CITY OF OAKLAND

CIVIL SERVICE BOARD MINUTES

Date: August 15, 2013

CLOSED SESSION – 5:30 p.m.

OPEN SESSION – 6:00 p.m. (or as soon as reasonably practicable thereafter)

City Hall, One Frank H. Ogawa Plaza, Hearing Room 1

BOARD MEMBERS PRESENT: 6 - Chairperson, Wendall Mitchell
Vice-Chairperson Alex Drexel
Board Member Dee Dee Brantley (arrived at 5:40 p.m.)
Board Member Amy Dunning
Board Member Andrea Gourdine
Board Member David Jones

BOARD MEMBERS ABSENT: 1 – Board Member Judith Bodenhausen

STAFF PRESENT: Katano Kasaine, Acting Director of Human Resources Management/Secretary to the Board
Tracy Chriss, Deputy City Attorney
Kip Walsh, Recruitment & Classification Manager/Staff to the Board
Cecilia Carey, HR Technician/Staff to the Board

OPEN SESSION AGENDA

The Civil Service Board will convene in Open Session prior to adjourning to Closed Session and will report out any final decisions during the Open Session Meeting Agenda.

The Civil Service Board convened at 5:36 p.m. with Chairperson Wendall Mitchell presiding.

ROLL CALL

1) CLOSED SESSION AGENDA – Conference with City Attorney Pending Litigation

Pursuant to California Government Code Section 54956.9(a)

Conference with City Attorney – Pending Litigation
Kheven Lagrone v. City of Oakland, et al., Alameda County Superior Court, Case No. RG13681664

OPEN SESSION AGENDA

NOTE: Board Member Brantley arrived at 5:40 PM.

1) REPORT OF ACTIONS TAKEN IN CLOSED SESSION

The City Attorney, Tracy Chriss, reported that the Civil Service Board voted to accept the recommendation that the Civil Service Board be represented by outside Counsel Deborah Bialosky with a vote of five (5) ayes and one (1) abstention.

2) OPEN FORUM: 3 Minutes

There were a total of five (5) speakers during Open Forum.

1. Jacquelyn D. Kinnebrew
2. Deborah Edgerly
3. Millie Cleveland
4. Michael D. Pandolfo
5. Alex Tonisson

3) CONSENT CALENDAR ACTION

a) Approval of Provisional Appointments

- Case Manager II (DHS-2013-PA03)

b) Approval of Revised Classification Specifications

- Park Attendant
- Gardener I
- Gardener II
- Gardener Crew Leader
- Park Equipment Operator
- Investment Officer

One (1) Speaker:

Joe Keffer, Service Employee International Union (SEIU) Local 1021 Representative, requested that the Park Attendant, Gardener I, Gardener II, Gardener Crew Leader and Park Equipment Operator revised classifications be pulled from the agenda due to union members concerns regarding the class specifications. Additionally Mr. Keffer raised concerns that Park Attendant, Gardener I, Gardener II, Gardener Crew Leader and Park Equipment Operator are common classes and that the Port had not had an opportunity to review the revised class specifications. The items were withdrawn.

Resolution #

44644 **A motion was made by Board Member Jones and seconded by Vice Chairperson Drexel to approve the Provisional Appointment and the revised classification specification for Investment Officer. The motion carried by the following vote:**

Votes: Board Member Ayes: 6 – Mitchell, Drexel, Brantley, Dunning, Gourdi
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1 – Bodenhausen

4) OLD BUSINESS:

a) Approval of July 18, 2013 Civil Service Board Meeting Minutes ACTION

Resolution #

44645 **A motion was made by Board Member Brantley and seconded by Vice Chairperson Drexel to approve the July18, 2013 Meeting Minutes as drafted. The motion carried by the following vote:**

Votes: Board Member Ayes: 5 – Mitchell, Drexel, Brantley, Gourdine, Jones
Board Member Noes: None
Board Member Abstentions: 1 – Dunning
Board Members Absent: 1 – Bodenhausen

b) Determination of Schedule of Outstanding Board Items
- Civil Service Board Appeals & Hearings Calendar

a. Scheduling of: Review of Hearing Officers Findings in the Disciplinary Appeal of Sheehan Gillis ACTION

Resolution #

44646 **A motion was made by Board Member Brantley and seconded by Vice Chairperson Drexel to schedule the Review of Hearing Officers Findings in the Disciplinary Appeal of Sheehan Gillis to the September 19, 2013 Board Meeting. The motion carried by the following vote:**

Votes: Board Member Ayes: 6 – Mitchell, Drexel, Brantley, Dunning, Gourdine, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1 – Bodenhausen

b. Scheduling of: Service Employees International Union (SEIU) Local 1021: Discussion of The Relationship of the ACTION

City Charter and the Civil Service Rules to TPTs.

Chairperson Mitchell requested that union representatives prepare a written brief for this item.

Resolution #

44647 **A motion was made by Board Member Jones and seconded by Board Member Brantley to schedule the discussion of SEIU Local 1021 TPTs and the relationship of part time assignments to the City Charter and Civil Service Rules to the September 19, 2013 Board Meeting. The motion carried by the following vote:**

Votes: Board Member Ayes: 6 – Mitchell, Drexel, Brantley, Dunning, Gourdine, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1 – Bodenhausen

i) Status of Hearings Referred to Hearing Officers: INFORMATION

a) Appeal of Dan Kemmit: tentative settlement reached, pending City Administrator authorization

c) Schedule of Civil Service Board Meetings Sept 2013-Dec 2013 INFORMATION

Resolution #

44648 **A motion was made by Board Member Gourdine and seconded by Board Member Jones to approve the Appeals and Hearings Calendar as amended. The motion carried by the following vote:**

Votes: Board Member Ayes: 6 – Mitchell, Drexel, Brantley, Dunning, Gourdine, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1 – Bodenhausen

5) NEW BUSINESS:

a) Informational Report on the Status of Temporary Assignments for Temporary Contract Service Employees (TCSEs) and Exempt Limited Duration Employees (ELDEs) Including a Report of the Names, Hire Dates, and Departments of all ELDEs and TCSEs in Accordance with the Memorandum of Understanding Between the City and Local 21. INFORMATION

Kip Walsh, Recruitment & Classification Manager reports that there are no new updates on this item.

b) Approval of Classification Specification for Employee Relations Analyst, Principal And Approval of Exemption of the Classification from the Provisions of Civil Service Pursuant to Oakland City Charter Section 902(f) ACTION

Resolution #

44649 **A motion was made by Vice Chairperson Drexel and seconded by Board Member Brantley to approve the Employee Relations Analyst, Principal Classification Specification and exemption from Civil Service. The motion carried by the following vote:**

Votes: Board Member Ayes: 6 – Mitchell, Drexel, Brantley, Dunning, Gourdine, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1 – Bodenhausen

c) Approval of Classification Specifications for the Classifications of Intake Technician, Police Program Auditor, and Police Program Auditor, Supervising ACTION

Resolution #

44650 **A motion was made by Board Member Gourdine and seconded by Vice Chairperson Drexel to approve the Intake Technician, Police Program Auditor and Police Program Auditor, Supervising Classification Specifications. The motion carried by the following vote:**

Votes: Board Member Ayes: 6 – Mitchell, Drexel, Brantley, Dunning, Gourdine, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1 – Bodenhausen

d) Service Employees International Union (SEIU) Local 1021: Request for Subpoena ACTION

Service Employee International Union (SEIU) Local 1021 representative Joe Keffer presented the request for subpoena in the matter of the Appeal of Examination Results for Revenue Operations Supervisor.

Kip Walsh, Recruitment & Classification Manager provided the City's response to the items requested by SEIU representative Joe Keffer.

The request to subpoena Nicole Welch, David McPherson, Kip Walsh and Cynthia Ng was discussed. Each of the persons listed were present and it was acknowledged that they

would be present when the appeal was discussed. The Chair determined that a subpoena to those individuals was not necessary.

Items 5, 7, 11, 12, 14, 15 and 19:
The City has no objection and will provide the requested information to the appellants.

Items 8, 10, 17, 18 and 20:
These items have been provided already, either in the City's response to materials request or by direct submission to the appellants.

For items 1, 2, 3, 4, 6, 9, 13, and 16:
The City agreed to assemble information that is responsive to these items where possible, but since some of the items in this group contain information about candidates and panelists, the City stated that prior to providing the appellants with the information, the City Attorney would be consulted to ensure that providing the information would not violate any rights or laws.

In the course of the discussion it was agreed that any information provided related to "candidates" will include only the materials of those candidates who participated in the oral exam and that all personal identifying information will be redacted.

The City Agreed To:

- Use a consistent numbering convention to indentify individual candidates in all materials provided to the appellant.
- The "prevailing candidate" i.e., the eligible who was appointed, will be identified in materials provided to appellants as part of the numbering convention for candidates used throughout.
- Prior to materials being provided to the appellants, the City will consult with the City's Attorney to ensure that none of the information being provided violates any candidate's rights or any applicable law.
- Following consultation with the City's Attorney, materials will be provided to the appellants.

The timelines discussed and agreed on are as follows:

- The item is rescheduled to the September 19, 2013 Civil Service Board meeting.
- Briefs from the appellants and the City are due to the Civil Service Board by September 12, 2013.

e) Service Employees International Union (SEIU) Local 1021: ACTION
Appeal of Examination Results for Revenue Operations Supervisor

Resolution #

44651 **A motion was made by Board Member Gourdine and seconded by Board Member Jones to approve as an addendum to the agenda the timeline of September 12, 2013 for brief submissions from the appellants and the City. The motion also includes rescheduling Item 5e – Appeal of Examination Results for Revenue Operations Supervisor – to the September 19, 2013 Civil Service Board meeting. The motion carried by the following vote:**

Votes: Board Member Ayes: 6 – Mitchell, Drexel, Brantley, Dunning, Gourdine, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1 – Bodenhausen

f) Update Regarding the Status of Port's Compliance with Ordinance No. 13120 C.M.S (Amended Ordinance No. 8979) INFORMATION

Kip Walsh, Recruitment & Classification Manager reports that there are no new updates on this item.

The Civil Service Board now meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on September 19, 2013. All materials related to agenda items must be submitted by September 12, 2013. For any materials over 100 pages, please also submit an electronic version. All items should be submitted via email and/or U.S. Mail to:

City of Oakland - Civil Service Board
Attn: Cecilia Carey, Staff to the Civil Service Board
150 Frank H. Ogawa Plaza, 2nd floor
Oakland, CA 94612
civilservice@oaklandnet.com

ADJOURNMENT

This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the Civil Service Board staff at (510) 238-3412 or TDD (510) 238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who experience chemical sensitivities may attend.