

CIVIL SERVICE COMMISSION MINUTES

March 2, 2022

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

Present via Videoconference:

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

Comprising a quorum of the Commission

Support Staff Present:

Todd Adams, Executive Officer
Morgan Foley, Commission Legal Advisor

Approved
Civil Service Commission
March 2, 2022

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
MARCH 2, 2022**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Videoconference/Teleconference

Notice pursuant to Government Code Section 54954.2.

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

- A. Commissioner Fletcher: CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (GOV. CODE SEC. 54956.9(a)) **2021-356**, former Equipment Operator, alleging discrimination by the Department of Public Works.

**OPEN SESSION AGENDA
Videoconference/Teleconference**

ORDER OF BUSINESS

A. **ROLL CALL**

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

B. **APPROVAL OF MINUTES:** Regular meeting of February 2, 2022.

Motion by Commissioner Smith to approve the minutes of February 2, 2022; seconded by Commissioner Sharp.

Motion carried with all Commissioners present in favor.

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

None.

D. **AGENDA ITEM DISCUSSION:**

None.

E. FORMATION OF CONSENT AGENDA

Items Nos. 1 thru 4, and 6 formed the Consent Agenda.

Motion by Commissioner Sharp to approve the Consent Agenda; seconded by Commissioner Smith.

Motion carried with all Commissioners present in favor.

F. DISCUSSION ITEMS:

Item No. 5 was pulled for discussion.

AGENDA ITEMS

TELECONFERENCED PUBLIC MEETINGS

1. Continuance of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e).

RECOMMENDATION: Approve motion to find, pursuant to Government Code section 54953(e)(3), the Civil Service Commission has reconsidered the circumstances of the State of Emergency and state and local officials continue to recommend measures to promote social distancing.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Sharp: Jennifer Spirit, Senior Advocacy Center Organizer, SEIU Local 221, on behalf of **2022-143**, Mental Health Clinician, appealing an Order of Suspension and Charges from the Sheriff's Department.

Confirmed.

3. Commissioner Smith: Adriana Meza, Organizer-Representative, SEIU Local 221, on behalf of **2022-144**, Senior Cook, appealing an Order of Suspension and Charges from the Sheriff's Department.

Confirmed.

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4. Commissioner Johnson: James J. Cunningham, Esq., on behalf of **2022-145**, former Building Maintenance Engineer, appealing a Final Order of Removal and Charges from the Department of General Services.

Confirmed.

DISCRIMINATION

Findings

5. Commissioner Fletcher: **2021-356**, former Equipment Operator, alleging discrimination by the Department of Public Works.

FINDINGS AND RECOMMENDATIONS:

The Civil Service Commission appointed, Commissioner Bryan J. Fletcher, as its member to be the investigating officer in the matter of the complaint submitted by 2021-356, former Equipment Operator, which alleged discrimination based on "injury on the job, disability and racial bias" by the Department of Public Works. 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 2021-356'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 Fletcher to approve the Findings and Recommendations; seconded by Commissioner Sharp.

Motion carried with all Commissioners in favor.

SELECTION PROCESS

Findings

6. **2022-146**, Applicant, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet.

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

Item No. 6 Ratified.

ADJOURNED: 2:42 p.m.

ASSISTANCE FOR THE DISABLED:

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