

CIVIL SERVICE COMMISSION MINUTES

SEPTEMBER 1, 2021

A meeting of the Civil Service Commission was held at 2:30 p.m., via Videoconference.

Present via Videoconference:

Bryan Fletcher
Melissa Johnson
Will Rodriguez-Kennedy
Peter Smith
Ira Sharp

Comprising a quorum of the Commission

Support Staff Present via Videoconference:

Todd Adams, Executive Officer
Morgan Foley, Commission Legal Advisor

Approved
Civil Service Commission
October 6, 2021

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING AGENDA
SEPTEMBER 1, 2021**

- 1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation
- 2:30 p.m. OPEN SESSION: Videoconference/Teleconference
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Notice pursuant to Government Code Section 54954.2.

**CLOSED SESSION AGENDA
Videoconference - Not open to public**

- A. Commissioner Smith: CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (GOV. CODE SEC. 54956.9(a)) **2020-150**, former Assessment Clerk, alleging discrimination by the Assessor/Recorder/County Clerk.

**OPEN SESSION AGENDA
Videoconference/Teleconference**

ORDER OF BUSINESS

A. **ROLL CALL**

Present: Fletcher, Johnson, Rodriguez-Kennedy, Smith, Sharp

B. **APPROVAL OF MINUTES:** Regular meeting of August 4, 2021.

Motion by Commissioner Johnson to approve the minutes of August 4, 2021; seconded by Commissioner Rodriguez-Kennedy.

Motion carried with all Commissioners in favor.

C. **NON-AGENDA PUBLIC COMMENT:**

None.

D. **AGENDA ITEM DISCUSSION:**

None.

E. **FORMATION OF CONSENT AGENDA**

Item Nos. 1 and 3-8 form the Consent Agenda.

Motion by Commissioner Rodriguez-Kennedy to approve the Consent Agenda; seconded by Commissioner Fletcher.

Motion carried with all Commissioners in favor.

F. **DISCUSSION ITEMS**

Item No. 2 is pulled for discussion.

AGENDA ITEMS

CONFIRMATION OF ASSIGNMENT

1. Commissioner Smith: Jennifer Spirit, Senior Advocacy Center Organizer, SEIU Local 221, on behalf of **2021-526**, Residential Care Worker II, appealing a Final Order of Suspension and Charges from the Health and Human Services Agency.

Confirmed.

DISCRIMINATION

Findings

2. Commissioner Smith: **2020-150**, former Assessment Clerk, alleging discrimination by the Assessor/Recorder/County Clerk.

FINDINGS AND RECOMMENDATIONS:

On December 2, 2020, the Civil Service Commission appointed Commissioner Peter B. Smith, to investigate the complaint submitted by 2020-150, a former Assessment Clerk, which alleged discrimination based on race, harassment, retaliation, and wrongful termination by the Assessor/Recorder/County Clerk. In accordance with the established rules and procedures of the Commission, the matter was concurrently referred to the Office of Ethics and Compliance ("OEC") for investigation.

The OEC concluded the discrimination investigation and has reported its findings to the Commission. The Investigating Officer has received and reviewed OEC's report and has taken into consideration all documentation submitted in this matter.

The Investigating Officer concurs with OEC's Report and has concluded that: the evidence does not support a finding of probable cause that a violation of discrimination laws occurred.

It is therefore recommended that 2020-150's Rule VI discrimination complaint be denied; and that the Commission approve and file this report with a finding of no probable cause to believe that the Complainant has been unlawfully discriminated against.

Motion by Commissioner Smith to approve the Findings and Recommendations; seconded by Commissioner Johnson.

Motion carried with all Commissioners in favor.

SELECTION PROCESS

Findings

3. **2021-527**, Applicant, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet-Detentions/Court Services.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2 and his name has been returned to the employment list.

Item No. 3: Ratified.

OTHER MATTERS

Extension of Temporary Appointments

4. Health and Human Services Agency

5 Residential Care Workers II: **2021-528 through 2021-532**

1 Pharmacist: **2021-533**

RECOMMENDATION: Ratify

Item No. 4: Ratified.

INFORMATION

5. **2021-373**, Social Worker I, withdrawal of appeal of a Final Order of Suspension and Charges from the Health and Human Services Agency. (Commissioner Rodriguez-Kennedy)

Withdrawn.

6. Edward J. Southcott, Esq., on behalf of **2020-037P**, former Deputy Sheriff, withdrawal of appeal of an Order of Termination and Charges from the Sheriff's Department. (Commissioner Johnson)

Withdrawn.

7. Bradley M. Fields, Esq., on behalf of **2020-014P**, **2020-015P**, and **2020-016P**, Deputy Sheriff-Detentions/Courts Services, moot appeal of the Citizens' Law Enforcement Review Board's dismissed findings of misconduct. (Commissioner Smith)

Withdrawn.

8. Adriana Meza, Representation Specialist, SEIU Local 221, on behalf of **2021-355**, former Air Quality Inspector I, withdrawal of appeal of a Final Order of Removal and Charges from the Air Pollution Control District. (Commissioner Rodriguez-Kennedy)

Withdrawn.

ADJOURNED: 2:41 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION: OCTOBER 6, 2021

ASSISTANCE FOR THE DISABLED:

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