

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

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

**MARCH 27, 2014
MINUTES**

The regular meeting was called to order by Chair Merriweather at 5:00 p.m. on March 27, 2014.

Present: Elaine Merriweather, Chair
David Brown, Vice Chair
McKinley Williams, Board Member
Yvonne Nair, Board Member
Vicki Winston, Board Member

Absent: Gayle McLaughlin, Mayor/Personnel Board Liaison

2. CONFLICT OF INTEREST

- None

3. APPROVAL OF MINUTES:

a. Regular Meeting of January 30, 2014

SPEAKERS:

Vivien Feyer: expressed her appreciation that the Board took action in January requiring the minutes to include public comment. The January minutes do not include the eight hour grievance hearing. Having the grievance transcribed and put into the minutes would be an advantage for the public to understand the grievance process.

Stan Fleury: shared the Agenda from January stating that the hearing was on the agenda and was a regular meeting not a special meeting. Hence, it was part of a regular meeting and should be part of the minutes. The grievance was heard in public and should be part of the minutes.

Vice Chair Brown made a motion to approve the minutes of January 30, 2014; Board Member Nair seconded the motion, Minutes were approved by the following vote: AYES: E. Merriweather, D. Brown, W. McKinley, Y. Nair, V. Winston. NOES: None.

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

b. Regular Meeting of February 27, 2014

Vice Chair Brown made a motion to approve the minutes of February 27, 2014; Board Member Williams seconded the motion, Minutes were approved by the following vote: AYES: E. Merriweather, W. McKinley, Y. Nair, V. Winston. NOES: None. ABSTAINED: D. Brown.

Action:

- None

4. PUBLIC COMMENT

SPEAKERS:

Vivien Feyer: commissions and boards exist to do public business with public comment on items listed on agenda. The agenda should be clear so that the public can be aware of what will be discussed. An example is the grievance hearing that was on the agenda, and public comment was not allowed for public comment and during the February meeting there was confusion regarding what was on the agenda.

5. NEW BUSINESS:

- a. DISCUSS and give direction to staff regarding the role of the City Attorney's office in limiting the scope of Personnel Board inquiries conducted pursuant to the City Charter, Article XIII, Section 7, paragraphs (b), (c) and (e). – (Board Member Brown)**

Vice Chair Brown requested to withdraw item 5a and stated he may have placed on a future agenda.

SPEAKERS:

- None

Action:

- None

- b. DISCUSS and give direction to staff regarding the status of outstanding grievances to date – (Board Member Nair)**

- (1) Date of initiation of each grievance
- (2) Stage of process of each grievance

SPEAKERS:

Vivien Feyer: stated she wanted to comment on the Stan Fleury grievance and was not clear on whether it was appropriate during this item or 5e. The wording of the agenda was confusing.

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

The Board recommended she speak on 5e agenda item.

Action:

- When the Board receives a request directly from a City of Richmond employee, the request will be forwarded to the Secretary of the Board Lisa Stephenson.
- If a grievance is pending before the Personnel Board and is resolved, the Board will be notified.

- c. **DISCUSS and give direction to staff regarding providing notice to City employees to give permission to Human Resources Director and Personnel Board so the employees and Board can openly discuss employee cases – (Board Member Nair)**

SPEAKERS:

- None

Action:

- Board requests that City employees be given permission when discussing their individual case, then the Board and/or Board Member can look into the employee's individual case.
- Per legal counsel, if there is a pending Personnel Board hearing, the issue cannot be discussed prior to the hearing.

- d. **DISCUSS and give direction to staff regarding the denial of Personnel Board's request for Library Director to address morale and operational efficiency before the Board - (Board Member Nair)**

- (1) **Role of City Manager and Personnel Board**
- (2) **Need for accurate, appropriate, and unbiased legal guidance**
- (3) **Question of use of confidential e-mail -- whether it**
 - **precludes further discussion by concerned parties in Board meetings, and**
 - **prejudices Board members against hearing employee concerns**

SPEAKERS:

- None

Action:

- Vice Chair Brown would like to have the library issues placed on the April meeting agenda
- Invite the City Manager to the meeting to discuss issues in the library and progressive discipline.
- If there is something specific or general topics the Board would like to have discussed with the City Manager, please email to Secretary of the

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

Board Lisa Stephenson to forward to the City Manager.

e. DISCUSS update on Local 21 grievance hearing outcome – (Board Member Nair)

SPEAKERS:

Vivien Feyer: read from a letter from the Human Rights and Human Relations Commission (HRHRC) to the Personnel Board describing how the HRHRC recommends that the Board to move the recommendation and findings of the Board in the grievance of Mr. Stan Fleury to the City Council. HRHRC supports the removal of charge number one (1) from his (Mr. Fleury's) personnel file.

Stan Fleury: The City Charter grants this Board the power to do investigations and the power to advise the City Manager. A recommendation to the City Council can be made and the City Council can overturn the Personnel Board's decision by a 2/3 vote. During the hearing on January 30, 2014 the City Manager offered his opinion but did not produce evidence on who got what type of discipline. I (Stan Fleury) offered evidence. The City Manager is not telling the truth about his lack of knowledge about what is happening in the library. Mr. Fleury would like to know if his case is going to be moved forward to the City Council because he needs finality so that he can go to the courts for due process.

Jacqueline McBride: gave two suggestions: move the recommendation to City Council and stated that it should be given in clear detail to avoid confusion and also include the letter from HRHRC.

Action:

- Submission for disciplinary recommendation to the City Council are:

As per section 5 of the Personnel Rules, the Personnel Board's written recommendation, the City Manager's written decision with rational of action, original letter of discipline to employee. The City Council will meet in executive session with the Personnel Board Chair and one other member of the Personnel Board to present the Personnel Board's position. It will not be a hearing. The City Council decision is announced in public session and the decision is final.

- In the future, agenda items should be stated clearly so that the public knows whether something is a voting item or not.

Board Member Winston made a motion to move the disciplinary recommendation of the Personnel Board on January 30, 2014 to the City Council; Board Member Nair seconded the motion, Motion approved by the following vote: AYES: E. Merriweather, W. McKinley, Y. Nair, V. Winston. NOES: None. ABSTAINED: D. Brown.

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

RECORDING MALFUNCTION AT THIS POINT

- f. **Discuss data on Police Department Internal Affairs investigation based on anonymous allegations – (Board Member Nair)**

SPEAKERS:

- None

Action:

- None

- g. **DISCUSS internal audit of Human Resources Management Department**

RECORDING FUNCTIONING AT THIS POINT

SPEAKER:

Jacqueline McBride: stated that the Human Resources Department has continually received raises and new classifications within the department to the tune of six figures. Ms. McBride would like to see the Human Resources Department investigated. What new responsibilities have been added to the Human Resources Department that justifies the raises and new classifications? Or is this just a reward for protecting certain people? Ms. McBride expressed her only desire as fairness for all.

Action:

- Discuss and give direction to staff regarding Internal Audit of Human Resources Department
- A copy of the most recent Human Resources Management Department Internal Audit

6. UNFINISHED BUSINESS:

- a. **DISCUSS process for Personnel Board Members to receive grievance materials in advance of a Personnel Board Hearing - (Board Member Brown)**

SPEAKERS:

- None

Vice Chair Brown made a motion to approve this item; Board Member Winston seconded the motion, item was approved by the following vote: AYES: E. Merriweather, D. Brown, W. McKinley, V. Winston. NOES: None. ABSTAINED: Y. Nair

- b. **DISCUSS performance evaluations and planning**

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

SPEAKERS:

- None

6. CONSIDERATION OF PROBLEMS AND REPORTS:

SPEAKERS:

Roseanne Ryken: stated that she had to leave the meeting last month early but was informed that the Board was interested in Library issues and compiled library data and a timeline to be distributed to the Personnel Board. Ms. Ryken shared the information with four other library employees and they all deemed the information as accurate.

The materials were passed out to each Board Member, Secretary to the Board, and legal counsel to the Board.

Vivien Feyer: stated that as someone who has worked on many agendas she found that action items – stating adopt or approve would be more appropriate than the suggested discuss and give direction to staff.

Action:

- None

7. REPORTS OF BOARD MEMBERS:

8. ADJOURNMENT

Regular Meeting adjourned at 6:50 p.m.

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