

**CITY OF LONG BEACH
CIVIL SERVICE COMMISSION
MINUTES**

**WEDNESDAY, SEPTEMBER 16, 2020
TELECONFERENCE, 8:30 AM**

Susana Gonzalez Edmond, President
Heather Morrison, Vice President



Phyllis O. Arias, Commissioner
Brandon Dowling, Commissioner
Joel Garnica, Commissioner

Christina Pizarro Winting, Executive Director

FINISHED AGENDA AND DRAFT MINUTES

**CIVIL SERVICE COMMISSION MEETINGS ARE HELD VIA
TELECONFERENCE PURSUANT TO EXECUTIVE ORDER N-29-20
ISSUED BY GOVERNOR GAVIN NEWSOM.**

THE CIVIC CHAMBERS WILL BE CLOSED TO THE PUBLIC.

President Gonzalez Edmond called the meeting to order at 8:31 a.m.

FLAG SALUTE

President Gonzalez Edmond asked Vice President Morrison to lead the Pledge of Allegiance.

ROLL CALL

Commissioners Phyllis O. Arias, Brandon Dowling, Joel Garnica, Heather
Present: Morrison and Susana Gonzalez Edmond

- 1. COMMENTS FROM THE PUBLIC – PUBLIC WILL HAVE THE OPPORTUNITY TO ADDRESS THE COMMISSION BY SUBMITTING WRITTEN COMMENTS VIA EMAIL TO MARLA.CAMERINO@LONGBEACH.GOV.**

There were no public comments received.

- 2. [20-243CS](#) Recommendation to approve minutes:
*Regular Meeting of August 19, 2020***

Special Meeting of August 26, 2020

A motion was made by Commissioner Garnica, seconded by Commissioner Dowling, to approve the Regular Meeting Minutes of August 19, 2020 and the Special Meeting Minutes of August 26, 2020. The motion carried by the following vote:

Yes: 5 - Phyllis O. Arias, Brandon Dowling, Joen Garnica, Heather Morrison and Susana Gonzalez Edmond

CONSENT CALENDAR (3 – 7):

Passed the Consent Calendar

A motion was made by Commissioner Arias, seconded by Commissioner Garnica, to approve Consent Calendar Items (3 - 7). The motion carried by the following vote:

Yes: 5 - Phyllis O. Arias, Brandon Dowling, Joen Garnica, Heather Morrison and Susana Gonzalez Edmond

3. [20-244CS](#)

Recommendation to approve examination results:

Business Systems Specialist Test #21 (Established 09/09/20)
Hazardous Materials Specialist Test #01 (Established 09/10/20)
Public Health Nurse Test #07 (Established 09/08/20)

A motion was made to approve recommendation on the Consent Calendar.

4. [20-245CS](#)

Recommendation to approve bulletin(s):

Ambulance Operator

A motion was made to approve recommendation on the Consent Calendar.

5. [20-246CS](#)

Recommendation to receive and file retirement(s):

William Scott Holder, Police Officer, Police Department (26

yrs., 10 mos.)

Robert Purifoy, Maintenance Assistant III, Airport, (22 yrs., 2 mos.)

David Roberts, Traffic Signal Coordinator, Public Works (37 yrs., 9 mos.)

A motion was made to approve recommendation on the Consent Calendar.

6. [20-247CS](#)

Recommendation to receive and file resignation(s):

Margarita Duarte, Special Services Officer III-Armed, Police Department (2 yrs., 5 mos.)

Kevin Gamble, Maintenance Assistant III, Public Works (1 yr., 7 mos.)

Brian Greene, Police Officer, Police Department (14 yrs., 3 mos.)

A motion was made to approve recommendation on the Consent Calendar.

7. [20-248CS](#)

Recommendation to approve transfer(s):

Stephanie Gunawan-Piraner - Senior Civil Engineer, Airport to Senior Civil Engineer, Harbor Department

A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA

8. [20-249CS](#)

RECOMMENDATION FOR EXTENSION OF PROBATIONARY PERIOD - Joshua Sanchez, General Librarian

Communication from Amber Ahlo, Administrative Officer, Department of Library Services

Staff Report prepared by Jami Kerr-Jenkins, Personnel Analyst

Ms. Pizarro Winting introduced Ms. Kerr-Jenkins who briefed the Commission regarding this request.

Representatives from the Department of Library Services were on the call to answer questions.

Commissioner Arias advised Mr. Sanchez that Degree Conferral can take several weeks and suggested that he contact San Jose State for a Certificate of Completion so that he is able to verify completion.

A motion was made by Vice President Morrison, seconded by Commissioner Arias, to approve recommendation. The motion carried by the following vote:

Yes: 5 - Phyllis O. Arias, Brandon Dowling, Joen Garnica, Heather Morrison and Susana Gonzalez Edmond

9. [20-250CS](#)

RECOMMENDATION TO APPROVE REVISED

CLASSIFICATION SPECIFICATION - Licensed Vocational Nurse

Communication from Alex Basquez, Director, Human

Resources Department

Staff report prepared by Maria Cano, Personnel Analyst

Ms. Pizarro Winting introduced Ms. Cano who briefed the Commission regarding this request.

Representatives from the Department of Health and Human Services were on the call to answer questions.

Commissioner Arias pointed out that there was a duplication in bullet points. She also wanted to know why the experience was removed from the Classification Specification. Ms. McDonald responded that the experience was removed because it aligns with the requirements for Registered Nurse. She stated the experience is not required for Registered Nurses, who will be supervising the Licensed Vocational Nurse. Ms. McDonald stated that Licensed Vocational Nurse does require a certification which is appropriate for this position. Brett Bruhanski from the Department of Health and Human Services was on the call and agreed with the information that Ms. McDonald provided.

A motion was made by Commissioner Garnica, seconded by Commissioner Arias, to approve recommendation. The motion carried by the following vote:

Yes: 5 - Phyllis O. Arias, Brandon Dowling, Joen Garnica, Heather Morrison and Susana Gonzalez Edmond

10. [20-251CS](#)

**RECOMMENDATION TO REQUEST PRIOR CLASSIFIED
STATUS AND SENIORITY**

Communication from Thomas B. Modica, City Manager

Ms. Pizarro Winting briefed the Commission regarding this request.

A motion was made by Vice President Morrison, seconded by Commissioner Dowling, to approve recommendation. The motion carried by the following vote:

Yes: 5 - Phyllis O. Arias, Brandon Dowling, Joen Garnica, Heather Morrison and Susana Gonzalez Edmond

11. [20-252CS](#)

RECOMMENDATION FOR ORDER-OF-LAYOFF

Communication from Thomas B. Modica, City Manager

Ms. Pizarro Winting briefed the Commission regarding this request.

Commissioner Garnica wanted to know if this order is just the first round or is this the entirety of layoffs. Ms. Pizarro Winting stated that she had a conversation with the City Manager who informed her that they do not anticipate additional layoffs coming to the Commission. She stated that when City Council removed some of the contracted-out positions and the positions from Library Services, it made the list much smaller. She stated that the Police Department positions will be handled within the department. The City Manager did ask Ms. Pizarro Winting to inform the Commission that the City was able to meet its savings targets and moved forward with a balanced budget.

Commissioner Garnica asked if the current vacancies in the Police Department will fulfill the number of positions that were cut. Ms. Pizarro Winting responded that it did. Commissioner Garnica asked if there would be further vacancies. Ms. Pizarro Winting stated that they will continue to have vacancies from retirements.

Commissioner Arias asked if the vacancies in the Police Department were pending positions or if they are positions that the

department would not need to issue a requisition or a combination of both. Ms. Pizarro Winting stated that the department would not need to submit a requisition as these are vacancies that they can move people into as well as using anticipated retirements. Commissioner Arias asked if it would affect the recruiting process. Ms. Pizarro Winting stated that it would, and that staff are in discussion with the department regarding this. Commissioner Arias wanted to know if staff will be coming back to the Commission to provide a report on Police Recruit. Ms. Pizarro Winting responded that staff plans to come back to give the report.

A discussion took place with President Gonzalez Edmond, Commissioner Garnica, Commissioner Arias and Ms. Pizarro Winting regarding positions within the Police Department. Commissioner Garnica would like to know the net amount of total vacant positions within the Police Department after all transfers have taken place. Commissioners Arias and Garnica would like information on how the layoff and transfer of staff into vacant positions ends up in terms of recruitment. They would also like information on how many vacant positions were filled, are they short vacant positions, or is the Police Department at a breakeven point.

A motion was made by Commissioner Garnica, seconded by Vice President Morrison, to approve recommendation. The motion carried by the following vote:

Yes: 5 - Phyllis O. Arias, Brandon Dowling, Joen Garnica, Heather Morrison and Susana Gonzalez Edmond

12. [20-253CS](#)

**DISCUSSION REGARDING CIVIL SERVICE COMMISSION
HEARINGS**

Ms. Pizarro Winting informed the Commission that the attorneys were on the call today and that we look forward to hearing the Commission's position as well as the attorneys' position on moving forward with hearings.

President Gonzalez Edmond thanked the attorneys for being on the call. She stated that the Commission discussed the possibility of reconvening hearings and wanted to have a conversation with the attorneys to see if there was any way to begin scheduling them. President Gonzalez Edmond wanted to know their thoughts regarding conducting hearings using Zoom since there is video

capability and the ability to separate into different rooms. She stated that we could help attorneys and their witnesses along with all of the other details that go with in-person hearings.

Commissioner Garnica stated that this discussion is taking place due to the timeline of the opening of City Hall which is anticipated for the first of the year.

Mike Peters, Attorney at Law, wanted to clarify if the discussion was to talk strictly about virtual hearings or is there a potential for in-person hearings following the proper health protocols. President Gonzalez Edmond stated that the Commission has not been provided with any guidelines from the Health Department indicating that in-person hearings can resume. She stated that City Hall is still closed. She stated that there was previous discussion of conducting them outdoors, but participants would still be required to wear masks. President Gonzalez Edmond stated that this could be a challenge given the length of hearings while complying with health orders. She stated that in-person hearings or Commission meetings are not able to take place until further guidance is received. President Gonzalez Edmond stated that today's discussion will be to see if there is a platform that could be used to begin conducting hearings to move the schedule forward. The Commission is aware that there are some cases that have been on the schedule for a while and would like to give an opportunity for employees to have them heard.

Mr. Peters stated that he has been in communication with Ken Bott regarding the use of the Assembly Room at the Water Department to conduct hearings. For the purpose of hearings, the room can fit approximately 20 people while maintaining enough room to socially distance. Mr. Peters also spoke with Taylor Anderson with the City Attorney's office regarding not requiring the speaking attorney as well as the witness to wear a mask. Ms. Taylor indicated that the witness would not be required to wear a mask, but the attorneys would. Mr. Peters reached out to Assistant City Attorney Mike Mais about not being able to wear a mask because it tends to cause his glasses to get foggy but has not received a response. Mr. Peters stated that conducting hearings using the Zoom application poses technological challenges, will take more time and loses the ability for attorneys to assess both witnesses' and Commissioners' demeanor. Mr. Peters stated that in researching various courts who have been

testing Zoom he has found that it has been challenging. He expressed concern regarding the prepping of witnesses and having them in a Zoom setting, background noise, outsiders accessing the hearing, and signal strength and has no desire to go the Zoom route unless he is convinced otherwise. He is in favor of resuming hearings but in person. Mr. Peters stated that he believes in person hearings can take place at the Water Department. He stated that Mr. Bott is willing to work with the Commission as well.

President Edmond informed Mr. Peters that staff has looked at various outdoor establishments as well as the Water Department. Mr. Garner has been wonderful in the past for allowing us to use their space. She stated that any City space requires participants to wear a mask. She stated that since there is very little known about the virus, we wear masks to protect ourselves as well as protect others. President Gonzalez Edmond stated that we are not sure what underlying conditions Commissioners may have and would not be comfortable being in a room with others who are not wearing masks and not knowing where they have been. She stated that until there is some type of vaccine or cure for the virus, they do not want to bend rules. President Gonzalez Edmond stated that they are just trying to ensure that employees have their hearing. She stated that if the attorneys do not want to use the Zoom platform, they are willing to look at other platforms that attorneys would be more comfortable with and mentioned a platform that the Chancellors office for California State University uses. She will be happy to look into it. President Gonzalez Edmond would like to begin scheduling hearings that is safe for everyone which includes not only attorneys and witnesses, but for staff, Commissioners and members of the public. She stated that unless they are told otherwise from the Health Department and health orders that it is okay to be in a room without a mask, then that is a conversation that can take place when it is that time. Mr. Peters stated that in no way did he mean to exclude the Commission.

President Gonzalez Edmond asked Mr. Anderson if he had any conversation with Mr. Mais. Mr. Anderson stated that he did not speak with Mr. Mais but did speak with Ms. Anderson and confirmed that witnesses are not required to wear a mask, but attorneys will need to.

Jim Trott, Attorney at Law, stated that he agrees with Mr. Peters

comments. He stated that there is a lot that goes in to putting on a hearing or trial. He stated that it is not just about evaluating the witness, but it is also about evaluating Commissioners and their reactions to testimony and what they are taking notes on. He expressed concern about how attorneys would be able to submit documents that are not a part of the preset exhibits and how it will be presented to everyone. Mr. Trott stated that there is a potential for people to speak over each other. Mr. Trott stated that he has only received a call from one client regarding a hearing date. He stated that his clients understand the situation. Mr. Trott stated that he does not believe Zoom is reasonable when you are talking about litigation.

President Gonzalez Edmond stated that there are a lot of different technology options in Zoom that includes use of the camera, ability to share documents and the ability to be placed in separate rooms for private discussions. She stated that speaking over each other happens in person as well. She just wanted to know if the attorneys would be willing to try it, and if it does not work, then hearings can be suspended. President Gonzalez Edmond suggested to have a mock hearing to see how it will work and if everyone is comfortable. The Commission is just concerned that once protocols change there will be a backlog of hearings.

Commissioner Arias commented that every concern that was mentioned by the attorneys can be overcome with Zoom and its features. She stated that you are more able to observe individuals better using Zoom versus in person. She agrees with President Gonzalez Edmond that perhaps we need to have a mock Zoom session or practice with the one client that Mr. Trott indicated was interested in having his hearing to see how it goes. She would like to encourage the attorneys to be open-minded with the technology that we have and at least try a mock hearing.

Ken Yuwiler, Attorney at Law, commented that he actually attended a hearing where everyone was present but the Hearing Officer. He stated that although the hearing officer was familiar with the program, it still turned out to be problematic. It was more difficult than a normal hearing would have been. Mr. Yuwiler expressed concerns about virtual hearings, such as how would you monitor witnesses to ensure they are not reading a script, sending messages, being coached or have someone present along with

them. Another concern he brought up is how would you require attendance for an adverse witness that he would not have any control over. He expressed concern over how to ensure there would be a computer and appropriate bandwidth for the witness as well as how to ensure a witness stays connected. He stated that it would not be as easy to assist witnesses and those in attendance with ensuring they are looking at the proper exhibits. Mr. Yuwiler stated that he has an in person hearing with another agency where they are required to wear a mask. He personally does not have a problem with it as he wears contacts and glasses. He mentioned that his client is anxious to move forward with his hearing and does not object to wearing a mask. He stated that he will deal with the fogging of the glasses. He stated that he does have significant concerns about a virtual hearing. He added as part of his concern about witnesses potentially recording the hearing and providing that recording to another witness. He stated that you cannot control nefarious actions as well. He stated that you can better monitor witnesses in live hearings. Mr. Yuwiler also expressed concern on how to control a witness from answering a question before an objection is made. He stated that it is easier in person because you can jump in before the witness answers. Mr. Yuwiler stated that he has many concerns about virtual hearings and none about live hearings. He has no concerns about wearing a mask nor does he have any concerns about social distancing. He stated that he appreciates the Commission's concerns about moving hearings forward.

Commissioner Garnica commented that there were some very valid points made. She stated that some may potentially have solutions, and some may not be as easy. As she listened to feedback from the attorneys, she wondered if it is an option for the attorneys to host their clients and witnesses in their offices so that they have a live aspect on their end while Commission and staff attend via Zoom. Mr. Yuwiler stated that from a standpoint of being able to observe the witness and if a virtual hearing were to happen, he would subpoena both friendly and adverse witnesses to come to his office where he can observe them. He stated that this would only address one of his concerns about virtual hearings. He also brought up a concern of how he would not be able to address the witness from the other side where he is not able to observe. He stated that he would not be able to see what is taking place in his counterpart's office and he is sure that Mr. Peters would feel the same way. Mr.

Yuwiler commented that there could also be subtle things like a look that you would see in person but could be missed in Zoom.

Commissioner Garnica stated that if an agreement is not able to be reached, hearings could potentially be postponed until the end of summer 2021 and asked the Commission and attorneys to think about it.

President Gonzalez Edmond stated that this is a discussion that she believes needed to happen with the attorneys and a decision would not be made at this point. She wanted to see if it was a possibility to have a hearing using technology, but what she is hearing from all three attorneys is that they are not comfortable with it. She stated that there is a lot to think about as a Commission. She believes the Commission needs to have a conversation as to what they will do moving forward.

President Gonzalez Edmond stated that if there is an attorney who is comfortable wearing a mask throughout the hearing and will ensure his client and witnesses are wearing masks, then she believes the Commission will need to consider if this is something they would like to do. She stated that we would need to ensure that there are hygiene protocols in place, we are practicing social distancing and that there are health checks when entering. She stated that we need to ensure everyone as well as Commissioners are following protocols.

Mr. Trott wanted to know if by the end of the year or early next year a vaccine is developed, and everyone were to show proof that they were vaccinated, would that allow hearings to move forward without the need to wear a mask. President Gonzalez Edmond stated that she believes that is more of a Health Department question and a City policy or City protocol conversation but thinks it is a great question.

Mr. Yuwiler thanked the Commission for providing the platform for reaching out in terms of trying to address these issues. He commented that he did not ask his client if he would be open to a virtual hearing but believes his client would not agree to one. He also brought up a point that in some places, some bargaining units have raised issues about a meet and confer because it is a change in working conditions to require virtual hearings as oppose to a live

hearing. He is not raising this as an issue right now, but he did want the Commission to be aware that this could become an issue if non-live hearings were being mandated. Mr. Yuwiler mentioned as a side note that if the fogging of glasses is an issue, perhaps trying to use some type of defogger would work to resolve any concerns.

Commissioner Garnica would like to revisit the conversation of what was discovered with potentially moving forward with live hearings to see if there is some solution to either live or virtual hearings to address the concerns that the Commission heard today.

Ms. Pizarro Winting thinks it is a great idea to take the information that was received today to see what else can be done.

A brief discussion took place between President Gonzalez Edmond, Commissioner Garnica, Commissioner Arias and Ms. Pizarro Winting regarding referring this item to the Special Projects Committee. A recommendation will be brought back to the Commission on October 7th.

13. STANDING COMMITTEES

A. Executive Committee

The Executive Committee will be meeting today regarding the Racial Inequity and Reconciliation Initiative.

B. Recruitment and Selection Committee

The Recruitment and Selection Committee will be meeting next week to discuss the Racial Inequity and Reconciliation Initiative.

C. Special Projects Committee

The Special Projects Committee will be meeting next week to discuss hearings.

14. REPORTS FROM MANAGERS

A. Recruitment Division - Christina Pizarro Winting

Ms. Pizarro Winting did not have any new updates to report.

B. Employment Services Division - Caprice McDonald

Ms. McDonald thanked Ms. Cano and Ms. Kerr-Jenkins for their staff reports. She is pleased that we are able to move forward with the Licensed Vocational Nurse classification. Ms. McDonald stated that the Commission will be seeing more revised Classification Specifications due to collaboration efforts with the Human Resources Department, bargaining units and Civil Service.

C. Administration Support Services - Maria Alamo

Ms. Alamo provided the Commission with an update regarding end of year processes. She thanked staff for participating in training of the new layoff order procedures.

D. Executive Director - Christina Pizarro Winting

Ms. Pizarro Winting stated that staff at the Emergency Operations Center are moving back into their old positions. She reported that her daily meetings have been reduced to a couple of times a week. She stated that Ms. Ramos and Ms. Macias are back with Civil Service fulltime. Ms. Slaten should be back at the beginning of October.

Ms. Pizarro Winting thanked Ms. Alamo for all the work she put into layoffs. She stated that we are very focused on layoffs and that recruitments will come to a little bit of a halt so that staff can focus. This information was passed on to various department staff as well as their Directors.

15. UNFINISHED BUSINESS

Ad Hoc Subcommittees:

A. Subcommittee to Develop Civil Service Commission Policy regarding requests to Utilize Classified Positions in the Unclassified Service

Ms. Pizarro Winting reported that she is still waiting for a meeting to be scheduled.

16. NEW BUSINESS

President Gonzalez Edmond informed the Commission that staff is still working with the department regarding the public comment that was received a few meetings ago. Staff will provide a report soon.

President Gonzalez Edmond would like the Commission to think about if the

Commission should continue to meet weekly or if the Commission should transition into meeting every other week. She stated that she had a conversation with Ms. Pizarro Winting and they believe there will not be as many COVID related items coming to the Commission as in the beginning. To ease into the regular meeting schedule, she would like the Commission to consider meeting every other week especially due to layoffs and furloughs. President Gonzalez Edmond asked that staff place this on the Commission's agenda for next week.

Commissioner Garnica stated that the Commission previously met weekly and was later moved to twice a month. She would like to know the impact and usefulness of meeting once a week versus twice a week. President Gonzalez Edmond stated that this would be discussed at next week's meeting when this item is placed on the agenda.

ADJOURNMENT

President Gonzalez Edmond adjourned the meeting at 9:56 a.m.

NO HEARING

NOTE:

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

Si desea obtener la traducción escrita en otro idioma de la agenda y actas de la comisión para personas que no hablan inglés, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la comisión.

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