CIVIL SERVICE BOARD MEETING MINUTES

Date: **January 13, 2011**

CLOSED SESSION 5:30 p.m.

OPEN SESSION 6:30 p.m.

City Hall, One Frank H. Ogawa Plaza, Hearing Room 2

BOARD MEMBERS PRESENT: 6 - Chairperson, Wendall Mitchell
Board Member Judith Bodenhausen (arrived at 5:55p.m.)
Board Member Dee Dee Brantley
Board Member Alex Drexel
Board Member Michelle Hatchell (left at 6:45p.m.)
Board Member Michael Siegel

BOARD MEMBERS ABSENT: 1 – Vice-Chair Winnie Anderson

STAFF PRESENT: Andrea R. Gourdine, DHRM Director, Secretary to the Board
Tracy Chriss, City Attorney
Kip Walsh, Interim HR Manager, Staff to the Board
Kenneth Tramiel, HR Technician, Staff to the Board

The Civil Service Board convened at 5:40 with Chairperson Wendall Mitchell presiding.

ROLL CALL

CLOSED SESSION AGENDA

1) Public Employees Discipline/Dismissal/Release

a) PWA 2011-01

A motion was made by Member Bodenhausen, seconded by Member Brantley, to continue the hearing of Appeal of PWA 2011-01 to the February 10, 2011 Civil Service Board Meeting and the appellant was asked to provide the Civil Service Board with documentation of a valid Commercial Class "B" driver's license from the Department of Motor Vehicles (DMV) for the time period of February 23, 2010 to present. The motion carried by the following vote:

Votes: Board Member Ayes: 6- Member Bodenhausen Member Brantley, Member Drexel, Member Hatchell, Member Mitchell and Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 1- Member Anderson

b) PWA 2011-02

A motion was made by Member Hatchell, seconded by Member Brantley, to deny the Appeal of PWA 2011-02, based on the non-jurisdiction of the Civil Service Board to hear the appeal of a Probationary Release for an employee in the UM1 bargaining group pursuant to the IFPTE Local 21 Memorandum of Understanding (MOU) and referring the appellant back to the Union to address the appeal through the grievance process. The motion carried by the following vote:

Votes: Board Member Ayes: 3- Member Bodenhausen, Member Brantley, Member Siegel
Board Member Noes: 2- Member Drexel, Member Mitchell
Board Member Abstentions: None
Board Members Absent: 2- Member Anderson, Member Hatchell

OPEN SESSION AGENDA

1) OLD BUSINESS:

a) Approval of December 9, 2010 Civil Service Board Meeting Minutes

A motion was made by Member Drexel, seconded by Member Siegel, to approve the December 9, 2010 Civil Service Board Minutes. The motion carried by the following vote:

Votes: Board Member Ayes: 5- Member Bodenhausen, Member Brantley, Member Drexel. Member Mitchell, Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2- Member Anderson, Member Hatchell

b) Civil Service Board Appeals & Hearings Calendar

A motion was made by Member Bodenhausen and seconded by Member Siegel to agendize the Appeal of Termination for Marlena Hanlon, Administrative Analyst, to the February 10, 2011 Civil Service Board as a discussion item to determine if the appeal will be referred to an outside hearing officer. The motion carried by the following vote:

Votes: Board Member Ayes: 5- Member Bodenhausen, Member Brantley, Member Drexel, Member Mitchell, Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2- Member Anderson, Member Hatchell

Speaker(s); Rachel Wagner, City Attorney Representative

A motion was made by Board Member Siegel, seconded by Board Member Brantley, to approve the Civil Service Board Appeals and Hearing Calendar as amended. The motion carried by the following vote:

Votes: Board Member Ayes: 5- Member Bodenhausen, Member Brantley, Member Drexel, Member Mitchell, Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2- Member Anderson, Member Hatchell

c) Continuance of Discussion for Appeal of Termination, Kennieth McKellar, Police Officer

A motion was made by Member Siegel and seconded by Member Brantley to refer the Appeal of Termination of Kennieth McKellar, Police Officer, to an outside hearing officer. The motion carried by the following vote:

Votes: Board Member Ayes: 5- Member Bodenhausen, Member Brantley, Member Drexel, Member Mitchell, Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2- Member Anderson, Member Hatchell

2) NEW BUSINESS:

a) Ratification of Provisional Appointments

A motion was made by Member Brantley, seconded by Member Bodenhausen to approve the ratification of the Assistant Engineer II Provisional Appointment. The motion carried by the following vote:

Votes: Board Member Ayes: 5- Member Mitchell, Member Bodenhausen, Member Brantley, Member Drexel, Member Hatchell and Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2- Member Anderson, Member Hatchell

A motion was made by Member Bodenhausen, seconded by Member Drexel to approve the ratification of the Grants Coordinator Provisional Appointment. The motion carried by the following vote:

Votes: Board Member Ayes: 5- Member Mitchell, Member Bodenhausen, Member Brantley, Member Drexel, Member Hatchell and Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2- Member Anderson, Member Hatchell

Speaker(s): Sanjiv Handa- East Bay News Service

Note: Following comments made by the speaker, City Attorney to the Civil Service Board, Tracy Chriss, stated that the Board's authority is to authorize Provisional

Appointments; the authority to hire a specific individual rests with the City Administrator. Therefore, the name and application forms of any Provisional Appointee should not be included in the materials submitted to the Board. Staff should provide a memo detailing the recommendation and summary of qualifications for the Provisional Appointment.

b) Director's Report

Follow-up to November 18, 2010 Civil Service Board decision regarding Port Classifications and the December 17, 2010 Letter to the Port

Discussion: New materials not agendized related to this item included a letter dated January 11, 2011 and addressed to Andrea Gourdine, Director of Human Resources Management. Chairperson Mitchell requested that the Civil Service Board Attorney provide a response addressing the legal questions raised in the letter. All additional items received by the Civil Service Board or Staff related to this item will be agendized for the next Civil Service Board meeting.

A motion was made by Member Mitchell, seconded by Member Siegel, for Andrea Gourdine, Director of Human Resources Management, to ascertain from City officials what the next steps are from the City's perspective, as it relates to the continued Discussion of the Follow-up to the November 18, 2010 Civil Service Board Decision regarding Port Classifications and the December 17, 2010 Letter to the Port. The motion carried by the following vote:

Votes: Board Member Ayes: 5- Member Bodenhausen, Member Brantley, Member Drexel, Member Mitchell, Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Member Absent: 2- Member Anderson, Member Hatchell

Speaker(s): Sanjiv Handa, East Bay News Service
Millie Cleveland, SEIU Local 1021 Port Representative
Eve Grossman, Port of Oakland Governmental Affairs Manager
Jeff Levin, IFTPE Local 21 Representative

OPEN FORUM:

Speaker(s): Gene Hazard- The Oakland Black Caucus
Jeff Levin, IFTPE Local 21 Representative
Sanjiv Handa, East Bay News Service

ADJOURNMENT

There being no further business, and upon the motion made by Board Member Bodenhausen, seconded by Board Member Brantley, the Civil Service Board adjourned the meeting at 9:25 p.m.