



MARIN COUNTY PERSONNEL COMMISSION

Quarterly Meeting Minutes

July 10, 2023

Marin County Civic Center, Room 410B

PRESENT: Patrice Goldman, Chair
Carla Halyard, Commissioner
Leonor Noguez, Commissioner

STAFF: Christina Cramer, Human Resources Director
Caitrin Devine, Executive Assistant – Human Resources
Kerry Gerchow, Deputy County
Kate Stanford, County Counsel
Rollie Katz, MAPE

The Meeting was called to order at 9:35 AM by Chair Goldman

1. Roll Call

2. Approve Agenda of July 10, 2023

Motion (Noguez/ Halyard) to approve the Agenda of July 10, 2023

Ayes Unanimous

3. Approve Minutes from Quarterly Meeting on April 12, 2023

Motion (Halyard/Noguez) to approve the minutes from Quarterly Meeting on April 12, 2023

Ayes Unanimous

4. Approve Minutes from Special Meeting on May 1, 2023

Motion (Noguez/Halyard) to approve the minutes from Special Meeting on May 1, 2023

Ayes Unanimous

5. Open time for items not on the agenda and for public expression

(Up to three (3) minutes per speaker)

While members of the public are welcome to address the Commission, under the Brown Act, Commissioners may not deliberate or act on items not on the agenda, and generally may only listen.

Public comment by Rollie Katz, speaking on the AOWP Matter, as we expressed in our briefs, we felt refrain from jurisdiction was not appropriate. Question on the TSAP discussion on if matter was an option to decide. When commission decided first part then that meant they had jurisdiction to decide. Said in preliminary statement that commission



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Copies of documents are available in alternative formats, upon request.

Late agenda material can be inspected in the office of the Executive Secretary to the Commission, between the hours of 9:00 a.m. and 4:00 p.m. weekdays in Room 415 of the Marin County Civic Center, 3501 Civic Center Drive, San Rafael.

had authority to decide. If the CAO says you can't go to arbitration, then the matter must go before the Personnel Commission. After the Commission said they don't have authority to decide County agreed.

6. Director's Report

Christina Cramer: I have been here for six months now. It's been very busy. I have been enjoying my new role. I have had two key management positions to fill. Deputy Director and Assistant Director. Have a contingent offer to candidate for Deputy Director. Working on a few items to complete the offer. Optimistic candidate will accept and start in August. Acting Deputy Director has been out on leave, now extended into August. It has been difficult to manage the workload but very helpful to learn specifics of how that department works.

Next recruitment work will be hiring Assistant Director.

Law enforcement oversight committee is coming, and HR will be working on establishing job class for those rolls. HR has ancillary component in that process.

HR had a consultant conduct a report on HR hiring process. Will be working on those recommendations and focusing on ways to streamline the process.

7. Discussion of availability of Commissioners for upcoming hearings.

- a. Reschedule Discipline Appeal D23-02 - Continuance granted for 6/12/23 Hearing.
- b. Discipline Appeal D23-03

Both appeals involve same employee, so Rollie is asking the Commission if they want one combined hearing or two separate hearings.

Commissioner Goldman says she believes that decision is up to counsel if they want to combine. County Counsel Sanford says it makes sense to have two separate hearings.

Looking at two dates with time for decision.

Kerry Gerchow can't make the second Wednesdays of the month. Rollie Katz can't do first Wednesdays.

The Commission would prefer Room 143D if available. For better transcription results we will need to move Witness closer to Court reporter in future hearings.

The consensus is the hearing, for D23-02 will be on Wednesday 9/20/23 at 9:30am. The hearing for D23-03 will then be on Thursday 11/9/23 at 9:30am.

The Commission's next quarterly meeting is on Wednesday 10/18/23 at 9:30am.

8. Commissioner Discussion on Topics / Information for Future Meetings.

Commissioner Goldman has been busy dealing with appeals this past year. Commission desires to do more than be an adjudicating body. Doesn't want to lose track of that goal.

Commissioner Noguez is gratified by use of consultant to review hiring process with the goal of streamlining. She inquired if the commission has the power and ability to get reports of various departments to ensure that resolutions of the Commission have been enacted and past practices and behaviors have modified. Can the Commission request departments report on follow-up of commission rulings?

Kerry Gerchow responded that the Commission can conduct investigations.

Christina Cramer queried what the Commission wants to hear from departments. Specifics will be needed from the Commission on what information they want to hear from department heads.

Commissioner Halyard would want to hear updates on what processes have been implemented by department heads based on prior rulings to improve past problematic actions and behaviors.

Christina Cramer asked if these are findings from former rulings.

Commissioner Goldman expanded that they would like Department heads to review prior disciplinary actions from past few years and look not only at specific of cases but overall process and problems and what has been done to improve problems. It appears that the same few departments have recurring issues.

Commissioner Noguez sees it as Commission work through HR Director and discusses wishes with Cramer then she meets with director.

Commissioner Halyard, the HR director can talk to department head directly but then there is no accountability within that conversation. No one is holding them accountable.

Kerry Gerchow responded that the Commission is here to advise, not to proactively hold department heads accountable.

Commissioner Goldman suggested that the Commission could have department heads come and report and discuss issues with the Commission and they could impart the potential liability within problematic behaviors.

Christina Cramer asked for clarification on what concerns the Commission. Is it management concerns and personnel concerns or discriminatory practices or does the Commission want to focus on planning, policy advising and investigations?

Commissioner Goldman responded that if a department has had past behavior of bullying, then they want department head to come and inform the Commission of what they have done to ensure these behaviors have changed and been quelled.

Commissioner Noguez noted that past cases, hypothetically past practices, came out of unfair practices after someone spoke up about those practices.

Commissioner Halyard noted that she often hears from staff with concerns since she had a have a long tenure at the county. She can't comment as a Commissioner but often will attempt to direct people to other resources.

Public Comment by Rollie Katz, department heads may feel disciplinary action was end of issue, however the Commission may want to find out why problem got to that level before any action was taken.

Christina Cramer suggested that we think about it as what is Human Resources doing to provide more tools and support to department. If a department has had past problems, the Commission can ask Human Resources what has been done to help with this process and improvement. There can be more reporting on what Human Resources does to support departments in these improvements. There is a lot of work going on behind the scenes.

Commissioner Goldman notes that some issues can be addressed with further training and some are entrenched behavior and entitlement that is ongoing. What is happening to assist certain departments in making positive change.

Commissioner Noguez suggests the Commission could take a case that has already been decided and then discuss it in a closed session and examine and work specifically with that department. Alternatively, the Commission could wait for another case that demonstrates these issues and do another examination of that department.

Commissioner Cramer notes that there could be other actions going on that wouldn't give the Commission the full context when hearing that specific complaint.

Commissioner Goldman suggests that the Commission could put something in future decisions that requires follow up reporting to the Commission.

Public Comment by Rollie Katz, if repeated practices of unjust disciplines are found then that is different than agreeing with disciplinary actions but wanting to know how things got to the point requiring discipline and how is problematic behavior ignored then you are saying there are breakdowns in the system. Specifics within some cases some investigative reports didn't show follow up to prior issues.

Kate Stanford, County Counsel asked for clarification that the Commission aren't recalling parties back before the commission.

Commissioner Goldman responded that the Commission would want to focus on following up with department heads to see what processes have been enacted.

Kerry Gerchow noted that if the Commission has issues with investigations that would be appropriate topic to discuss with the HR Director

Rollie Katz noted that if the Commission didn't feel an investigation was done well it could bring those questions and issues up with HR director.

Christina Cramer is planning on a policy to advise our personnel program within the merit system. Perhaps the Commission can say they have concerns through a hearing or series of hearings then the Commission could ask that department head what they are doing to address those concerns. Then the HR director would reiterate that those concerns should be considered. All on a high level that doesn't address specifics.

Commissioner Halyard it could be something brought up in department head meetings then all department heads would get the message.

Christina Cramer responded she could have a discussion with a specific department head.

Kerry Gerchow responded that it would be appropriate to have a high level broad discussion with specific department head.

Rollie Katz noted there could be concerns that a department head could go back to their department and then take disciplinary actions against staff.

Commissioner Goldman responds that it could let new department heads could know that the Commission supports them.

Christina Cramer notes that she is picking up on that there are cultural issues that are still problematic. Her vision for the county is process that could take a few years to really enact long term change.

Commissioner Goldman asked Christina Cramer for her philosophy and whether she is here to protect the County.

Christina Cramer responds her impression is that it has been a protect the employer culture previously. She has been looking to protect employees, supervisors and overall process and limit liability. Thinks it is a holistic process that exists for all employees. An ombuds concept where employees have supportive body that can help navigate interpersonal issues and separate out what is problematic and what needs interpersonal work. Equity director has been partnering with Learning and development director to expand on these ideas.

9. Adjournment

Motion (Noguez/Halyard) to adjourn the meeting.

Ayes Unanimous

Upcoming Meetings:

Date	Time	Location	Topic
October 18, 2023	9:30AM	143D	QUARTERLY MEETING