

**CIVIL SERVICE COMMISSION MINUTES**

**September 3, 2025**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in person in room 402-A at the County Administration Center; 1600 Pacific Hwy.; and via Videoconference/Teleconference.

Present:

Laura Bassett  
P. Kay Coleman  
Sam McGovern  
Joe O. Montenegro  
Will Rodriguez-Kennedy

Absent: None

Comprising a quorum of the Commission

Support Staff Present:

Todd Adams, Executive Officer  
Morgan Foley, Commission Legal Advisor.

**Approved**  
**Civil Service Commission**  
**October 1, 2025**

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 3, 2025**

- 1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation
- 2:30 p.m. OPEN SESSION: Attend in-person at the County Administration Center, 1600 Pacific Highway, 4<sup>th</sup> Floor, Room 402A, San Diego, California; or via videoconference/teleconference
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Notice pursuant to Government Code Section 54954.2.

**CLOSED SESSION AGENDA**  
**County Administration Center, Room 458**

Members of the public may be present at this location to hear the announcement of the closed session agenda.

A. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (GOV. CODE SEC. 54956.9(a)) **2024-035P** vs. San Diego County Civil Service Commission, Superior Court case No. 25CU034610C.

B. Commissioner Coleman: CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (GOV. CODE SEC. 54956.9(a)) **2024-045**, Administrative Analyst II, alleging discrimination by Behavior Health Services in the Health and Human services.

C. Commissioner Rodriguez-Kennedy: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) James J. Cunningham, Esq., on behalf of **2024-034P**, Deputy Sheriff, appealing an Order of Suspension and Charges from the Sheriff's Office.

**OPEN SESSION AGENDA**

**ORDER OF BUSINESS**

**A. ROLL CALL**

**Present:** Bassett, Coleman, McGovern, Montenegro,  
Rodriguez-Kennedy

**Absent:** None

**B. APPROVAL OF MINUTES:** Regular meeting of August 6, 2025.

**Motion by Commissioner Coleman to approve the minutes of the regular meeting of August 6, 2025; seconded by Commissioner Bassett. Motion passed with all in favor.**

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

None.

**D. AGENDA ITEM DISCUSSION:**

One request to speak to item #5 by appellant.

**E. FORMATION OF CONSENT AGENDA**

Agenda items 5 and 6 are automatically pulled for discussion. Therefore, agenda items 1-4 formed the Consent Agenda.

**Motion by Commissioner Montenegro to approve the Consent Agenda; seconded by Commissioner McGovern. Motion passed with all in favor.**

**F. DISCUSSION ITEMS**

Items 5 and 6 have been pulled for discussion.

**AGENDA ITEMS**

**CONFIRMATION OF ASSIGNMENTS**

1. Commissioner McGovern: **2025-001**, former Legal Support Assistant II, appealing an Order of Termination and Charges from the Sheriff's Office. (Previously assigned to Commissioner Rodriguez-Kennedy.)

2. Commissioner Bassett: Miguel A. Peñalosa Jr., on behalf of **2025-033P** and **2025-034P**, Deputy Probation Officers, appealing a Final Orders of Suspension and Charges from the Probation Department.

3. Commissioner Coleman: **2025-035**, former Detentions Processing Technician, appealing an Order of Termination and Charges from the Sheriff's Office.

4. Commissioner Rodriguez-Kennedy: Saku E. Ethir, Esq., on behalf of **2025-036P**, former Deputy Sheriff, appealing an Order of Termination and Charges from the Sheriff's Office.

**Items 1-4 approved on the Consent Agenda.**

## **DISCRIMINATION**

### **Findings**

5. Commissioner Coleman: **2024-045**, Administrative Analyst II, alleging discrimination by Behavior Health Services in the Health and Human services.

### **FINDINGS AND RECOMMENDATIONS:**

On November 6, 2024, the Commission appointed Commissioner P. Kay Coleman, as its member to be the investigating officer in the matter of the complaint submitted by Employee 2024-045, Administrative Analyst II, which alleged discrimination, retaliation, and age-based harassment (40+) by Behavioral Health Services in the Health and Human Services Agency. In accordance with the established rules and procedures of the Commission, the matter was concurrently referred to the Office of Ethics, Compliance ("OEC") for investigation.

The OEC concluded the investigation of discrimination and has reported its findings followed by an addendum which responded to questions from the Investigating Officer to the Commission. The Investigating Officer has reviewed OECLS's report and has taken into consideration all documentation submitted in this matter. The Investigating Officer concurs with OECLS's Report and has concluded that: the evidence does not support the finding of probable cause that a violation of discrimination laws occurred relating to Employee's allegations.

Therefore, it is recommended that the Employee'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.

Discussion:

Commissioner P. Kay Coleman commented that while reviewing the complaint, the Department's records support a conclusion that the Employee was not discriminated against. However, as the Investigating Officer noticed through her review of OEC's report, addendum, and exhibits, that the Department's documentation regarding some important information was incomplete.

Even though this does not affect the conclusion that there was no unlawful discrimination; it does demonstrate some shortcomings in recordkeeping. One was Employee's assignment to work on invoices of a contractor. While witnesses testified when the assignment occurred, which was in dispute, there was no documentation for the assignment, which would better confirm the timing of the assignment. Another is that the Employee's mentor during the probationary period was assigned some supervisory tasks related to one of Employee's subordinates. In her opinion, the Employee should have been informed of this or in the least the documentation should reflect an appropriate reason for withholding this information. The advice to this department and others is that you properly document all important assignments, meetings, and conferences.

**Motion by Commissioner Coleman to approve the decision; seconded by Commissioner Montenegro. Motion passed with all in favor.**

**DISCIPLINE**

**Findings**

6. Commissioner Rodriguez-Kennedy: James J. Cunningham, Esq., on behalf of **2024-034P**, Deputy Sheriff, appealing an Order of Suspension and Charges from the Sheriff's Office.

FINDINGS AND RECOMMENDATIONS:

Employee appealed an Order of Suspension and Charges suspending him for a period equivalent to two (2) working

days (17 hours) from the position of Deputy Sheriff Detentions/Court Services in the Sheriff's Office ("Department") was presented to the Civil Service Commission. The Commission appointed Commissioner Will Rodriguez-Kennedy to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, a hearing was held on July 16, 2025.

The causes of discipline were 1) discourteous behavior, 2) conduct unbecoming, and 3) acts incompatible with and/or inimical to the public service.

Employee was first hired by the Department as a detention deputy in 2015. He was first assigned to the Department's Central Jail, in downtown San Diego, where he worked for six and one-half to seven years, when he was transferred to the Las Colinas Detention and Reentry Facility ("Las Colinas") in 2021, located in Santee, California, and has remained at Las Colinas to the present.

On April 6, 2023, the Employee, a member of Team 3, was assigned to the day shift at House 4B at Las Colinas. He was frequently assigned to House 4B. On that day he was partnered with Deputy 2, a member of Team 1, who was working overtime, and Deputy 3, who was also working overtime. Deputy 3's overtime assignment was a half-shift, scheduled to end at 12:00 p.m.

House 4B is identified as a "high level" or "mainline" facility, where IPs accused of serious crimes, or who cannot get along with cell mates, are housed. Therefore, each cell has a single bed.

The Employee and Deputy 2 were assigned to work the rover positions of House 4B while Deputy 3 was assigned as the control deputy, working out of the control room. The control deputy is in control of the release and lock down of the IPs in House 4B, meaning that they control the locking and unlocking of the doors to the cells.

From 7:00 a.m. to 10:00 a.m. the IPs were each out of their cells with the ability to spend time in the Dayroom and socially interact with other IPs.

At the conclusion of this morning Dayroom time, around 10:00 a.m., the IPs were instructed to return to their cells to be locked down, so that staff and trustees could prepare the

Dayroom for the "second meal" of the day, scheduled to begin around 10:30 a.m., which would last for not less than 15 minutes. Deputy 3 was unable to lock down two IPs, IP 1 and IP 2, in a timely fashion because they didn't promptly return to their cells.

Deputy 3 decided that because IP 1 and IP 2 delayed returning to their cells following morning Dayroom time, he would discipline them by leaving them locked down in their cells for an extra ten minutes when other IPs are released for the afternoon Dayroom time (1:00 p.m. to 4:00 p.m.). At some point Deputy 3 realized that he would be relieved at 12:00 p.m. and would not be around to impose his discipline at 1:00 p.m. so he changed his plan to delay releasing IP 1 and IP 2 for ten minutes for their second meal. He explained this to both the Employee and Deputy 2.

California Code of Regulations, Title 15, requires that detention facilities, such as Las Colinas, must allow each IP at least 15 minutes to consume a meal.

When IP 1 and IP 2 were not released from their cells for the second meal in the Dayroom at the same time as the others they became upset and began voicing their anger in a variety of ways, including using their cell intercoms to communicate to the control room, i.e., Deputy 3; yelling; and kicking and banging on their cell doors. These outbursts brought the attention of their situation to the other IPs, several of whom joined in to yell out their displeasure toward Deputy 3.

IPs in House 4B yelled invectives that included abusive comments related to Deputy 3's gender identity, such as, "You'll never be a man," and "You'll never be a real man," or "You're never going to be a real man."

The Employee and Deputy 2 made efforts to calm the IPs, including IP 1 and IP 2. The Employee explained to IP 1 the reason that Deputy 3 was not opening her cell door. While at the cell door Deputy 3 called out to the Employee using the overhead intercom, yelling the Employee's name at least twice, heard by Deputy 2 and the IPs in House 4B.

The Employee returned from IP 1's cell, returning the meal he had taken with him to the table in the Dayroom. Deputy 2 was at the food flap on the bubble, communicating with Deputy 3, and stepped away when the Employee approached the bubble to find out why Deputy 3 was yelling at him over the intercom.

The Employee and Deputy 3 argued in loud voices about Deputy 3's plan to keep IP 1 and IP 2 in their cells for the first ten minutes of the second meal, and the Employee's efforts to deliver a meal to IP 1 through the cell food slot when Deputy 3 told the Employee, "Stop being such a shit deputy," to which the Employee responded, "Don't fucking call me that again," and "Don't fucking ever say I'm a shit deputy again."

The argument at the food flap was loud enough for Deputy 2 to hear what was said and was loud enough for the IPs in House 4B to recognize the tension between the Employee and Deputy 3.

The argument then ended when Deputy 3 slammed the food flap shut.

During the entire time that the second meal was being served to the IPs and the Employee and Deputy 3 were arguing with each other, another deputy, ("Deputy 4") was accompanying a contract mental health clinician ("Clinician"), for an examination or assessment of an IP on the top tier of House 4B. Deputy 4 was the Clinician's assigned mental health liaison deputy. Deputy 4 recalls hearing yelling in the Dayroom, and while she doesn't recall profanity does recall hearing IPs getting upset and heard one shout of "You'll never be a man." She assisted the Employee and Deputy 2 in gaining control of the IPs telling 14-15 of them to "lock down."

Cause 1: The evidence supports a violation of Civil Service Rule 7.2(h) regarding discourteous behavior, in that the Employee engaged in a loud and heated argument with Deputy 3, in front of Deputy 2, Deputy 4, the Clinician, and in the presence of 30-35 IPs in the House 4B Dayroom during the second meal on April 6, 2023. During this argument the Employee shouted at Deputy 3 and used profanity toward Deputy 3.

In mitigation, the Employee's initial actions were to de-escalate the situation with IP 1 and IP 2, by explaining to them why they remained locked in their cells. Additionally, he understood the obligation under Title 15 to allow IPs not less than 15 minutes of time to consume meals and there was no mention by the Employee or Deputy 2 that Deputy 3's plan included 15 minutes outside of the cell to consume their meal after the ten-minute delay. It is reasonable to assume that the Employee was of the understanding that the second meal

for IP 1 and IP 2 would be interrupted by a ten-minute delay in letting the two IPs out to the Dayroom, leaving them only five minutes to consume their meals. Finally, the Employee recognized that meals left on the table and not immediately grabbed by an IP are often taken by others leaving nothing for IP 1 and IP 2.

These factors explain why the Employee started to deliver a meal to IP 1 but was stopped by hearing Deputy 3 shout his name over the intercom; however, as stated above, his discourteous comments and use of profanity toward Deputy 3, in front of others, are not excused by his motives.

Cause 2: The evidence supports a violation of Civil Service Rule 7.2(m) regarding conduct unbecoming, in that by engaging in a loud argument, culminating in shouting and the use of profanity, in the presence of other deputies, a contract mental health clinician, and the entirety of IPs in House 4B, the Employee has disgraced the Department, bringing it into disrepute. Even Deputy 2 and Deputy 4 believed that the argument and shouting between the Employee and Deputy 3 was childish, unprofessional, and placed the Department in a negative light.

Further, based on the reaction of the IPs in the Dayroom, such a heated conflict gave those IPs reasons to join in and created greater tension, to the extent that shouts at Deputy 3 elevated to unacceptable verbal attacks and cat calls relative to his gender identification. It is important to note that there is no evidence that the Employee made any disrespectful or discriminative comments toward Deputy 3.

Cause 3: The evidence does not support a violation of Civil Service Rule 7.2(s) regarding acts incompatible with and/or inimical to the public service. First, his participation in the argument with Deputy 3 on April 6, 2023, which turned angry by both parties, started following Deputy 3's shouting through the overhead intercom, something that even Deputy 3 admits should be the last - not first - resort to gaining a fellow deputy's attention. The testimony supports a finding that the Employee was unaware of the reasons for Deputy 3's intercom broadcast of his name, twice. Deputy 2 testified that when the Employee returned to the area near the bubble, they were both unaware of Deputy 3's reasons.

Second, when the Employee replaced the meal on the table and approached the bubble he did so in a calm, relaxed, manner.

There is no physical indication that the Employee was ready for an argument, much less the sudden verbal assault that greeted him as he walked to the bubble, approximately arriving 10 seconds after setting the meal down.

Third, it shouldn't be inimical for a deputy to raise their voice when attempting to speak over the ambient noise coming from the IPs in the Dayroom and communicating through the food flap to converse with Deputy 3. It does not appear that the Employee was shouting for the first 40 seconds that he was at the food flap. It does appear that the Employee disagreed with something Deputy 3 said 32 seconds after the Employee's arrival when he stepped back from the bubble and moved his arms while speaking. Eight (8) seconds later is when the IPs and Deputy 2 turned to look over to the bubble, presumably when shouting started. The shouting ended after 13 seconds when the Employee began to walk away, and Deputy 3 closed the food flap.

It is in these 13 seconds that others became aware that the discussion turned into a heated argument and observed the actions of the Employee and Deputy 3, which ended once the Employee stepped away. This brief exchange could be heard throughout House 4B, and encouraged IPs to join in, creating a noisy rabble. Deputy 2 testified that she cautioned one IP about yelling when the argument concluded.

Although the Employee also was vocally and publicly discourteous to Deputy 3, with whom he worked as a team on that day, it was Deputy 3 who provoked the incident by shouting his name through the overhead intercom and then escalating their conversation through the food flap by referring to the Employee as a "shit deputy."

Civil Service Rule 7.2(s) should be appropriate in those situations where a County employee's conduct is truly "incompatible with or inimical to the public service." In other words, where the conduct is either incapable of association with expected public service of the employee (incompatible) or tends to obstruct or harm the expected public service of the employee. Conduct that is incompatible or inimical should be considered where it does greater harm to the Department and the County than a 13 second burst of shouting in an argument with another employee, particularly in the setting of the Dayroom.

Considering the facts of this appeal, and using common sense, the 13 second outburst on the part of the Employee is neither incompatible nor inimical with the public service.

Rule 7.2(s) regarding acts incompatible with and/or inimical to the public service, in that his participation in the argument with Deputy 3 on April 6, 2023, which turned angry by both parties, resulted in shouts and the use of profanity, all of which could be heard throughout House 4B, and encouraged IPs to join in, creating a noisy rabble, tended to obstruct the operations in House 4B with the potential of increasing a safety risk and harm to IPs, deputies, and the Clinician.

The Employee also was vocally and publicly discourteous to Deputy 3, with whom he worked as a team on that day and tended to obstruct Deputy 3's ability to command respect from the IPs in House 4B. Such conduct was against the Department's Mission, Vision, and Values, in particular the core values of integrity and respect.

The Employee has had a successful career as a detention deputy since his hire. Setting this incident aside, the reports of his peers and command are that he has the respect of those with whom he works, and even prior to the incident he gained the respect of IPs in House 4B, earning their trust that he was treating them with respect.

The Employee asks for a complete reversal of his discipline of a two-day suspension and feels that a written reprimand would be appropriate. While the Employee likely believed that delivering the meals to the IPs was necessary to meet Title 15 requirements, and still consistent with Deputy 3's "plan" for disciplining those two IPs, he allowed his emotions to control his reaction to the statements made by Deputy 3 from the safety of the bubble and his responses and conduct violated policy.

Deputy 3 was not a victim in this matter; on the contrary, his use of the overhead intercom to shout out his name, to call the Employee a "shit deputy," and doing so in the presence of Deputy 2, who reported hearing this invective, demonstrates his culpability and that he initiated the argument. But his discipline is not before us.

If the Employee had taken any responsibility for his misconduct, it would be easier to see why something less than

a two-day suspension would be appropriate. He recognizes that he did not make attempts to de-escalate the tension in his argument with Deputy 3, but remains of the belief that the discipline imposed is excessive.

Weighing all the foregoing this hearing officer cannot find that the discipline recommended was excessive enough to remove the order of suspension. However, this hearing officer recognizes that there were many factors to consider that were not considered in the Lieutenant's Disciplinary Recommendation and Rationale due to the order given to the Employee that he is not to discuss the matter outside the investigation, including the finding that Deputy 3's "plan" was very likely not articulated to include a denial of meals in the cells of IP 1 and IP 2, and that the Employee was aware of, and concerned with, violating Title 15 with a reduction of the second meal for these two IPs below the minimum time required under section 1240 of Title 15. Finally, the action resulting in the discipline involved only 13 seconds in a noisy setting. Therefore, it is recommended that the Employee's discipline be reduced to the equivalent of one (1) day suspension without pay.

Based on the findings and conclusions set forth above, it is hereby recommended that the Order of Suspension and Charges be affirmed, but modified:

(a) overturn Cause III as the Department failed to meet its burden under the facts of this case, and

(b) reduce the discipline to the equivalent of a one-day suspension (8.5 hours); and that Employee be awarded back pay, benefits, and interest equivalent to one day (8.5 hours); and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Commissioner Rodriguez-Kennedy to approve the decision and modification; seconded by Commissioner Bassett. Motion passed with all in favor.**

ADJOURNED: 3:09 p.m.

**ASSISTANCE FOR THE DISABLED:** Agendas and records are available in alternative formats upon request. Contact the Civil Service Commission office at (619)531-5751 with questions or to request disability-related accommodation. Individuals requiring sign language interpreters should contact the Americans with

Disabilities Coordinator at (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.