

COUNTY OF VENTURA

civil service commission

BOARD OF REVIEW AND APPEALS



Commissioners
Don Becker
Alyse M. Lazar
Haywood Merricks III
Patricia S. Parham
James Vandenberg

MINUTES
REGULAR BUSINESS MEETING
THURSDAY, July 27, 2017
9:00 a.m.
County of Ventura Government Center
Hall of Administration
LOWER PLAZA ASSEMBLY ROOM

- I. **CALL TO ORDER** – Chair Lazar called the meeting to order at 9:00 a.m.
- II. **ROLL CALL** – Commissioners present: Chair Lazar, Vice-Chair Vandenberg, Commissioners Merricks, Becker and Parham. Staff present: Cheryl Shaw, Commission Assistant, and Grant Burton, Law Advisor.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **CLOSED SESSION** – Peace Officer Discipline or Dismissal – One Matter (approximately 10 minutes).

The Commission proceeded into Closed Session at 9:03 a.m. The Commission reconvened its Open Session at 9:17 a.m. and announced that during Closed Session the Commission ruled to grant the County's request to deny the petitioner's request for hearing without prejudice. Ms. Shaw was directed to give the parties notice of the Commission's decision.

Upon reconvening, the Commission was joined by Mike Curnow, Labor Relations Manager, and its Law Advisor, Assistant County Counsel Roberto Orellana.

- V. **MINUTES FOR APPROVAL** – The minutes of the Regular Business Meeting of May 25, 2017, were approved on motion by Vice-Chair Vandenberg, seconded by Commissioner Becker.

VI. PUBLIC COMMENTS - None.

VII. OLD BUSINESS – None.

**VIII. REQUEST FOR HEARING – Melinda Depoian (Assessor’s Office),
Case #17-491-03-01, regarding Performance Appraisal.**

Ms. Depoian was present, with attorney Mark Pachowicz, representing the Ventura Employees Association (VEA).

Mr. Pachowicz addressed the Commission and stated that, although VEA’s Memorandum of Agreement (MOA) with the County states that employees cannot file a grievance based on a negative performance appraisal, Ms. Depoian is appealing because she did not receive the step-up in her classification due to the negative performance appraisal, so she will not receive the associated pay increase associated with that step-up. Therefore, she is asking the Commission to review this as an issue of reduction in pay which does fall within the jurisdiction of the Commission.

Mr. Curnow stated that the jurisdiction of the Commission is very specific and that the Personnel Rules and Regulations do not give the Commission jurisdiction over performance evaluations and the issue of a merit increase is not appealable to the Commission. He further stated that Ms. Depoian has grievance rights regarding her evaluation under VEA’s MOA and she must follow the grievance procedure set forth in the MOA.

Mr. Orellana stated that the Commission must decide, based upon the four corners of the written petition presented to the Commission by Ms. Depoian, whether there is a basis for the Commission to hear the appeal and grant the relief requested.

After further discussion, Chair Lazar stated that it appeared that the issues raised in the original petition did not contain allegations regarding the issue of the alleged reduction in pay due to petitioner’s not being given a merit increase after receipt of her negative performance evaluation. Commissioner Becker stated that there were three potential issues presented by the testimony, including denial of a merit increase, which the County concedes as being grievable, the content of the performance evaluation itself, which Mr. Pachowicz agrees is not grievable, and the process, given Ms. Depoian’s allegation that she was not given an opportunity to respond in writing to the evaluation prior to its being forwarded to Human Resources. Despite the fact that the denial of the merit increase and the process itself may be grievable issues, as he saw it, the problem is that the petition presented to the Commission does not set forth a specific claim on which the Commission can grant any relief at this time..

On motion by Commissioner Becker, seconded by Vice-Chair Vandenberg, the Commission unanimously voted to deny the petition without prejudice for insufficiency.

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IX. REQUEST FOR INVESTIGATION – None.

X. INFORMATIONAL – None.

XI. COMMISSION/STAFF COMMENTS - Presentation of report to the Board of Supervisors of the Commission's activities for fourth fiscal quarter and fiscal year end.

Upon motion by Commissioner Becker, seconded by Vice-Chair Vandenberg, the Commission voted unanimously to direct Chair Lazar to sign the report letter and for staff to forward it to the Board of Supervisors for review during its next public meeting.

XII. ADJOURNMENT – The meeting was adjourned at 9:39 a.m.