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**Civil Service Commission  
2019 Annual Report**

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## I. Introduction

The Civil Service Commission (“Commission”), mandated by the County Charter, oversees the County’s Merit System to ensure the selection and retention of employees in the classified service based on merit and fitness. The Commission provides for:

- Standardization and classification of all positions
- Examination of candidates
- Establishment of eligible lists
- Certification of eligible candidates
- Length of probationary periods
- Temporary appointments in the absence of an eligible list
- Criteria and procedures for demotion, reduction in force, and reemployment
- Criteria and procedures for suspension, dismissal and other disciplinary action
- The hiring of unemployed persons under programs designed to relieve unemployment and their suspension, disciplining or removal
- The manner in which employees of an agency absorbed by the County may become County employees and the rights, if any, which shall accrue to them for their service with the agency
- Hearing appeals. Employees in the classified service may appeal any action pursuant to Commission Rule XIV *et seq.*

The Commission hears matters pertaining to dismissals, demotions, suspensions, below standard performance evaluations, applicant recruitment process, and examination process; reviews requests for extension of eligible lists; and allocates new or revised job classifications to an appropriate bargaining unit for employee/employer relation purposes.

The Commission is comprised of five Commissioners, appointed by the Board of Supervisors, to serve four-year terms. The Commission is supported by the County’s Human Resources Department. The Director of Human Resources serves as the executive officer for the Commission.

The purpose of the Civil Service Commission Annual Report is to provide an overview of the San Mateo County Civil Service Commission’s activities throughout the calendar year, and to comply with San Mateo County Board of Supervisors Resolution No. 069276, section 20. The report contains a summary of the Civil Service Commission appeals process, statistics on Commission hearings and outcomes, and observations and recommendations of the Commission.

The County currently has 5,803 positions for the 2019-20 fiscal year. Below is a chart of the total number of positions over the last five fiscal years.

FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
5,574	5,644	5,681	5,722	5,803

Source: FY 2019-20 Adopted Budget

## II. Appeal Process

The appeal process commences with the filing of a petition for hearing. When a matter is granted a hearing, the Commission determines whether the matter will be heard by the Commission, by a board composed of one or more members of the Commission, or by a hearing officer appointed by the Commission for that purpose.

Parties to the hearing are entitled to be represented by counsel or a representative of his/her choice, subpoena and cross-examine witnesses, and present other evidence to the Commission, hearing board, or hearing officer as deemed pertinent to the matter at hand.

In any hearing on an appeal from a dismissal, demotion, or suspension, the burden of proof is on the appointing authority (usually the Department), and in all other types of hearings, the burden of proof is on the petitioner. In a hearing before the Commission, the Commission will make written findings of fact and render its final decision.

**Summary of 2019 Appeals:** In 2019, the Civil Service Commission received five petitions for hearings (three non-punitive suspensions and two below standard performance evaluation). The Commission granted hearings for all matters.

For the five matters, the Commission upheld the appointing authority's discipline imposed in one case, in one case the discipline was modified, one case is still pending review, and two cases were withdrawn prior to the hearing.

**Five Year Glance (2015-2019):** During the last five calendar years, there were 24 petitions for appeals. Of these, 21 (88% of all petitions filed) were granted a hearing.

The average number of appeal hearings conducted per year during the last five years has been four. Of the 21 appeals that were granted hearings, in seven cases (33.3%) the discipline imposed by the appointing authority was upheld by the Commission, in three cases (14.3%) the discipline imposed was modified by the Commission, and in one case (4.8%) the appointing authority's discipline was not sustained. In addition, nine appeals (42.8%) were withdrawn prior to hearing, and one case pending (4.8%).

**Recent Revisions and Additions to the Appeals Process:** In 2013 the Commission adopted a guideline on a trial basis of establishing time limits on presentation of hearing evidence and arguments. The purpose of this pilot project guideline was to determine whether it might reduce the length, and evidentiary and argument redundancy, of appeal hearings. Commissioners had raised concerns that they are provided materials in advance for some hearings, but not by all parties, and that often the parties then spend a great deal of time at the hearing presenting the same materials as had been provided in advance. Another concern raised was that of multiple witnesses being called to make the same point repeatedly, causing redundancy in the evidence presented.

It was decided that, on a trial basis, time limits (to be managed by the Chair) would be discussed and proposed for each side when the hearing is set. In addition, all parties are strongly encouraged to provide materials, including proposed findings of fact and decision in advance of the hearing to best utilize the hearing for the opportunity for the

Commission/Hearing Officer(s) to ask questions that will enable them to make informed decisions.

The Chair will continue to have the responsibility to ensure that hearing time is used efficiently and effectively. Production of each party’s materials prior to the hearings, and focused testimony at the hearings, are anticipated to allow the Commission to more readily reach fair, informed, and consistent decisions on matters brought before them while assuring every appellant receives a fair and impartial hearing and due process.

<b>2019 Petitions for Hearing*</b>			
<b>Department</b>	<b>Disciplinary</b>	<b>Other</b>	<b>Total</b>
<b>Assessor-County Clerk-Recorder</b>	0	1	1
<b>County Health</b>	2	0	2
<b>Sheriff’s Office</b>	1	1	2
<b>Total</b>	<b>3</b>	<b>2</b>	<b>5</b>

\*Only departments that had appeals during 2019 are listed above.

**POST-HEARING DECISIONS BY DEPARTMENTS WITH APPEALS, 2015-2019\***

Department	Department Upheld					Department Modified					Department Not Sustained					Withdrawn					Pending	5 YEAR TOTAL	
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019	2019		
Assessor-County Clerk-Recorder		1																			1		2
Health	1	1			1							1							1	1			6
Human Services																2	1						3
Probation			1						1														2
Public Works									1														1
Sheriff's Office	1			1						1								1	2		1		7
<b>Total</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>1</b>		<b>21</b>

\*Only departments that had appeals during the last five years are listed above.

Total Decisions by Year				
2015	2016	2017	2018	2019**
4	4	2	6	5

\*\*one case pending

### III. Other Commission Activity

During 2019, the Commission held 8 meetings.

**New Classifications:** The Commission approved nine new classifications in 2019:

New Classifications	Bargaining Unit	Probation Period
<b>Payroll-Personnel Coordinator Series (I/II/III and IV)</b>	SEIU	I: 1560 hours II: 1040 hours III: 1040 hours IV: 1040 hours
<b>Payroll-Personnel Coordinator Series - Confidential (I/II/III and IV)</b>	Unrepresented Confidential	I: 1560 hours II: 1040 hours III: 1040 hours IV: 1040 hours
<b>Case Management Assessment/Specialist III</b>	AFSCME	1040 hours
<b>Community Services Officer II</b>	AFSCME	1040 hours
<b>Information Services (IS) Manager I</b>	Unrepresented Management	2080 hours
<b>Capital Programs Manager</b>	Unrepresented Management	2080 hours
<b>Legislative Analyst – Confidential</b>	Unrepresented Confidential	1040 hours
<b>Pre-Trial Specialist</b>	SEIU	1040 hours
<b>Supervising Capital Projects Manager</b>	AFSCME	1040 hours

The Commission reviews and approves all new classification descriptions, their bargaining unit assignments and probationary hour requirements to ensure the selection and retention of employees in the classified service on the basis of merit and fitness. As defined in the County Charter, the Commission shall prescribe rules that provide for the standardization and classification of all positions in the classified service. It is uncommon for Human Resources to submit new classifications that have not been vetted through the process and through the labor organizations (if represented) and therefore it is rarely that the Commission disapprove a new classification; however, it is possible for the Commission to instruct the Human Resources Department to conduct more research or provide more information.

**Extension of Eligible Lists:** In 2019, the Commission approved the extension of 23 eligibility lists as follows:

- Auditor-Appraiser I/II – 1 month
- Carpenter/Mill Cabinet Worker – 2 months
- Certified Nursing Assistant – 6 months
- Communications Program Services Manager – 6 months
- Community Services Officer – 3 months
- Deputy Probation Officer I/II – 4 months
- Deputy Probation Officer I/II – 4 months
- Deputy Public Guardian Conservator II/III/Exam Plan – 6 months
- Deputy Public Guardian Conservator II/III – 5 months
- Director of Food and Nutrition Services – 6 months
- District Attorney’s Inspector – 6 months
- Group Supervisor I/II – 6 months
- In-Custody Case Manager I/II – 5 months
- Information Technology Technician – 2 months
- Legal Secretary I/II – 1 month
- Management Analyst-Probation Department – 2 months
- Medical Office Assistant II – 1 month
- Pharmacy Technician – 4 months
- Pharmacy Technician – 1 month
- Road Maintenance Supervisor– 2 months
- Sheriff’s Criminal Records Technician– 3 months
- Sheriff’s Identification Technician– 6 months
- Utility Worker – 5 months

Extension of eligible lists is crucial in expediting hiring and selection process. By extending the list, a need for new recruitment when a viable list of candidates is available is eliminated thereby saving both time and resources. It also ensures that qualified candidates who have successfully participated in the examination process are provided an extended opportunity to be considered for County employment.

#### **IV. 2020 Workplan/Priorities**

- A. Schedule and hold appeal hearings as soon as practicable.
- B. Remain alert to opportunities to improve the Commission’s procedures and Rules.