

CIVIL SERVICE COMMISSION MINUTES

October 1, 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
Will Rodriguez-Kennedy

Absent: Joe O. Montenegro

Comprising a quorum of the Commission

Support Staff Present:

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

Approved
Civil Service Commission
November 5, 2025

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
OCTOBER 1, 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, 4th Floor, Room 402A, San Diego, California; or via videoconference/teleconference

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. Commissioner Rodriguez-Kennedy: CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (GOV. CODE SEC. 54956.9(a)) Drew Alexis, Esq., on behalf of **2025-006**, alleging discrimination by the Office of County Counsel.

B. Commissioner Bassett: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(B)) **2025-008**, former Community Health Program Specialist, appealing a Final Order of Removal and Charges from the Department of Strategy and Community Engagement within the Health and Human Services Agency.

OPEN SESSION AGENDA

ORDER OF BUSINESS

A. **ROLL CALL**

Present: Bassett, Coleman, McGovern, Rodriguez-Kennedy

Absent: Montenegro

B. **APPROVAL OF MINUTES:** Regular meeting of September 3, 2025.

Motion by Commissioner Coleman to approve the minutes of the regular meeting of September 3, 2025; seconded by Commissioner Bassett. Motion passed with all in favor.

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

None.

D. **AGENDA ITEM DISCUSSION:**

Item #2 has been pulled by the Appellant.

E. **FORMATION OF CONSENT AGENDA**

Agenda items 1 and 2 are automatically pulled for discussion. Therefore, agenda item 3 formed the Consent Agenda.

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

F. **DISCUSSION ITEMS**

Items #1 and #2 have been pulled for discussion.

AGENDA ITEMS

DISCRIMINATION

Findings

1. Commissioner Rodriguez-Kennedy: Drew Alexis, Esq., on behalf of **2025-006**, alleging discrimination by the Office of County Counsel.

FINDINGS AND RECOMMENDATIONS:

On April 2, 2025, the Commission appointed, Commissioner Will Rodriguez-Kennedy, as its member to be the investigating officer in the matter of the complaint submitted by 2025-006 ("Employee"), former Confidential Legal Secretary, which alleged disability discrimination by the Office of County Counsel. 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 reported its findings to the Commission. The Commissioner received and reviewed OEC's report and has taken into consideration all documentation submitted in this matter. The Commissioner concurred with OEC's Report and concluded that the evidence does not support a 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.

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

DISCIPLINE

Findings

2. Commissioner Bassett: **2025-008**, former Community Health Program Specialist, appealing a Final Order of Removal and Charges from the Department of Strategy and Community Engagement within the Health and Human Services Agency.

FINDINGS AND RECOMMENDATIONS:

Appellant 2025-008 requested to address the Commission regarding his appeal. After doing so, Commissioner Bassett read her report.

Appellant 2025-008 ("Employee") appealed a Final Order of Removal and Charges removing him from the position of Community Health Program Specialist in the Health and Human Services Agency ("Department"). The Commission appointed Commissioner Laura Bassett to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, a hearing was held on August 14 and 29, 2025.

The causes of discipline were acts incompatible with and/or inimical to the public service, failure of good behavior, and conduct unbecoming.

On April 19, 2024, while in a Teams meeting with Senior Departmental Human Resources Officers ("Sr. DHROs") Amstadter and Rhamy, the Employee recorded the meeting without the consent of the other participants in the meeting. The Department has presented sufficient evidence that when the Employee asked permission to record the meeting, Sr. DHRO Amstadter clearly responded in the negative, and no consent was ever approved. The Employee has admitted to the recording. In fact, his own exhibit is the actual recording of the meeting. It reflects only a portion of the meeting as it does not record the conversation where the Sr. DHRO withholds her consent to recording, but the video is telling, as it appears that the Employee's phone was discreetly placed out of the view of the Sr. DHROs, to the side of the Employee's desk, recording the conversation but showing a portion of a second monitor, which (when it re-focuses on that monitor) displays notes used by the Employee in the conversation. Clearly there was a conscious effort on the part of the Employee to hide the phone from the Sr. DHROs, who could see only so much of the Employee and his surroundings as limited by the camera.

On June 28, 2024, and again on July 15, 2024, the Employee, without authorization, emailed Ted Decker, CEO and President of Home Depot, requesting assistance in modifying the terms of the Blanket Purchase Agreement ("BPA") the County has with Home Depot. His requests came after months of efforts to try to create a way for him to use grant funds quickly, without going through the use of the P-Card system or setting up a different credit vehicle through negotiations involving the Department of Purchasing and Contracting, the only Department authorized by the County Charter and the Administrative Code to negotiate procurement agreements, or amendments to existing agreements. As a result of his actions the Department was contacted by a representative of Home Depot, in charge of the Southern California region, to inquire what it was that the Employee was seeking.

Cause I: The evidence supports a violation of Civil Service Rule 7.2(s) regarding acts incompatible with and/or inimical to the public service, in that the Employee knowingly recorded his Teams meeting with Sr. DHROs Amstadter and Rhamy without their consent. Whether Sr. DHRO Amstadter told him she'd "prefer not" to allow him to record it or, as the testimony of both Sr.

DHROs was, she responded "no," to his request for permission to record it, both responses are indications of a non-consensual recording.

Furthermore, the actual recording shows indications of the Employee's efforts to hide the fact that he was recording the conversation by placing his personal cell phone in a location outside of the view produced by his computer's camera. The Employee has made various excuses for recording the meeting. He first states that he believed that there was an ulterior motive on the part of Sr. DHRO Amstadter by having Sr. DHRO Rhamy sit in at the meeting; specifically, to witness any misconduct on the Employee's part that could be the subject of discipline. That is why he requested that the meeting be delayed until he could have a "representative" included.

Sr. DHRO Amstadter explained to the Employee, prior to the meeting, that she felt a meeting in person (albeit, by a video conference) would be more efficient and help her explain the process for him to appeal his Employee Performance Appraisal Report ("EPAR") and reduce greatly the follow-up questions that came in response to each email. The follow-up questions would, then, require another response from her and this would only result in additional questions that could easily be answered conversationally. She assured the Employee that nothing stated in the meeting was to be used as evidence of misconduct and future discipline.

Second, he states that he is neurodivergent and needs the recording to ensure that he has something to rely upon when memorializing the discussion, as taking notes during the meeting is not effective for him. Assuming that this is true, there is no evidence that he explained this to the others in the meeting and even if that was the case consent still is required from the other participants.

Third, he argues that he was unaware of the law (Penal Code section 632) making it illegal for a person to record a confidential conversation with another without that other person's consent. He argues, however, that there is no "County policy," that was violated, since there is no specific County policy barring the recording of a confidential communication without consent.

Regardless of any specific County policy, there remains the County's Code of Ethics ("Code of Ethics"), providing "Six General Principles," "intended to guide and assist County

employees in adhering to the *Standards of Conduct* contained in the Code of Ethics, one of which provides, "Perform your duties in compliance with all federal, state and local laws, and avoid any involvement in illegal, unethical, or improper conduct." Such principle would also assist the Employee to avoid the Standard of Conduct, related to "Fraud, Waste and Abuse," which sets forth "zero tolerance" for fraud by County employees, defining "fraud" to include, in clause (2), "false representation of a matter of fact, whether by words or by conduct, by false and misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that the person shall act upon it to his/her injury."

Finally, the Employee raises (for the first time) that labor laws, such as the *Weingarten* rights guaranteeing the right of union representation under the National Labor Relations Act, as well as the 2023 National Labor Relations Board Decision in *Starbucks Corporation dba Starbucks Coffee Company* allow an employee to record conversations without consent of the other participants, even if doing so is in violation of state laws prohibiting recording without consent.

First, as pointed out by the Department, NLRB decisions do not apply to public agencies; and second, while state laws protect a public employee's right of representation, that the *Weingarten* decision addressed on the part of the NLRB are not binding on public employers in the state. Employee points to no comparable state law or decision or administrative ruling that would protect him from discipline under this Cause. Employee is guilty of acts incompatible with and/or inimical to the public service by recording a meeting with two Senior DHROs without their consent.

Cause II: The evidence supports a violation of Civil Service Rule 7.2(r) regarding failure of good behavior, in that the Employee, without authorization, attempted to engage the CEO and President of Home Depot in negotiations to amend the blanket purchase agreement that formed the contract between the County and that vendor. His actions in twice contacting the CEO and President for Home Depot resulted in unnecessary communications on the part of that vendor to subordinates - down the chain of command - to find out what it is that the Employee was attempting to do, even when told that there were other options available to him.

The Employee presented considerable evidence of his accomplishments during his tenure. However, such history of success does not obviate the need for discipline when overstepping his authority by seeking to alter an existing contract negotiated or obtained by the purchasing agent for the County, especially one with terms set forth in the sponsoring agency's negotiations with a vendor, such as Home Depot.

Clearly, efforts to change the terms of the financial transactions from "quote" to "invoice," to satisfy the County need for invoices and payments prior to receipt of the tools and equipment, attempts to make a new exception to the BPA, and would amend the operative terms of the BPA.

Understanding the Employee's frustration by no longer allowing him to use the OES credit card (which was in error to begin with) or make large purchases in excess of the P-Card limitations, so that the Employee can help in the LiveWell program doesn't justify ignoring established and approved procurement rules in place to protect public funds. It is important to point out that he made considerable yet unsuccessful efforts to try to find a way to obtain the same results that he enjoyed using the OES credit card. The evidence is clear, however, that his Contracting Operations Representative ("COR") and even Department of Purchasing and Contracting ("DPC") representatives worked diligently with him and came up with options that might have achieved the results had he focused on those, despite the looming deadline for spending the grant monies available to his program. In the end his chosen option was simply to "go to the top" of Home Depot, which didn't accomplish what he wanted.

Employee is guilty of failure of good behavior in undertaking extraordinary, unauthorized, efforts to gain the assistance of the CEO and President of Home Depot to resolve his perceived problem in procuring gardening tools, equipment, and other similar supplies, by amending the blanket purchase agreement between the County and the vendor.

Cause III: The evidence supports a violation of Civil Service Rule 7.2(m) regarding conduct unbecoming, in that the Employee's conduct in relation to Cause II could have brought disrepute to the County and likely embarrassment to his COR, when she received a call from the Home Depot representative for Southern California.

Furthermore, his unauthorized end run around his COR and DPC by emailing the CEO and President of a Fortune 500 company resulted in unnecessary involvement of numerous Home Depot employees and must have been concerning to the COR when a Home Depot representative called to find out what the emails from the Employee were about.

Employee is further guilty of conduct unbecoming as described in Cause I by disregarding the wishes of fellow employees withholding their consent to allow him to record the meeting, then hiding the recording device so that they would not see that it was operating. In addition, despite receiving various alternative recommendations from his COR and representatives of DPC, the Employee took it upon himself to contact the CEO and President of Home Depot and seek his involvement in finding a way to modify the existing contract on his own so that he could make larger purchases more quickly than the alternatives presented.

More distressing is that the Employee stated to Director Riccitelli, in his *Skelly* conference, that had he known that he was violating Penal Code section 632 when interviewed by DHRO Fick, he would have lied about having recorded the meeting. Such a confession certainly calls into question the employee's ethics, and (again) justifying the ends.

The Director of the Department of Strategy and Community Engagement has determined that the Employee's removal from his position is necessary and appropriate.

Having reviewed the evidence, the numerous documents provided by both the Employee and the Department, and taking into consideration that the Employee has admitted his violations (although presenting many excuses for his behavior), it is clear that the Employee lacked the exercise of good judgment in both (1) recording a conversation without the consent of the other participants, especially when told not to, and then hiding the recording device; and (2) jeopardizing a vital County contract with Home Depot, which might have adverse consequences if credit transactions had been canceled.

It is recognized that the Employee was mistakenly allowed to use the OES credit card for his projects, initially, and was attempting to create a similar situation once permission for the use of that card was withdrawn. Also, it is noted that the Employee engaged in extensive efforts to solve the problem he faced when attempting to spend grant funds in a timely manner,

and in the most efficient means he could. However, his methods, or "means," were not justified in the end.

Based on the findings and conclusions set forth above, it is hereby recommended that the Final Order of Removal and Charges be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Commissioner Bassett to approve the decision; seconded by Commissioner McGovern. Motion passed with all in favor.

After reading her report, Commissioner Bassett addressed the appellant stating that this decision does not affect the appellant's heart for the job and that she hopes he can raise above this decision.

INFORMATION

3. **2025-001**, former Legal Support Assistant II, withdrawing appeal of an Order of Termination and Charges from the Sheriff's Office. (Commissioner McGovern)

Approved on Consent.

ADJOURNED: **3:02 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 a 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.