

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

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

September 24, 2015
MINUTES

The regular meeting was called to order by Chair Elaine Merriweather at 5:15 p.m. on September 24, 2015.

1. ROLL CALL

Present: Elaine Merriweather, Chair
Yvonne Nair, Board Member
McKinley Williams, Board Member
Vicki Winston, Board Member
Vinay Pimple, City Council Member/Personnel Board Liaison

2. STATEMENT OF CONFLICT OF INTEREST

- None

Dorothy Mandujano apologized to Mr. Herrera and the Personnel Board for having the following statement in the original set of minutes for June 25th distributed for the August Meeting (cancelled due to lack of quorum):

“The Personnel Board Members voted to extend Ladislao Herrera’s speaking time for another two minutes.”

This was used as a formatting tool and should have been deleted. It was corrected prior to this meeting.

Maria Blue, Principal Personnel Analyst, introduced herself. Maria filled in as Personnel Board Secretary for Lisa Stephenson who was unable to attend.

3. APPROVAL OF MINUTES

- Regular Meeting of June 25, 2015

SPEAKERS:

- None

Board Member Vicki Winston made a motion to approve the minutes of June 25, 2015. Board Member Yvonne Nair seconded the motion. Minutes were approved by the following vote: AYES: E. Merriweather, Y. Nair, M. Williams, V. Winston. NOES: None.

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

4. PUBLIC COMMENT

SPEAKERS:

Roseanne Ryken: library employee, presented a packet of documents to the Personnel Board and spoke on two issues documented within the packet. The first, Administrative Librarian division of duties. The Library Director is hiring another Administrative Librarian to oversee public services and administrative services. Provided job descriptions and other information including break down of duties for the Administrative Librarian in the packet to show that it is not the best use of public funds. Second issue – Job Classification changes in the text of the MOU, filling positions no longer funded and the current budget. The City is allowing non-budgeted positions to be filled by other classifications. This leads to confusion of job duties. Human Resources or the library will not know what positions need to be filled. Also included in the packet is a draft of the 1021 MOU which contained an error that has since been corrected.

Stacey Agnitsch: spoke on discussions she is participating in with the Library Director and Human Resources on a couple of grievable issues. The first being the bookmobile driver/library assistant which was eliminated from the budget this fiscal year.

Senior Assistant City Attorney Bruce Soublet interrupted to question whether the grievable issues would be coming before the board if a resolution is not reached in the current discussions. He explained that it would be inappropriate to discuss at this point because it could influence the Personnel Board. Grievance decisions should be based only on statements and evidence presented at the grievance.

The Personnel Board shared concern that this inability to speak on something that could become a grievance before the board could result in the inability for employees to speak on anything.

Stacey Agnitsch explained that it was agreed to table the grievance giving opportunity to work it out through discussion.

Stacey Agnitsch continued at this point with her public comment by reframing her statement.

The bookmobile driver/library assistant position was eliminated from the budget. The person performing all of the duties of that eliminated classification was promoted to another classification.

Stacey Agnitsch prepared a list of all the positions that have been eliminated since the arrival of the current Library Director in 2011. There is one librarian position that is open with applications being held for a year before currently being reviewed. She stated that she has a lack of confidence in how the administration of the library is proceeding; she believes that this is a purposeful elimination of positions to eventually shut down the

library. Stacey Agnitsch passed out the aforementioned list of positions to the Personnel Board.

5. NEW BUSINESS

- a. Approval to revise and retitle the existing classification of Crime Prevention Coordinator (Police Department)

Jessica Collins, Senior Personnel Analyst, along with Assistant Chief of Police Allwyn Brown presented the revised and retitled classification of Crime Prevention Coordinator to Crime Prevention Manager based on changes in technology, budgetary responsibility, and supervisory requirements.

DISCUSSION:

In answer to questions by the Personnel Board it was clarified that there is currently not an incumbent. This will be a supervisory position with subordinates of two full-time employees along with volunteers. This will be a promotional recruitment and not open to the public. The addition of the crime prevention budget to the position was questioned by the Board and answered by both Jessica Collins and Assistant Chief Brown as a task that will be managed by this position for the crime prevention program that has evolved over the years. There was a discussion on why the person wasn't reclassified instead of changing the current Crime Prevention Coordinator. Maria Blue proceeded to explain why this position was revised and retitled versus reclassification.

Board Member Yvonne Nair made a motion to approve the revised and retitled classification of Crime Prevention Coordinator to Crime Prevention Manager. Board Member McKinley Williams seconded the motion. Classification of Crime Prevention Manager was approved by the following vote: AYES: E. Merriweather, Y. Nair, M. Williams, V. Winston. NOES: None.

- b. Discuss anonymous email received by Board Member Nair

Personnel Board Member Nair explained that she received an email before going on break in July and forwarded the email to fellow board members.

Mr. Soublet explained that these types of emails should not be forwarded to other board members because it can be considered a serial meeting and a Brown Act violation. It can be brought to a meeting but not forwarded to the others on the board.

Board Member Nair explained that the email contains library issues that have been brought to their attention in Open Forum today. The email contained information on an Employee Survey Report completed in 2011 that to date have not been resolved. Should this be addressed by the Library Commission or the Library Commission and Personnel Board working together? Is there anything inaccurate in the email? How does she proceed with this anonymous email?

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Board Member Nair recommended that each Board Member receive a copy of the anonymous email, review and discuss at the October meeting. Mr. Soublet stated that the email be sent to the other Board Members since it has been discussed during this meeting. Dorothy expressed concern on attaching the email to the agenda to avoid breach of confidentiality. Mr. Soublet requested that the anonymous email be sent to Dorothy and it will be decided on how it will be distributed to the rest of the board for the October meeting.

The Personnel Board requested that this be placed on the agenda in October and extend an invitation to the Library Commission Chair to attend the October Personnel Board meeting.

6. UNFINISHED BUSINESS

- a. Discuss use of outside attorneys for grievance hearings pre-2005

Dorothy presented one document, minutes from June 2002, that documented that the city contracted attorneys for a grievance and also noted was the fact that the union also had attorney representation.

DISCUSSION:

Mr. Soublet spoke about the law and the inability of the city attorney's office from representing the City when the City Attorneys have given advice – hence they cannot defend their own advice. The grievant and/or the union have the choice to have attorney representation. The employee also makes the choice on whether they prefer to represent themselves, have union representation, and/or the union legal representation. The unions will make the decision on whether to hire an attorney for the grievant or not. The employee doesn't need to go to the union to file a grievance. Whether an employee consulted with the union or not is not known by the City, nor should it be known.

Board Member Nair inquired on the fact that management has attorneys hired from the outside which causes a view of unfairness.

Mr. Soublet explained that the lawyers represent the City not the individual employee – be it management, rank and file employee, or department head. The City can only be liable through the acts of the employee. The City has an obligation to defend an employee if the act performed is within the scope and course of an employee's job. The City is defending the action they took.

AT THIS POINT THE RECORDING STOPPED/MALFUNCTION.

The following is based on notes

7. REVIEW OF SUBPOENA(S)

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- None

8. CONSIDERATION OF PROBLEMS AND REPORTS

The anonymous email will be reviewed and any specific item that the Board wishes to have placed on the agenda will be sent in an email to Dorothy.

Chair Merriweather requested that the election of a Vice Chair be placed on the next agenda.

9. ADJOURNMENT OF REGULAR MEETING

Regular meeting adjourned at 6:02 p.m.