

PERSONNEL BOARD

<http://www.ci.richmond.ca.us/1090/Personnel-Board>



REGULAR MEETING Thursday, January 26, 2017

5:15 p.m.

@ 440 Civic Center Plaza – City Council Chambers



AGENDA

Vice Chair: Yvonne Nair

Personnel Board Members

Robert Davila

Steve Early

McKinley Williams

1. **ROLL CALL**
2. **AGENDA REVIEW**
3. **STATEMENT OF CONFLICT OF INTEREST**
4. **APPROVAL OF MINUTES**
 - a. Regular Meeting of October 27, 2016
5. **PUBLIC COMMENT**
6. **NEW BUSINESS**
 - a. **RECEIVE** a presentation by Risk Manager Kim Greer on the Risk Management budget.
 - b. **DISCUSS** how the City has settled large lawsuits, such as with Stacy Plummer for \$104,000 and with P.D. Perez for \$840,000, although it is experiencing budget deficits. How is the City able to make these large settlement payouts? Where does the money come from? How does the settlement payout system work? (Vice Chair Nair)
 - c. **DISCUSS** the efficiency of grievance hearings and whether proceedings can be improved in order to shorten the time required while hearing the maximum amount of testimony. (Vice Chair Nair)
7. **UNFINISHED/OLD BUSINESS**
8. **REVIEW OF SUBPOENA(S)**
9. **CONSIDERATION OF PROBLEMS AND REPORTS**
10. **ADJOURNMENT**

NOTE: Copies of items to be distributed from the Public to the Personnel Board must also include two (2) copies; one (1) for the Secretary to the Board and one (1) for Board Counsel.

COMMUNICATION ACCESS INFORMATION This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator at (510) 620-6509 at least three business days before the meeting date.

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

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

**OCTOBER 27, 2016
MINUTES**

The regular meeting was called to order by Chair Elaine Merriweather at 5:15 p.m. on Thursday, October 27, 2016.

1. ROLL CALL

Present: Elaine Merriweather, Chair
Yvonne Nair, Vice Chair Member
Steve Early, Board Member

Absent: McKinley Williams, Board Member
Vinay Pimple, City Council Member/Personnel Board Liaison

2. AGENDA REVIEW

- None

3. STATEMENT OF CONFLICT OF INTEREST

- None

4. APPROVAL OF MINUTES

SPEAKERS:

- None
- Regular Meeting of August 25, 2016

Vice Chair Yvonne Nair made a motion to approve the minutes of August 25, 2016. Board Member Steve Early seconded the motion. Minutes were approved by the following vote: AYES: E. Merriweather, Y. Nair, S. Early. NOES: None.

5. PUBLIC COMMENT

SPEAKERS:

Cordell Hindler: gave the Personnel Board members a copy of the Assistant City Manger and Public Information Officer job descriptions. Mr. Hindler stated that the positions need to be revised to be made more current.

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Rod Woods: requested a copy of documents/minutes from 1999 Personnel Board meeting regarding inspector II and an agreement between the City Human Resources and the union. Mr. Woods was informed that the items were not located in Human Resources and inquired whether the Board Members would have access to these records.

Secretary Stephenson informed the Personnel Board the minutes described were not located by Human Resources staff.

Mr. Woods inquired whether the members of the Personnel Board would have access to said documents.

Assistant City Attorney Soublet cautioned that this is public comment and not the time for discussion. Mr. Woods can do a public records request for this item or it can be placed on a future agenda.

It was explained to Mr. Woods that all Personnel Board records are kept by the Human Resources Department.

6. NEW BUSINESS

- a. DISCUSS the efficiency of grievance hearings and whether proceedings can be improved in order to shorten the time required while hearing the maximum amount of testimony. (Vice Chair Nair)

Vice Chair Nair inquired whether this agenda item should be discussed since Assistant City Attorney Soublet had previously recommended that she not place on the agenda.

Assistant City Attorney Soublet explained that the hearing is now closed and the City Attorney's Office advises that it would be better to delay discussion on this until after the deliberation. The deliberation/decision could be tainted by hearing other extra judicial items that was not be part of the hearing.

The original deliberation was continued in order for all members present at the hearing to participate in the decision. It was asked of the Personnel Board members if they wanted to do the deliberation tonight without the input of one of your members who was here for the hearing?

Vice Chair Nair stated she spoke with McKinley Williams and it appears he may be resigning. He will inform the Secretary in writing.

Assistant City Attorney Soublet advised that information that is said during the discussion of this item cannot be considered during the deliberation.

The Personnel Board decided to place on the November agenda.

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DISCUSSION:

Moved to November

7. UNFINISHED/OLD BUSINESS

SPEAKERS:

- None
- a. DISCUSS toolkit for new Personnel Board members: When new members join the Personnel Board, in order to help them do the best job possible, they would benefit from a Personnel Board Toolkit, which would help them understand past issues and current challenges. Content would include the Charter, rules, MOUs, and conflicts of interest. (Vice Chair Nair)

DISCUSSION:

Vice Chair Nair inquired on the toolkit and what form it was going to take. As per the Personnel Board meeting last month, if any item needs to be added, please contact Assistant City Attorney Soublet. Assistant City Attorney Soublet mentioned that an email with updated items had been sent to the Personnel Board members. If any of the Board Members are missing their initial toolkit and/or documents, Secretary Stephenson recommended that they contact her for a replacement.

SPEAKERS:

Cordell Hindler: spoke on the research he did online in reference to the Stacie Plummer case. If Richmond has a policy, which he is unaware, he finds it all interesting.

- b. RECEIVE an update on the whistleblower policy survey set to be presented at the October Personnel Board meeting on:
 - (1) Explore whistleblower ordinances and policies in neighboring municipalities, including Oakland (Vice Chair Nair)

DISCUSSION:

Secretary Stephenson spoke on the agencies surveyed and it was found that they depend on the law just as the City of Richmond does. The City of Berkeley is currently developing a policy but it is not available at this point.

Assistant City Attorney Soublet mentioned that most cities will depend on State and Federal law. Anything drafted would reiterate what State and Federal law already states.

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Vice Chair Nair inquired whether there is a place where employees can go for protection as whistleblowers.

Secretary Stephenson explained that all allegations are taken seriously. Each complaint is investigated and employees are informed that retaliation is not tolerated. Whether an employee using the language of whistleblowing or not, Human Resources staff recognizes the definition and makes every effort to protect the employee.

The whistleblower poster is part of a larger poster and is posted in every department which has a phone number for reporting if they are not comfortable going through the City of Richmond Human Resources Department. Since 2006, there has not been a separate investigation done by the state or federal government.

SPEAKERS:

- None

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

DISCUSSION:

Vice Chair Nair spoke about the seriousness of the anonymous email received and how a portion of the concerns in the email was dealt with by the Personnel Board and the remaining items turned over to the Library Commission but Vice Chair expressed her understanding that there currently was not a functioning Library Commission.

Assistant City Attorney Soublet and Secretary Stephenson clarified that there continued to be a commission but it lacked a chair.

Dorothy explained that she had sent an email to Mr. Weems in March 2016 and received a response in July 2016 but Mr. Weems term expired in June 2016. Therefore, she (Dorothy) did not wish to share the email dated July because Mr. Weems was no longer the chair. Mr. Weems had responded that the Library Commission would be looking into the items before the Personnel Board now and in the future. Since Mr. Weems did extend his term for 90-days, it would have been appropriate to share with the Personnel Board members and was done so at this point by giving a copy of the email to each board member.

SPEAKERS:

Cordell Hindler: stated he was confused on what the General Order number 33 is.

Secretary Stephenson explained it is the harassment policy.

- d. RECEIVE an update on language for General Order number 33 (from June meeting).

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DISCUSSION:

Vice Chair Nair inquired whether the language is going to change.

Secretary Stephenson explained that an attorney is working on it but it is currently in draft form and possibly may be split into two policies. It will then go to meet and confer.

AB 1825 online training is part of the policy. The link will be sent to the Personnel Board Members again.

SPEAKERS:

Cordell Hindler: Looking at the August minutes and the presentation by Berkowitz Civility Group proposal. This can be an opportunity to show that bullying will not be tolerated.

- e. DISCUSS Anti-bullying policy: Discussion of Berkowitz Civility Group proposal for helping to implement an anti-bullying policy for the City of Richmond. (Vice Chair Nair)

DISCUSSION:

Secretary Stephenson reported that the City Manager is comfortable with something being created in-house but not hiring an outside person.

Vice Chair Nair suggested an ad hoc committee that would include the city employees and/or community. Shall we try to create an ad hoc committee?

Assistant City Attorney Soublet will bring information to the Personnel Board in January on how to form a committee so that anything produced by the committee is not challenged in the future.

8. REVIEW OF SUBPOENA(S)

SPEAKERS:

- None

9. CONSIDERATION OF PROBLEMS AND REPORTS

SPEAKERS:

- None

- a. Grievance Appeal Hearing Deliberation – Local 1021 to follow immediately after adjournment of Regular Meeting

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10. ADJOURNMENT OF REGULAR MEETING

Regular meeting adjourned at 5:59 p.m.