

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

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

**AUGUST 22, 2019
MINUTES**

The regular meeting was called to order by Chair Steve Early at 5:29 p.m. on August 22, 2019.

1. ROLL CALL

Present: Steve Early, Chair
Mindy Pines, Board Member
Kyra Worthy, Board Member

Absent: McKinley Williams, Board Member

2. AGENDA REVIEW

SPEAKERS:

Ben Therriault: requested that agenda item number 9 (Review and/or issuance of Subpoenas) be moved to the top of the agenda – after Agenda Review.

Board Member Worthy made a motion to approve moving agenda item Review and/or Issuance of Subpoenas to the top of the agenda. Board Member Pines seconded the motion. The agenda change was approved by the following vote: YEA: S. Early, M. Pines, K. Worthy NAY: None.

9. REVIEW AND/OR ISSUANCE OF SUBPOENA(S)

SPEAKERS:

Zachery Lopes: introduced himself as the council for RPOA and requested the review and execution of six (6) subpoenas for a scheduled hearing before the Personnel Board.

The Personnel Board members proceeded to review and Vice Chair Early signed the requested subpoenas.

3. STATEMENT OF CONFLICT OF INTEREST

- None

4. APPROVAL OF MINUTES

SPEAKERS:

Audio recordings of Personnel Board Meetings are available at:

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

Cordell Hindler: explained that he meant (during the May 23, 2019 meeting) to request that the Deputy Director of Housing Authority job description be added to the Personnel Board agenda as an approval to update the classification of Deputy Director of Housing Authority. Mr. Hindler also mentioned that his recommendation should read as: "to receive a presentation from City staff on GARE." Mr. Hindler requested that the May 23, 2019 minutes reflect these changes.

a. Regular Meeting of May 23, 2019

Board Member Pines made a motion to approve the minutes as amended by speaker Cordell Hindler. Chair Early seconded the motion. Minutes were approved pending changes by the following vote: YEA: S. Early, M. Pines, K. Worthy, NAY: None.

5. PUBLIC COMMENT

SPEAKERS:

Cordell Hindler: recommended that the Personnel Board consider placing on the agenda the updating of Administrative Manual policies. Job descriptions are more detailed and up-to-date on the City of Berkeley website compared to the City of Richmond which are obsolete. Mr. Hindler would like to see these two items placed on the agenda next month. Mr. Hindler observed that the cancellation of Personnel Board meetings due to lack of quorum is inconvenient to City business because of the postponement of business for another month.

Ben Therriault: president of RPOA spoke on events occurring during the past few months. The City of Richmond budget did not become an issue until May 2019 when it was announced that there was a 7.5 Million dollar budget gap and the City Manager stated his plan to close the gap by laying off staff. Concerns raised by labor leaders was - where was this budget gap during the mid-year budget meeting, why did the City continue to hire throughout a deficit, why was there lack of transparency, why was the labor leaders not made aware of said budget crisis, where was this crisis coming from? A layoff list was developed by the City Manager, of which the City Manager denied existed and was found to be untrue by City Council Member Johnson which leads to a lack of trust and respect.

6. CONSENT AGENDA

a. **APPROVAL** to create the new classification of Communications Dispatcher II - Per Diem (Police Department)

~~b. **APPROVAL** to create the new classification of Communications Dispatcher III and revise the existing classification of Communications Dispatcher II (Police Department)~~

Item 6b. was moved as per the request of Ben Therriault, RPOA president.

Board Member Pines made a motion to approve to establish the position of Communications Dispatcher II – Per Diem. Vice Chair Early seconded the motion. The position of Communications Dispatcher II – Per Diem was approved by the following vote: YEA: S. Early, M. Pines, K. Worthy, NAY: None.

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

7. NEW BUSINESS

- a. **APPROVAL** to create the new classification of Communications Dispatcher III and revise the existing classification of Communications Dispatcher II (Police Department)

SPEAKERS:

Ben Therriault: passed out public request act made to the City of Richmond and which have not yet been fulfilled. Mr. Therriault acknowledged the email from SEIU and noted the miscommunication between himself and SEIU – this has since been cleared up. Concerns expressed by Mr. Therriault:

1. What is the pay difference from this change of classification?
2. What is the opinion of City Attorney's Office and/or Human Resources Management Department in respect to the triggering of me too clause(s) within the City?
3. Part of the problem, and possibly unbeknownst to the Personnel Board members, this venue has been used as a gateway to pay increases *sub rosa* and has caused a problem. This will be addressed by the City Council in September.

When there are open negotiations in process, why are these pay increases not being discussed during these negotiations? The Communications Center has trouble retaining staff as it is therefore why are more classifications being added?

DISCUSSION:

HR Personnel Analyst Donna Newton introduced Police Chief Allwyn Brown, Communications Center Manager (Manager) Michael Schlemmer, and Communications Shift Supervisor Michael Lambton to answer any questions or concerns about the new classification of Communications Dispatcher III and the revision of the existing classifications of Communications Dispatcher II.

Chief Brown expressed the importance and necessity of creating this position (Communications Dispatcher III) for the Communications Center. It is general knowledge that the City has not been able to increase salaries due to budgetary concerns. This is also true of the Police Department. It is the goal of the City of Richmond Police Department in retaining and attracting qualified staff. There have been many years of Communications Dispatchers' mandatory overtime which is averaging 40 hours per month. The City of Richmond Communications Center is one of few that handle 911 calls for police, fire, EMS. Dispatching is a difficult job and this would aid as an incentive in hiring and retention.

Manager Schlemmer stated that there are currently six (6) vacancies. There is a need for mandated training by Communications Dispatchers and the addition of this classification would fulfill this need. It is not a requirement of the current Communications Dispatcher

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

II position to train new hires. The addition of Communications Dispatcher III would assist in the Center by mandating that training staff as part of the position.

Communications Shift Supervisor Lambton expressed his concern about the number of dispatchers that have left for other agencies that offer a lighter work load with higher pay.

Board Member Pines asked for clarification on whether the addition of this position (Communications Dispatcher III) would alleviate the stress of Communications Dispatchers II.

Manager Schlemmer answered by clarifying that it is not about the stress but about maintaining a standard of training of new hires and mandatory on-going training that this position (Communications Dispatcher III) would fulfill. Currently the shift supervisors are performing the training which leaves them unable to supervise. There is not a sufficient number of Communication Dispatcher II staff and the Communication Dispatcher II position does not require them to train staff. There are currently five Communication Dispatchers out of sixteen that qualify for the Communications Dispatcher III position as currently written.

Board Member Pines asked if the Communications Dispatcher III was modeled after similar positions in other agencies. Board Member Pines also inquired about the Communications Dispatcher II having the choice to turn down the request to train.

Manager Schlemmer answered that it is modeled after other agencies. Manager Schlemmer stated that often a Communications Dispatcher II will turn down the opportunity to train staff. Communications Dispatcher II it is optional to train but the Communications Dispatcher III it would be a requirement.

Board Member Worthy asked for clarification on the standards set for the Communication Dispatcher III that leaves only five out of sixteen qualified for the position. How are standards explained when hiring or during performance evaluations? Board Member Worthy also inquired about the reason this position is being created outside of bargaining conversation knowing the deficit in current staffing levels.

Manager Schlemmer explained that there has been quite a turn over and many don't meet the required seven year tenure mark required by the Communications Dispatcher III. A few don't wish to train and a few with disciplinary issues that disqualify them.

Senior Assistant City Attorney (Sr. Asst. Attorney) Bruce Soublet stated that as per the City of Richmond Civil Service rules, any new position added to the Civil Service is brought to the Personnel Board for approval and not bargained.

Board Member Worthy inquired about the length of time it takes to fulfill public records request and whether those items will come to the Personnel Board.

Sr. Asst. Attorney Soublet clarified that he was not assigned to this particular public

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

records request. The public records request time line is that within ten days of the receipt of request an initial response must be sent. This initial response can state that a search for the documents is in process and another 14 days will be needed to complete the search. Therefore it can be 24 days before the documents are due. More time can be negotiated. Public Records Requests are assigned in the City Attorney's Office on a rotational basis.

After looking at the public records request, Sr. Asst. Attorney Soublet noted that the original was sent on August 6 which means that the original response was due by August 16. Unless more time was negotiated, this particular public records request would have been due August 30.

Board Member Worthy made a motion to postpone approval of the new classification of Communications Dispatcher III and revision of the existing classification of Communications Dispatcher II until the documents from the public records request can be reviewed by the Personnel Board. Board Member Pines seconded the motion. The new classification of Communications Dispatcher III and revision of the existing classification of Communications Dispatcher II (Police Department) was not approved pending review of the documents from the public records request. YEA: M. Pines, K. Worthy, NAY: S. Early.

- a. **REPORT** on the processes and procedures for conducting an employee(s) grievance hearing

SPEAKERS:

Cordell Hindler: noted that the Procedures and Protocols state that under New Business the Agenda Report precedes Public Comment. After attending open grievance hearings and reading the Procedures and Protocols, Mr. Hindler has become familiar with the grievance process.

Sr. Asst. Attorney Soublet explains that a grievance may come before the Personnel Board or go to arbitration. Sr. Asst. Attorney Soublet went over the Procedures and Protocols documents attached to the meeting agenda on grievances. Since these are personnel issues, the employee has the choice to have the hearing open to the public or closed. In a closed hearing, only the attorneys, witnesses, Personnel Board and staff would be present during the hearing. This particular grievance will be an open hearing. Evidence is presented. The Chair runs the hearing and a decision will be rendered at the end. The chair can address and direct those testifying to keep their testimony on track with the grievance and avoid trailing off into the inappropriate and/or irrelevant. The decision of the Personnel Board is a recommendation to the City Manager who may or may not take that recommendation. The party who has the burden of proof must convince the Personnel Board through evidence and receive a majority of the vote to prevail. In the case of a tied vote, the party who has the burden of proof will not prevail. There are time limits on the length of the hearing. In response to Board Member Worthy's question, the Personnel Board Members can vote on whether to extend the time of the hearing or continue for another day. Answering a question by Board Member Pines, the questioning

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

during testimony must remain within the evidence documents and formal testimony.

8. **UNFINISHED/OLD BUSINESS**

- None

9. **REVIEW AND/OR ISSUANCE OF SUBPOENA(S)** – Moved to the beginning of the meeting during Agenda Review.

10. **CONSIDERATION OF PROBLEMS AND REPORTS**

- None

11. **ADJOURNMENT**

Meeting adjourned at 6:12 p.m.