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**Civil Service Commission
2014 Annual Report**

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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 2014 Appeals: In 2014, the Civil Service Commission received five petitions for hearings (three dismissals, one suspension, and one non-punitive suspension). 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 three cases (60%) and two cases (40%) were withdrawn prior to the hearing. There were no decisions that modified the appointing authority's discipline.

2010-2014: During the last five calendar years, there were 26 petitions for appeals. Of these 23 (88% of all petitions filed) were granted a hearing.

The average number of appeal hearings conducted during the last five years has been five. Of the 23 appeals that were granted hearings, in 11 cases (48%) the discipline imposed by the appointing authority was upheld by the Commission, in three cases (13%) the discipline imposed was modified by the Commission, and in two cases (9%) the appointing authority's discipline was not sustained. In addition, seven appeals (30%) were withdrawn prior to hearing.

Recent Revisions and Additions to the Appeals Process: In 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 ensure that hearing time is used efficiently and effectively. 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.

2014 Petitions for Hearing*				
Department	Disciplinary	Discretionary	Total	
Health System	1		1	
Probation Department	2		2	
Sheriff's Office	2		2	
	Total	5	0	5

*Only departments that had appeals during 2014 are listed above.

POST-HEARING DECISIONS BY DEPARTMENTS WITH APPEALS, 2010-2014*																					
Department	Department Upheld					Department Modified					Department Not Sustained					Withdrawn					5 YEAR TOTAL
	2010	2011	2012	2013	2014	2010	2011	2012	2013	2014	2010	2011	2012	2013	2014	2010	2011	2012	2013	2014	
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			1				2											1	6
Sheriff's Office					1														1	1	3
Total	2	2	2	2	3	0	0	1	2	0	1	1	0	0	0	1	1	2	1	2	23

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

Total Decisions by Year					
2010	2011	2012	2013	2014	
4	4	5	5	5	

III. Other Commission Activity

During 2014, the Commission held 13 meetings (eleven regular meetings and two special meeting).

New Classifications: The Commission approved 14 new classifications in 2014:

New Classifications	Department Assignment	Bargaining Unit	Probation Period (Hours)
Senior Management Analyst	Countywide	Unrepresented Management	2080
Communications Officer	County Manager/Clerk of the Board	Unrepresented Management	2080
District Attorney's Office Victim Advocate I	District Attorney's Office	AFSCME	1040
Associate Director of Psychiatry	Health System	Unrepresented Management	2080
Hospital/Clinics Controller	Health System	Unrepresented Management	2080
Hospital/Clinics Finance Manager	Health System	Unrepresented Management	2080
Behavioral Health and Recovery Analyst I	Health System	AFSMCE	1560
Behavioral Health and Recovery Analyst II	Health System	AFSMCE	1040
Lead Behavioral Health and Recovery Analyst	Health System	AFSCME	1040
Peer Support Worker I	Health System	AFSCME	1560
Peer Support Worker II	Health System	AFSCME	1040
Senior Community Worker	Human Services Agency	AFSCME	1040
Assistant Director of Information Services	Information Services Department	Unrepresented Management	2080
Senior Librarian	Library	SEIU	1040

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 43 eligibility lists as follows:

Accountant II (E011E) – 3 months
Assessor-Recorder Technician II (E322B) – 4 months
Automotive Mechanic Trainee (W039) – 3 months
Automotive Mechanic Trainee (W039) – 6 months
Benefits Analyst III – 2 months
Benefits Analyst (G070P) – 6 months
Biologist/Standards Specialist I/II/III/IV (J065B) – 1 month
Children’s Fund Program Coordinator – Human Services Agency (G231R) – 1 month
Communicable Disease Investigator-Spanish Speaking Required (J047Q) – 6 months
Community Program Specialist – Unclassified (G227TT) – 3 months
Community Worker II (G113BJ) – 3 months
Community Worker II (G113BJ) – 5 months
Compliance and Administrative Analyst (D181AX) – 2 months
County Veterans Service Officer – Veterans Preferred (G231S) – 6 months
Deputy Probation Officer – 2 months
Deputy Probation Officer I (C001T) – 4 months
District Coordinator, Office of Emergency Services – 6 months
Family Care Worker (G062) – 3 months
Fiscal Office Assistant I/II (E347B) – 6 months
Food Service Worker (S037I) – 3 months
Group Supervisor I/II – 6 months
Health Benefits Analyst I/II-Spanish Speaking Preferred (E384) – 5 months
Human Services Analyst II (G231Q) – 1 month
Human Services Hearings Officer (G233B) – 1 month
Human Services Policy Analyst (G221) – 3 months
Investigative Analyst – Spanish Speaking Preferred (G067) 3 months
Investigative Analyst-Spanish Speaking Preferred (G067) – 5 months
Legal Office Assistant (E373Q) – 4 months
Medical Office Specialist (E420T) – 2 months
Office Assistant (E335O) – 6 months
Office Specialist (E337AB) – 6 months
Psychiatric Social Worker/Marriage & Family Therapist I/II – Canyon Oaks Youth Center – 11 months
Psychiatric Social Worker/Marriage & Family Therapist I/II- School Based Services – 3 months
Public Health Educator-Chronic Disease & Injury Prevention (F057K) – 5 months
Public Services Assistant –Spanish and Non-Spanish Speaking (E368X) – 6 months
Public Works Technician (N011N) - 3 months
Public Works Technician (N011N) – 6 months
Quality Improvement Program Specialist –BHRS (MHPS) – 3 months
Residential Counselor I/Residential Counselor I-Relief – 11 months
Senior Accountant, Health IT Division (E009Q) – 3 months
Senior Community Health Planner (F054B) – 5 months
Social Work Supervisor (G095G) – 3 months
Vocations Rehabilitation Counselor – II/III (G190A) – 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.

Modifications to the Civil Service Rules: In December 2014, the Commission amended Civil Service Rule XVI in order to make it consistent with recent changes to several MOUs which now prohibit the bumping of employees from outside of their department. Rule XVI pertains to lay off procedures and contains language regarding the bumping rights of employees occupying positions that have been eliminated. Bumping refers to the right of an employee in an eliminated position to displace a less senior employee in the same position. In the past, bumping was not restricted to the same department and an employee could move from one department to a completely different and unrelated department and displace someone with less seniority. The County and several unions have agreed to eliminate County-wide bumping and restrict bumping rights to within the same department. This rule change does not apply to employees in unions that have agreed upon different procedures as specified in their respective MOUs. This rule change does apply to classified Management and Confidential employees and is consistent with the changes recently made by the Board of Supervisors to the Management and Confidential employee Resolutions.

IV. 2015 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.