

1. ROLL CALL AND GREETING OF VISITORS

The meeting was called to order by Chair Addleman at 3:30 p.m.

Commissioners Present: Chair Jayanti Addleman, Billy DeBerry, Vice Chair Kay Kirkland, Maria Castillo, Josie Duque, Freda Escobar, Yaz Emrani, Kathrina Ognyanovich, Bob Green and Fabian Barrera.

Commissioners Absent: None

Guests and Staff Present: Auditor-Controller Michael Miller, Associate Personnel Analyst Nairi Davis, Deputy County Counsel Robert Shulman, Assistant CAO Keith Honda, Acting Equal Opportunity Officer Bonita Monarque, Administrative Secretary Elisa Cantu.

2. PUBLIC COMMENTS

None.

3. REVIEW AND APPROVAL OF MINUTES

Ms. Monarque made a correction to the minutes to reflect that Commissioner Ognyanovich be "excused." Commissioner Barrera moved to approve the minutes of March 17, 2010 as amended; seconded by Commissioner Emrani. Commissioner Ognyanovich abstained. The minutes were approved.

4. DEPARTMENT PRESENTATION – AUDITOR-CONTROLLER MICHAEL MILLER

Chair Addleman introduced Michael Miller to the Commission. Mr. Miller began his presentation by giving a brief description of the duties of his department. Mr. Miller said his position is an elected one. He reports directly to the people of this community. He is responsible for all of the accounting for the County. In addition to other responsibilities, he is also in charge of the payroll for all 4700 County employees. Mr. Miller introduced Nairi Davis, Associate Personnel Analyst. Ms. Davis said that they have met and/or exceeded the goals in all of the job categories. Ms. Davis stated that from April, 2006 to 2010 they had 21 new hires of which 62% were minorities, 81% were females. They also had 13 promotions of which 25% were minorities. Ms. Davis reaffirmed the department's commitment to achieve the objectives of the Monterey Plan. They continue to utilize the established recruitment selection process, which includes objective selection criteria, impartial panelist, and team decision making in the final candidate selection. They continue to ensure employee development and progression within the department. The department also offers coaching mentoring and partnering with employees as needed. In-house training in customer service is provided as needed.

Commissioner Kirkland asked if candidates were ranked in the final interview process. Ms. Davis replied that she sets up the interview panel and makes sure it is a diverse panel. At the final stage, all applicants have been determined to be qualified and therefore she instructs the panel

not to rank or assign numbers; but to take notes. Commissioner DeBerry asked Ms. Davis to name a couple of sites that she utilizes in her recruitments. Ms. Davis replied that they've been using more internet resources. She stated that for the last recruitment, they went with larger publications which have more diverse communities, for example LA Times, San Francisco Chronicle, and the Mercury News. She also mentioned that in the last year, they have not conducted much recruiting. Commissioner Escobar asked how their probationary employees are monitored to ensure they are progressing. Ms. Davis stated that each division chief is responsible for their employees. If it appears someone is not moving along as they should be, there are discussions to determine what needs to be done to provide them the tools to succeed.

Commissioner Ognyanovich inquired as to their percentage of African Americans in the department. Ms. Davis said they have one (1). He was not included in the report because he is shared by other departments. The person works in Human Resources and takes care of payroll and benefits for all four departments.

Commissioner DeBerry inquired into their department's internal Policy Statement. Mr. Miller said they do not have a department policy. The Commission thanked Mr. Miller for his presentation and commitment to equal opportunity.

5. APPROVED LOCAL MERIT SYSTEM (ALMS)

Assistant CAO Keith Honda addressed the Commission on the issue of moving the County to one personnel system, Approved Local Merit System (ALMS). Mr. Honda stated that the County in the fall of 2009 created a Human Resource Subcommittee of the Board of Supervisors to look into this issue. Mr. Honda stated that Monterey County is one of the large counties that has not converted to ALMS. There are only three (3) departments under the Merit system, Social Services, Child Support Services and Military and Veteran's Affairs. Their human resource functions are performed by an agency created by the state with CPS. The disciplinary actions of the departments would be appealed to the State Personnel Board. Mr. Honda stated that on February 23, 2010 the Board gave them direction to go and meet with various constituents and unions for their feedback. Mr. Honda stated they have meet with LULAC (Diana Jimenez), and the Unions. Mr. Honda stated he and the Unions have visited other counties that are under the Merit system such as Santa Cruz and San Mateo Counties. They are scheduled to visit San Luis Obispo County on the 24th. The purpose is to conduct "joint fact findings" and for the unions to have an opportunity to ask questions and determine directly from the source the impact of converting to ALMS. Mr. Honda stated that they have also been meeting with department heads to obtain their input.

Commissioner Kirkland asked if he had a timeline. Mr. Honda replied that the process can take from 12-18 months. What we are planning to do, depending on the input we get, is to look at other counties that have performed well under the ALMS. We want to make sure we don't lose components in our system that we believe have value.

Commissioner Duque asked if the hiring process would still be under the departments. Mr. Honda replied that ALMS requires a fairly high degree of centralization. The department would lose some control over the HR process. We would be audited by the State to ensure that creation of the eligible list is created by the state Merit agency. To some degree, that is currently our process, but under the state Merit a department could not reach down from the list and pick a candidate that is less qualified.

Commissioner DeBerry asked if moving to ALMS is negotiable. Mr. Honda replied that it is a management decision to determine how the system would work; we are still in the fact finding stage. We have to see what impact it would have on the MOU's. Mr. Honda said one the benefits is that the County would be subject to annual review by CPS. Commissioner DeBerry asked if he was planning to meet with other groups, besides LULAC. Mr. Honda replied that they are willing to meet with any group that is interested.

Commissioner Addleman inquired into how the Monterey Plan and the Garza Consent Decree would mesh with ALMS. Mr. Honda replied that Garza currently does not apply to the state Merit departments. What the state has told us is that they don't believe a race preference system would be consistent with what they would approve in terms of regulations. Our general sense is that ALMS would be viewed as inconsistent with how Garza is currently practiced.

Commissioner Emrani stated that, currently with a decentralized HR, a lot of functions are performed by HR analysts in the individual departments. Commissioner Emrani asked how going to this plan would impact those functions of Mr. Honda's staff and whether the change would result in an increase in the staff of central HR. Mr. Honda responded that when you look to the other ALMS agencies, they are centralized because of the requirement that there be separation of operations and the HR function.

Commissioner Barrera asked if Garza would still be in place. Mr. Honda stated he was not in a position to give a legal opinion. We would look at modeling what we do in terms of diversity and to the degree that federal contracts require affirmative action. We would be looking at best practices from the agencies that are out there. We would definitely take direction from the Board in developing the alternative for the Garza Consent Decree.

Commissioner Escobar stated she supported moving the County into ALMS. She thinks in the long run, the structure and the uniformity across would be beneficial to all employees.

The Commission thanked Mr. Honda for bringing this issue before the Commission.

6. DISCUSSION ON ATTENDANCE –COMMISSIONER DE BERRY

Commissioner DeBerry stated that at the last meeting there were only three (3) commissioners present and it was embarrassing to have a department head give their presentation for only three commissioners. Commissioner DeBerry stated that we have a lot of vacancies and we should attempt to get those filled. Commissioner DeBerry pointed out that the Bylaws state that a Commissioner should have no more than three (3) excused absences within a year.

7. NEW APPOINTEES TO COMMITTEE

No action was taken.

8. REVIEW OF THE ANNUAL DEPARTMENTAL REPORTING FORM

Commissioner Addleman thanked the committee for working on the draft. The idea is to have some sort of annual system that would require all departments to submit their EO Plan annually. The committee will review them and make a determination as to the departments that would appear before the Commission. Those departments that have been “red flagged” will be invited to make a presentation. Commissioner DeBerry had the following recommendations: All departments should have an Equal Opportunity Policy Statement; add Filipinos as a separate category; breakdown temporary employees in the County; name the responsible person for the goals and objectives of the department; and that we get input from the department heads. Commissioner Addleman asked if there would be a problem in adding Filipinos. Ms. Monarque replied that although the County keeps workforce statistics for Filipino employees, the Department of Labor does not; which is the reason for combining the Filipino employees with other Asian in the County’s workforce analysis. We can request that the Department’s list the Filipino employees separately in their reports, but to determine underutilization, the Filipino employees will be in the Asian/Pacific Islander category. Commissioners Addleman and Emrani will present the draft to the department heads for their input and report back to the Commission.

9. ANNOUNCEMENT AND EVENTS

Commissioner Barrera asked to be excused in June, as he will be on vacation.

10. FUTURE AGENDA ITEMS

Department Heads Presentation – Jayanti Addleman
Mr. David Medrano - update on the Monterey Plan

Commissioner Emrani asked about the compatibility of ALMS, the Garza Consent Decree and the Monterey Plan. Deputy County Counsel Shulman stated that the Approved Local Merit System, as described by Mr. Honda, is merit-based. It is considered to be not consistent with some interpretations of Garza. According to Deputy County Counsel Shulman, the County has not ruled out going to Court to remove the Consent Decree, but that it is his view that the County may not be inclined to go to Court to seek removal of the Decree. If the ALMS rules are approved by the State Personnel Board, then those are the rules that the County must follow. However, the spirit of Garza and some aspects of Garza can possibly be respected by the County when it drafts the rules which it proposes under the ALMS.

Ms. Monarque stated that even if we go with the Merit system, the County would still need to have an affirmative action plan. Commissioner Addleman suggested that at a future date, Mr. Medrano and Mr. Honda be invited back to discuss how the Monterey Plan and ALMS will mesh.

11. DATE AND TIME OF NEXT MEETING

The next Commission meeting will be held on June 16, 2010.

12. Adjournment

There being no further business, the meeting was adjourned at 5:15