

**CITY OF SANTA BARBARA
CIVIL SERVICE COMMISSION**

MINUTES

REGULAR MEETING

Monday, March 11, 2024

4:15 p.m.

I.T. Training Room, City Hall

735 Anacapa Street, Santa Barbara, California

ORDER OF BUSINESS:

1. *Call to order & roll call.* The meeting was called to order by Chair Lindsey Charles. Present: Commissioners Alan Kasehagen, Donna Lewis, and Hap Freund. Staff members Graciela Reynoso 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 January 8, 2024.* A motion to approve the minutes from the Civil Service Commission meeting on January 8, 2024 was made and seconded. The motion was approved by all Commissioners.
4. *Discussion About Adding Mediation to the Civil Service Hearing Procedures.* Ms. Lewis said that she and Mr. Freund met with Interim City Administrator, Sarah Knecht; Human Resources Director, Wendy Levy; and Assistant City Attorney, John Doimas. Ms. Knecht, Ms. Levy, and Mr. Doimas shared their concerns about including mediation as part of the hearing procedures. Ms. Lewis listed seven main concerns given by City staff: 1) How would an employee know that mediation is available? Ms. Lewis stated that it would be the same manner they are informed about the hearing procedures; 2) The City has a 20-day time limit to hold a civil service hearing, leaving an inadequate amount of time to include mediation in the process. Ms. Lewis stated that the City has historically not held hearings within the 20 days. Ms. Lewis also suggested adding revision language stating that mediation is not available unless the 20-day time limit is waived by the employee; 3) Courts should not take into account anything that occurs in mediation. If mediation takes place within the Civil Service process, the hearing officer and City Attorney would become aware of things introduced at that time. Ms. Lewis countered that mediation is common practice and judges and attorneys are aware of the law. Ms. Lewis also suggested adding wording to the revision language regarding the law; 4) Use of department managers outside of the employee's department as Skelly officers is similar enough to mediation to make mediation redundant. Ms. Lewis stated that the employee's department head was used as the Skelly Officer at the last Civil Service hearing. She also argued that a department head may not necessarily be a neutral party; 5) A mediator is an additional cost. Ms. Lewis responded that the State Conciliation Mediation Service provides free mediation. She also argued that even if the City uses a private mediator, the cost is mitigated by a successful mediation because it negates the cost of the hearing; 6) Only employees facing severe discipline end up at a Civil Service hearing and allowing these employees participate in mediation could result in safety concerns. Ms. Lewis countered that mediation can be completed

much more quickly than pre-hearing preparation. She also stated that in many cases, the discipline issues do not cause safety issues; 7) The process of terminating an employee already takes a long time and adding mediation would lengthen the process. Ms. Lewis argued that mediation would only add 3-7 business days and the positives would outweigh the negatives.

After recapping the City's arguments against mediation, Ms. Lewis asked Ms. Levy if there were any other concerns from the City. Ms. Levy stated that Ms. Lewis covered the City's main points, but some of the reasoning behind the concerns may have been slightly different. Ms. Lewis asked Ms. Levy to send her an email regarding any discrepancies from the City's perspective. Ms. Lewis also stated that she wasn't clear on the next steps in the process to add mediation and asked Ms. Levy for some clarification. Ms. Levy stated that one of the issues is where mediation fits into the discipline process, particularly if it is not included as part of the hearing process. Mr. Kasehagen suggested inserting mediation after an employee files an appeal to their discipline. The Commission also suggested adding verbiage to the City's Final Notice of Discipline template that would notify an employee of the option for mediation. The Commission discussed their next steps in the process to add mediation to the discipline/hearing procedures. Ms. Levy agreed to contact the Commission in a month with more information regarding the perspective of City staff and to discuss how to proceed.

5. *Discussion on the Recruitment for Vacant Civil Service Commission Position.* Mr. Uchida stated that the City Clerk's Office is going to advertise vacancies for board/commission positions and the deadline to apply is April 5th. Mr. Freund said that he submitted a request to the City Clerk's Office for a list of applicants from the previous advisory board recruitment and that he was waiting for their response. Mr. Freund also stated that he planned to watch the interviews from the last recruitment period to see if there are any viable candidates.
6. *Discussion of Upcoming Hearings.* Mr. Uchida reported that there is still a pending hearing scheduled for April 29, 30, and May 1. Mr. Freund asked about his eligibility to sit on the hearing board. Mr. Uchida stated that the hearing officer, Mr. Underwood, would be reaching out to discuss the Commissioners' eligibility. Mr. Kasehagen informed the Commission that he would not be available to participate in the upcoming hearing.
7. *Topics for next meeting.* Continued discussion on adding mediation to the Commission's Hearing Procedures. Discuss the recruitment for an additional Commission member.
8. *Adjournment of Meeting.* A motion to adjourn the meeting was made, seconded, and approved.