

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

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

**June 25, 2015
MINUTES**

The regular meeting was called to order by Chair Elaine Merriweather at 5:15 p.m. on June 25, 2015.

1. ROLL CALL

Present: Elaine Merriweather, Chair
Yvonne Nair, Board Member
McKinley Williams, Board Member
Vicki Winston, Board Member

Absent: Vinay Pimple, City Council Member/Personnel Board Liaison

2. STATEMENT OF CONFLICT OF INTEREST

- None

3. APPROVAL OF MINUTES

- a. Regular Meeting of May 28, 2015

SPEAKERS:

- None

Board Member Yvonne Nair made a motion to approve the minutes of May 28, 2015. Board Member McKinley Williams seconded the motion. Minutes were approved by the following vote: AYES: E. Merriweather, Y. Nair, M. Williams, V. Winston. NOES: None.

4. PUBLIC COMMENT

SPEAKERS:

Cordell Hendler: mentioned that he has spoken on a few occasions to the Personnel Board about his concerns on library issues. He has emailed the library director on two occasions where he brought up his concerns on personal hygiene and another on children playing around at the library – “it’s a library, not a daycare.” He is requesting that the Personnel Board make recommendations to the library director on these issues.

Audio recordings of Personnel Board Meetings are available at:

<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

Roseanne Ryken: Thanked the Personnel Board for changing the beginning time of the meeting from 5:00 p.m. to 5:15 p.m. She also reflected on the change from meeting in the Human Resources Department conference room to the current City Council Chambers and expressed gratitude to the Personnel Board and the City of Richmond for positive changes.

5. NEW BUSINESS

a. Discuss and approve summer calendar for Personnel Board Meeting

There was a brief discussion on whether to recess in July or August and it was agreed to recess in July.

Board Member Yvonne Nair made a motion to recess from Personnel Board meeting in July. Board Member McKinley Williams seconded the motion, July recess from Personnel Board meeting approved by the following vote: AYES: E. Merriweather, Y. Nair, M. Williams, V. Winston. NOES: None.

b. Discuss status on the appointment of a new Personnel Board Member

Personnel Board Secretary Lisa Stephenson explained that the open Personnel Board is a public safety position and to date no one has been nominated by public safety. Once the public safety makes nomination(s), there will be voting by all City of Richmond employees. If public safety does not come through with a nomination, the seat will remain vacant. The City Clerk has made contact with public safety and Lisa will contact the City Clerk again for follow-up and also share the concern of Personnel Board expressed at this meeting. There are four public safety unions: IAFF, RFMA, RPOA, RPMA.

c. Presentation by Fire Chief Adrian Sheppard

Fire Chief Sheppard presented the role of the fire department in the City of Richmond and provided the following information:

- Services offered: fire prevention, fire suppression, emergency medical response, and rescue services
- Employees: 90 fire employees including a chief, deputy chief, fire marshal, deputy fire marshal, a non-sworn emergency manager, captains, engineers and fire fighter EMTs.
- Number of stations and locations: Seven stations with eight companies strategically located throughout the city to maximize quick response.

Fire Chief Sheppard's SWOT analysis of the Fire Department is as follows:

- Strength: highly motivated, well prepared and equipped to meet current needs
Weakness: due to budget restraints, not able to fully staff organization

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

- Opportunities: modernization: capitalizing on technology devices, inspections inside of businesses, Chief Sheppard's goal is to have every business in the City of Richmond in compliance by documenting and tracking with new technology
- Threats: complacency: department of young fire fighters without the institutional knowledge on safety and interaction with the public

Chief Sheppard closed by speaking on the new mission statement, citizen service, and community outreach.

Addressing concerns of the Personnel Board, Chief Sheppard spoke on the education of senior citizens and small fires. He also assured the Personnel Board that he is working on a plan on how to communicate with homeless in the event of a disaster.

- d. Possible preferential representation of City employees at grievance hearings
(Board Member Nair)

SPEAKERS:

Stacey Agnitsch: spoke about one of the Personnel Board grievance hearings where the grievant did not have the required certification and was not able to return to the higher level within his classification due to not acquiring the certification. In said grievance, city managers and outside paid attorneys were present to argue against the case of the grievant. In another situation, when a management position came before the Personnel Board to remove a requirement from the job specification deeming it unnecessary but desirable, there were two executive managers speaking on behalf of the employee in this management position and only front line employees speaking against the change. Even though these are two different types of events – a grievance and a job specification – it shows preferential treatment and is of concern.

DISCUSSION:

Board Member Nair spoke on the fact that the Board did not vote on the particular job specification. The City has ultimate authority.

Secretary Stephenson spoke on the fact that the reclassification of an employee who was performing the duties of the Capital Projects Manager job specification was brought before the board in order to correct the fact that the requirement was not needed and to reflect what was being performed.

The Board expressed their concern on the fact that rules were not followed – the person placed in the position did not compete for the position and the board did not act on the classification which is within the Personnel Board purview. The classification remains with the license as a requirement and the current employee in the position does not meet the minimum requirements. Board Member Winston expressed frustration at the

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

response from the City about this issue of apparent preferential treatment of management versus general employees.

Secretary Stephenson explained that the two cases are very different. The general employee was given ample opportunity to attain certification in order to remain in higher position but he did not do so, while the other case is an employee who was working out of class and a survey determined that a Professional Engineer license is not a necessary requirement.

Board member Winston stated that it appears that each case was handled differently with inconsistencies. From the outside looking in, it appears that the general employee lacking certification was not supported by the city or supervisors while the management employee without the engineering license did have support.

Chair Merriweather inquired how long it takes to re-class an employee.

Secretary Stephenson explained that an employee must be working out of class (or in the new class) for a year without compensation. A supervisor will contact HR requesting a desk audit. A re-class should be a rare occasion. The goal is to fairly compensate an employee who is working out of class per the Personnel Rules. Re-class does not require that a person meet the minimum requirements. In acting, the employee is compensated and must meet the minimum requirements. The employee being discussed was not being compensated and was not in an acting position. The City Manager came to the Personnel Board Meeting to speak on the job classification as the supervisor of the employee.

- e. Use of outside attorneys in grievance hearings when City has its own legal staff (Board Member Nair)

SPEAKERS:

Stacey Agnitsch: stated she has been an employee for 25 years. In her first 15 years, there wasn't the number of grievances that came before the Personnel Board and grievances were handled by HR management staff. She expressed concern by the fact that the grievant is sitting with a union representative, not an attorney, across the aisle from a City paid attorney. This is not fair. Stacey suggested that the grievances be heard without any paid attorneys present.

Roseanne Ryken: stated that City of Richmond employees feel overwhelmed when facing paid attorneys. Richmond tax dollars pay for these expensive combative attorneys. There is a city position, Work Force Relations Manager, who previously handled employee grievances with the goal of a fair resolution to employee problems by working together. Why not try to find a way to work together by using city staff to work out problems?

DISCUSSION:

Questions were raised by Personnel Board Members on the use of outside attorneys for

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

grievance hearings versus attorneys from the City Attorney's Office.

Secretary Stephenson outlined the grievance process since she has been with the City of Richmond. Ninety-five to 99 percent of complaints come to an agreement before considering a hearing before the Personnel Board or arbitration. The grievant can elect to be heard by the Personnel Board or an arbitrator. Attorneys handle the hearings for both sides. The union and/or the employee make the decision to hire an attorney. The grievant is always represented by an attorney at arbitration. Why the union does not hire an attorney at this level (Personnel Board grievance) is not known.

The one attorney who specializes in personnel issues is Assistant City Attorney Bruce Soublet and since he is the attorney for the Personnel Board, this would be a conflict of interest for him to represent the City. Lisa Stephenson, as secretary of the board and Human Resources Director, is unable to represent the City at the Personnel Board. Every attempt is made to work out the grievance before making it to this level. Considering that the City of Richmond has six unions, there are very few grievances that reach this point.

It was suggested that the Human Resources Director Stephenson has the expertise to share with the City Attorney's Office in order for them to represent the City and avoid the cost of outside attorneys.

For next agenda, gather information on how the Personnel Board grievances were heard pre 2005.

Nair will check with Mr. Goodmiller about using City Attorneys for Personnel Board grievances with Human Resources expertise.

6. UNFINISHED BUSINESS

a. Discussion on Library summary report on the following:

- Changing budget of the library over the last three years
- Organization charts/Staff changes over the past three years.
- Are any of the new positions going to be assigned to the Children's Library?

Stacey Agnitsch: Over the last three budget years vacant library positions have been funded but unfilled. When vacancies have not been filled it gives the impression that the positions are not needed. Reasons given have varied from budget, the complexity of hiring, to Human Resources is busy. Stacey expressed her concern over the lack of children's librarians and the bookmobile will not be filled yet a management position will be filled.

The Personnel Board Members allowed Stacey Agnitsch an extension on her speaking time.

A current Library Assistant promoted provisionally to Library Associate has an MLIS degree with a specialty in children's services and with over 20 years of experience in child development yet she was not promoted into one of the Librarian positions securing one of those librarian positions but instead said vacancy is no longer available. When

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

management makes decisions as these, it hurts the community and the library. The library services have been diminished and the potential in the hands of the current management has been distressful to the workers who care about the services provided.

Roseanne Ryken: shared her thoughts on the Finance Department Agenda Report Multi-year Comparative Position Listing operating budget information for library Fiscal year 15/16 (she passed out a copy to the Board). Roseanne proceeded to outline the positions available: 2011 to 2016 with two Administrative Librarian positions, currently one filled. Two reports (MRG Report and Library Internal Audit Report) recommended one versus two Administrative Librarian positions by combining the workload – yet the second Administrative Librarian position has been saved for the 15/16 budget and is the highest paid management position in the library outside of the Director position. The bookmobile assistant is not listed in the agenda report. Driving the bookmobile is not listed on any other classification.

The Personnel Board Members allowed Roseanne Ryken an extension on her speaking time.

Will this responsibility be given to another classification? Still awaiting a children's librarian – the library is missing two children's librarians. Roseanne expressed a fear that the bookmobile will be assigned to a Library Aid position or another position that does not have the bookmobile responsibility within the job classification and if the Library Aid (currently driving the bookmobile) is working the bookmobile for a year will they not try to re-class the position? Bookmobile should be an Librarian Assistant position, a position that is tested to meet the qualifications for the job.

Tarnell Abott: introduced herself as a former librarian for the City of Richmond for 22 years and was a children's librarian for 15 of those years. Leaving these front line positions vacant, the library is being set-up for failure. The bookmobile is very heavily used and in high demand. The bookmobile was once staffed with one Librarian and an Librarian Assistant who serves as driver and aides children in finding books. It should be a two person job. The standards are being lowered for the public. It is the department making more cuts than any other department.

Answering a question from Board Member Nair, Tarnell spoke on the areas the bookmobile makes stops: daycares, schools, etc.

Library Director Katy Curl passed out documentation on budget for the past three years for the library and Secretary Stephenson passed out the org chart for the library.

Ms. Curl spoke on the agenda items by outlining the history of the library for the past three years.

The library went from eight managers with six managers in the library under the Director. A few positions were merged into one management position. The following year the

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

library was reorganized to accomplish, at the request of library employees, to return the Library Associate position to the library in four areas where the position would be helpful. It is a good career path for Library Aid staff. She requested the supervisory position of Head of Reference and also needed to replace a position in LEAP due to retirement of an employee. One Administrative Librarian for all of operations. The other Administrative Librarian position was saved in order to create in conjunction with LEAP and art for community engagement services– it will offer the support needed to coordinate children services. It was not a supervisory position for the library. It was not a position that was a priority but was saved. The priority has been to hire librarians.

The goal for the reorganization was to create a career path for current library staff and since doing so three Library Associate positions were filled with current employee promotions hence opening up Library Aid position that were filled with Library Pages. It takes time to learn new roles and great strides have been made. Not everything has been filled as it should have been – no excuses, some of them should have been filled. Part-time temporary were not available for scheduling. Working with the union, the part-time employees are now able to work a schedule more conducive to the library environment.

Would like to discuss the concerns of the speakers but there are some changes coming and this is not the time or place to bring up these topics with library staff. She explained that she would prefer to have a discussion with her staff in a private meeting.

A discussion ensued between the Board and Director Curl on budget numbers, positions, operating issues, and library staff morale.

Chair Merriweather requested a copy of the 15/16 library approved budget and org chart

For August Agenda:

- Board Member Nair would like to add the anonymous email for the August agenda

7. REVIEW OF SUBPOENA(S)

- None

8. CONSIDERATION OF PROBLEMS AND REPORTS

- None

9. ADJOURNMENT OF REGULAR MEETING

Regular meeting adjourned at 7:32 p.m.

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>