

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

**PERSONNEL BOARD  
REGULAR MEETING**

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

**JUNE 22, 2016  
MINUTES**

The regular meeting was called to order by Chair Elaine Merriweather at 5:15 p.m. on Wednesday, June 22, 2016.

**1. ROLL CALL**

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

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

**2. AGENDA REVIEW**

Vice Chair Nair requested that 7c be held over for next Personnel Board Meeting so that Library Commissioner Cordell Hindler can address the agenda item.

**3. STATEMENT OF CONFLICT OF INTEREST**

- None

**4. APPROVAL OF MINUTES**

- Regular Meeting of May 26, 2016

**SPEAKERS:**

- None

Vice Chair Yvonne Nair made a motion to approve the minutes of May 26, 2016. Board Member McKinley Williams seconded the motion. Minutes were approved by the following vote: AYES: E. Merriweather, Y. Nair, M. Williams, NOES: None.

**5. PUBLIC COMMENT**

**SPEAKERS:**

Cordell Hindler: noted that the Library Commissioner does not have legal representation as the Personnel Board does. The job descriptions continue to be outdated. Mr. Hindler expressed his approval of the updated Personnel Board

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Procedures and Protocols. Mr. Hindler also thanked Vice Chair Nair for moving agenda item 7c to the next meeting.

**6. NEW BUSINESS**

**7. UNFINISHED/OLD BUSINESS**

- a. DISCUSS and APPROVE to DIRECT staff to meet and confer with the unions regarding adding the following language to the current Harassment Policy and the AB2053 training:

To insure compliance with California AB2053 which went into effect January 1, 2015, and in the interest of providing a healthy workplace culture, direct the City Manager to (1) amend the existing harassment policy to include prohibition of abusive conduct/bullying behavior in the workplace including the provision of administrative procedures for preventing, reporting and responding to such prohibited conduct, and (2) provide training to all employees on the prevention of abusive conduct in addition to and along with the sexual harassment training currently required by law (Vice Chair Nair and Board Member Winston)

**SPEAKERS:**

Cordell Hindler: explained that he has read studies on workplace bullying being very common. Training is necessary to protect employees from bullying. Therefore this is a good idea.

**DISCUSSION:**

Vice Chair Nair would like to direct staff to include the abusive conduct language that AB2053 has described. The AB2053 training is in place but Secretary Stephenson mentioned that the training budget has been impacted for this fiscal year.

Vice Chair Nair directed Secretary Stephenson to include the above language in the General Order number 33.

- b. RECEIVE an update on the whistleblower policy survey on:

- Explore whistleblower ordinances and policies in neighboring municipalities, including Oakland

**SPEAKERS:**

- None

The survey for this item is due to the Personnel Board in October but will remain on the agenda for any updates that may come up.

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- c. RECEIVE an update on the Library Commission response to the Richmond Library and Cultural Services Department internal audit. (Vice Chair Nair)

Moved to next month – July 28<sup>th</sup> meeting

- d. DISCUSS grievance appeal hearing – SEIU 1021 and set new date for the hearing

**SPEAKERS:**

Cordell Hindler: During the meeting last month when discussing the grievance, Mr. Hindler was under the understanding that the hearing was this evening. He expressed his hope that the hearing would be scheduled.

Ladislao Herrera: expressed that he was present so that his grievance can be scheduled and he stated he is available for whenever the Personnel Board and everyone will be available.

Jovanka Beckles: expressed her concern over the climate in the City of Richmond. Ms. Beckles spoke about the Fire Chief/Fire Marshal being extremely disrespectful and rude at a previous Council meeting during a presentation. Ms. Beckles stated that when a department head is comfortable stating in a public forum, to his boss' bosses, things such as his authority being usurped because Ms. Beckles had gotten information from a staff member, there can be a perception of bullying and intimidation by line staff who then may fear speaking with councilmembers.

**DISCUSSION:**

A discussion took place on the fact that witnesses were not available to testify this evening and Chair Merriweather and Vice Chair Nair expressed their frustration at the process and the lack of communication about the availability of the witnesses. Secretary Stephenson and Attorney Todd Simonson expressed that the subject on the availability of the witnesses was broached at the previous meeting. The witnesses were originally planning on attending at the regular May meeting and the change of dates due to lack of quorum and summer months has made scheduling difficult.

Ladislao Herrera mentioned that he had not received the City's evidence packet. Dorothy Mandujano apologized for this oversight on her part and handed the City's packet to Mr. Herrera.

Mr. Herrera expressed his frustration at the scheduling of this hearing and previous hearings. Extending the grievance for a few months is too long.

Vice Chair Nair wanted to ensure that while waiting for the grievance hearing, Mr. Herrera is not terminated or disciplined.

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Assistant City Attorney Soublet stated that there is no guarantee that can be made by the City. Before his grievance hearing, if Mr. Herrera was to do something that is against a City rule he would be subject to discipline. At this point, there is nothing pending.

Mr. Herrera stated that this is all evidence of how the City makes up stories and other employees have been suspended.

The Personnel Board asked whether the hearing could be heard in July. Attorney Todd Simonson stated he would not be available in July along with one of the witnesses.

Vice Chair Nair asked whether another attorney could cover for Attorney Simonson. Attorney Simonson stated he has been handling this case since the beginning and it would be costly to bring another attorney up to speed on the case.

Conversation ensued on scheduling. It was decided to hold the hearing on August 25<sup>th</sup>.

A few supplements of evidence may be added to the packet for mailing.

e. RECEIVE update on Personnel Board vacant seats

**SPEAKERS:**

- None

**DISCUSSION;**

At the City Council meeting, The President of the RPOA voiced his concerns on how the City Council did not vote to seat the public safety nominee. This seat remains vacant. The Mayor will announce a vacancy to fill Board Member Winston seat and seek candidates. If Board Member Winston desires, she can hold over until seat is filled. Board Member Winston has expressed interest in staying for the hearing.

**7. REVIEW OF SUBPOENA(S)**

**SPEAKERS:**

Ladislao Herrera: he stated that he already discussed the items. Mr. Herrera voiced his opinion on how the City are liars and are corrupt and they will do whatever to succeed. Mr. Herrera stated that basically they will not be able to continue covering up their mistakes.

Assistant City Attorney Soublet stated that the subpoenas will be re-issued with the new grievance hearing date.

## 8. CONSIDERATION OF PROBLEMS AND REPORTS

Vice Chair Nair raised concerns on the topic brought up by City Council Member Beckles and bullying. If the Council Member feels attacked, what does the employee feel like? The Personnel Board has been trying to work on civility and mutual respect – even if both parties do not agree. Secretary Stephenson agreed and referred to the fact she has been called a liar at this meeting. Vice Chair Nair believes that the Personnel Board and Assistant City Attorney Soublet should be facilitating a better model of communication. Secretary Stephenson agreed and will take the language from 7a to the six unions as per the direction of the Personnel Board.

Secretary Stephenson answered questions on the Human Resources Department questions on budget cuts. Human Resources cut 6% of their budget as per the request of the City – this included training budget, service awards program, and the rest from recruitment and miscellaneous. All departments were asked to cut 6%. If there were any layoffs, the layoffs would not be subject to meet and confer but the impact would be subject to meet and confer. The impact is when an employee is laid off and how does that impact the workload of other employees. There will be no layoffs for the Human Resources Department.

Another subject covered was the job descriptions. Job descriptions are updated as needed. An older job description may still be valid. As job descriptions are changed, such as titles and minimum requirements, those will come before the Personnel Board.

For next meeting agenda item – Discuss job description updates.

New Board Members training/tool kits was brought up by Vice Chair Nair for next agenda. Secretary Stephenson asked what the board members would like to see covered for new members. Also to be discussed is maybe an annual training for Personnel Board members.

Update on language for General Order number 33 will be placed on the agenda for the Personnel Board meeting in August. If the unions do not approve the language in meet and confer, as an employer the City is bound by the state law. Putting the language in the policy is good but we are going to abide by the law whether approved or not. It can be stated in a policy that the state law is followed and referencing the state law code.

No recess in July – Meeting to be held as scheduled.

## 9. ADJOURNMENT OF REGULAR MEETING

Regular meeting adjourned at 6:08 p.m.