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**Civil Service Commission
2013 Annual Report**

I. Introduction

The Civil Service Commission (“Commission”), mandated by the County Charter, oversees the County’s Merit System to ensure the selection and retention of employees in the classified service based on merit and fitness. The Commission provides for:

- Standardization and classification of all positions
- Examination of candidates
- Establishment of eligible lists
- Certification of eligible candidates
- Length of probationary periods
- Temporary appointments in the absence of an eligible list
- Criteria and procedures for demotion, reduction in force, and reemployment
- Criteria and procedures for suspension, dismissal and other disciplinary action
- The hiring of unemployed persons under programs designed to relieve unemployment and their suspension, disciplining or removal
- The manner in which employees of an agency absorbed by the County may become County employees and the rights, if any, which shall accrue to them for their service with the agency
- Hearing appeals. Employees in the classified service may appeal any action pursuant to Commission Rule XIV *et seq.*

The Commission hears matters pertaining to dismissals, demotions, suspensions, below standard performance evaluations, applicant recruitment process, and examination process; reviews requests for extension of eligible lists; and allocates new or revised job classifications to an appropriate bargaining unit for employee/employer relation purposes.

The Commission is comprised of five Commissioners, appointed by the Board of Supervisors, to serve four-year terms. The Commission is supported by the County’s Human Resources Department. The Director of Human Resources serves as the executive officer for the Commission.

The purpose of the Civil Service Commission Annual Report is to provide an overview of the San Mateo County Civil Service Commission’s activities throughout the calendar year, and to comply with San Mateo County Board of Supervisors Resolution No. 069276, section 20. The report contains a summary of the Civil Service Commission appeals process, statistics on Commission hearings and outcomes, and observations and recommendations of the Commission.

II. Appeal Process

The appeal process commences with the filing of a petition for hearing. When a matter is granted a hearing, the Commission determines whether the matter will be heard by the Commission, by a board composed of one or more members of the Commission, or by a hearing officer appointed by the Commission for that purpose.

Parties to the hearing are entitled to be represented by counsel or a representative of his/her choice, subpoena and cross-examine witnesses, and present other evidence to the Commission, hearing board, or hearing officer as deemed pertinent to the matter at hand.

In any hearing on an appeal from a dismissal, demotion, or suspension, the burden of proof is on the appointing authority (usually the Department), and in all other types of hearings, the burden of proof is on the petitioner. In a hearing before the Commission, the Commission will make written findings of fact and render its final decision.

Summary of Appeals 2013: In 2013, the Civil Service Commission received five petitions for hearings (two dismissals and three non-punitive suspensions). Given that all the cases involved disciplinary action, the Commission granted hearings for these matters.

The Commission upheld the appointing authority's discipline imposed in two cases (40% of all cases), modified the appointing authority's discipline in two cases (40%), and the remaining case (20%) was withdrawn prior to hearing.

2009-2013: During the last five years, there were 27 petitions for appeals. Of these 21 (78% of all petitions filed) were granted a hearing.

The average number of appeal hearings conducted during the last five years has been four. Of the 21 appeals that were granted hearings, nine cases (43%), the discipline imposed by the appointing authority was upheld by the Commission, in three cases (14%) the discipline imposed was modified by the Commission, and in three cases (14%), the appointing authority's discipline was not sustained. In addition, six appeals (29%) were withdrawn prior to hearing.

Recent Revisions and Additions to the Appeals Process: During 2013, the Commission adopted a guideline on a trial basis of establishing time limits on presentation of hearing evidence and arguments. The purpose of this pilot project guideline was to determine whether it might reduce the length, and evidentiary and argument redundancy, of appeal hearings. Commissioners had raised concerns that they are provided materials in advance for some hearings, but not by all parties, and that often the parties then spend a great deal of time at the hearing presenting the same materials as had been provided in advance. Another concern raised was that of multiple witnesses being called to make the same point repeatedly, causing redundancy in the evidence presented.

It was decided that, on a trial basis, time limits (to be managed by the Chair) would be discussed and proposed for each side when the hearing is set. In addition, all parties are strongly encouraged to provide materials, including proposed findings of fact and decision in advance of the hearing to best utilize the hearing for the opportunity for the Commission/Hearing Officer(s) to ask questions that will enable them to make informed decisions.

The Chair will continue to have the responsibility to move hearings along. However, production of each party's materials prior to the hearings, and focused testimony at the hearings, are anticipated to allow the Commission to more readily reach fair, informed, and consistent decisions on matters brought before them.

2013 Petitions for Hearing*

Department	Disciplinary	Discretionary	Total
CMO Public Safety Communications	1		1
Planning and Building	1		1
Probation Department	2		2
Sheriff's Office	1		1
Total	5	0	5

*Only departments that had appeals during 2013 are listed above.

Post-Hearing Decisions By Departments With Appeals, 2009 – 2013*

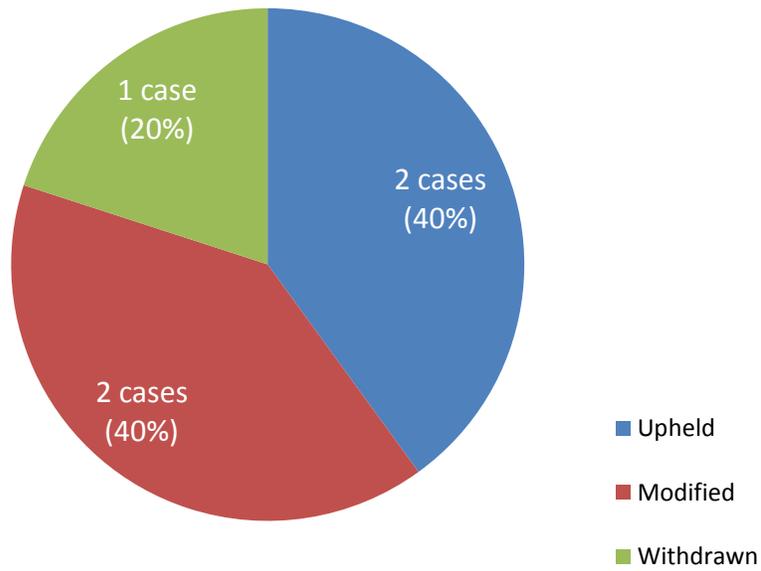
Department	Department Upheld					Department Modified					Department Not Sustained					Withdrawn					5 Year Total	
	2009	2010	2011	2012	2013	2009	2010	2011	2012	2013	2009	2010	2011	2012	2013	2009	2010	2011	2012	2013		
CMO Public Safety Communications					1														1			2
Health System		1	1	2					1		1	1					1		1			9
Information Services Department													1					1				2
Planning and Building					1																	1
Probation Department		1	1							2						1						5
Sheriff's Office	1																				1	2
Total	1	2	2	2	2	0	0	0	1	2	1	1	1	0	0	1	1	1	2	1		21

*Only departments that had appeals during the last five years are listed above.

Total Decisions by Year					
2009	2010	2011	2012	2013	
3	4	4	5	5	

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Civil Service Commission 2013 Post-Hearing Outcomes



III. Other Commission Activity

During 2013, the Commission held eleven meetings (nine regular meetings and two special meetings).

New Classifications: The Commission approved five new classifications in 2013:

New Classifications	Department Assignment	Bargaining Unit	Probation Period (Hours)
Banking and Cash Management Supervisor	Tax Collector-Treasurer’s Office	SEIU – Accounting and Administrative Unit	1040
Chief Communications Officer	County Manager’s Office	Unrepresented Management	2080
Human Services Program Policy Analyst	Human Services Agency	AFSCME – Human Services Unit	1040
Lean Coordinator	San Mateo Medical Center	Unrepresented Management	2080
Natural Resource Manager	Parks Department	Unrepresented Management	2080

The Commission reviews and approves all new classification descriptions, their bargaining unit assignments and probationary hour requirements to insure the selection and retention of employees in the classified service on the basis of merit and fitness. As defined in the County Charter, the Commission shall prescribe rules that provide for the standardization and classification of all positions in the classified service. It is uncommon for Human Resources to submit new classifications that have not been vetted through the process and through the labor organizations (if represented) and therefore it is rarely that the Commission disapprove a new classification; however, it is possible for the Commission to instruct the Human Resources Department to conduct more research or provide more information.

Extension of Eligible Lists: The Commission approved the extension of 31 eligibility lists as follows:

- Accountant I/II (E011D) – 2 months
- Behavioral Health & Recovery Services Analyst (G079) – 3 months
- Benefits Analyst I/II (G070N) – 5 months
- Benefits Analyst III – 2 months
- Benefits Analyst III – 3 months
- Biologist/Standards Specialist I/II/III/IV (J065B) – 3 months
- Biologist/Standards Specialist I/II/III/IV (J065B) – 3 months
- Certified Medical Assistant (Medical Services Assistant II – F079AI) – 2 months
- Community Worker II-Human Services Agency (G113BJ) – 5 months
- Construction Project Manager – 4 months
- Deputy Probation Officer – 4 months
- District Attorney’s Inspector – 5 months
- Employment Services Specialist II (G238K) – 2 months
- Environmental Health Specialist I/II/III – 3 months
- Fiscal Office Assistant I/II (E347A) – 6 months
- Fiscal Office Specialist (350AF) – 6 months
- Finance Administrative Secretary (E002R) – 6 months
- Group Supervisor I/II – 5 months
- Hazardous Materials Specialist II/III – 3 months
- Job Development Specialist II (G235F) – 5 months
- Management Analyst (Business Analyst – D181BC) - 2 months
- Medical Office Assistant – 6 months
- Office Assistant (E335N) – 6 months
- Office Specialist (E337XX) – 6 months
- Park Ranger II – 3 months
- Patient Services Assistant II – Spanish-speaking Preferred (E412AB) – 2 months
- Pollution Prevention Specialist II/III – 4 months
- Public Services Specialist – Spanish and Non-Spanish Speaking (E368W)
- Residential Counselor I/Residential Counselor I-Relief – 5 months
- Social Worker II/III – Human Services Agency (G096Q) – 2 months
- WIC Nutrition Assistant – Spanish-speaking Required (Community Worker II – G113BC) - 5 months

Extension of eligible lists is crucial in expediting hiring and selection process. By extending the list, a need for new recruitment when a viable list of candidates is available is eliminated thereby saving both time and resources. It also ensures that qualified candidates who have successfully participated in the examination process are provided an extended opportunity to be considered for County employment.

IV. 2014 Workplan/Priorities

- A. Analyze the efficacy of the pilot project guidelines adopted in 2013 encouraging more pre-hearing submissions by parties, and more focused presentations during appeal hearings.
- B. Schedule and hold appeal hearings as soon as practicable.
- C. Remain alert to opportunities to improve the Commission's procedures and Rules.