

**CITY OF RICHMOND, CA  
HUMAN RESOURCES MANAGEMENT DEPT.**

PERSONNEL BOARD  
REGULAR MEETING

450 CIVIC CENTER PLAZA  
RICHMOND ROOM

**September 27, 2012  
MINUTES**

The following transcript is from the Regular Personnel Board Meeting of Thursday, September 27, 2012. Please note that this is not the formal minutes, but notes being provided to you as an FYI.

The Regular Meeting was called to order by Chairperson West at 4:42 p.m. Roll call was as follows:

Present: Joanne Sidwell, Vice Chairperson  
David Brown, Board Member  
Elaine Merriweather, Board Member  
Yvonne Nair, Board Member

Absent: Vicki Winston, Board Member

In Audience: Leslie Knight, Assistant City Manager/Human Resources Director and Secretary to the Board  
Diane Canepa, Executive Secretary II, Fire Department  
Donna Newton, Sr. Human Resources Administrator  
Maria Blue, Sr. Personnel Analyst  
Jessica Collins, Personnel Analyst II  
Dee Karnes, Equipment Superintendent for Public Works  
Bruce Soublet, Associate City Attorney  
Kathleen Sullivan, Human Resources  
Angela Cox, Reference Librarian  
Sam Casas, Paratransit Coordinator  
Jacqueline McBride, Steward, SEIU, IT Department  
Millie Cleveland, Steward, SEIU  
Kymberlyn Thrower, SEIU President, Recreation Department  
David C. Rogers, Steward, Local 1021, Parks Department  
Ray Dryer, Vice President, Local 1021, Streets Department  
Gary Ru, Streets Department  
Frank Hethcock, Building Maintenance  
Graham \_\_\_ Building Maintenance  
Jeff Shoji, Community Advocate, Office of the Mayor  
Vivien Fire, Chair, Human Relations Commission,  
James Walker, Equipment Services Mechanic

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Stefen Cincera, Equipment Services Mechanic  
Lochlein Sekona, Steward, SEIU, Streets Department  
Lavidus Walton, Executive Secretary II, Human Resources

Leslie Knight asked for introductions of the Board, staff and attendees. She explained that meetings were scheduled in the past when there was business but she acknowledges this is a concern for which she apologized and said they will move forward in addressing the City's and employees' concerns.

### 1. **APPROVAL OF MINUTES**

#### A. Regular Meeting of October 27, 2011

The Associate City Attorney Soublet recommended Boardmembers review the minutes, as they were from 2011 when some members were not on the Board, so they can be approved at the next meeting.

### 2. **COMMUNICATIONS**

#### A. Personnel Board Training

Cepideh Roufougar, Attorney, gave an overview of her labor relations and Personnel Board experience and said she would provide an overview of what the City's Personnel Board Charter provides, the structure of the Personnel Board meetings, the Ralph M. Brown Act, protocols when the Board makes its decisions, and said the Board will receive additional training in the future, such as AB 1234 Ethics Training.

She presented the role of the Personnel Board and said the Board was established by the Charter, which was enacted by the residents of the City of Richmond. The Board is an advisory body to the Human Resources Department and City Manager. Three members of the Board were appointed by the City Council and two members are selected from lists created after an election by the employee's. The Board acts as a single entity and no one member has any more power or authority than another member.

The Board will be asked later to elect a Chairperson, whose role is to lead the meetings and sign various documents, but other than that, all members act collectively. The Board meets every fourth Thursday of the month, except for November which is a holiday and at times in the month of August which is when the Council and most of the City's boards and committees are in recess. A quorum of 3 members is needed to hold a meeting, and in the event members do not attend meetings for 3 or more unexcused absences, they must resign as a board member.

Board agendas are distributed to members of the Board one week in advance of the meeting per the Personnel Rules and it will be posted 72 hours in advance per the Brown Act. Staff reports will be submitted with the agenda to members and individuals requesting to be placed on the agenda packet mailer, they should contact Human Resources staff. Agenda items are also in a set order, per the Personnel Rules which consists of Minutes, Communications (topics to be

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discussed except for hearings and grievances), Unfinished Business, Grievance Appeal Hearings (closed to the public), and Public Comment (complies with the Brown Act), and Adjournment.

Ms. Roufougar then discussed the Ralph M. Brown Act and said the Board falls into the definition of a legislative body for purposes of the Brown Act such that meetings are conducted openly. There are personnel matters discussed in closed session, and the Brown Act is contained California Government Code starting at Section 54950. The Brown Act applies to meetings of a majority of the Board to discuss actual or potential business. It lays out rules for how meetings can be scheduled, requirements for agenda items, and provides for various types of meetings, such as regular, special, and emergency. She cautioned the Board holding serial meetings, which involves board members engaging in discussions, emails, phone calls, text messages, in person meetings that is transferred onto board members. Board members also cannot ask staff or a friend to serve as an intermediary between members of the Board and she provided examples of serial meetings. The Board can also not discuss individual personnel matters due to privacy and due process concerns.

Ms. Roufougar then discussed closed sessions, stating the Personnel Board will hold closed sessions for employee discipline, dismissal, or complaints involving employees. There are rules relating to confidentiality that relate to closed session which she briefly outlined. Regarding public comment, Ms. Roufougar said there are two opportunities for public comment during a meeting; for subjects not on the agenda which is for general public comment, and for subjects specifically on the agenda. When a matter is not on the agenda, the Board is limited in its ability to discuss the matter because there was no public notice given on the item. However, the Board can do certain things like responding to questions; however, board members should not express an opinion on something not on the agenda. However, the board member can ask staff to look into the matter.

The public also has a right to inspect records, such as documents in open session. If employees want to present documents at the meeting it will be considered as public and staff will need to make copies of the document for it to be publicly available. Documents provided in closed session are confidential. She noted board members can be charged with misdemeanors for violations of the Brown Act which she outlined.

Ms. Roufougar then discussed items from the Charter the Board is most likely to see, which can include proposed changes to job descriptions, proposed changes to personnel rules, new rules, proposed changes to the City's classification plan, disciplinary appeals and grievances, which she expanded on. There are timelines associated with grievances and she discussed legal protocols during grievance hearings such as opening arguments, rebuttals, and closing arguments, burden of proof for grievances and disciplinary hearings, penalties, ex parte communications, and decisions of the Board. Lastly, she urged the Board to take advantage of the Human Resources Department.

Public Comments:

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Millie Cleveland, SEIU Representative, said the Brown Act explanation was directed more toward the conduct of meetings. Her understanding is there is no requirement to sign in for public meetings and she asked that this be clarified. She also noted there are restrictions on where the meeting can be held and she requested meetings be held in the City Council Chambers, given the conference room's small size and lack of access to members of the public after 5:30 p.m. Mr. Soublet said they try to accommodate whatever room is available. If the Council Chambers are available and more room is needed, they can attempt to hold meetings there. Board member Sidwell agreed and said often times the Council Chambers was not available, but they used to hold their meetings there. Ms. Knight noted that the guard is aware that the meeting is being held and is instructed to allow people to come into the conference room. Ms. Cleveland asked that the meetings be held in the Council Chambers regardless of the number of people who attend, and Ms. Knight will provide follow-up at the next meeting.

Angela Cox, Reference Librarian, asked for more advanced information provided to board members that concern people's livelihood, the quality of services and resources that citizens receive. She also asked for clarification on the fact that no meetings are held unless there is an issue.

Mr. Soublet said the purpose of the board is to conduct business related to personnel issues. If there is no business to conduct, there is no purpose to hold a meeting. The board deals with grievances, personnel classifications, and if there is no quorum, meetings will also be canceled. Ms. Cox said that holding an election would likely require a meeting, and Ms. Knight explained that she was guided by someone who has done this for 22 years and relied on past practice which was a mistake. They will rectify it and wants to work cooperatively with the Board and employees to ensure they have a healthy, functioning Personnel Board.

Ms. Cleveland referred to minutes and changes in classifications and said only the union that is directly affected is notified. She asked why this is because there may be a dispute between unions over what bargaining unit the employee should fall into. She asked the City not to unilaterally assume which union is directly affected. Mr. Soublet suggested staff not respond to this comment, as it was not included in the training and not agendaized. He asked that it be placed on the agenda for a future meeting so it is noticed and employees from any bargaining units can attend and offer their opinions.

The Board thanked Ms. Roufougar for her presentation and training of the Board.

### **Break**

Vice Chair Sidwell called for a brief break, and thereafter, reconvened the regular meeting.

Associate City Attorney Soublet announced that Item 4; the Grievance Appeal Hearing by RPOA will not go forward tonight. He announced that it was resolved between the RPOA and staff this morning.

### **B. APPROVAL TO ESTABLISH THE NEW CLASSIFICATION SPECIFICATION**

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### OF EQUIPMENT PARTS STOREKEEPER-(EQUIPMENT SERVICES DIVISION-PUBLIC WORKS DEPARTMENT

Marie Blue, Sr. Personnel Analyst provided a brief overview and background of the proposed item regarding the request to establish the new classification of Equipment Parts Storekeeper in the Equipment Services Division, the Public Works Department. Dee Karnes, Equipment Superintendent is present to answer questions of the Board. She clarified that the equipment mechanics are in favor of the request.

Ms. Knight verified there were no public speakers for the item.

Board Member Brown made a motion to approve to establish the new classification of Equipment Parts Storekeeper (Equipment Services Division of the Public Works Department); seconded by Board Member Merriweather. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

### C. APPROVAL TO REVISE/RETITLE THE EXISTING CLASSIFICATION OF ASSISTANT/ASSOCIATE PLANNER TO PLANNER I/II (PLANNING AND BUILDING REGULATIONS DEPARTMENT)

Jessica Collins, Personnel Analyst II, provided a brief overview and background of the proposed item regarding the request to revise/retitle the existing classification of Assistant/Associate Planner to Planner I/II in the Planning and Building Regulations Department.

Ms. Knight verified there were no public speakers for the item.

Board Member Brown made a motion to approve to revise/retitle the existing classification of Assistant/Associate Planner to Planner I/II (Planning and Building Regulations Department); seconded by Board Member Merriweather. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

### D. Election of 2012 Board Members

Board Member Brown nominated Joanne Sidwell as Chair, given her experience and knowledge. Board member Nair nominated Elaine Merriweather as Vice Chair.

Because there were not all 5 members present, Board Members discussed consideration of holding the item over to Unfinished Business at the next meeting so that all members are present. After discussion, the Board agreed to take a vote.

Board Member Brown made a motion to elect Joanne Sidwell as Chair through 2012; seconded by Board Member Merriweather. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

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Board Member Brown made a motion to elect Elaine Merriweather as Vice Chair through 2012; seconded by Board Member Nair. Item was approved by the following vote: AYES: Mr. Brown, Ms. Merriweather, Ms. Nair, Ms. Sidwell. NOES: None. ABSENT: Ms. Winston.

3. **UNFINISHED BUSINESS:** NONE

4. **GRIEVANCE APPEAL HEARING, RPOA – CLOSED TO THE PUBLIC** –  
Canceled due to resolution of the matter.

5. **PUBLIC COMMENT:**

Angela Cox asked to have meetings moved to the City Council Chambers and she asked the Board to get clarification back so that at what point issues and grievances by City employees can be brought to the Board because there are issues involving employees not being reclassified who are not happy.

Kathleen Sullivan, Human Rights and Human Relations Commission, reiterated that the Board have clear communication on their role and function. She said employees have voiced their belief that human rights violations were occurring, and she encouraged the Human Resources Department to continue to move forward in having a forum for employees to be able to address and resolve issues.

Jacqueline McBride said she is a 24 year employee and encouraged each Board Member to remember they are public servants and answer to their supervisors or department managers who do things their own way. She asked that the Board keep an open mind when looking into various matters and identify things that look too good and see through things.

Millie Cleveland asked the Board to consider at its next meeting not holding meetings when there are no agenda topics, because they do have a public comment period and citizens should be able to come to the Board. She asked when classification changes come, she would appreciate if the Board to always ask the staff whether they have met and conferred with the affected unions.

James Walker, Steward, Local 1021, requested meetings be held in the City Council Chambers for accessibility to the public, asked to begin meetings at 5:00 p.m. for employees and the public who work, asked that meetings be advertised on the website, and to move Public Comments to the beginning of the agenda.

Vivian Fire, Chair, Commission, voiced concerns regarding inactivity of Personnel Board meetings, asked to be able to understand the process of placing items on the agenda and that their two commissions could stay in touch with each other.

Daisy Wilburn, resident, spoke of the grievance that will be brought against the Library Director. The Library has two branches and neither is staffed with a full-time Librarian. Both positions have been cut completely from the budget. The only permanent staff at both branches is a

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Library Assistant and a part-time Library Aide. There is one Librarian that shares her time going between two branches. In order to fill the void of two permanent full-time Librarians, the Library is staffing those branches with on-call librarians which are temporary, on-call and non-benefitted. The job description clearly states that they are only to be used as on-call in emergencies, for an unplanned vacancy or illness or a planned vacancy. It is not intended to be long-term and ongoing. She attempted to discuss this with the Municipal Resources Group and prepared a schedule using existing full time staff which was dismissed. This is a violation of the job classification to be using on-call Librarians in a permanent capacity. It is a violation to have a 25 hour Library Aide in charge of the branch.

Ms. Riken, resident, asked the Board to hold meetings as more convenient location, that they be held after 5:00 p.m. so that the public can attend, and that there be a clear level of understanding between the public and the City of Richmond.

### 6. **ADJOURNMENT**

The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Leslie T. Knight  
Assistant City Manager/Human Resources Management Director