

**CIVIL SERVICE BOARD
MEETING MINUTES**



DATE: January 10, 2011
5:00 p.m. – 5:53 p.m.

BOARD: Hugh Logan, Chairperson
Debra Allen, Vice Chairperson
Doug Coulter, Board Member
James "Mickey" Dunlap, Board Member
Maiqual "Mike" Talbot, Board Member

STAFF: Terri L. Cassidy, HR Director and Secretary to the Board
David R. Hunt, City Attorney
Jyll C. Ramirez, Administrative Assistant to the HR Director

1. CLOSED SESSION – 4:30 PM

Board Members adjourned to closed session in accordance with Government Code § 54957: Conference with Legal Counsel – Public Employee Discipline/ Dismissal/ Release.

2. RECONVENED FOR REGULAR MEETING – 5:12 PM

The regular meeting was slightly delayed due to Closed Session.

3. ROLL CALL

All Board Members were present

4. FLAG SALUTE

The Pledge of Allegiance was led by Board Member Coulter.

5. CLOSED SESSION REPORT

a. Consideration and Approval of Findings, Decision and Recommendation to City Manager re: Wade Griggs Disciplinary Appeal

Civil Service Board ("CSB" or "The Board") Attorney Roy Clarke, Richards|Watson|Gershon, delivered the Board's findings to be certified and forwarded to City Manager Dave Kiff. The Board found that Mr. Griggs:

- 1) Failed to meet the terms of the Performance Improvement Plan when he failed to give adequate notice, when possible, of his unscheduled absences; and
- 2) Failed to follow notification requirements for absences throughout the term covered by the discipline.

For these reasons, the Board believes these offenses provide a reasonable basis for disciplinary action and that the City did not abuse its discretion and was not arbitrary or capricious in selecting discharge as the level of discipline.

A Motion was made by Board Member Dunlap to certify and submit to the City Manager the findings from the Board (above). Board Member Coulter seconded the Motion. It was approved 5 Ayes, 0 No.

6. CIVIL SERVICE ANNOUNCEMENTS/ITEMS FOR FUTURE AGENDAS

None

7. CONSENT CALENDAR

a. Reading of Minutes/Eligibility Lists/Recruitments/Job Descriptions

- i. **Minutes of the Regular Meeting of December 6, 2010.** A Motion was made by Board Member Coulter to approve the December 6, 2010 Civil Service Board Minutes. Board Member Dunlap seconded the Motion. It was approved 5 Ayes, 0 No.

Ms. Cassidy reminded the Board that their recruitment responsibility has changed with the passage of Measure V and the Council-approved ordinance that governs the Civil Service System, including the Board's role and Procedural Hearing Rules.

Some of the Consent Calendar items (below) were continued from prior agendas and can be approved with one Motion. In the future, recruitment updates will be presented as an information item, since no Board action is necessary.

Chairperson Logan asked if any Board Members wanted to pull any of the Consent Calendar items and separate from the Motion. There were no requests.

- ii. **Extend Police Lieutenant Promotional Eligibility List Up to One Year, with an Expiration Date of January 4, 2012.**
- iii. **Extend Fire Engineer Eligibility List Up to One Year, with an Expiration Date of February 1, 2012.**
- iv. **Eligibility List for Police Custody Officer.**
- v. **Updated Job Specifications for Fire Paramedic and Fire Captain.**
- vi. **Open Recruitments for Fire Paramedic and Fire Captain.**

A Motion was made by Board Member Dunlap to approve Consent Calendar items ii through vi with one single Motion. Vice Chairperson Allen seconded the Motion. It was approved 5 Ayes, 0 No.

8. PUBLIC COMMENTS

None

9. ORAL REPORTS

a. MONTHLY REPORT FROM THE SECRETARY – HR Director Terri L. Cassidy

i. Future Appeal Hearings and Dates

1. Non-Civil Service Employee – February 18, 2011

This hearing has been cancelled. The former employee decided to appeal directly to City Manager Dave Kiff, who is the final decision-maker, as stated in the Employee Policy Manual.

2. Civil Service Employee – March 9, 10, 11 and 14, 2011

This hearing is still scheduled beginning 9:00 am in the Council Chambers. She asked the Board Members to please hold the March dates open.

Vice Chairperson Allen is unable to attend the March hearings and advised the Board to continue without her.

Both attorneys agreed on the length of the hearing (4 days).

Ms. Cassidy brought to the Board's attention a great article written by Human Resources Office Assistant Kelsey Nash. It is an interview with Chairperson Logan and can be found in the January 7, 2011 edition of the City Manager's Newsletter.

b. FIRE DEPARTMENT – Acting Deputy Fire Chief Ralph Restadius

- In 2010, the Fire Department responded to almost 10,000 calls.
- Eight (8) new Firefighters are in their second month with the City.
- Due to the recent storms, the Laguna Beach mudslides were a huge concern for the Newport Beach Fire Department. Our participation included Engine 8 (Newport Coast) and an additional engine for the Strike Team, composed of Engines throughout the Orange County area.
- In addition to the mudslides, Engine 8 responded to a fatal car accident on Coast Highway.
- NBFD also responded to four fires, all due to fireplaces, last week: two on January 1 and two on January 2.
- The Department acquired two new Pierce Fire Apparatus': one at Station 2 (Lido Isle) and one at Station 3 (Fashion Island).
- The Fire Department will celebrate their 100th year this April.

- The Lifeguards were busy with storm damage on the beach, erosion, minor pier damage and keeping the residents and visitors out of the contaminated waters.

Chief Restadius introduced Interim Fire Chief Mike Morgan to the Board. Chief Morgan gave a brief background and introduction. Board Members welcomed Chief Morgan.

c. POLICE DEPARTMENT – Police Captain Gazsi

Recruitment Update

- The Police Department is not recruiting at this time.

Points of Interest

- Police Recruit Officers Alex Maslin, David Seriega and Joseph DeJulio are still ranked in the top three slots of their class and are expected to graduate February 8 from the Police Academy.

Recruitment Background

- Currently in the background process are three Lateral Police Officers, two Police Dispatchers and four Community Services Officers.

10. DISCUSSION/CRITIQUE OF DISCIPLINARY APPEAL HEARING PROCEDURES AND RULES

Ms. Cassidy led the debriefing discussion and informed the Board that a draft version of updated Procedural Hearing Rules will be presented to Board Members the week before February 7, 2011. She asked the Board for their direction and input before staff begins the project with assistance from Attorney Roy Clarke.

Chairperson Logan opened the discussion to the Board.

Board Member Talbot asked how the updated hearing procedures will be adopted.

Ms. Cassidy explained that the Board's previous Attorney, Jeffrey Freedman, Liebert, Cassidy, Whitmore, composed /compiled the existing rules, which were adopted by the Civil Service Board, and have been in place for over 20 years. They were never adopted by City Council.

Mr. Hunt informed the Board that he plans to request from Council a formal adoption of the updated Procedural Hearing Rules, once the Civil Service Board has approved them.

The Board's greatest concern for needed improvement was the extensive amount of time for the hearing process. The Board identified areas that were unnecessarily time-consuming and wanted ways to manage the attorneys as well as the process.

Mr. Hunt explained that all supporting documents should be submitted as evidence before the trial commences, leaving oral testimony the majority component of the hearing. In addition, he suggested that Mr. Clarke continue to conduct pre-trial conferences and issue pre-trial order to refine the documentary evidence and limit time devoted to discussing same.

Board Member Allen encouraged all Employee Associations to review the draft updated procedural Hearing rules.

11. ADJOURNMENT

The Civil Service Board meeting adjourned at 5:53 PM.

A handwritten signature in cursive script that reads "Terri L. Cassidy". The signature is written in black ink and is positioned above a horizontal line.

Terri Cassidy, HR Director
Secretary to the Board