

# CITY OF SANTA BARBARA CIVIL SERVICE COMMISSION

## *MINUTES*

### REGULAR MEETING

Monday, September 9, 2013

4:15 p.m.

Room 15, Top Floor, City Hall

735 Anacapa Street, Santa Barbara, California

### ORDER OF BUSINESS:

1. *Call to Order & Roll Call.* The meeting was called to order at 4:18 p.m. by Vice-Chair Donna Lewis. Present: Vice-Chair Donna Lewis and Commissioners Alan Kasehagen, Kathryn McKee, and Gabe Dominocielo. Staff member Barbara Barker and City Attorney Steve Wiley were present.
2. *Selection of Chair and Vice-Chair for the coming year.* Motions were made and seconded (McKee/Dominocielo) for the selection of Vice-Chair Donna Lewis to be the Chair and for Commissioner Alan Kasehagen to the Vice-Chair. Approved by voice vote.
3. *Public Comment.* There were no members of the public present to provide public comment.
4. *Approval of the Minutes from the meetings of Monday, May 13, 2013 and Monday, July 8, 2013.* A motion was made (Kasehagen) and approved by voice vote to approve the minutes of May 13, 2013 with the words "working document" changed to "staff compilation." A motion was made (McKee) and approved by voice vote (Kasehagen abstained) to approve the minutes of July 8, 2013.
5. *Discussion of Hearing Procedures.* The Commission made a decision to add subsections (example: a, b, c) for any section longer than two paragraphs.
  - In Section 4-Petition for Hearing, the second paragraph: the hearing procedures will delete the portion of the sentence that reads "...and shall detail the facts upon which his case is based."
  - In Section 12, Discovery: Replace with the following:

"Requests for discovery, such as a request for the production of documents, from the City Attorney's Office or the appellant, shall be made to the opposing party **not later than five (5) calendar days after to the pre-hearing meeting.** Any late requests for discovery are to be responded to based upon the reasonableness of the request (e.g., timing, volume of request) as determined appropriate by the Hearing Officer. (Civil Service Commission 5/11; Human Resources 4/13) "

- In Section 14-Exhibit Packets for Commissioners: the exhibit packets shall differentiate between the City and the employee's documents.
- In Section 18-Evidence, 1<sup>st</sup> paragraph, change "deference:" to "defense".
- In Section 22-Witnesses: revise the first sentence to add the word "complete" before "witness list" and add the following two sentences *Revisions to the witness list shall be submitted within five (5) days after the pre-hearing meeting. Revisions to the list sought after this date will be considered by the Hearing Officer and granted only on good cause shown.* Requests to change the witness list after the pre-hearing meeting shall be transmitted in writing to the CSC Hearing Officer, the City Attorney, the Human Resources Director, the employee whose employment status is in issue, and the employee's hearing representative, if any. "
- In regards to Section 23-Subpoena of Witnesses: Commissioner Dominocielo did not receive suggested language re: the subpoena process that was to be submitted to him by the SEIU representative after the July 8, 2013 meeting. In Subsection "a": change "then" to "them" and "compile or compel" in the first sentence. Subsection "b" is revised as follows:
  - b. Compelling Appearance of outside (non-City) individuals as witnesses ("outside witnesses"): If such witnesses are desired at the hearing, a subpoena is recommended because the City cannot otherwise compel the presence of witnesses who are not its employees, The subpoena procedure is as follows:
    - (1) The employee or employee's representative ("requesting party") shall first ~~notify~~ provide to the City Attorney and the Hearing Officer of ~~their~~ the employee's most recent witness list. ~~which is presented during the Pre-hearing Meeting~~
    - (2) ~~(after)~~ At least 10 days before the CSC hearing, the employee requesting party contacts the City of Santa Barbara's City Clerk's Office to request a subpoena for the appearance of **outside witnesses (non-City) individual(s)** for a CSC hearing and supplies the name and address of the requested individual.
    - (3) The City Clerk's Office prepares the subpoena (based on information (name/address) supplied by the ~~employee's representative~~ requesting party.
    - 4) The City Clerk issues the subpoena, which is signed by the City Clerk, with the name/address of the requested individual, and that their appearance is ~~requested~~ required for a hearing related to a CSC hearing with the date and location.
    - (5).The subpoena is given to the requesting party for them to serve the named individual. The employee's representative pays ~~for~~ the cost of serving the subpoena. (Human Resources April 2013).
    - (6) Those requesting subpoenas are encouraged to ensure that they request same far enough in advance of the hearing to serve the outside person in time to compel their appearance at the hearing. For example, if the subpoena provides to the subpoenaed person 7 days notice from the

date on which it is served, a subpoena served less than 7 days before the hearing is ineffective. An ineffective subpoena does not compel the outside witness to appear. An subpoena that is ineffective because it was not timely served on the outside witness is not good cause for a continuance.

- Once the Hearing Procedures are finalized the employee's representative will receive a printed copy and the procedures will also be available on-line.
  - Utilize the generic term "employee's representative" in the hearing procedures.
  - A motion was made/seconded (McKee/Kasehagen) and approved by voice vote that once the Hearing Procedures are finalized by the Commission, they will go to the City Council for approval.
6. *Topics for the Next Meeting, which is scheduled for Monday, November 11, 2013.* The Hearing Procedures will come back to the Commission at the November meeting.
7. *Adjournment of Meeting.* A motion was made/seconded (Kasehagen/McKee) to adjourn the meeting at 5:28 p.m.

Materials related to an item on this agenda submitted to the Civil Service Commission after distribution of the agenda packet are available for public inspection in the Human Resources Office located at City Hall, 735 Anacapa Street, Santa Barbara during normal business hours.

In compliance with the Americans with Disability Act (ADA), if you need special assistance to participate in this meeting, please contact Barbara Barker at 564-5316. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.