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# Civil Service Commission 2020 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 5,743 positions for the 2020-21 fiscal year. Below is a chart of the total number of positions over the last five fiscal years.

FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
5,644	5,681	5,722	5,756	5,743

Source: FY 2020-21 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 2020 Appeals:** In 2020, the Civil Service Commission received eight (8) petitions for hearings (six (6) dismissals, one (1) non-punitive suspension, and one (1) below standard performance evaluation). The Commission granted hearings for all matters.

For the eight (8) matters, the Commission upheld the appointing authority's discipline imposed in three (3) cases, one (1) discipline case was modified, one (1) below standard evaluation matter was modified, and three (3) cases were withdrawn prior to the hearing.

**Five Year Glance (2016-2020):** During the last five calendar years, there were 27 petitions for appeals. Of these, 25 (93% of all petitions filed) were granted a hearing.

The average number of appeal hearings conducted per year during the last five years has been five (5). Of the 25 appeals that were granted hearings, in eight (8) cases (32%) the discipline imposed by the appointing authority was upheld by the Commission, in five (5) cases (20%) the discipline imposed was modified by the Commission, and in one (1) case (4%) the appointing authority's discipline was not sustained. In addition, 11 appeals (44%) were withdrawn prior to hearing.

**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.

Since that time, time limits (to be managed by the Chair) are 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>2020 Petitions for Hearing*</b>				
<b>Department</b>	<b>Disciplinary</b>	<b>Other</b>	<b>Total</b>	
<b>County Health</b>	3	0	3	
<b>Human Services Agency</b>	1	0	1	
<b>Probation</b>	2	0	2	
<b>Public Works</b>	0	1	1	
<b>Sheriff's Office</b>	1	0	1	
	<b>Total</b>	<b>7</b>	<b>1</b>	<b>8</b>

\*Only departments that had appeals during 2020 are listed above.

**POST-HEARING DECISIONS BY DEPARTMENTS WITH APPEALS, 2016-2020\***

Department	Department Upheld					Department Modified					Department Not Sustained					Withdrawn					Pending	5 YEAR TOTAL	
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2020		
<b>Assessor-County Clerk-Recorder</b>	1																		1				<b>2</b>
<b>County Health</b>	1			1	2						1							1	1	1			<b>8</b>
<b>Human Services</b>																1					1		<b>2</b>
<b>Probation</b>		1			1			1		1													<b>4</b>
<b>Public Works</b>								1		1													<b>2</b>
<b>Sheriff's Office</b>			1						1								1	2	1	1			<b>7</b>
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>		<b>25</b>

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

Total Decisions by Year				
2016	2017	2018	2019	2020
<b>4</b>	<b>2</b>	<b>6</b>	<b>5</b>	<b>8</b>

### III. Other Commission Activity

During 2020, the Commission held 10 meetings of which seven (7) were conducted virtually in light of the Covid-19 pandemic. In addition, there were five (5) special meetings held this year virtually.

**New Classifications:** The Commission approved five new classifications in 2020:

New Classifications	Bargaining Unit	Probation Period
<b>Assistant Director of Planning and Building</b>	Unrepresented Management	2080 hours
<b>Chief Equity Officer</b>	Unrepresented Management	2080 hours
<b>Director of Emergency Services</b>	Unrepresented Management	2080 hours
<b>Natural Resource Specialist III</b>	AFSCME: Inspection and Regulation	1040 hours
<b>Senior Natural Resource Specialist</b>	AFSCME: Inspection and Regulation	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 2020, the Commission approved the extension of 50 eligibility lists as follows:

- Administrative Assistant II – 2 months
- Administrative Secretary II (E005A) – 5 months
- Behavioral Health and Recovery Services Analyst II (G079D) – 4 months
- Behavioral Health and Recovery Services Supervisor (G080B) – 5 months
- Benefits Analyst III (Open and Promotional – G069K) – 3 months
- Carpenter/Mill Cabinet Worker (T030H) – 1 month
- Certified Nursing Assistant (F079BR) - 5 months
- Climate Action Specialist (Open and Promotional – J081I) – 6 months
- Clinical Nurse Employee Health/Infection Control (F011AK) – 2 months
- Code Compliance Manager (D088R) – 2 months
- Community Services Officer (T074L) - 2 months
- Community Services Officer (T074L) – 2 months
- Community Services Officer (T074L) – 3 months
- Community Services Officer (T074L) -3 months
- Criminalist-Forensic Biology/DNA (H028S) – 6 months
- Dentist (F032E) – 6 months
- Deputy Coroner (H131M) – 3 months
- Deputy Probation Officer I/II (C002B) - 5 months
- Dietitian (Exam Plan - S024AF) – 5 months
- Fiscal Office Assistant I/II (E347P) – 5 months
- Fiscal Office Specialist (E350AY) – 6 months
- Housing and Community Development Supervisor (R010B) – 2 months
- Human Services Care Counselor I/II (Open and Promotional – G062G) – 2 months
- Legal Office Assistant I/II (E373Y) – 5 months
- Legal Office Specialist-English or English and Spanish Speaking (E375AN)- 5 months
- Management Analyst/Exam Plan (D181EU) – 6 months
- Medical Office Assistant II – 5 months
- Medical Office Assistant II (E417Y) – 3 months
- Office Assistant I/II (E335Y) – 5 months
- Painter (T026F) - 2 months
- Painter (T026F) – 5 months
- Park Ranger II – (Open and Promotional – L041S) – 3 months
- Park Ranger II (L041S) – 3 months
- Patient Services Assistant II – Spanish Speaking Preferred (E412AS) – 2 months
- Patient Services Assistant II - Spanish-Speaking Preferred (E412AS) – 3 months



- Peer Support Worker I/II (G115 & G116) /Exam Plan (G116H) – 6 months
- Pretrial Specialist (E020) – 6 months
- Principal Appraiser – 6 months
- Public Health Nurse (F040B) – 3 months
- Public Health Nurse-Aging & Adult Services (F040BA) - 6 months
- Sheriff’s Captain (D192F) – 6 months
- Sheriff’s Criminal Records Supervisor (D447C) – 2 months
- Sheriff’s Criminal Records Supervisor (E447C) – 1 month
- Sheriff’s Lieutenant (D191M) - 2 months
- Sheriff’s Lieutenant (D191M) – 6 months
- Sheriff’s Sergeant (H044P) - 4 months
- Sheriff’s Sergeant (H044P) – 6 months
- Social Worker I/II/III (G098/G097/G096)/Exam Plan (G096BK) – 6 months
- Supervising Mental Health Clinician (Exam Plan F005BJ) – 6 months
- Supervising Mental Health Clinician F005/Exam Plan F005BK – 6 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. During 2020, a total of 34 individuals were hired as a result of extending these eligible lists.

#### **IV. 2021 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.