

**ECONOMY AND EFFICIENCY COMMISSION  
MINUTES OF THE REGULAR MEETING  
November 4, 2010**

ROOM 525, KENNETH HAHN HALL OF ADMINISTRATION  
500 West Temple St., Los Angeles, CA 90012

***Editorial Note:** Agenda sections may be taken out of order at the discretion of the chair. Any reordering of sections is reflected in the presentation of these minutes.*

**I. CALL TO ORDER**

With the presence of a quorum of Commissioners, Chairman Isaac Barcelona called the Commission meeting to order at 10:10 a.m.

**II. APPROVAL OF COMMISSIONER'S ABSENCES**

The following was the attendance for the meeting:

**COMMISSIONERS PRESENT**

Fred P. Balderrama  
Isaac Diaz Barcelona  
Robert Cole  
Jonathan S. Fuhrman  
Ronald K. Ikejiri  
Janice Kamenir-Reznik  
Arne Kalm  
Chun Y. Lee  
Edward T. McIntyre  
Adam Murray  
Freda Hinsche Otto  
Roman Padilla  
Robert H. Philibosian

**COMMISSIONERS REQUESTING TO BE EXCUSED**

Alan Glassman  
Bradley Mindlin  
Royal F. Oakes  
William Petak  
Solon Soteras

**COMMISSIONERS NOT REQUESTING TO BE EXCUSED**

Hope J. Boonshaft

Chairman Barcelona asked for a motion to approve absences. It was Moved, Seconded, and Adopted: Commissioners requesting excuses to be absent were excused.

**III. APPROVAL OF SEPTEMBER 2, 2010 MINUTES**

Chairman Barcelona asked if there were any objections or changes to the minutes of the September 2010 Commission meeting. Hearing none, the motion was Moved, Seconded, and Adopted. The minutes of the September 2010 Commission meetings were approved.

**IV. CHAIRMAN'S REPORT**

Chairman Barcelona stated that there was nothing new to report.

**V. EXECUTIVE DIRECTOR'S REPORT**

Mr. Eng stated there was nothing new to report.

**VI. TASK FORCE REPORTS**

**1. Child Care Fraud – Chair-Emeritus Philibosian, Chair**

Chair-Emeritus Philibosian stated that the report will be on hold until the Civil Service Study is completed.

**2. Civil Service Reform-- Commissioner Otto**

Taskforce Chair Hinsche Otto stated that there are several people that she would like to acknowledge for their efforts in preparing this study. She stated that the Taskforce owes a special thanks to the men and women of LA County Government who took precious hours of their time to share their opinions, knowledge, and personnel matters on the issues that the Taskforce struggled with. She stated that this included Department Heads, Department Managers, the staff of the Department of Human Resources, the staff and members of the Civil Service Commission, the Board of Supervisors and their staff, Los Angeles County CEO and staff, Hearing Officers, leadership of the SEIU, CCU, Teamsters, and the employees of Los Angeles County.

Taskforce Chair Hinsche Otto pointed out that her Co-Chair Commissioner Jeffrey C. Cox, was a full partner in this project from day one. She stated as a former Union leader, Commissioner Cox brought a unique perspective that enhanced the Taskforce's understanding of employee issues. Commissioner Hinsche-Otto also gave thanks to the hard working members of the Taskforce: Commissioners William Petak, Janice Kamenir-Reznik, Roman Padilla, and Jonathan Fuhrman. She remarked that each of the Taskforce members devoted countless hours in meetings, interviews, discussions, data analysis, editing, and always seeking to understand the issues more clearly, gaining more wisdom and insight, and looking for the best ways to present our ultimate conclusions in the most succinct way.

Taskforce Chair Hinsche Otto remarked that Commissioner Sol Soteras was an enthusiastic Taskforce member early on, but was forced to drop out as a result of health issues.

Taskforce Chair Hinsche Otto extended a very special thank you to Commissioner Jonathan Fuhrman for his special talent of understanding the complex workings of County

government. She stated that Commissioner Fuhrman served as the Taskforce master writer and data analyzer. She stated that a good portion of the report can be attributed to his thoughtful and diligent efforts.

Taskforce Chair Hinsche Otto also acknowledged and thanked her good friend and professional partner in this endeavor, the Executive Director, Mr. Edward Eng. She stated that Mr. Eng has been a tireless advocate for this process, and a thoughtful and wise counselor. She stated that Mr. Eng was relentless in his efforts to produce the best report possible, and has shepherded this project through the ins and outs of the County's political system with grace, patience and integrity.

Taskforce Chair Hinsche Otto explained that the report represents the collaborative wisdom of all the Taskforce members working in tandem and sharing ideas over the course of nearly a year. She stated that some of the findings and recommendations in this report will undoubtedly draw some controversy, but that the final conclusions were arrived at by consensus with a great deal of heated debates, and honest and thoughtful discussions. She hoped that this report will be used as a tool to enhance the efficiency and effectiveness of County government.

Taskforce Chair Hinsche Otto then asked Taskforce member and Commissioner Fuhrman to give a summary highlights of the key findings of the report.

Commissioner Fuhrman explained that the Taskforce divided the broad topic of Civil Service System and Personnel Practices into three general areas. The first area or the front-end system is related to the posting of job applications and hiring of personnel. He stated that the Taskforce also added a few issues that weren't addressed by the HR consulting group. Commissioner Fuhrman pointed out that the Taskforce heard from County managers that the scoring system the County uses isn't working to get the best County employees possible. He stated that County managers believe that either the tests were not designed appropriately or the weighing of various elements particularly of seniority worked to distort the ranking of candidates. Commissioner Fuhrman pointed out that one of the solutions that the Taskforce recommended was for the Board of Supervisors to allow the Director of Human Resources (HR) to enlarge the size of Band 1 in most competitive examinations. He added that the Civil Services Rules as the Taskforce read them give the Director of Personnel some latitude in establishing the range of the bands. He stated that while there is a lot of work to be done by the HR Department, they should be working with each Department to improve the job descriptions, test, and hiring practices.

Commissioner Fuhrman stated that the Taskforce also heard from Department managers in regards to the probationary periods not being long enough. He stated that Department managers stated that the probationary period of 6 months for new employees other than law enforcement is not long enough to allow adequate assessment of performance in certain job categories. Commissioner Fuhrman stated that the Taskforce recommended that the Board of Supervisors instruct the Director of HR to take full advantage of her authority to extend the probationary period for new hires from 6 months up to one year where appropriate, based upon specific job duties and responsibilities.

Commissioner Fuhrman pointed out that Findings 4 (APs) and 5 (PEs) dealt with the middle portion of an employee's work span. He also stated that the Taskforce heard clearly from County management and Union representatives that the current system of Appraisal of

Promotability (AP) used to determine an employee's readiness for their next position seems to fail regularly in identifying the best candidates for promotions. Commissioner Fuhrman explained that however, within a single Department this system could work well because the Department managers could collectively get together and normalize an assessment from individual managers that would allow them to give employees feedback on why they were graded high or low. He also stated that there would be a consistency of grading and there would be a good understanding of the qualities needed to in the promotional opportunity. Commissioner Fuhrman stated that as soon as there are employees competing across departments then all of these things fall apart. He pointed out that the Taskforce unanimously made a recommendation that the Board of Supervisors instruct the Director of HR to eliminate AP's and replace them with a modified Performance Evaluation that includes a self assessment area for employees, an assessment of an employee's readiness for promotion, and specific recommendations for future promotions.

Commissioner Fuhrman stated that the second part of the report is focused on the Civil Service Commission. Commissioner Fuhrman pointed out that in the evaluation of the Commission the Taskforce spoke with Commissioners, Hearing Officers, and the Executive Director multiple times throughout the writing of the report. He also stated that some Taskforce members attended a couple of Civil Service Hearings, reviewed in detail the minutes of the Commissions meetings from last year, looked at records of cases, examined Hearing Officers' reports on the 25 most recently resolved cases. Commissioner Fuhrman remarked that one of the consistent themes that the Taskforce heard was that the process took too long. He stated that the Taskforce through information received from the Civil Service Commission and looking at the average time it took to resolve cases validated this theme. Commissioner Fuhrman explained that many of the Taskforce recommendations are intended to compress the process to reduce the time it takes the Civil Service Commission to resolve appeals. He added that other recommendations in the report attempt to encourage settlement of appeals rather than having to go through the whole process. He stated that in Recommendation number 8, the Taskforce is suggesting changing the focus of the Pre-hearing to a settlement conference.

Commissioner Fuhrman explained that currently under the Rules, the Hearing Officers may recommend and the Civil Service Commission may adopt their recommendations to sustain the management action in its entirety, overturn the management action in its entirety, or make a change in modifying the decision anywhere in the middle-for example, instead of firing someone the Commission could change it to a 30-day suspension. He stated that other systems particularly LA City have an all-or-none system, where the Commission can either support management action or can overturn management action. Commissioner Fuhrman stated this all-or-none system essentially increases the risks each side perceives and would encourage settlements up front that the Taskforce believes will help to expedite the process. He added that there were other recommendations to improve the quality of Hearing Officers and to ensure consistency of disciplinary guidelines across Departments throughout the County. Commissioner Fuhrman also stated that the Task Force recommended that the advocacy responsibility be centered within the Department of HR so that one County office can manage the entire relationship with the Civil Service Commission which would ensure consistency, provide better learning and support throughout all County Departments.

Taskforce member and Commissioner Padilla thanked all the Commissioners on the Taskforce for their hard work and dedication. Commissioner Padilla requested

Commissioner Fuhrman to highlight and delineate the authority of the various governing bodies at the State and County levels regarding civil service. Commissioner Fuhrman explained that State Law provides the general framework and overview for employee rights and Civil Service. He stated that the key is the Civil Service Rules, a set of 25 Rules enacted by the Board of Supervisors which defined and itemized the entire personnel system for how the Civil Service Commission operates and the roles and responsibilities of Department managers. Commissioner Fuhrman added that these rules are further supplemented by the collected bargaining units and within the system itself, the Civil Service Commission has its own set of procedural rules which defines how hearings are ran. He stated that the core lies within the Civil Service Rules changes which require Board action after consultation with collective bargaining units.

Chair-Emeritus Philibosian stated that he would like to commend Commissioner Fuhrman on an excellent job on the written portion of the report. He stated that this was a very comprehensive and succinct presentation of a very complex and lengthy report. He also stated that he read the report with the perspectives of being a former County employee, County manager, County Department Head, and a former executive at the State level. Chair-Emeritus Philibosian stated that it is an outstanding report and supported its very thoughtful recommendations.

Commission Chairman Barcelona asked for a motion to approve the report titled *A Review and Analysis of Los Angeles County's Human Resources and Civil Service Processes*. It was Moved, Seconded, and Adopted.

Commissioner Kamenir-Reznik stated that she doesn't think the Commission should have voted on approving the Report until after the Commission received all public comments. She stated that the public comments could be very meaningful to the Commission and initiated a new motion to hold the original motion in abeyance until the Commission has heard all public comments. Commissioner Kamenir-Reznik's motion was Moved, Seconded, and Adopted.

#### Public Comments:

##### Mr. Victor Manrique, Attorney

Mr. Victor Manrique stated that he has done more than 3,000 LA County Civil Service cases with the Civil Service Commission. He stated that he does not doubt the sincerity and work done by the Commission's Taskforce and all of his comments are in the realm not of the intent to be mean-spirited but to bring to the Commission another perspective of what this Commission's report means. He stated that the chairs, walls, and the lights do not do the mission of the County but rather it's the people that move the services forward. Mr. Manrique also stated that the morale of those people and the protection of those people are very important. He stated that the E&E Commission is touching the lives of 85,000 classified civil servants with this report. He stated that the most significant ones are listed at the end of the report. Mr. Manrique stated that this Taskforce has modified the relationships between the democratic institution to something much less than a democratic institution this country has fought two national wars over the concept of due process. He stated that due process is not a private sector concept. Mr. Manrique stated that government was restricted by the 5<sup>th</sup> Amendment after the revolutionary war. He stated that these protections were

extended by the civil war to citizens of State government. He stated that one couldn't approach County employment from the perspective of a private sector.

Mr., Manrique stated that he would like the Commission to rescind the motion on the Civil Service Reform report. He stated that he would like the Commission to report back to the Board that the Report is inadequate. He also stated that this report's subject should be allotted more than a 3-minute speaking period. Mr. Manrique stated that the report is crunching the valuable service of professional Hearing Officers. He stated that the Commission needs to show more respect to the Hearing Officers than what the report reflects. He also stated that the report is removing the Hearing Officer's discretion and subjecting them to political influences that corrode the independence. Mr. Manrique had his assistant distribute a written letter from his law office to all Commissioners. He stated that he would like the Commission to take another look at the report before submitting it to the Board of Supervisors.

Ms. Lisa Pompa, Civil Service Advocate, SEIU 721

Ms. Pompa stated that she recognizes the hard work that went into writing this report. She stated that the SEIU urges the Commission to re-examine the recommendations of the report with a critical eye. She stated that the SEIU has no quarrels with the work done so far but it lit a fire under the Civil Service staff and all Hearing Officers. She stated that the Union is not at odds with addressing delays and expenses but efficiencies do not have to be solely in pro-management terms. She also stated that the Union's goals are to protect the rights of the workers, not to add expenses. Ms. Pompa stated that the Union's members deserve effective processes. She stated that the report's introduction speaks to management lacking authority to meet its responsibility to operate efficiently and effectively. She stated that the Union doesn't accept this initial premise outright. She stated that the Union would prefer to see more proof on the statement that says hiring, promotion and layoff decisions weigh more heavily on length of tenure than subjective management assessment of performance and productivity. She stated that the Union objects to this as an underlying premise outright.

Ms. Pompa stated that the Union thoroughly seeks the first hearing date but it is rarely granted, and if granted, that alone would save two to three months off the process. She stated that under current practices there are no "gratuity" continuances granted. She stated that the Union seeks to jointly continue if there is a proper reason, and if there is not a proper reason they are not granted.

Ms. Pompa stated that the Union agrees with the pre-hearing conferences being 10 days before the hearing to work on settlements. She stated that the Union does not wait until the conference and that a settlement negotiation session is often offered often at the earliest possible moment and if not, this alone would delay the process a minimum of 5 months. She stated that she would urge the Commissioner to not let the Departments accept the delay as a standard.

Ms. Pompa stated that the report is missing some data by not having a more open process for this report. She stated that the Union urges the Commission to delay adopting the report until the Commission has received more input. She stated that the Union has a common interest on the issue of the Proposed Decision that Commissioner Fuhrman has identified as a main culprit in causing delays and the Union is willing to work with the Taskforce to explore

it further. Ms. Pompa stated that to adopt the LA City Commission or any other jurisdictions' processes without more input from SEIU 721 would be a mistake. She noted the Union does work with the LA City Commission and could identify why it should be different than the County. She stated that it is a disservice to adopt this change outright, and it's a disrespect to the Civil Service Commission. She stated that the work of the Civil Service Commission is very complex and to tweak it or to amend how the decision is handled is a very good start as identified in the report, but the Union has a problem with adopting the report today. Ms. Pompa stated that the Union needs input to the findings and recommendations beforehand but wasn't allowed. She also stated that there is no cc line to the Unions in the report as if the Unions are not stakeholders. Ms. Pompa stated that a Union representative was given a verbal report at some meeting and then asked to comment on a draft report without given the opportunity to view the draft report. She stated that that's when the Union was made aware that the report was coming. Ms. Pompa noted that there should have been a process in place with the Unions that was much more than a verbal review to the SEIU representatives. She also stated that she believes the Commission does not want to propose changes that will decimate well-establish due process laws. Ms. Pompa asked the Commission to be more reflective of its findings before adopting the recommendations in the report. She stated that SEIU will provide a response to the Commission and its report shortly after the meeting.

Ms. Pompa commented that she is a Civil Service Advocate and she does hearing every week, and tries to attend all Civil Service Hearings every Wednesday. She also stated that she is representing SEIU at today's public comment.

Ms. Helen Schwab, representing Coalition of County Unions

Ms. Helen Schwab stated that she is an attorney and partner with the law firm Green & Shinee in Encino. She stated that she has been with the law firm for 28 years and has practiced before the Civil Service Commission for 28 years on the Union side and as an employee advocate. Ms. Schwab stated that she is also at meetings representing the Coalition of County Unions (CCU).

Ms. Schwab stated that the CCU is a collection of Unions that represents approximately 30,000 employees in the County of Los Angeles. She stated that in the few minutes that she is afforded today she will not be able to outline every objection they have to the report. She stated that she has a position letter in the process of being filed to advise the Commission why the CCU finds the recommendations so objectionable on behalf of the County employee's that the CCU represents. Ms. Schwab stated that she is authorized by both the law firm and CCU to represent them today on these issues. She stated that it is true that when employees are given due process rights it creates a great deal of inefficiencies in the system and the inefficiencies result from the fact that employees have certain procedures that must be followed once they obtain and retain protective property interest in the continuation of their employment and salaries. She stated that this means in order to discipline or to discharge an employee a management or Department must go through certain procedural processes that will ensure fairness in the discipline or discharge action. She stated that the CCU did not quarrel with the report's determination that in many instances this is a very inefficient process. She stated that having practiced before the Civil Service Commission for so many years and tried 100,000 cases they are not just discipline cases but also examination appeals, promotional appeals, and that she is fully familiar with

Performance Evaluations process (PE) and the promotional process. She stated that the Commission system and the Procedural Rules are the rules that govern how the Commission responds to cases and the procedures that are in place may in many instances be slow however the system does work. She stated that there is a purpose for all proceedings it's not just the due process rights but it is to ensure correctness and fairness in the system. She stated that what the Commission is now proposing in this draft recommendation and draft report is to do away with the procedural protections for both employees and management. She also stated that this also takes away authority from the Civil Service Commission; the Commissioners have developed an enormous amount of expertise, which has been ignored by the draft recommendations. She also stated that this is probably not the best system but it is the best system the CCU knows of to protect employee rights and to protect against what you will see in the CCU position letter.

Ms. Schwab stated that CCU had little or no input into this process and was completely unaware of the report until recently. She stated that she needs to make sure that the Commission understands that the CCU is not testing the good faith of the Taskforce members that were looking into the report but one thing that the Taskforce ignored was the fact that as slow as the wheels of justice grind they are the wheels of justice and that is part of procedural due process and it is the best system in the world that the CCU knows of and it's the most fair system. She stated that she would like to urge the Commission to consider redrafting the recommendations before submitting it to the Board of Supervisors and to consider the enormous impact it will have on the authority of the Civil Service Commission and the ability of all County employees to be heard before submitting this draft.

Commissioner Reznik asked whether Ms. Schwab is opposing all recommendations of the report. Ms. Schwab replied that the CCU objects to almost all the recommendations and she stated that there are a few recommendations on the Union side that CCU doesn't have a lot of say. She stated that for example, the Performance Evaluation procedure for new PE's have been under negotiations for years between the Coalition and different Departments. She stated that changing the Performance Evaluations is a huge undertaking and is subject to collective bargaining. She also stated that some of the recommendations concerning the Civil Service Commission would require a charter change for them to be altered. Ms. Schwab stated that she has gone over all the recommendation and there are a few that strictly concern management operations, which CCU would normally not have a lot of input in anyway, but yes, the CCU does object to about 98% of the recommendations.

Commissioner Ikejiri asked if Ms. Schwab felt that the recommendations that have been presented to be conclusive without giving enough of a balance to another argument in coming to a decision. Ms. Schwab replied that Commissioner Ikejiri's comments are correct and that on behalf of the Coalition and employees that it represents the CCU feels that many of the recommendations are in error. She stated that they are not the correct recommendations to correct the problems that are articulated, and in some instances that the problems are articulated are ones that the CCU has never even heard of. She added that to address a lot of the issues it is not necessary to eliminate due process rights for employees and in some cases management.

Chair Emeritus Philibosian stated that he would like to make a point before the Commission goes into recess. He stated that he would like to direct everyone's attention to Appendix A on page 23, in which there was a list of groups and people that were interviewed and consulted in preparation of the Report. He stated that Item number 4 states that the



Taskforce interviewed Union leadership, in particular, representatives from CCU, SEIU and Teamsters.

Chair Emeritus Philibosian asked how many times was each entity interviewed or consulted.

Taskforce Chair and Commissioner Hinsche Otto stated that they were all interviewed and consulted more than twice at the highest Senior Level.

Chair Emeritus Philibosian stated that he would like to have a discussion among the Commissioners without interference from the public.

Commission Chairman Barcelona announced that the Public Comment and Hearing portion of the meeting is now closed.

*End of Public Comments.*

Chairman Barcelona announced a 5-minute recess after the last speaker's comments.

Chairman Barcelona reconvened the Commission meeting and stated that there is a motion on the table for the approval of the report and disseminating the report to the Board of Supervisors and Senior County managers.

Taskforce member and Commissioner Fuhrman urged that the Commission proceed to approve the report at the meeting today and as a member of the Taskforce, he would be very interested in having the Taskforce meet with the Unions and opposing parties. He also stated that responses from the Unions and opposing parties would be very helpful in presenting the report to the Board of Supervisors. Commissioner Fuhrman stated based on earlier public comments, he would like to respond to the issue that eliminating the proposed decision and moving immediately to a final decision would somehow impinge on the due process rights. He pointed out that the report's recommendation on this issue is not trying to impinge on due process rights but the Taskforce strongly believes that one can have due process more efficiently than the County has it now.

Commissioner Fuhrman stated that based on comments from the public speakers, he wants to clarify that creating a standard set of Countywide disciplinary guidelines by DHR is a separate recommendation from centralizing County representation before the Civil service Commission under DHR's advocacy group. He explained that every Department would still be responsible of administering discipline in their Departments based on their own service needs.

Commissioner Ikejiri stated that after hearing all the public comments, he supports delaying approval of the report to December. He stated that he wants the public speakers to have more input to the report.

Commissioner Kalm stated that the Commission would get to the same place if the decision to approve the report were deferred to December to allow the public speakers to provide their written comments that are specific to report's recommendations. He added that the Taskforce could then review those comments and then have the vote in December.

Taskforce Chair Hinsche Otto thanked the speakers that attended the meeting for their input, comments, and the work they do on behalf of County employees. She stated that these are all tough and complex issues and she can really understand how these issues could affect people's lives. Taskforce Chair Hinsche Otto stated to the Commission that it is important to know that today's public comments represented one perspective on issues that are very important and that the Taskforce has spent closed to a year discussing these issues. She added that the Taskforce has talked to a broad range of stakeholders: managers, employees, and Union members and that the Taskforce has looked at these issues from top, bottom, and side views and stayed in discussion for hours. She stated that that the Taskforce's perspective needs to be understood and as the Chair of the Taskforce she stands by all the findings and recommendations made in the report and highly recommends that the Commission adopt the report today.

Commissioner Murray thanked the Taskforce for their work on the report, stated that he read it thoroughly and thought the report was very thoughtful, and balanced the various interests and really thinking it through. He also stated that the report seemed like it tried to reach all win-win solutions that worked best for as many stakeholders as possible. Commissioner Murray stated that however, he is concerned by some of the comments that were heard today by people that felt they didn't have a chance to weigh in on the report, particularly the SEIU. He asked what would be the down side of taking another month to get the inputs from the various entities opposing the report. He added that maybe the Taskforce could take another look at the comments to see if it would alter the report. Commissioner Murray also asked if there is an importance when it comes to the timing on presenting the report to the Board of Supervisors.

Executive Director Ed Eng responded to Commission Murray that a minimum of 3 week advance notice is required to agendize the report on the Board's calendar. If the Commission were to defer approval of the report to December, with the holidays coming up, it could mean presenting the final report to the Board in late January or February of 2011.

Taskforce member and Commissioner Reznik stated that she supports Taskforce Chair Hinsche Otto's position to approve this report today. She stated that the Taskforce only moved forward on issues that had very broad consensus amongst all the different stakeholders. She stated that with so many employees in such a huge County and so many Unions that there will always be a situation where somebody is opposing. She stated that the Commission needs to be confident that the Taskforce gave fair conversation and fair opportunity for everyone in the County. She stated that having participated in this process for a year and having spent hundreds of hours in meetings there is little more to be gained by more conversations. She also stated that it was generally known for the last couple of months that the Commission was working on this and there were ample opportunities for everyone that the Taskforce met with to make sure their leadership was informed. Commissioner Reznik also stated that the Taskforce did not go into this report wanting to increase the County's win rate, and the Taskforce did not go into this looking solely for efficiencies and the Taskforce does understand due process even though everyone on the Taskforce is not a lawyer. She stated that the Taskforce members are all very sophisticated people who do understand what is at stake and what the various competing interest are. She stated that the Taskforce also reviewed practices of other jurisdictions and that the Taskforce is keenly aware of where there were violations of due processes because there were court cases on it. She also stated that the same constitution is applied across the United States so that's why the Taskforce took a look at other jurisdictions and how they are

able to implement Civil Service guidelines because due process is due process. Commission Reznik stated that she is against delaying the report because she feels it won't be a productive delay. She also stated that there are so many shelved reports on Civil Service because everyone is afraid to take the next step and nothing ever gets done and as a result, there are no improvements. She stated that she is in favor of moving forward and is completely confident that the report stands on its own merit and the process of the report was respectful, diligent, fair, and it was not outcome-driven at all. She stated that it was driven by a true process in trying to do what's best for the County employees, management, and the whole County system.

Commissioner Kalm stated that he completely agrees with Commissioner Reznik that the Taskforce did a wonderful job on the report. He stated that however there is an issue of due process of the Commission. He stated that the report has not seen the light of day before recently and this is the first chance of public comment on the report. He stated that to delay the Report a month or two is an artful way of sending a message that this Commission is responsive to public comment. He stated that if the Commission votes to approve the report now the Commission is saying to the people that made public comment that we are not interested in public input. He stated that this is the wrong signal to send to the public and respectfully suggest that the Commission waits another month to approve this report.

Taskforce member and Commissioner Padilla stated that there is an editorial note that needs to be made in regards to the distributions adding employee advocates to the distribution. Commissioner Padilla also noted that in the cover letter the Taskforce stated that as with previous reports, the Taskforce would update the Board of Supervisors in approximately 9 months with the status of the report's recommendations. He stated that the Civil Service Rules has not been altered or updated since 1988. He stated that these Rules are not taken lightly at the Board and within the County. He stated that some of the recommendations are not even as substantial to some of the other recommendations presented to the Board in previous reports.

Commissioner McIntyre asked what is the likelihood that the Board would approve all recommendations without discussion to all groups.

Taskforce member and Commissioner Fuhrman replied that in previous reports done by this Commission the Board of Supervisors has often accepted the entire report and has directed the CEO to proceed on implementing various recommendations. He stated that the report could be assigned to Chief Deputies to work with the CEO in resolving issues. Commissioner Fuhrman stated in this particular report the Board can't simply say they approve the report because the Taskforce is recommending in various places specific changes in the Civil Service rules which requires a process for Board adoption. He stated that the Board has been trying to agendaize this item on their calendar and is looking to an early December date so that all 5 supervisors can be present.

Commissioner Kalm questioned the timing of submitting the report based on the Board's interest in moving this report forward since the report has already been delayed at least two months because of the Commission's own approval process.

Executive Director Eng stated that it is true that several Board Offices are interested in moving this report forward. Delaying approval of the report until December may delay the presentation of the report by 2 or more months because it takes a minimum of 3 weeks to

agendize the report on the Board's calendar and it may be further delayed due to the upcoming holidays.

Commissioner Cole stated that the Commission has been empowered to put their best foot forward. He stated that although he has not thoroughly read the report but in hearing some of the concerns that were addressed the Commission should not start the train down the track with these recommendations. Commissioner Cole commented that moving forward to approve the report today is worst than delaying the report and waiting until January. He stated that he does not see any harm in delaying the approval of the report.

Taskforce Chair and Commissioner Hinsche Otto responded to Commissioner Cole that it would be difficult for anyone to have comments about the findings and recommendations of the report if they have not read the report. She stated that the Taskforce still stands by all the recommendations made in the report. She also stated that approval of the report today does not end the discussion and it does not stop the process of allowing people time and opportunity to comment and speak directly to the different recommendations of the report. Commissioner Hinsche Otto stated she believes that the Taskforce has done their work and has produced a product that the Commission could stand by. She stated that she urges that the report is approved today.

Commission Chairman Barcelona asked for a motion to approve the report. In a show of hands, two-thirds (2/3) of Commissioners present voted to approve the report. The following Commissioners opposed:

Commissioner Cole  
Commissioner Ikejiri  
Commissioner Kalm  
Commissioner Murray

The motion was passed by two-thirds of those present and the report was approved for dissemination to the Board Offices.

Taskforce Chair and Commissioner Reznik asked where will the report be posted and is there a way to let the Unions know about it.

Executive Director Eng responded that the final report will be posted on the Commission's website by the 2 pm today and a copy of the report will be emailed to the Unions, Board Offices, CEO's Office, and County Department Heads.

## **VII. LIAISON REPORTS**

### **1. Local Government Service Commission – Commissioner Fuhrman**

Commissioner Fuhrman stated that there is nothing new to report.

### **2. Quality & Productivity Commission – Commissioner Lee**

Commissioner Lee stated that the next Quality and Productivity Commission meeting will be held on Monday, November 8, 2010.

**3. Countywide Criminal Justice Coordinating Committee – Chair-Emeritus  
Philibosian**

Chair- Emeritus Philibosian stated that there is nothing new to report.

**VIII. PRESENTATION**

There was no presentation.

**IX. PUBLIC COMMENT**

Please see Civil Service Reform under Section VI, Task Force Reports.

**X. NEW BUSINESS**

None

**XI. ADJOURNMENT**

The meeting was adjourned by Chairman Barcelona at 12 noon.

Respectfully Submitted,

*Edward Eng,*  
Executive Director