

**CITY OF RICHMOND, CA**  
**HUMAN RESOURCES MANAGEMENT DEPARTMENT**

**PERSONNEL BOARD  
REGULAR MEETING**

**CITY COUNCIL CHAMBERS  
440 CIVIC CENTER PLAZA  
RICHMOND, CA 94804**

**SEPTEMBER 26, 2013  
MINUTES**

The regular meeting was called to order by Vice Chairperson Brown at 5:09 p.m. on September 26, 2013.

Present: Elaine Merriweather, Chairperson  
David Brown, Vice Chairperson  
Yvonne Nair, Board Member  
Vicki Winston, Board Member

Absent: McKinley Williams, Board Member

**2. APPROVAL OF MINUTES:**

- Approval of regular meeting minutes for August 22, 2013

**SPEAKER:**

Jacqueline McBride: Thanks the Personnel Board Members for their service and to remind everyone, including the Personnel Board, that employees attend the meetings month after month to make things better at the City of Richmond.

Action:

- Minutes for August 22, 2013 meeting approved

**3. PUBLIC COMMENT**

**SPEAKERS:**

Vivien Feyer: As chair of the Human Rights, Human Relations Commission, Ms. Feyer is concerned that a few employees have received disciplinary actions after speaking before the commission. These disciplinary actions range from leave without pay to termination. One of the actions against an employee included discipline for comments made before the commission. Ms. Feyer is hopeful that the HRHRC and Personnel Board can work together in maintaining a place where employees feel safe while voicing their opinions. This is a right that is stated in the City of Richmond municipal code.

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Texanita Bluit: As a resident of Richmond, I am here to voice concern about issues happening amongst personnel and staff. There is corruption in high places and we talk about transparency. Who is responsible for decision makers? Because anything that impacts any person who is an employee of this city, resident of this city, will have a direct or indirect impact and each of every one of us.

Jacqueline McBride: The minutes must include the five w's – when, what, who, where and why – so that the minutes make sense for those unable to attend. She expressed hope that the meeting would make progress this particular evening versus moving agenda items to the next month. When items continue to be moved month to month, employees lose morale.

Diane Canepa: Ms. Canepa encourages the Personnel Board in its entirety to schedule another hearing for the grievance heard in February and March.

Jackie Thompson: Ms. Thompson raised concerns about the voting when only four members of the Personnel Board versus five are available with a split decision being made. Ms. Thompson questions whether the board should wait until a full body is available or not?

Ms. Thompson also addressed the bullying policy and the fact that employees who use drugs, alcohol, is a fighter, a hitter or whatever are not getting reprimanded for things or get a slap on the hand but others who are peaceful people are the ones getting suspended and terminated.

Ariana Casanova: Ms. Casanova introduced herself as a political coordinator of the East Bay SEIU 1021 and was present to request reconsideration on the grievance that was heard by a partial board. There exists a need to figure out a better way of working together to resolve these issues in an appropriate and adequate form.

Stacie Plummer: Currently, the Personnel Board hears public comment before discussion of said item. Ms. Plummer suggests another place on the agenda to speak after items have been discussed. This would frame and provide context for the item.

Kathleen Sullivan: As a member of the HRHRC, is concerned that an employee speaking on concerns on issues believed to be human rights violations could be retaliated against. This has occurred to employees who have never had a record of being suspended or terminated. “We’re paying attention to all of this and we’re hoping you are too.”

#### **4. COMMUNICATIONS:**

- a. Discussion involving several articles from the City Charter to get clarification

The Mayor suggested and the Personnel Board agreed that speaker comment be made on an agenda item after framing the agenda item.

#### **SPEAKERS:**

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Texanita Bluit: Ms. Bluit inquired on who oversees the Director of Personnel. Vicki Winston answers the question as the City Manager oversees the Direction of Personnel. Ms. Bluit also asked about records on the performance of that person. Mr. Soublet stated that personnel records are confidential and not available for viewing by the public. The employee may share the contents of their personnel file but the employer may not. Ms. Bluit expressed concern regarding the release of confidential information by Human Resources.

Pamela Hampton: Ms. Hampton requested reconsideration of her grievance after five years of “struggling for an upgrade to my job classification” without success. The grievance was heard by a partial board and this is a violation of the City Charter and her rights as an employee. Ms. Hampton appealed to the board and stated that she remains on administrative leave facing termination.

Jacqueline McBride: Ms. McBride quotes article 13 section 1 on page 42 of the City Charter. Ms. McBride likes the portion where it is stated that recommendation to the City Manager or City Council can be made. She suggested bypassing the City Manager and going straight to the City Council. The City Manager “has shown us his salary dictates that he needs to answer to certain people.”

Stacie Plummer: Ms. Plummer gives history on the City Charter article 13 and explains that violations of this Charter are considered criminal misdemeanors. There are also responsibilities of the Personnel Board listed in the Personnel Rules. The Board has power to vote to change, modify or add to the Personnel Rules. If Personnel Rules are violated, they can prepare grievance unlike policies. Maybe a workplace bullying policy can also be added to the Personnel Rules so that it can be grieved.

Action:

- Go through rules at the retreat and how to act as a body

b. Reconsideration of hearing on SEIU grievance

#### **SPEAKERS:**

Pamela Hampton: Ms. Hampton appeals to the Board to reconsider hearing her grievance again due to the misinterpretation of the rules.

A discussion between the Board and Ms. Hampton ensued. The Board asked if Ms. Hampton was requesting a new hearing because Board Member McKinley is now the fifth member. Ms. Hampton stated her desire to negotiate either a new hearing or a favorable decision by default.

Jacqueline McBride: “Piggybacking” on Pamela Hampton, something should be done in regards to the hearing. Employees get disciplined and if not corrected at the right level it

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continues to “compound” and that is why the Personnel Board is in place – to ensure this doesn’t happen to employees. Performance evaluations are to ensure that employees are accountable. If an employee is not producing, remove them “but don’t deny them and not give them a chance.”

Stacie Plummer: The split decision impacts not only Ms. Hampton but also the other 800 employees that have rights to an employee appeal. The burden of proof argument by Ms. Stephenson is not substantiated in the City Charter. The City Clerk indicated (to Ms. Plummer) that a split vote should have been revisited until a majority was reached. The City Clerk also inquired about the specific motion the Board was voting on. A motion should be verbalized.

Kathleen Sullivan: Ms. Sullivan applauds the public speakers for their work, research, investigation, passion and advocacy. She recommends the hiring of an independent counsel to advise the board eliminating a conflict of interest.

Action:

- Grievance was denied based on a split decision. Since the grievance was heard and voted on, the next step, if the grievant would like, can go to the Superior Court to get the decision overturned.

c. Subcommittee for bullying in the workplace

**SPEAKERS:**

Jackie Thompson: The board definitely needs a subcommittee. The subcommittee can look at the complaints that this Board has not received. Employees who are unseemly, employees who are really out of character versus those who work hard and someone else complains about. The bullying policy is in reference to City employees but what about the public who is bullied by City employees?

Stacie Plummer: Ms. Plummer expressed disappointment in the fact that a subcommittee was not formed. She spoke on the Freedom from Workplace Bullies week from October 20<sup>th</sup> through October 26, 2013 and hopes that the City Council would support a proclamation that would be listed among other cities on the national website.

Vivien Feyer: Ms. Feyer expressed support of a subcommittee. Both the Personnel Board and HRHRC are working independently on this and communication between the “two bodies would be a value to the community that we serve.” The value in a subcommittee would be made up of two members of this Board but also community members, possibly employees and members of other boards and/or commissions.

Kathleen Sullivan: Ms. Sullivan cautioned the Board from bullying when speaking. It takes courage to speak in front of the Board, attend meetings, as well as fighting for justice for themselves.

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Action:

- No volunteers from the Board to be a part of the subcommittee

## 5. UNFINISHED BUSINESS:

a. Consideration of Workplace Bullying Policy

### **SPEAKERS:**

Jackie Thompson: Ms. Thompson shares information she has gathered through online research of other cities on lawsuits due to a lack of following personnel policies.

Vivien Feyer: Ms. Feyer shares the fact that the HRHRC has been looking into the formation of an ethics commission for the City, revising the General Order on harassment, and how to set up agendas for all commissions and boards that are more descriptive.

Sam Casas: Mr. Casas is happy to see a policy go through the Personnel Board but would also like to see a union representative be part of any subcommittee formed as the voice of the employees. He asked for clarification on whether the “City” is an individual employee or City representative in the protective and restraining orders, page 7, section C.

Stacey Wilborn: Ms. Wilborn explained how the current policies have enabled managers and friends/co-workers of said managers to bully employees. These same policies have allowed the Human Resources Department and outside attorneys to investigate and take up to four months, all at a cost to taxpayers. It is a painful process.

Action:

- Request a standalone policy
- Find out more information (How long it has been in place and any information about the implementation of the policy) regarding the City of Redlands bullying policy
- Separate assault issue
- Email Lisa Stephenson for any changes in the policy

## 6. CONSIDERATION OF PROBLEMS AND REPORTS:

- None

## 7. REPORTS OF BOARD MEMBERS:

- Chairperson Merriweather spoke to Mr. Board Member McKinley and stated that she would request the flexibility to move up the meetings to 4:30 p.m. was discussed and will be left at 5 p.m.
- Discussing the Retreat in the October Meeting. Retreat to be held on Wednesday, November 13<sup>th</sup>.

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- Chairperson Merriweather asks to move the October 2013 meeting to either the fifth Thursday or the third Thursday. October meeting will be scheduled on October 17<sup>th</sup> meeting

#### **8. ADJOURNMENT**

Meeting adjourned at 7:38 p.m.

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