

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

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

**JANUARY 28, 2016
MINUTES**

The regular meeting was called to order by Chair Elaine Merriweather at 5:15 p.m. on January 28, 2016.

1. ROLL CALL

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

Absent: Vicki Winston, Board Member

Senior Human Resources Administrator Jessica Collins substituted for Secretary Lisa Stephenson

2. STATEMENT OF CONFLICT OF INTEREST

- None

3. APPROVAL OF MINUTES

- Regular Meeting of December 16, 2015

SPEAKERS:

- None

Vice Chair Yvonne Nair made a motion to approve the minutes of December 16, 2015. Board Member McKinley Williams seconded the motion. Minutes were approved by the following vote: AYES: E. Merriweather, Y. Nair, M. Williams, NOES: None.

4. PUBLIC COMMENT

SPEAKERS:

Cordell Hindler: stated that he had done some online research of job descriptions and found many to be outdated. Mr. Hindler would like to see the job descriptions revised.

Rose Ann Ryken: expressed her concern on the ability for the library to remain open. In October 2014, applications were accepted for a librarian position and the list can remain active for two years. The Library Director has given many reasons for the lack

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of hiring staff. Two librarians have announced their retirement before May. Ms. Ryken foresees a problem when, in addition to the two upcoming vacancies, the current vacancy has not been filled when an active list exist but is due to expire in October. The current Library Director did not hire for one vacancy in 1.5 years and will now be facing three vacancies.

5. NEW BUSINESS

SPEAKERS:

- a. Questions of ethics in relation to the Personnel Board Charter and administration of Personnel Board business (Vice Chair Nair)

Cordell Hindler: noted that he has been attending the Personnel Board meetings for a number of years and on previous occasions has expressed his concern about the cost of outside attorneys for grievance hearings versus using the legal staff employed by the City of Richmond.

Marilyn Langlois: referred to a letter written by Vice Chair Nair that raised these issues and agrees with the point made by previous speaker Cordell Hindler on the high cost of outside attorneys to represent the City of Richmond during grievance hearings is unnecessary when the City has a legal staff in the City Attorney's Office. The Human Resources staff could brief the City Attorney's office on issues and Assistant City Attorney Bruce Souplet is quite capable of representing the city on grievance cases.

Vice Chair Yvonne Nair, on behalf of the public, expressed the perceived conflict of interest during grievances with the Human Resources Director Lisa Stephenson also serving as the Secretary to the Personnel Board. Vice Chair Nair wrote and received a response from City Attorney Goodmiller stating that he does not see this as conflict in interest. Vice Chair Nair is concerned about the following three topics:

- How does the public perceiving the Personnel Board as independent and transparent when the role of the HR Director/Secretary appears as a conflict? The Charter does dictate that the HR Director serve as the Secretary of the Board. Is there anything the Personnel Board can do to gain trust of the public?
- The expense of outside attorneys. The City Attorney stated that this practice is common amongst other cities.
- The library issues. Two studies have been done without solutions. The lack of response from the Library Director.

Chair Merriweather stated that a year ago the Personnel Board discussed having a public hearing where the attorney would be present to answer questions from the public. Should this be pursued?

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Board Member Williams expressed his confusion on the role of the union and the employee not having legal representation while the city does. Does the union not feel that the individual require intervention? Is there an inequity? Is it real? Or perception? Inviting the union to speak on this would be beneficial.

City Council Member Pimple asked what is the cost of outside attorneys per year for Personnel Board grievance hearings?

City Council Member Pimple also had a question for the City Attorney's Office but no one from the City Attorney's office was present.

City Council Member Pimple explained that he had spoken with City Attorney Goodmiller in reference to this in the past. Assistant City Attorney Soublet cannot advise the board and represent the city – this would be a conflict of interest. Since he cannot perform both of these roles, the only alternative is contracting an outside attorney. There would be a cost to bring another City Attorney "up to speed" on these issues. The other attorneys possibly do not know as much about these issues. The cost to train, study, research, and the time of gaining experience cost less than the outside attorneys therefore the cost of contracting outside counsel would be more cost effective.

Vice Chair Nair see disparity once the grievant decides to bring the issue to the Personnel Board. It is at this point, the union does not support the employee. Employees are not trained to be attorneys and are not the same caliber as the attorney's representing the City.

Secretary substitute Collins stated that it is often the choice of the employee not to include their union.

b. Anti-bullying policy (Vice Chair Nair)

Marilyn Langlois: stated the confusion on what the topic is going to cover from the agenda. This policy would be very valuable and cannot understand why there would be any opposition. Bullying is very hurtful, can be a liability, and causes a negative work environment.

Vice Chair Nair stated that in the future a brief description of agenda items will be done before speaker approaches podium.

Vice Chair Nair stated that in response to employee issues, the bullying policy was drafted. Secretary Stephenson researched other cities policies with some having a policy and some not. An expert was not brought in to present how a bullying policy would fit in the city with union representation. A draft policy was presented to the unions without a discussion. It was only a draft and it wasn't written in stone. Employees have requested that it be placed on the agenda again. The City does a great job with harassment and some of the anti-bullying issues but it does no harm in having another policy. While

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researching, Vice Chair Nair found that in 2014 Governor Brown signed the Abusive Conduct Legislation effective 2015. This legislature dictates that an agency with more than 50 employees must provide training on abusive conduct. Quoted the purpose of the AB 2053:

For purposes of this section, “abusive conduct” means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Vice Chair Nair stated that it is obvious that it is not sufficient to have just a harassment policy and the state recognizes that employees are subject to abusive conduct.

Chair Merriweather recalled the unions rejected because of policies in place being sufficient. She also recalled that there was a request to speak with the union leaders to explain how the Personnel Board Members desire was to improve upon existing policy.

Next steps: Bring an expert in anti-bullying policy for a presentation. The existing harassment policy is for protected categories where AB 2053 is for anyone subjected to abusive conduct. Employees continue to complain about bullying and fear of retaliation. Bring back the Anti-bullying draft policy to make changes to include input from an expert and information from the AB 2053.

Chair Merriweather requested a presentation of the City of Richmond Anti-bullying policy to explain the difference between the existing policy and the proposed policy. Union leaders should be invited also.

Secretary substitute Collins asked whether someone from the City Attorney's Office can provide the information. Chair Merriweather agreed as long as the attorney has expertise in this area.

Vice Chair Nair would like to see an Ad Hoc committee formed. Chair Merriweather stated that would have to wait until after having more conversation and understanding on this.

c. Update on recruitment of fifth Personnel Board member (Vice Chair Nair)

Secretary substitute Collins informed the Personnel Board that a member has been selected and the person is currently in the process of being appointed.

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City Council Liaison Pimple announced that he has been appointed by City Council to the Personnel Board for another year. The league of cities also meets on the same night which causes a conflict therefore he will not always be present at every meeting.

d. Library issue (Vice Chair Nair)

Deborah Bonet: introduced herself as library employee and Richmond resident. In 2010, there were four full-time Children Librarians and effective April 30, 2016 there will only be one Children Librarian. In the past, approximately 20 children would attend story time at the West Branch Library but today there were zero children in attendance for story time. One children's librarian for a city the size of Richmond and this position has been open since October 2014. Rankings were posted October 2015 and to-date nothing.

Cordell Hindler: stated that he agreed with everything Ms. Bonet just spoke on. The lack of attendance and participation of children in the West Branch Library is very serious. Mr. Hindler will bring the subject up at the next Library Commission meeting.

Vice Chair Nair asked both speakers why there is a decrease in attendance by the children. Ms. Bonet indicated that lack of staff has led to fewer story time sessions.

Vice Chair Nair spoke on the how the Library issues for the past year and half have come before the Personnel Board. The Personnel Board has reached out to the Library Director for updates on the Municipal Resource Group (MRG) reports of 2011 and 2013. There are points she would like to discuss and agendize for a future meeting. Is it possible to obtain a full copy of the MRG report for 2013? Things are getting worse not better. The Personnel Board should hear a presentation on the full report by MRG. What are the recommendations from the MRG reports? The Personnel Board should take each issue one at a time. This could possibly take up to a year to resolve.

Board Member Williams expressed his belief that the issues were previously prioritized into four or five specific items from this report and the items not completed as per the 2013 report would be addressed. Did we receive a response to this?

Vice Chair Nair was informed by City Attorney Goodmiller that the information is forthcoming. She thought it would be given this evening.

Vice Chair Nair will email Dorothy from Human Resources the points from the MRG report to be placed on the February agenda.

Vice Chair Nair recommended a presentation on these issues and the Personnel Board could decide where to go from there. Maybe City Council Liaison Pimple can help find a way to resolve these issues with the support of the City Council.

City Council Liaison Pimple did not want to commit to this due to the budget. The City needs to come up with a savings of \$8.4 million. This equates to a lot of employees and services. Forty unfilled positions were eliminated to help with the budget including

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eleven sworn police officers positions.

Vice Chair Nair clarified that some of the points are due to efficiency versus hiring of staff.

6. UNFINISHED/OLD BUSINESS

SPEAKERS:

- None

a. Discuss the Richmond Library and Cultural Services Department Internal Audit

Marilyn Langlois: expressed her feelings on the importance to take action to assure that the City has a quality Library. Ms. Langlois stated she is surprised that the audit has not been given to the board. She also finds it disturbing that the staff is dwindling - lack of staff, services suffer, hence less public attendance. Is there too many managers or mid-managers? If so, adjust staff numbers to assure sufficient front-line staff to attend to the public needs.

Secretary Substitute Collins mentioned that Ms. Stephenson has been in communication with Ms. Winston by email in regards to a response on this item but not aware of the contents of the email.

Chair Merriweather asked for this to be placed on the February agenda again.

Agenda items for next month: New Business: MRG findings, bullet points from report. Old Business: Anti-bullying policy, 6a will continue on next agenda, update of Library budget

7. REVIEW OF SUBPOENA(S)

- None

8. CONSIDERATION OF PROBLEMS AND REPORTS

- None

9. ADJOURNMENT OF REGULAR MEETING

Regular meeting adjourned at 6:15 p.m.