

CIVIL SERVICE COMMISSION MINUTES

September 2, 2026

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 21, 2026

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 2, 2026**

- 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
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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(d)(1)) County of San Diego vs. County of San Diego Civil Service Commission, Superior Court Case No. 26CU042083C

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Five (5) potential cases

C. Commissioner Bassett: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957) James J. Cunningham, Esq. on behalf of **2025-042P**, former Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department.

The Commission's Legal Advisor reported that no action was taken on any of the matters; Item C will be considered in the Open Session as Item 7.

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 July 1, 2026.

Motion by Commissioner Rodriguez-Kennedy motioned to approve the minutes of the regular meeting of July 1, 2026; seconded by Commissioner Montenegro. Motion carried. All in favor.

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

None.

D. **AGENDA ITEM DISCUSSION:**

There was one (1) request to pull agenda item #7.

E. **FORMATION OF CONSENT AGENDA**

Agenda item #7 was pulled for discussion. Therefore, agenda items 1-6 and 8-12 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**

Agenda item #7 was pulled for discussion.

AGENDA ITEMS

CONFIRMATION OF ASSIGNMENTS

1. Commissioner McGovern: **2026-030**, Candidate, appealing his non-selection for the classification of Account Clerk in the Health and Human Services Agency. (This assignment reflects the

Commission's action of granting a selection process hearing at its July 1, 2026, meeting.)

2. Commissioner Bassett: Mickey Jew, Esq., on behalf of **2026-035**, Senior Revenue and Recovery Officer, alleging discrimination by the Auditor and Controller.

3. Commissioner Coleman: **2026-036**, Land Use and Environmental Planner III, appealing a Final Order of Suspension and Charges from Department of Parks and Recreation.

4. Commissioner Rodriguez-Kennedy: Sara Nielsen, Advocacy Center Support, SEIU Local 221, on behalf of **2026-037**, Solid Waste Site Supervisor, appealing a Final Order of Removal and Charges from the Department of Public Works.

5. Commissioner Montenegro: Sara Nielsen, Advocacy Center Support, SEIU Local 221, on behalf of **2026-038**, Solid Waste Site Supervisor, appealing a Final Order of Removal and Charges from the Department of Public Works.

6. Commissioner McGovern: Rico J. Dominguez, Esq., on behalf of **2026-039P**, former Deputy Sheriff, appealing an Order of Termination and Charges from the Sheriff's Office.

Items 1-6 Approved on Consent.

DISCIPLINE

Findings

7. Commissioner Bassett: James J. Cunningham, Esq. on behalf of **2025-042P**, former Deputy Probation Officer, appealing a Final Order of Removal and Charges from the Probation Department.

Jim Cunningham, Esq, attorney for the appellant; addressed the Commission on behalf of his client. He stated there is no evidence that support the charges against his client and there is only "hearsay".

In addition, the employee who reported his client did not testify at the hearing. That is why Mr. Cunningham requested that the charges against his client be overturned by this Commission.

FINDINGS AND RECOMMENDATIONS:

The appeal from 2025-042P ("Employee") of a Final Order of Removal and Charges removing him from the position of Deputy Probation Officer in the Probation Department ("Department") was presented to the Civil Service Commission. 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 June 29 and 30, 2026.

The causes of discipline were conduct unbecoming of an officer or employee of the County, acts incompatible with and/or inimical to the public service, and insubordination.

1. An incident occurred involving DPO 1 and DPO 2 in the Unit they worked in.

2. Both DPO 1 and DPO 2 were involved in a different incident two (2) days prior to this incident.

3. Approximately two and one-half months prior to the two incidents, a Chief Deputy Probation Officer sent an email to all employees at the Facility that included, as item 1, the directive, "If you do not have official business inside a specific unit, do not enter that unit."

4. Employee was assigned duties as the shift leader. Despite being assigned as shift leader in his Unit, the Employee left his Unit in the middle of the shift, without permission from command, and went to a neighboring Unit.

5. DPO 2 submitted a complaint ("Complaint") to the Department, alleging that the Employee committed four violations of Departmental policies and one violation of a command directive from a Chief Deputy Probation Officer that employees are not to leave their assigned units without reason or permission.

6. The IA investigator investigated the allegations in the Complaint. Following his investigation, he made findings of five violations by the Employee. They are: two violations of Department Policy on Standards of Conduct related to Ethics, two violations of Department Policy on Standards of Conduct related to Laws, Rules, and Orders, and one violation of Department Policy on Standards of Conduct related to Efficiency.

7. Following review by her command staff, and based on their recommendations, Chief Probation Officer Nelson issued her Final Order of Removal and Charges to the Employee.

Employee is not guilty of Cause I, conduct unbecoming. The Department failed to produce admissible evidence to meet its burden of proof of this Cause. The ultimate finding by this Hearing Officer is that the Department's case rests almost exclusively on the hearsay of numerous witnesses. This circumstance seriously weakens the Department's case. Additionally, in the opinion of this Hearing Officer, the IA investigator failed to conduct a complete investigation into the Complaint. Principally of concern is his failure to interview other witnesses.

For the same reasons, Employee is not guilty of Cause II, acts incompatible with and/or inimical to the public service.

Employee is guilty of Cause III, insubordination. He admits that his failure to comply with the email directive from the Deputy Chief on two occasions resulted in two violations of Departmental policy.

By failing to present admissible evidence for Causes I and II, termination of employment cannot be supported.

Cause III, insubordination, however, remains and the Department has met its burden. In fact, the Employee admitted the two violations in his testimony. In evaluating the level of discipline of these two violations this Hearing Officer cannot support termination.

In this Hearing Officer's analysis, the Employee's excuse (that is, that as a result of the "pass down" communication he went to a neighboring Unit) should be considered as partial (but not complete) mitigation of this first violation in Cause III, as even the Employee admits that he could have communicated his concern to command and received permission to leave his Unit within the nearly 6 hours after his shift started. Taking the forgoing into consideration, this Hearing Officer finds an initial suspension of five days appropriate for this first violation.

The second violation in Cause III, however, does not enjoy the benefit of mitigation due to the lack of evidence that his absence was for the safety of others. Accordingly, as to

the second violation this Hearing Officer finds an additional suspension of 30 days to be appropriate.

Based on the findings and conclusions set forth above, it is hereby recommended:

1. That the Final Order of Removal and Charges be modified to a thirty-five (35) workday suspension;
2. That the Employee be awarded back pay, benefits, and interest from the date of removal to the date of this decision minus wages attributable to the thirty-five (35) workday suspension, and minus any wages, benefits or other compensation Employee received from other employment, unemployment benefits or other assistance programs; and
3. 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 Montenegro. Motion passed with all in favor.

POLICIES AND PROCEDURES

8. **Todd Adams**, Executive Officer, requesting the Commission's review and approval of proposed revisions to Civil Service Commission's policies and procedures in the Chief Administrative Officer's Administrative Manual.

RECOMMENDATION: Approve Policies 0080-04-1, 0080-04-2, 0080-04-3, 0080-04-5, 0080-04-6, 0080-04-7, 0080-04-8, 0080-04-9, 0080-04-10, 0080-04-11, 0080-04-12, and 0080-04-13

Approved on Consent.

SELECTION PROCESS

Findings

9. **2026-041**, Applicant, appealing the Department of Human Resources' removal of their name from the employment lists for Deputy Sheriff Cadet.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule

4.2.2 and their name has been returned to the employment list.

Ratified on Consent.

EXTENSION OF TEMPORARY APPOINTMENTS

10. Health and Human Services Agency

1 Office Assistant: **2026-042**

RECOMMENDATION: Ratify

Ratified on Consent.

INFORMATION

11. **2026-004**, former Property Assessment Specialist I, withdrawing appeal of a Final Order of Removal and Charges from the Assessor/Recorder/County Clerk. (Commissioner Bassett)

12. David J. Lopez, Esq., on behalf of **2026-002P**, Deputy Probation Officer, withdrawing appeal of a Final Order of Removal and Charges from the Probation Department. (Commissioner Montenegro)

Items 11 & 12 Approved on Consent.

ADJOURNED: **2:54 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.