

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

PERSONNEL BOARD
REGULAR MEETING

CITY COUNCIL CHAMBERS
440 CIVIC CENTER PLAZA
RICHMOND, CA 94804

MARCH 28, 2013
MINUTES

The meeting was called to order by Vice Chairperson Merriweather at 5:00 p.m.

1. ROLL CALL:

Present: Elaine Merriweather, Chair
Yvonne Nair
Vicki Winston

Absent: David A. Brown, Vice Chair

2. APPROVAL OF MINUTES:

a. REGULAR MEETING OF FEBRUARY 28, 2012

As there were no corrections or additions to the proposed minutes previously distributed, Board Member Winston made motion to approve the minutes; seconded by Board Member Nair. Item was approved by the following vote: AYES: Ms. Nair, Ms. Winston and Ms. Merriweather. NOES: None; ABSENT: Mr. Brown

3. PUBLIC COMMENT:

Vivian Feyer, Chair of the Human Rights and Human Relations Commission, introduced Commissioner Demetria Saunders and said their Commissions' functions include hearing and investigating community tensions, practices of discrimination, acts of prejudice and violations of basic human rights. In instances involving City officials and agencies, they work toward facilitating communication, understanding and improving relationships between employees and the City. Last Monday night they spent a large part of their meeting hearing concerns about the functioning of the Personnel Board. The Commission as a whole was able to respond to some of the concerns and make several recommendations now to the Board. Their Commission continues to recommend that the Board meet at regular dates and times in a consistent and accessible venue, and that the

PERSONNEL BOARD MINUTES

March 28, 2013

Page 2

process for putting items on the agenda be clear. They also recommend that the training process for new members be reviewed. In addition, their Commission continues to hear concerns about possible conflicts of interest involving who staffs Personnel Board meetings and hearings, who is responsible for finalizing the agenda, noticing meetings and writing minutes and who is responsible for providing legal advice for Commission members. She urged resolution to all concerns and invited Boardmembers, staff and members of the public to meet with their subcommittee to do what they can to resolve some of the existing tensions in the community regarding the ongoing functioning of the Personnel Board. She asked anyone to contact her as needed.

Boardmember Winston asked and confirmed that Ms. Feyer's public comments served as an official communication to the Personnel Board.

Stacie Plummer said she distributed pertinent sections of the Charter and Personnel Rules regarding appeals and hearings for employees and said she has a right and a duty as an employee to request an employee appeal hearing before the Personnel Board regarding the outcome of the internal investigation of her allegations against Ms. Knight. Now that the investigation is complete, she has not obtained redress. All of her allegations have not been addressed and the City Council requires a recommendation from the Personnel Board to intervene in this matter where the City Manager has failed. As part of her appeal, she is requesting that the Board make inquiries and investigations into the violations they have heard or read about, and also violations of the Charter. She is particularly interested in enforcement of Article 13, Section 13 of the Charter which states "Any person who violates willfully or, through culpable negligence, violates the personnel administration Article 13 of the Charter shall be guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment. This conviction of an employee or officer shall terminate his service and vacate his position." She said this is an employee appeal but the Board's decision will affect the state of the City on behalf of all employees, residents and taxpayers, and for that reason, she asked that the appeal be agendized and Bruce Soublet, Lisa Stephenson and Leslie Knight to recuse themselves from the duties related to requesting this proceeding.

Sam Casas said he was disturbed by the fact that City and employee representatives attended a hearing recently which should never happen. He noted there is not much information in the Charter about lawyers giving advice to the Personnel Board. He stated the Commission on Aging does not have a lawyer on their board and he questioned how this practice came about. He said they have seen no written policies on hearings and according to the City Charter, there must be a majority of members present, and therefore, no vote was taken. He encouraged the Board to get a 5th member and asked that the HRHRC be able to agendize items on the Personnel Board. His other concern is that there is no clarity on items and who decides that the items be agendized on the Personnel Board, and in other cities, members themselves are able to agendize items on their agenda. He echoed Ms. Plummer's comments about the Charter and said Article 13, Section 4, page 45 clearly states, "An officer in the exempt service who is removed by

PERSONNEL BOARD MINUTES

March 28, 2013

Page 3

the appointing authority shall be restored to the grade in classified service which is held previously unless the removal is for fraud, criminal behavior, in which case charges shall be filed before the Personnel Board according to the normal procedures therefore.” He noted there were 4 sustained allegations against Ms. Knight and he asked who will bring charges forward to the Board and who is deciding what items and charges are placed before the Personnel Board.

Demetria Saunders, HRHRC member and Richmond resident, clarified that the Personnel Board will receive a formal communication letter for someone from the Commission to come and speak to the HRHRC at their next month’s meeting.

4. COMMUNICATIONS:

- a. APPROVE TO REVISE BUYER I TO BUYER I/II (FINANCE DEPARTMENT)

Jessica Collins, Personnel Analyst II, provided a brief overview and background of the proposed item regarding the request to revise the Buyer I classification to Buyer I/II in the Finance Department. She reviewed the position’s responsibilities and said the position has had some unit determination issues regarding which union the classification should be placed in. At its August 25, 2005 meeting the Personnel Board moved to approve abolishing the current Buyer I/II specification and establish a new Buyer I classification specification assigned to the general employees bargaining unit, SEIU 1021. Staff was also requested to prepare a new Buyer I/II classification that was not completed. Approval of the Buyer II classification is necessary to fulfill the agreement between the bargaining unit and the Personnel Board. SEIU 1021 has been informed and agrees with the revision.

Vice Chair Merriweather asked and confirmed that staff forwarded a copy of the entire packet in the mail and this is the standard practice.

Board Member Winston made a motion to revise Buyer I to Buyer I/II (Finance Department; seconded by Board Member Nair. Item was approved by the following vote: AYES: Ms. Nair, Ms. Winston and Ms. Merriweather. NOES: None; ABSENT: Brown.

5. UNFINISHED BUSINESS

Board Member Winston clarified with Attorney Soublet that unfinished business items may include items that are carried over from previous meetings that have not been completed or items that were not heard.

Vice Chair Merriweather noted that the Board inquired as to the 5th member of the Board and made a motion to honor Ms. Sidwell which should be reported back and is unfinished.

PERSONNEL BOARD MINUTES

March 28, 2013

Page 4

Mayor McLaughlin indicated she was the new liaison to the Personnel Board as approved by the Council. She said she is happy that the Board requested a liaison and she is happy to serve. Regarding the issue of a 5th member, she has and is working diligently to find a candidate to fill the seat. She is hopeful that by the next meeting, a new member is identified, and she said she is open to recommendations from the Board.

Board Member Winston stated after the grievance hearing held in March, one of the things she learned that the Board could do is make comments about their decision to the public if they wanted. Attorney Soublet said if it is a personnel matter held in Closed Session, those items remain in Closed Session, and the Board cannot report out the discussion or anything other than the result. If done, it is a misdemeanor under the Brown Act.

Board Member Winston asked and confirmed with Mr. Soublet that said she sent an email to the Secretary of the Personnel Board (Leslie Knight) to request an agenda item for the next meeting to the Board Members and staff, and that this is the proper protocol to agendize an item on a future meeting.

Board Member Nair asked about the status of Ms. Sidwell's award, and Ms. Knight said it is presently in the process of being written up at which point it will be given to the Mayor for her signature and Councilmember signatures. She will speak with Ms. Sidwell if she would like it presented at the Council meeting, at the Personnel Board meeting, or simply whether she would like it sent to her and will follow-up with the Board.

Board Member Winston asked if she could announce the agenda item she requested and Mr. Soublet said he did not believe it was appropriate to share at this time since it is not agendized.

6. CONSIDERATION OF PROBLEMS AND REPORTS: None

7. ADJOURNMENT:

The meeting was adjourned at 5:25 p.m.

Respectfully submitted,

**LESLIE T. KNIGHT
ACM/HUMAN RESOURCES MGMT.
DIRECTOR**