

**CITY OF SANTA BARBARA  
CIVIL SERVICE COMMISSION  
MINUTES  
REGULAR MEETING**

Monday, November 9, 2020

4:15 p.m.

Via GoToMeeting

**ORDER OF BUSINESS:**

1. *Call to Order & Roll Call.* The meeting was called to order by Chair Donna Lewis. Present: Commissioners Alan Kasehagen, Stephen Weiss, Lindsey Charles, and Desmond O'Neill. City Attorney, Ariel Calonne, and staff members Graciela Reynoso, Wendy Levy, and Erik Uchida were present.
2. *Public Comment.* Nobody wished to make a public comment.
3. *Approval of the Minutes from the Civil Service Commission Meeting on March 9, 2020.* A motion to approve the minutes from the Civil Service Commission meeting on March 9, 2020 was made and seconded. The motion was approved by all commissioners.
4. *Approval of the Minutes from the Special Civil Service Commission Meeting on October 5, 2020.* A motion to approve the minutes from the Special Civil Service Commission meeting on October 5, 2020 was made and seconded. The motion was approved by all commissioners.
5. *City Attorney, Ariel Calonne, to address the issue of adding Mediation to Civil Service Hearing Procedures.* Mr. Calonne explained that the City Charter states that the Civil Service Commission can make recommendations on administration of personnel or conditions of employment to City Council. Those recommendations can be in the form of code amendments or policy or procedure amendments. The Commission does not have the authority to intervene into labor relations issues. To the extent that mediation is addressed in MOUs, it is not within the Commission's jurisdiction. Mr. Calonne explained he wrote a memo with suggestions on where it would be possible to insert meditation into the hearing procedures. He suggested that the Commission form a sub-committee to draft investigation findings to present to City Council. The subcommittee would then present their recommendations to the Commission as a whole before presenting them to council. The recommendations should detail how the Commission would like to use mediation and where in the hearing procedures it should take place. Mr. Weiss asked what actions, other than disciplinary actions, would potentially be mediated. Mr. Calonne suggested that this matter is something the Commission would need to determine themselves. It would, in part, depend on where mediation was added to the hearing procedures. Mr. O'Neill asked if the Civil Service Commission would be involved in the mediation process. Ms. Lewis explained that her hope, if mediation was added to the hearing procedures, was that the City could use the State conciliation mediation service to help resolve disputes before they

got to the Civil Service Commission. The City and the employee would not be required to reach an agreement through mediation, but it would hopefully resolve some disputes. Ms. Lewis asked if adding mediation to the hearing procedures would require Human Resources to arrange mediation without involving the Commission. Mr. Calonne answered that it would depend on the recommendation for mediation that the Commission presents to City Council and what procedures that Council approves. Ms. Lewis motioned to continue the discussion of where mediation would be added to the hearing procedures at the next meeting. This motion was seconded and approved by all commissioners.

6. *City Attorney, Ariel Calonne, to address how to resolve an even number of Commissioners reaching a tie vote when deciding an appeal to the Civil Service Commission Hearing Board.* Mr. Calonne explained that a tie vote from the Civil Service Hearing Board would be considered a failure to act. Ms. Lewis asked what a failure to act would mean in terms of whether or not discipline would be upheld. Mr. Calonne said that he would research the matter and get back to the Commission with more information. Mr. O'Neill moved to continue this issue until the next meeting. The motion was seconded and approved by all commissioners.
7. *Discussion of Upcoming Hearings.* A hearing for Christopher Martinez is scheduled for December 9, 2020 at 9:00am. The hearing will be conducted via GoToMeeting. No other hearings are currently being planned
8. *Topics for next meeting.* The Commission would like to continue their discussion about potentially adding mediation to the Civil Service Commission Hearing Procedures. The Commission would also like to continue their discussion on the ramifications of a tie vote from the Hearing Board in an employee appeal hearing.
9. *Adjournment of Meeting.* A motion to adjourn the meeting was made, seconded, and approved.

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 Wendy Levy at 564-5316. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.