CITY OF OAKLAND

CIVIL SERVICE BOARD MEETING MINUTES

Date: **June 9, 2011**

OPEN SESSION- 5:30 p.m.

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

BOARD MEMBERS PRESENT: 6 – Chairperson, Wendall Mitchell
Vice-Chair, Winnie Anderson (arrived 5:46 p.m.)
Board Member, Judith Bodenhausen (arrived 5:46 p.m.)
Board Member, Alex Drexel
Board Member, Michelle Hatchell
Board Member, Michael Siegel

BOARD MEMBERS ABSENT: 1 – Board Member, Dee Dee Brantley

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

The meeting commenced at 5:41 p.m. with four members present.

OPEN SESSION AGENDA

ROLL CALL

1) CONSENT CALENDAR

a) Adoption of Revised Classification Specification: Public Works Operations Manager

A motion was made by Member Drexel and seconded by Member Hatchell to approve the revised classification specification for Public Works Operations Manager. The motion carried by the following vote:

Votes: Board Member Ayes: 4 – Chairperson Mitchell, Member Drexel, Member Hatchell, Member Siegel
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 3 – Member Anderson, Member Bodenhausen, Member Brantley

2) OLD BUSINESS

a) Approval of May 12, 2011 Civil Service Board Meeting Minutes

Members Anderson and Bodenhausen arrived during the discussion of this item (5:46 p.m.).

A motion was made by Member Siegel and seconded by Chairperson Mitchell to approve the May 12, 2011 Civil Service Board Minutes. The motion carried by the following vote:

Votes: Board Member Ayes: 4 – Chairperson Mitchell, Member Anderson, Member Bodenhausen, Member Siegel
Board Member Noes: None
Board Member Abstentions: 2 – Member Drexel, Member Hatchell
Board Members Absent: 1 – Member Brantley

b) Civil Service Board Appeals & Hearings Calendar
This item was tabled to later in the meeting because the scheduling of one item was dependent on the outcome of item 3(c) below.

3) NEW BUSINESS:

The Board took the items out of sequence and began with a discussion of item 3(e):

e) Recommendation for a Revision to the Civil Service Rules (Personnel Manual) Appendix B – Common Classes to Correct the Omission of the Classification of Gardener I from the List of Common Classes

A motion was made by Chairperson Mitchell and seconded by Member Siegel for the Board to reconsider its motion of May 12, 2011 adopting the revised Civil Service Rules for the limited purpose of correcting errors of omission on Appendix B. The motion carried by the following vote:

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

A motion was made by Chairperson Mitchell and seconded by Member Siegel to adopt Appendix B as amended to correct errors of omission and to insert the words "90 days" in the last sentence of the first paragraph between the words "than" and "after" and to add the classification of Gardener I to the list of Common Classes. The motion carried by the following vote:

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

Speakers:
Kerrianne Steele, SEIU Local 1021 Representative
Dwight McElroy, SEIU Local 1021 Representative
LaWanna Preston, HR Manager for Employee Relations for the City of Oakland

a) Discussion to Determine Whether to Refer the Disciplinary Appeal of Emergency Services Coordinator Sheehan (Sean) Gillis to an Outside Hearing Officer

This item was not heard due to a request from the appellant's representative that the item be scheduled to a later date when the appellant and his representative could be present for the discussion.

b) Discussion to Determine Whether to Refer the Disciplinary Appeal of Police Officer Dan Kemmitt to an Outside Hearing Officer

A motion was made by Member Anderson and seconded by Member Bodenhausen to refer the disciplinary appeal of Police Officer Dan Kemmitt to an outside hearing officer. The motion carried by the following vote:

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

Speakers:
Deborah Bialosky, City Attorney representative

c) Hearing to Determine the Board's Jurisdiction in the Appeal of the 2011 Engineer of Fire Exam for Firefighter Benjamin Kaplan

A motion was made by Member Anderson and seconded by Member Hatchell to accept the Board's jurisdiction in the Appeal of the 2011 Engineer of Fire Exam for Firefighter Benjamin Kaplan. The motion failed by the following vote:

Votes: Board Member Ayes: 1 - Member Anderson
Board Member Noes: 5 – Chairperson Mitchell, Member Bodenhausen, Member Drexel, Member Hatchell, Member Siegel
Board Member Abstentions: None
Board Members Absent: 1 – Member Brantley

A motion was made by Member Bodenhausen and seconded by Member Anderson to deny the Board's jurisdiction in the Appeal of the 2011 Engineer of Fire Exam for Firefighter Benjamin Kaplan. The motion carried by the following vote:

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

Speakers:
Deborah Bialosky, City Attorney representative
Benjamin Kaplan, appellant
Dan Robertson, IAFF Local 55 representative

d) Hearing to Determine the Board's Jurisdiction in the Appeal of the 2010 Battalion Chief Exam for Captain of Fire Coy Justice

A motion was made by Member Anderson and seconded by Member Hatchell to accept the Board's jurisdiction in the Appeal of the 2010 Battalion Chief Exam for Captain of Fire Coy Justice. The motion carried by the following vote:

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

Speakers:
Deborah Bialosky, City Attorney representative
Denise Eaton May, appellant representative
Coy Justice, appellant

The Board then considered Item 2(b): the Hearings & Appeals Calendar, which they had moved to the end of the meeting following the discussion of other items.

A motion was made by Member Hatchell and seconded by Member Brantley to:

- **Reschedule the discussion to determine whether to refer the Disciplinary Appeal of Emergency Services Coordinator Sheehan (Sean) Gillis to an outside hearing officer to the July 14, 2011 Civil Service Board meeting; and**
- **To schedule the Civil Service Board Election of Officers to the July 14, 2011 Civil Service Board meeting; and**
- **To adopt the Hearings & Appeals Calendar as amended.**

The motion carried by the following vote:

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

OPEN FORUM:
Speaker – Farbod Pirouzmand, Port of Oakland

ADJOURNMENT:
There being no further business, and upon the motion made by Member Anderson and seconded by Member Drexel, the Civil Service Board adjourned the meeting at 7:30 p.m.

NEXT MEETING

July 14, 2011 – 5:30 p.m.
City Hall, One Frank H. Ogawa Plaza, Hearing Room 2