

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

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

**APRIL 26, 2018
MINUTES**

The regular meeting was called to order by Chair Steve Early at 5:15 p.m. on April 26, 2018.

1. ROLL CALL

Present: Steve Early, Chair
McKinley Williams, Board Member
Mindy Pines, Board Member

Absent: Ada Recinos, City Council Liaison

Some of the Personnel Board Members statements/questions were inaudible during this meeting.

2. AGENDA REVIEW

- No changes

3. STATEMENT OF CONFLICT OF INTEREST

- None

4. APPROVAL OF MINUTES

SPEAKERS:

Cordell Hindler: noted that the address on the minutes as incorrect. Mr. Hindler also shared his desire to change his comment in reference to the language of the Assistant City Manager job description from "serves" to may serve.

a. Regular Meeting of March 22, 2018

Board Member Williams made a motion to approve the minutes of March 22, 2018.

Chair Early seconded the motion. Minutes were approved by the following vote: YEA: S. Early, M. Pines, M. Williams, NAY: None.

5. PUBLIC COMMENT

SPEAKERS:

Cordell Hindler: suggested future agenda items: discuss key stakeholders in the recruitment for City Manager; consider community meetings to get input on expectations for the new City Manager; review the Deputy City Manager job description

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Sam Casas: asked the Board Members to consider City policies that affect employees with many (policies) being antiquated – the City has general orders and administrative policies that contradict general orders that are still in place. It is stated that administrative policies replace/supersede general orders but general orders are still in use such as General Order #28 – Due Process. Mr. Casas stated he had received two disciplinary memos but was unable to review according to General Order #28. A much needed policy is workplace bullying. The city has had classes on bullying but bullying still exists up to executive management level. Mr. Casas stated he has been a victim of workplace bullying. Recourses are limited if victim (of bullying) is not in a protected class. Mr. Casas requested that the Personnel Board look at the policies, update, especially General Order #28. Also, look into workplace bullying and how the city has handled it and the inability of the City to stop workplace bullying. As someone in a protected class, stated Mr. Casas, the City did not protect him from workplace bullying.

6. **CONSENT AGENDA**

- a. **APPROVAL** to revise/re-title the existing classification of Communications Manager to Communications Center Manager (Police Department)

Board Member Williams questioned whether it was just a title change.

HR Personnel Officer Donna Newton responded that there are also changes to duties and revised minimum qualifications. The packet has the original along with the revised.

Board Member Pines inquired about the salary and HR Personnel Officer Newton stated that it is currently being evaluated.

Board Member Williams made a motion to approve the revised/re-titled Communications Manager to Communications Center Manager. Chair Early seconded the motion.

Approved by the following vote: YEA: S. Early, M. Pines, M. Williams, NAY: None.

Senior Assistant Attorney Bruce Soublet reminded the Personnel Board Members that items under Consent Agenda cannot be discussed. Only a vote is allowed. In the future, if there are any questions or comments, the item must be moved during Agenda Review.

7. **NEW BUSINESS**

SPEAKERS:

Sam Casas: Began by thanking the Personnel Board for having this placed on the agenda. Mr. Casas stated that this should be a case study of an example of a city program being privatized. City run programs should not be outsourced – this is happening to the Paratransit program now. City Council approved an option to keep and retain staff and outsource the ambulatory only to ride sharing programs. The City refused to hire any budgeted driver position and this is what sabotaged the program. On February 27, 2018,

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by choosing this option the City was choosing layoffs. Mr. Casas stated he was laid off on March 29, 2018. Mr. Casas stated that his layoff is an illegal termination disguised as a layoff. Mr. Casas again thanked the Personnel Board Members for listening.

- a. **RECEIVE AND DISCUSS** an informational report on city layoff policy, as applied to Paratransit Program down-sizing so Personnel Board Members have better understanding of layoff policies and procedures and what is appealable and what is not appealable.

Secretary Stephenson began speaking on the Paratransit Program. There have been financial problems with the Paratransit Program for years with the general fund subsidizing the program and this subsidy cannot continue. Layoffs have been discussed off and on for the past few years with both unions – SEIU and Local 21. Ultimately, the Paratransit Program was here to provide a service to the public but services were not being offered in an effective manner. There were multiple meetings and multiple options were discussed. Ultimately, Lyft was contacted to provide service to the ambulatory citizens who need rides. City drivers will drive for nonambulatory and occasional recreation excursions. Ultimately the City will phase this program out. The City does not want to outsource either but the service was not satisfactory. The City is trying to provide the best service that can be offered within the budgetary confinements. The layoff was discussed at multiple meetings with both unions. Originally it was thought there would be more layoffs. There was a meet and confer with Local 21 to discuss the impact of the layoff, which is required, proper notice of the layoff was given and Mr. Casas is on a reemployment list, so if the program returns and/or the position, Mr. Casas will be contacted and offered the position.

Board Member Pines inquired about the statement that services were not being provided in a satisfactory manner – why was that?

On a continual basis, rides would be scheduled and then cancelled when drivers were unavailable.

Board Member Pines inquired about Lyft and its relationship with the City. Will it be Lyft or the City to face liability? Are the drivers vetted? How would a complaint of harassment be handled?

They have their own insurance for any liability. If there are any accusations of harassment, the City would investigate. In terms of financial liability, Lyft carries their own insurance.

Senior Assistant Attorney Soublet stated that the City would assure that the City is protected through the contract process.

Secretary Stephenson assured Board Member Pines that the contract between City of Richmond and Lyft would cover the requirements to be met by the Lyft drivers which would be similar to City of Richmond employees.

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Secretary Stephenson spoke to inquiry of the budget and the projection that the Lyft service is more viable. The Program was never meant to be funded by the general fund. The goal is to provide better service to the seniors that need services and by making it more viable, having drivers that can provide service, the program will grow to service more people.

Senior Assistant Attorney Soublet noted that the City has been subsidizing this program for \$600,000 per year for the last several years.

Board Member Pines inquired about the decrease in drivers. Secretary Stephenson emphasized that there was not a decrease in drivers. There was one driver who resigned recently. The issue has been the unavailability of those drivers due to a variety of reasons. Employee injuries and unable to report to work or able to report to work but have limited ability in what they can perform. To hire more drivers would increase the expense of the program.

Chair Early inquired about the layoff process and the employee being offered temporary work – was that part of the discussion in Mr. Casas situation.

During the meet and confer, Secretary Stephenson noted that options were explored but they were unable to find a comparable position for him.

SPEAKERS:

Cordell Hindler: proposed June 16 from 10:00 – 2:00 in the City Council Chambers. Recommended the consulting group – The Bush Group – to do the training.

- b. **DISCUSS** a date, time, and location for a Personnel Board retreat along with preferred training topics

Secretary Stephenson explained that we will look into the group Mr. Hindler recommends along with internal staff. One of the concerns raised by the City Attorney is the fact that we are down to three Board Members and whether it would be best to wait for a fourth member, have a retreat now, do a few trainings, or maybe a refresher with a more complete training later would work. The decision is up to the Personnel Board Members and to let her know what works for you (Board Members).

Secretary Stephenson pointed out that the seat recently vacated is a general seat and general seats tend to be filled more quickly than the safety. The City Clerk is aware and she will send out an email requesting nominations. Hopefully, public safety will also have some nominations. It would be good to see five members.

- 8. **UNFINISHED/OLD BUSINESS**
- 9. **REVIEW AND/OR ISSUANCE OF SUBPOENA(S)**
- 10. **CONSIDERATION OF PROBLEMS AND REPORTS**

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11. **ADJOURNMENT**

Meeting adjourned at 5:47 p.m.