) working days. Human Resources confirmed their processes are consistent with this section.

In reviewing this section, the Ad Hoc noted that the Sonoma County Library was listed amongst the agencies whose positions could be transferred into the County service. This is no longer the case, and as such, the reference to the Library should be removed from this section of the Ordinance. Human Resources has contacted County Counsel to determine if/how that change can be made. The Ad Hoc will provide the Commission with an update once Counsel's response is received.

Sec. 21-13. Duty of board of supervisors in event of unconstitutionality.

Related Rule(s): N/A

Notes: This section of the Ordinance stipulates that if any part of the civil service system should be found to be unconstitutional, the Board of Supervisors may amend the Ordinance in order to provide a civil service system for the County.

Sec. 21-14. Violations of article, etc.

Related Rule(s): N/A

Notes: Section 21-14 states that any individual who willfully violates the Ordinance, or rules established hereunder, shall be guilty of a misdemeanor.

Matrix of Civil Service Ordinance 21-6 & Corresponding Civil Service Rules

Sec. 21-6 Civil Service Commission - Duties and Obligation of Members

The civil service commission shall prescribe, amend and enforce rules for the classified service; shall keep minutes of its proceedings and records of its examinations and shall, as a commission or through a single commission member, make investigations concerning the enforcement and effect of this article and of the rules and efficiency of the service. Such rules shall, among other things, provide:

Sec. 21-6	Provide:	CSR Rule(s) #	CSR Section Title
a	For the standardization and classification of all positions in the classified service as contained in Sections 21-16 to 21-26	Rule 3 Classification	N/A
b	For competitive examinations to test applicants for entrance to and promotion in the civil service system	Rule 2 Organization & Administration Rule 5 Examinations	2.1 Civil Service System 5.2 Types of Examinations 5.3 Conduct of Examinations
c	For creation of employment list upon which shall be entered the names of successful candidates in the order of their standing in examinations;	Rule 6 Employment Lists	6.1 Establishment of Employment Lists 6.3 Promotional Employment Lists 6.4 Open Employment Lists
d	For provisional appointments where there is no employment list;	Rule 8 Appointments	8.2 Provisional Appointments 8.3 Referrals for Appointment
e	For appointments to vacant positions from employment lists;	Rule 2 Organization & Administration Rule 6 Employment Lists Rule 7 Certifications & Waivers	2.3 County Human Resources Director (D.) 6.1 Establishment of Employment Lists 7.1 Request for Certification 7.2 Certification of Candidates 7.4 Promotional Certifications
f	For publicity advertising all examinations;	Rule 4 Announcements & Applications	4.1 Announcements
g	For emergency appointments without reference to employment lists, when such appointments are found necessary to prevent stoppage of public business, loss of life or damage to persons or property;	Rule 8 Appointments	8.5 Extra-Help Appointments (D.)

Sec. 21-6	Provide:	CSR Rule(s) #	CSR Section Title
h	For certification of eligible in order of priority lists;	Rule 6 Employment Lists	6.2 Employment Lists - Order of Priority
i	For rejection of applications or eligible who fail to comply with the requirements of such commission;	Rule 3 Classification Rule 4 Announcements & Applications	3.5 Class Qualifications 4.2 Applications (C.) 4.3 Disqualification (A.)
j	Old text need to update	Rule 7 Certifications and Waivers	7.2 Certification of Candidates (B. 2)
k	For a probationary period of not less than six months but not to exceed one year;	Rule 9 Probationary Period Rule 10 Separations & Suspensions	9.1 Purpose of Probationary Period 9.2 Status of Employee 9.3 Duration of Probationary Period 9.4 Interruption of Probationary Period 9.6 Expiration of Probationary Period 10.3 Dismissals (B)
l	For separation from the service of employees through layoffs and for reemployment of the employees laid off;	Rule 11 - Layoff Rule 6 - Employment Lists Rule 8 - Appointments	11.1 Order of Layoff 11.2 Alternate Classes 11.3 Displacement 11.4 Restoration 11.5 Appeals 11.6 Competing in Exams/Employment Selection Process After Layoff 6.4 Open Employment Lists (A. 4) 6.8 Freename (B.) 8.1 Appointment after Certification (A.) 8.7 Transfers (A. 4) 8.8 Voluntary Demotion (A. 2)
m	For leaves of absences;	Rule 12 Leaves of Absence	12.1 Leave Without Pay 12.2 Leave With Pay 12.3 Return to Work After Illness or Disability

Sec. 21-6	Provide:	CSR Rule(s) #	CSR Section Title
n	For promotion, demotion, transfer and reinstatement;	Rule 6 Employment Lists Rule 7 - Certifications & Waivers Rule 8 Appointments Rule 10 Separations & Suspensions Rule 11 Layoffs Rule 13 Nepotism	6.2 Employment Lists-Order of Priority 6.3 Promotional Employment Lists 6.4 Open Employment Lists 7.1 Request for Certification 7.4 Promotional Certifications 7.2 Certification of Candidates 7.4 Promotional Certifications 6.8 Freename 8.1 Appointment after Certification 8.2 Provisional Appointments 8.4 Temporary Promotions 8.7 Transfers 8.8 Demotions 10.3 Dismissals 10.4 Suspensions/Demotions/Reductions in Pay 10.5 Procedures for Dismissal, Reduction in Salary Step, Suspension or Involuntary Demotion of Officers of Employees who have Permanent Status 11.4 Restoration 13.2 Promotion & Transfer
o	For the holding of hearings on the adoption and amendment of rules and other personnel matters;	Rule 2 Organization & Administration Rule 15 Judicial Review Rule 16 Adoption & Amendment of Rules	2.6 Ex Parte Rule 15.1 Limitations of Actions 15.2 Record 15.3 No Revival 15.4 Finality of Decision 16.1 Adoption & Effective Date 16.2 Amendment
p	For recommendation of rates of pay for each classification of position;	Rule 2 Organization & Administration	This article has been identified for deletion.
q	For health, welfare and safety of employees. (Ord Nos. 353 § 6, 305-A § 4.)	N/A	N/A

**CIVIL SERVICE COMMISSION
MEETING MINUTES**
Sonoma County Human Resources Department
June 16, 2022

PRESENT

Commissioners: Anthony Withington (Chair), Jerry Dunn (Vice Chair), Mark Walsh, Pat Sabo, John Hadzess

Human Resources Staff: Christina Cramer, Spencer Keyword, Yuka Kamiishi

Commission Counsel: Not Present

I. CALL TO ORDER

The virtual meeting was called to order at 3:31 p.m.

II. APPROVAL OF MINUTES OF JUNE 2, 2022

Motion: Commissioner Dunn

Second: Commissioner Sabo

Ayes - Roll Call Vote: 4 Abstain: 1 Absent: 0

III. DIRECTOR'S REPORT

Christina Cramer, Human Resources Director, reported that Jeremia Mills would be returning to HR as the new Employee and Labor Relations Manager on July 12, 2022. He was previously an Employee and Labor Relations Analyst for Sonoma County before becoming the Employee and Labor Relations Manager for the City of Santa Rosa and eventually a Deputy Director.

IV. PUBLIC COMMENT

Paul Carroll, Employee Relations Analyst, stated he spoke with the SEIU president yesterday, and she was very pleased with Jeremiah Mills' appointment as County's Employee Relations Manager.

V. AGENDA ITEMS

A. New Classification Study – Homelessness Services Division Director – Department of Health Services

Recommendation: Approve the new job classification of Homelessness Services Division Director for the Department of Health Services.

Spencer Keyword, HR Recruitment and Classification Manager

Spencer reported on and recommended that the Commission approve the new job classification. This position's budget was included in this week's budget hearings and will officially be approved by the BOS tomorrow morning. Spencer answered the Commission's questions about which department would oversee the Homelessness Unit (Department of Health Services), and the roles of the Community Development Commission (Housing Authority and Neighborhood Investment). The Commission approved, contingent on the BOS' approval on the next day.

Motion: Commissioner Dunn

Second: Commissioner Sabo

Ayes - Roll Call Vote: 5 Abstain: 0 Absent: 0

VI. **REPORTS**

N/A

VII. **APPEALS**

N/A

VIII. **OTHER SCHEDULING MATTERS**

N/A

IX. **COMMISSIONERS CLOSED SESSION**

N/A

X. **RECONVENCE FROM CLOSED SESSION**

N/A

XI. **COMMISSIONERS OPEN SESSION**

Commissioner Walsh provided the summary of the Ad Hoc's work review on the Civil Service Ordinance. The subcommittee will present a draft report of findings to the Commission at the next meeting.

Christina Cramer, Human Resources Director, has reported that HR has not heard anything further on the Brown Act requirements and options for virtual/hybrid public meetings; therefore, she suggested to plan to meet in person starting in July, unless we hear the law was extended before July 1, 2022. We will meet in the Large Conference Room in the HR Department. Discussed the concern of public health safety. We will adhere to the current CalOSHA emergency temporary standards. N95 masks will be available, and we will set up the room to encourage social distancing. HR will obtain parking passes for the Commissioners if meeting in person.

The ad hoc will meet this afternoon at 4:15 p.m.

XII. ADJOURN

The Civil Service Commission meeting adjourned at 4:04 p.m.