CITY OF OAKLAND

# CIVIL SERVICE BOARD MEETING MINUTES

**Date: September 19, 2013**

**OPEN SESSION – 5:30 p.m.**

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

**BOARD MEMBERS PRESENT: 4 - Chairperson, Wendall Mitchell**
**Vice-Chairperson, Alex Drexel**
**Board Member Judith Bodenhausen**
**Board Member David Jones**
**(One Vacancy)**

**BOARD MEMBERS ABSENT: 2 - Board Member Dee Dee Brantley**
**Board Member Andrea Gourdine**

**STAFF PRESENT:** **Katano Kasaine, City Treasurer/Interim DHRM Director/Secretary to the Board**
**Tracy Chriss, Deputy City Attorney**
**Kip Walsh, Recruitment & Classification Manager/Staff to the Board**
**Cecilia Carey, Human Resources Technician/Staff to the Board**

**The Civil Service Board convened at 5:35 p.m. with Chairperson Wendall Mitchell presiding.**

**ROLL CALL**

## OPEN SESSION AGENDA

**1) OPEN FORMUM 3 Minutes**

**Speaker(s):** None.

**2) CONSENT CALENDAR:**

a) Approval of Employee Requests for Leave of Absence

- Public Works Agency – PWA-2013-LA02

b) Ratification of Provisional Appointments

- Program Analyst III – PWA-2013-PA03
- Administrative Services Manager I – DPBNP-2013-PA01
- Graphics Delineator – DPBNP-2013-PA02
- Senior Services Program Assistant – DHS-2013-PA05

c) Approval of Classification Specification

- Surveying Technician

Resolution #

**44652** **A motion was made by Member Drexel and seconded by Member Jones to approve the items on the Consent Calendar. The motion carried by the following vote:**

**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2 - Brantley, Gourdine

**3) OLD BUSINESS:**

a) Approval of August 15, 2013 Civil Service Board Meeting Minutes

Resolution #

**44653** **A motion was made by Member Jones and seconded by Member Drexel to approve the August 15, 2013 Meeting Minutes. The motion carried by the following vote:**
**Votes:** Board Member Ayes: 3 - Mitchell, Drexel, Jones
Board Member Noes: None
Board Member Abstentions: 1 - Bodenhausen
Board Members Absent: 2 - Brantley, Gourdine

b) Determination of Schedule of Outstanding Board Items

- Civil Service Board Appeals & Hearings Calendar

    1. City request to schedule to October 17, 2013 Civil Service Board meeting a discussion of whether to refer disciplinary hearing for case number CAU-2013-AP01 to an external hearing officer.

Resolution #

**44654** **A motion was made by Member Bodenhausen and seconded by Member Drexel to hear item 3b at the October 17, 2013 Civil Service Board Meeting. The motion carried by the following vote:**
**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2- Brantley, Gourdine

c) 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

Board Member Jones asked for more detail regarding the non compliant ELDE assignment in the Oakland Redevelopment Agency.

Katano Kasaine, City Treasurer/Interim DHRM Director, Secretary to the Civil Service Board states she will bring back more information on the non compliant ELDE assignment within the Oakland Redevelopment Agency at the next Civil Service Board Meeting.

Resolution #

**44655** **A motion was made by Member Drexel and seconded by Member Jones to accept the Informational Report on the Status of Temporary Assignments for Temporary Contract Service Employees (TCSEs) and Exempt Limited Duration Employees (ELDEs) as reflected in the Agenda Packet. The motion carried by the following vote:**
**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2 - Brantley, Gourdine

**4) NEW BUSINESS:**

a) Public Employee's Appeal of Discipline (OFD-2011-AP001) – Review of Hearing Officer's Recommendations

*Note: This item is being heard in open session at the written request of the appellant.*

**Speaker(s):** Appellant Sheehan Gillis

Appellant Sheehan Gillis spoke to the Findings of Fact provided by the Hearing Officer. Appellant agreed that his expectation for the Civil Service Board Meeting was that it would not be a full evidentiary hearing but would come to the Civil Service Board as a recommendation from the Hearing Officer. Appellant states he disagrees with the Finding of Facts provided by the Hearing Officer.

Resolution #

**44656** **A motion was made by Member Drexel and seconded by Member Jones to accept the recommendation of the Hearing Officer and deny the appeal of discipline. The motion carried by the following vote:**
**Votes:** Board Member Ayes: 3 - Mitchell, Drexel, Jones
Board Member Noes: None
Board Member Abstentions: 1 - Bodenhausen
Board Members Absent: 2 - Brantley, Gourdine

b) Recommendation that the Civil Service Board exempt the classifications of Human Resources Manager and Manager, Support Services from the provisions of civil service pursuant to Charter Section 902(f)

Resolution #

**44657** **A motion was made by Member Bodenhausen and seconded by Member Jones to approve the exemption of the classifications of Human Resources Manager and Manager, Support Services from the provisions of civil service pursuant to Charter Section 902 (f).**

**The motion carried by the following vote:**
**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2 - Brantley, Gourdine

c) Discussion of SEIU Local 1021 Part Time Members and the Relationship of Part Time Assignments to the City Charter and Civil Service Rules

**Speaker(s):** Nine (9)

1. Deborah Edgerly
2. Millie Cleveland
3. Steven Lavoie
4. Jason Allen Colson
5. Stephanie R. Hamilton
6. Sharnell Smith
7. Lydia A. Swann
8. Marcus Brown
9. Dwight Mc Elroy

Union representatives requested the formation of a Civil Service Board Sub-Committee to review the City's use of Temporary Part Time employees or TPTs and its adherence to the Civil Service Rules.

Chairperson Mitchell asked for the City's position regarding the status of part time employees within the City and asks if there is a formal process to address the issues regarding the use of part time employees within the City of Oakland.

Katano Kasaine, City Treasurer/Interim DHRM Director, Secretary to the Board stated that the City is currently in negotiations with union representatives and that the City Administrator's Office is in the process of establishing a committee comprised of union members, DHRM, Budget Office and City Agencies to work collaboratively to try and resolve the issues surrounding the status of part time employees within the City of Oakland.

At the Board's direction this item will be agendized for further discussion at the November 21, 2013 Civil Service Board Meeting at which time the City will provide information on its position and a report regarding the City's use of part time employees within the City.

Resolution #

**44658** **A motion was made by Member Bodenhausen and seconded by Member Jones to continue item 3c to the November 21, 2013 Civil Service Board Meeting and to hear a report from the City regarding its position and use of part time employees within the City. The motion carried by the following vote:**
**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None

Board Members Absent: 2 - Brantley, Gourdine

d) Service Employee International Union (SEIU) Local 21: Appeal of Examination Results for Revenue Operations Supervisor

**Speaker(s):** Two (2)

1. Joe Keffer
2. Nicole Welch

Joe Keffer states that it is the unions contention that:

1. The interview panel was biased during the interview process.
2. The Revenue Operations Supervisor classification specification was revised without proper notice.
3. Testing administration and oral panel interview questions were biased.

Joe Keffer requests the following documentation is provided from the City:

**Item 1** – List of all candidates who participated in the exam; following discussion:
Item was withdrawn by Joe Keffer.

**Item 4** – Final scores, rankings and ratings of all applicants.
The City agreed to provide scores, rankings and ratings for the twelve (12) candidates who participated in the oral examination.

**Item 7** – Departmental industry testing guidelines.
It is the City's position that there is no further documentation

**Item 13 –** Counseling, evaluation, performance appraisals.
Kip Walsh, Recruitment & Classification Manager attested to having verified that all candidates met the requirements under the rules to qualify for the promotional examination. The City certifies that candidates who participated in the oral examination were free of any disciplinary actions within the last twelve (12) months of the examination. This includes a record free of discipline and performance appraisal not less than fully effective. It was agreed that the City will not provide any further documentation.

**Item 14** – Documents and information related to outreach efforts.
It is the City's position that information has already been provided and there is no further documentation.

**Item 16 -** Communications between DHRM and Hiring Agency concerning the Analyst and Testing Process
The City agreed to provide email communications between the DHRM Analyst, Hiring Manager and Department Head regarding the process of the Revenue Operations Supervisor examination and within the time frame of January 2013 thru June 2013 to be provided to the union by October 4, 2013.

Note: Nicole Welch spoke on the parameters of the informational request.

Resolution #
**44659** **A motion was made by Member Drexel and seconded by Member Jones to have the City provide items 4 and 16 to the union by October 4, 2013 and to continue the appeal of the Revenue Operations Supervisor Exam Results to the November 21, 2013 Civil Service Board Meeting.**
**The motion carried by the following vote:**
**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2 - Brantley, Gourdine

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

Katano Kasaine, City Treasurer, Interim DHRM Director, Secretary to the Civil Service Board reported meeting with the Port on this item. The City and the Port has agreed to meet on a monthly basis and will provide a preliminary Staff Report at the November 21, 2013 Civil Service Board Meeting. Chairperson Mitchell directed Staff to bring back to the Board any contentious items.

Resolution #
**44660** **A motion was made by Member Bodenhausen and seconded by Member Drexel to accept the Update Regarding the Status of Port's Compliance with Ordinance No. 13120 C.M.S. (Amended Ordinance No. 8979) as reflected in the Agenda Packet. The motion carried by the following vote:**
**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2 - Brantley, Gourdine

Resolution #
**44661** **A motion was made by Member Jones and seconded by Member Drexel to adjourn.**
**The motion carried by the following vote:**
**Votes:** Board Member Ayes: 4 - Mitchell, Drexel, Bodenhausen, Jones
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2 - Brantley, Gourdine

**ADJOURNMENT: 8:15 pm**

The Civil Service Board now meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on October 17, 2013. All materials related to agenda items must be submitted by Tuesday October 8, 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**

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) 238-6467 or TDD (510) 238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.