

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
MEETING MINUTES**

August 3, 2022

A meeting of the Civil Service Commission was held at 2:34 p.m.,
via Videoconference/Teleconference.

Present via Videoconference:

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

Comprising a quorum of the Commission

Absent:

Ira Sharp

Support Staff Present:

Todd Adams, Executive Officer
Morgan Foley, Commission Legal Advisor

**Approved
Civil Service Commission
August 17, 2022**

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
AUGUST 3, 2022**

CLOSED SESSION: No items for discussion

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

Notice pursuant to Government Code Section 54954.2.

**OPEN SESSION AGENDA
Videoconference/Teleconference**

ORDER OF BUSINESS

A. ROLL CALL

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

B. APPROVAL OF MINUTES: Regular meeting of July 6, 2022.

**Motion by Commissioner Sharp to approve the minutes of
July 6, 2022; seconded by Commissioner Johnson.**

Motion carried with all Commissioners present in favor

C. NON-AGENDA PUBLIC COMMENT:

None.

D. AGENDA ITEM DISCUSSION:

Item #3 has been pulled for discussion.

E. FORMATION OF CONSENT AGENDA

Items Nos. 1, 2, and 4-7 formed the Consent Agenda.

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

**Motion carried with all Commissioners present in
favor.**

F. DISCUSSION ITEMS

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 ASSIGNMENT

2. Commissioner Johnson: David Fujimoto, Esq., on behalf of **2022-198**, former Detentions Processing Technician, appealing an Order of Termination and Charges from the Sheriff's Department.

Item 2 Confirmed.

SEAL PERFORMANCE APPRAISAL

Request

3. Edward J. Southcott, Esq., on behalf of **2022-199P**, Deputy Sheriff, requesting the sealing of a performance appraisal covering the period October 14, 2020, to October 13, 2021.

RECOMMENDATION: Grant Request

Edward Southcott, on behalf of 2022-199P, stated the reasons why the performance appraisal should be sealed. Civil Service Rule 5.1.6, Step 3, provides strict timelines for processing appeals of performance appraisals; however, this appraisal was submitted to the employee four months late.

Jonathan Yu, on behalf of the Sheriff's Department, noted the Commission's Staff Report states "the Commission, traditionally, has balanced the harm to the employee caused by the delay, versus the void created in the employee's personnel record by sealing the appraisal." Mr. Yu stated that in looking at this appraisal there is no harm to the employee and to have a void in the employee's personnel file would be harmful. The final decision of the appeal is the only thing that was late and not the submission of the initial appraisal, which allowed the employee to see any

deficiencies that needed improvement. Even though the final performance appraisal was submitted late, it was the same appraisal that was originally submitted to the employee, so the work expectations and deficiencies were still known by the employee.

Commissioner Rodriguez-Kennedy noted that the department asked, "what damage was suffered by the employee having this appraisal submitted late." Commissioner Rodriguez-Kennedy asked Mr. Southcott to answer this question.

Mr. Southcott stated that the harm to the employee was a lack of finality, and lack of a stable relationship with her employer. The public also suffers when the department does not submit timely evaluations of their employees.

Commissioner Smith responded to Mr. Southcott's statement that the employee received a lack of finality. However, when an appraisal is given to the employee and deficiencies are noted the employee is then given an opportunity to respond to these deficiencies and this is where the finality occurs. Commissioner Smith asked if this was the process for the employee.

Mr. Southcott stated that there are two options for an employee to dispute an appraisal: one is to provide a written response to any deficiencies; however, his client chose the second option, which was to appeal the appraisal.

In response to the Department's claim that sealing the appraisal would have negative consequences if employee sought another position or promotion, Commissioner Johnson asked Mr. Yu whether the issues that caused the employee to be rated lower in some areas were serious enough for investigation or disciplinary action?

Mr. Yu stated that the employee was not subject to any disciplinary action because of this appraisal and that the supervisor declined to investigate these issues.

Motion by Commissioner Johnson to approve the recommendation to seal the performance appraisal. Commissioner Smith seconded.

Discussion:

Commissioner Smith commented that he generally does not agree with the sealing of an employees' appraisal, as it is a key component of to the employee's employment record. It is also a positive tool if they are well written and timely.

In reading this appraisal, Commissioner Smith stated he felt it was well written; and his only concern was to know if there were anything in the appraisal that could potentially be harmful to the public and there was not.

He stated that the department made a serious mistake in not completing the appeal of the appraisal in a timely manner; and it is ironic that the department criticized the employee for not submitting reports on a timely basis and yet they were late in submitting the final decision on the appeal to the employee. Although, he wishes the employee would not choose to seal the appraisal, his vote would be to seal the appraisal.

Commissioner Rodriguez-Kennedy stated that he supports sealing the appraisal because both employees and departments need to follow the Civil Service Rules.

Motion carried with all Commissioners present in favor.

OTHER MATTERS

Extension of Temporary Appointments

4. Department of Agriculture Weights and Measures

1 Office Assistant: **2022-200**

RECOMMENDATION: Ratify

Item #4 Ratified

5. Health and Human Services Agency

1 Administrative Analyst I: **2022-201**

RECOMMENDATION: Ratify

Item #5 Ratified

INFORMATION

6. **2022-150**, former Revenue and Recovery Officer, withdrawal of appeal of a Final Order of Removal and Charges from the Auditor and Controller. (Commissioner Sharp)

Withdrawn.

7. **2022-155P**, former Deputy Sheriff, withdrawal of appeal of an Order of Termination and Charges from the Sheriff's Department. (Commissioner Johnson)

Withdrawn.

ADJOURNED: 3:16 p.m.

ASSISTANCE FOR THE DISABLED:

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