

CIVIL SERVICE COMMISSION MINUTES

November 16, 2022

A meeting of the Civil Service Commission was held at 2:45 p.m., via Videoconference/Teleconference.

Present via Videoconference:

Bryan 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
December 7, 2022

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING AGENDA
NOVEMBER 16, 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 Johnson: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) 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.

**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 November 2, 2022.

Motion by Commissioner Sharp to approve the minutes of November 2, 2022; seconded by Commissioner Johnson.

Motion carried with all Commissioners present in favor.

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

None.

D. **AGENDA ITEM DISCUSSION:**

At the beginning of Open Session, Todd Adams, Executive Officer, announced that in Closed Session on a motion made by Commissioner Smith, seconded by Commissioner Johnson, and all commissioners present voting in favor, Item No. 2 was continued to the next Commission meeting on December 7, 2022.

Item No. 3 was pulled for discussion.

E. **FORMATION OF CONSENT AGENDA**

Item Nos. 1 and 4 formed the Consent Agenda.

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

Motion carried with all Commissioners present in favor.

F. **DISCUSSION ITEMS**

Item No. 3.

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.

DISCIPLINE

Findings

2. 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.

FINDINGS AND RECOMMENDATIONS:

Continued.

At the beginning of Open Session, Todd C. Adams, Executive Officer, announced that in Closed Session on a motion made by Commissioner Smith, seconded by Commissioner Johnson, and all commissioners present voting in favor, this matter was continued to the next Commission meeting on December 7, 2022.

SELECTION PROCESS

Appeals

3. Bradley Fields, Esq., on behalf of **2022-211P, 2022-212P, and 2022-213P**, appealing their non-selection for the classification of Deputy Probation Officer by the Probation Department.

RECOMMENDATION: Deny request for a selection process hearing

Bradley Fields, Esq., and Shannon Edison, President of San Diego County Probation Officers Association, both addressed the Commission on behalf of the Appellants regarding hiring qualified internal candidates.

Shelly Frazier, Senior Departmental Human Resources Officer, addressed the Commission stating that the Department has hired internal candidates but has offers out to external candidates as well.

Commissioner Rodriguez-Kennedy asked Appellants' representative why a hearing should be granted. He also asked the Department to address why a hearing should not be granted. After this discussion, a motion was made:

Motion by Commissioner Smith to approve staff recommendation; seconded by Commissioner Sharp.

Discussion amongst the Commissioners continued. Commissioner Smith sought clarification regarding the Commission's authority if a hearing was granted as well as if the granting of a hearing would hinder the Department's hiring process for these positions. An amendment to the motion was made:

Motion by Commissioner Johnson to amend the main motion to deny staff recommendation and grant Appellants' request for a hearing; seconded by Commissioner Rodriguez-Kennedy.

Before the motion was voted on, Commissioner Smith proposed an amendment to Commissioner Johnson's motion that the results of the hearing would not be retroactive and the current candidates with conditional offers be allowed to proceed in the hiring process and candidates who have been hired would be allowed to remain in their positions. Commissioner Johnson agreed to the amendment to her motion and Commissioner Rodriguez-Kennedy also agreed to this amendment.

A vote was called to amend Commissioner Smith's motion with Commissioner Johnson's motion. All Commissioners voted in favor of the amendment.

Then Commissioner Smith's motion, amended to deny the staff recommendation and grant Appellants' request for a hearing, provided that the results of the hearing would not be retroactively applied to current candidates with conditional offers, nor would it apply to candidates already hired as a result of the recruitment, was voted on.

Motion carried with all Commissioners present in favor.

INFORMATION

4. David Fujimoto, Esq., on behalf of **2022-198**, former Detentions Processing Technician, withdrawal of appeal of an Order of Termination and Charges from the Sheriff's Department. (Commissioner Johnson)

Withdrawn.

ADJOURNED: 3:24 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION: DECEMBER 7, 2022

ASSISTANCE FOR THE DISABLED:

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(619)531-4908. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 24 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.