

# Tools and Resources for HR Success

## FALL 2018 Conference

September 19-21, 2018 • Wine & Roses Conference Center • Lodi, CA

### CPAAC Board

Marc Fox,  
*President*

Pamela Knorr  
*Vice President*

Shawn Atin  
*Treasurer*

Mary Hao  
*Secretary*

Lisa Garrett  
*Past President*

# AGENDA

## Wednesday, September 19

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**Noon**                      **Officers Meeting and Lunch**

**1:00 p.m.**                **General Session – Call to Order and Welcome**

Marc Fox, President, CPAAC

**Approval of Agenda**

**Review of Fall 2017 Meeting Minutes and Treasurer’s Report**

**Officer Reports**

President	Marc Fox, County of Solano
Vice President	Pamela Knorr, County of Butte
Treasurer	Shawn Atin, County of Ventura
Secretary	Mary Hao, County of Marin
Past President	Lisa Garrett, County of Los Angeles

**Nominating Committee Actions – 2019 Officers**

**Introductions**

Recognition of New Members

**Acknowledgements**

Past and Retiring Officers

**CPAAC Committee Reports [None]**

**1:15 p.m.**                **PERB – A Year in Review and other Labor Relations Updates**

Tim Yeung; Managing Partner, Sloan Sakai Yeung & Wong  
Micki Callahan; Human Resources Director, San Francisco

**2:45 p.m.**                **Regional Connection Break-Out Sessions**

**Regions:**

- **North** – Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity
- **Central Area** – Alpine, Amador, Butte, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Yolo, Yuba
- **Bay Area** – Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma
- **South Central** – Fresno, Kern, Kings, Madera, Mariposa, Merced, San Benito, Tulare, Tuolumne
- **South** – Imperial, Inyo, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura

**3:20 p.m.**

**Group Discussions**

- Local Merit Systems
- 2019 Meeting Dates & Locations

**4:00 p.m.**

**Roundtable**

**4:55 p.m.**

**Parking Lot and Action Item Recap**

**5:00 p.m.**

**Adjourn**

**5:15 p.m.**

**Optional Wine Tasting and Appetizers**

South Garden Ballroom Patio

Hosted by Liebert Cassidy Whitmore

**6:00 p.m.**

**No Host Dinner**

(Sign-up sheets are available with restaurant selections)

# AGENDA

## Thursday, September 20

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- 6:15 a.m.      Walk/Run**
- 7:30 a.        Breakfast**
- 8:30 a.m.      Approval of Spring 2018 Meeting Minutes**
- Approval of Treasurer's Report**
- 8:45 a.m.      Creating an Inclusive Environment**  
Dan Esparza; Training Officer, San Francisco
- 12:15 p.m.    Lunch**
- 1:15 p.m.      Roundtable**
- 2:00 p.m.      Understanding & Evaluating Group Health Benefit Alternatives for California Counties**  
Tom Sher; First Vice President Employee Benefits Group, Alliant Insurance Services
- 3:15 p.m.      Break**
- 3:30 p.m.      Roundtable**
- 4:45 p.m.      Parking Lot and Action Item Recap**
- 5:00 p.m.      Adjourn**
- 6:30 p.m.      Hosted Dinner**  
Wine & Roses Pavilion  
Hosted by Sloan Sakai Yeung & Wong



# AGENDA

## Friday, September 21

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|-------------------|--|
| <b>6:15 a.m.</b>  | <b>Walk/Run</b>  |
| <b>7:30 a.m.</b>  | <b>Breakfast</b>   |
| <b>8:30 a.m.</b>  | <b>CSAC Legislative Update</b><br>Dorothy Johnson; Legislative Representative, CSAC<br>Tracy Sullivan; Legislative Analyst, CSAC                       |
| <b>9:45 a.m.</b>  | <b>Break</b>   |
| <b>10:00 a.m.</b> | <b>Roundtable</b>  |
| <b>10:30 a.m.</b> | <b>Major Hiring Trends for 2018 and Beyond</b><br>Shane Evangelist; Chief Executive Officer, NeoGov<br>Michelle Cline; Insight Product Manager, NeoGov |
| <b>11:45 a.m.</b> | <b>Adjourn</b>   |



# CPAAC Conference Meeting Minutes:

## Spring 2018

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**Location:** Wine & Roses; 2505 W. Turner Road; Lodi, CA.

**Attendees:** Amador County, Alameda County, Butte County, Calaveras County, Colusa County, Contra Costa County, Kings County, Los Angeles County, Marin County, Merced County, Napa County, Placer County, San Bernardino County, San Francisco County, San Joaquin County, San Luis Obispo County, San Mateo County, Santa Clara County, Santa Cruz County, Solano County, Sonoma County, Stanislaus County, Sutter County, Tuolumne County, Ventura County, Yolo County, Yuba County. **A quorum of the membership was present** (Article IV, Qualifications and Rights of Membership, section H, Quorum).

### 1:09 p.m. General Session – Call to Order and Welcome (Marc Fox, President, CPAAC)

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- ***Treats from the President's County:*** In keeping with the tradition for the President to bring something from his County (Solano), Marc brought us Jelly Bellies and a red IPA beer ("Evil Twin") from Heretic Brewery.
- ***Wednesday night reception:*** Relocated to upstairs room.
- ***Wednesday Dinner On Your Own:*** Marc has made 3 reservations for Wine and Roses, Lodi Beer Company and Yumi (Japanese/sushi). Note that Wine and Roses can only accommodate a party of no more than 10. After dinner, please stop by the President's suite (#27) to hang out.
- ***Approval of Agenda:*** Moved by Pamela Knorr (Butte) and second by Lori Walsh (Placer). Minutes approved.
- ***Review of Fall 2017 Meeting Minutes and Treasurer's Report:*** We still have \$6950 in outstanding dues. Our bank account balance is \$29,092 as of February 28, 2018. We are spending more money that we are bringing in. While it has been the goal of this association to bring down excess balances, there have some consequences which Marc will discuss later on. 2<sup>nd</sup> page of the report shows expenses and credits. Dues are based on size of county and the amounts have remained unchanged for some time.
- ***Officer Reports:*** None.
- ***Nominating Committee Actions:*** Donna Vaillancourt (San Mateo) has been serving as CPAAC's representative to the CSAC Institute governance structure. This position helps with CSAC's continuing education for leadership development in public agencies. The representative attends meetings that are connected to the CSAC conference. The CSAC Board consists of county supervisors and staff. We need to find another representative since Donna will be retiring. Pam Knorr and Shawn are on nominating committee. If interested, please see Pam and Shawn. We will make an appointment tomorrow.



- **Bargaining Updates:** If you brought your bargaining agreement updates, please put them on the counter to share.
- **Roundtables** are a time for us to share information, ask for help.
- **Introductions and Recognition of New Members:** We welcomed Seth Shapiro, Nevada County's new Human Resources Director and Jon Mills, Santa Clara County's Employee Services Manager. Heather Ruiz (Napa) introduced her Benefits Administrator, Olivia.
- **Acknowledgements Past and Retiring Officers:** Presentation of plaque to Lisa Garrett (Los Angeles) for her service to CPAAC. During her tenure as President, she brought a lot of interesting speakers to our conferences.
- **CPAAC Committee Reports:** Lisa Garrett reported on the NeoGov Work Group. She met with NeoGov after our last meeting. NeoGov's new CEO of also attended the meeting and he addressed his interest in updating NeoGov and enhancing user experience. Discussions with NeoGov: 1) would like a different look and feel; 2) integration; 3) better reporting. We would also like EEO reports. NeoGov looking to do more reports and push out in dashboard format.

NeoGov also purchased a new training company that has over 8,000 customers. They offer end to end services for the employee or candidate-to-employee for their whole professional life cycle. NeoGov sent out survey and have yet to get results.

- **Theme of speakers today:** "Foretelling the Future." Things we are thinking today that will impact tomorrow.

### 1:15 p.m. Workers' Compensation Program – Evaluating Program Performance

*Sherri Adams, Risk Manager, County of Solano; Chris Shaffer, Managing Vice President – Client Services, York Risk Services Group; Doriennne Zumwalt, Senior Account Manager, York Risk Services Group*

Presenters addressed Workers' Compensation programs and how to know if the program is successful, including the relationship with third party administrators.

### 2:45 p.m. Regional Connection Break-Out Sessions

- **North** – Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity
- **Central Area** – Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Yolo, Yuba
- **Bay Area** – Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma
- **South Central** – Fresno, Kern, Kings, Madera, Mariposa, Merced, San Benito, Tulare, Tuolumne
- **South** – Imperial, Inyo, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura

### 3:25 p.m. Hot Topics / Operational Issues / Best Practices / Group Discussions

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- Concealed weapons in the workplace.
- Opportunities to piggyback contracts: LMS, background checks. Maybe we can form a group of counties interested in the various piggyback contracts. Check with SACOG (Sacramento Area Council of Governments) to see if there are piggyback opportunities.
- Health insurance coalitions. Napa and Nevada in CalPERS. San Luis Obispo left CalPERS and joined CSAC EIA Health. Santa Barbara also in CSAC EIA Health where you can actually sit on the board and influence plan design on annual basis.
- Mandatory union dues, and what if... - Discussed preparation for the *Janus v. AFSCME* decision. Some counties are cleaning up dues records, review of maintenance of membership provisions and expansion of the conscientious objector criteria.
- Other topics raised by the group. Uptick in harassment claims? How to address Board when issues arise between Board members or between Board member and department head – talk to chair?

### 4:03 p.m. Roundtable

### 4:55 p.m. Parking Lot and Action Item Recap

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**Location for 2019 Meetings:** The Board is reviewing locations for meetings in 2019. Included in consideration is a southern California location and different location for northern California. Please feel free to give suggestions for location.

**NeoGov Revisited:** Lisa Garrett (Los Angeles) announced that there are now live operators and time-to-hire dashboards from requisition to lists. Also provide information about other interested positions, new user interfaces, ability to send more than 250 candidate correspondences at a time and ability to mask confidential information

### 4:53 p.m. Adjourn

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## Thursday, March 22, 2018

### 8:37 a.m. – Reconvene

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- **Approval of Fall 2017 Meeting Minutes:** Motion by Tami Douglas-Schatz (San Luis Obispo) and second by Ann Fremd (Tuolumne). Motion carries.
- **Approval of Treasurer's Report:** Motion by Ann Fremd (Tuolumne) and second by Donna Vaillancourt (San Mateo). Motion carries.

- **Roundtable**

- **CSAC Legislative Update:**

*Dorothy Johnson, Legislative Representative CSAC Government Affairs*

Dorothy reviewed pending employment-related legislation. She will send revised PowerPoint, and chart of CSAC position on pending legislation.

- **Roundtable**

- **Team Building Exercise:** Marc had us count off and break up into 6 teams to do a team building exercise. Each team had to spend 5 minutes writing down detailed instructions of how to make a peanut butter and jelly sandwich with the following items: bag of bread, jar of peanut butter, jar of jelly, knife and plate. Each team then made peanut butter and jelly sandwiches based on their team's instructions.

Moral of the exercise: sometimes we think we are giving good instructions to staff when in fact they are not as detailed as they should be.

### 12:00 p.m. Lunch

### 1:15 p.m. Reconvene

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#### **Cal-ICMA Talent Initiative:**

*Donna Vaillancourt; Human Resources Director, County of San Mateo and Nancy Hetrick; Partner, Management Partners*

Donna and Nancy shared results of work that is underway in talent initiative. We broke into smaller groups to discuss our agency's EVP (employee value proposition).

### 2:49 p.m. Break

### 3:05 p.m. Reconvene

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#### **Fact-Finding and In-Home Supportive Services:**

*Charles Sakai, Managing Partner and Burke Dunphy; Partner, Sloan Sakai Yeung & Wong*

Presenters discussed issues emerging in IHSS negotiations and fact-finding process.

#### 4:55 p.m. Parking Lot and Action Item Recap

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- **Announcement:** Due to weather, dinner tonight has been moved from tented pavilion to the cellar.
- **Nominating Committee Actions:** The nominating committee nominates Tami Douglas-Schatz (San Luis Obispo) to serve on this committee. Motion by Donna Vaillancourt (San Mateo) for Tami to serve a 3-year term as CPAAC's delegate to the foundation. Micki Callahan (San Francisco) seconds. Motion carries.

#### 5:00 p.m. Adjourn

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## Friday, March 23, 2018

#### 8:46 a.m. Reconvene

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##### **California Public Pensions:**

*Dane Hutchings; Legislative Analyst, League of Cities*

Dane presented on CalPERS funding and how the fund operates.

#### 10:20 a.m. Reconvene

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##### **Marijuana Scenarios and Occupational Health Safety:**

*Gage Dungy, Liebert, Cassidy and Whitmore and Sherri Adams, Risk Manager, Solano County*

Gage presented on laws surrounding the marijuana in the workplace, scenarios and best practices. Sherri presented on safety and environmental impacts of marijuana as it applies to worker safety and health.

#### 11:40 a.m. Adjourn Spring 2018 CPAAC Meeting

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# Treasurer's Report



## COUNTY PERSONNEL ADMINISTRATORS Association of California

### TREASURER'S REPORT SUMMARY March 01, 2018 to August 31, 2018

Summary: March 01, 2018 to August 31, 2018

	Debits	Credit	Balance
CHASE-Checking Acct. Balance Forward at March 01, 2018			29,092.45
Net Activity: March 01, 2018 to August 31, 2018	18,948.38	32,709.00	
Ending Balance on August 31, 2018			42,853.07

#### FY 2017-18 Dues Summary:

FY 2018-19 Dues Invoiced	39,400.00
Total FY 2018-19 Dues received as of 08/31/2018	28,850.00
Total FY 2018-19 Dues not paid as of 08/31/2018	10,550.00

#### FY 2018-19 Dues Receivable Outstanding as of 7/31/2018

Contra Costa	\$ 800.00
Glenn	\$ 600.00
Humboldt	\$ 650.00
Imperial	\$ 650.00
Inyo	\$ 600.00
Lassen	\$ 600.00
Mariposa	\$ 600.00
Mendocino	\$ 600.00
Modoc	\$ 600.00
Mono	\$ 600.00
Monterey	\$ 750.00
Orange	\$ 900.00
San Benito	\$ 600.00
San Bernardino	\$ 800.00
Tehama	\$ 600.00
Trinity	\$ 600.00
Total Dues Receivable Outstanding as of 08/31/2018	10,550.00





# COUNTY PERSONNEL ADMINISTRATORS Association of California

## TREASURER'S REPORT SUMMARY March 01, 2018 to August 31, 2018

	<u>Debits</u>	<u>Credits</u>	<u>Balance</u>
Checking Account Balance on March 01, 2018			29,092.45
Net Activity: March 01, 2018 – August 31, 2018	(18,948.38)	32,709.00	

<b>Ending Balance on August 31, 2018</b>	<b>Total</b>	<b>42,853.07</b>
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### Debits Summary:

03/14/18	Wine and Roses – Final Payment Spring 2018	13,770.70
03/26/18	Wine and Roses	779.20
3/26/18	Wine and Roses	655.91
4/4/18	County of Solano – Plaque for outgoing President	64.97
4/27/18	Secretary of State – Statement of Information	20.00
05/24/18	County of San Mateo – Office Depot Expenses	1,145.15
6/11/18	Eagle Eye Engraving – Plaques for outgoing members	162.45
8/30/18	Wine and Roses – 2019 Spring Conf Down Payment	2350.00
	<b>Subtotal</b>	<b>18,948.38</b>

### Credits Summary:

FY 2018/19 Dues	28,850.00
Conference Registrations	1,059.00
FY 17/18 Dues – Trinity	600.00
Sponsorships	<u>2,200.00</u>
<b>Subtotal</b>	<b>32,709.00</b>

### Sponsorships

Sloan, Saka, Young & Wong LLP (Sponsorship of Wine Reception Fall 2018 Conf.)	1,000.00
Hyass Group	<u>1,200.00</u>
<b>Subtotal</b>	<b>2,200.00</b>



## COUNTY PERSONNEL ADMINISTRATORS Association of California

### TREASURER'S REPORT SUMMARY March 01, 2018 to August 31, 2018

FY 2018-19 Dues Summary:		
County	Dues Paid	Dues Outstanding
Alameda	\$800.00	
Alpine	\$600.00	
Amador	\$600.00	
Butte	\$650.00	
Calaveras	\$600.00	
Colusa	\$600.00	
Contra Costa	\$800.00	\$800.00
Del Norte	\$600.00	
El Dorado	\$650.00	
Fresno	\$750.00	
Glenn	\$600.00	\$600.00
Humboldt	\$650.00	\$650.00
Imperial	\$650.00	\$650.00
Inyo	\$600.00	\$600.00
Kern	\$750.00	
Kings	\$650.00	
Lake	\$600.00	
Lassen	\$600.00	\$600.00
Los Angeles	\$900.00	
Madera	\$650.00	
Marin	\$650.00	
Mariposa	\$600.00	\$600.00
Mendocino	\$600.00	\$600.00
Merced	\$650.00	
Modoc	\$600.00	\$600.00
Mono	\$600.00	\$600.00
Monterey	\$750.00	\$750.00
Napa	\$650.00	
Nevada	\$600.00	
Orange	\$900.00	\$900.00
Placer	\$650.00	
Plumas	\$600.00	
Riverside	\$800.00	
Sacramento	\$800.00	
San Benito	\$600.00	\$600.00

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**COUNTY PERSONNEL ADMINISTRATORS**  
**Association of California**

**TREASURER'S REPORT SUMMARY**  
**March 01, 2018 to August 31, 2018**

<i>Continued: Dues Summary</i>	<b>Dues Paid</b>	<b>Dues Outstanding FY 18/19</b>
San Bernardino	\$800.00	<b>\$800.00</b>
San Diego	\$900.00	
San Francisco	\$750.00	
San Joaquin	\$750.00	
San Luis Obispo	\$650.00	
San Mateo	\$750.00	
Santa Barbara	\$750.00	
Santa Clara	\$800.00	
Santa Cruz	\$650.00	
Shasta	\$650.00	
Sierra	\$600.00	
Siskiyou	\$600.00	
Solano	\$750.00	
Sonoma	\$750.00	
Stanislaus	\$750.00	
Sutter	\$600.00	
Tehama	\$600.00	<b>\$600.00</b>
Trinity	\$600.00	<b>\$600.00</b>
Tulare	\$750.00	
Tuolumne	\$600.00	
Ventura	\$750.00	
Yolo	\$650.00	
Yuba	\$600.00	
<b>Subtotals</b>	<b>\$39,400.00</b>	<b>\$10,550.00</b>

Respectfully Submitted,

Shawn Atin  
CPAAC Treasurer

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# PERB – A Year in Review

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# Labor Relations Update

## County Personnel Administrators Association of California

September 19, 2018

Micki Callahan, Human Resources Director, City & County of San Francisco

Tim Yeung, Partner, Sloan Sakai Yeung & Wong LLP



Sloan Sakai  
ATTORNEYS AT LAW

## Update on PERB Decisions



## Update on PERB Decisions

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### *State of California (Department of State Hospitals) (2018)* PERB Decision No. 2568-S (Issued on 6/12/18)

- **Holding:** Employer must raise affirmative defenses EARLY when it fails/refuses to provide requested information to union.
- **HR Implication:** Document all requests and responses carefully and use tracking charts for dates and status. (sample) Raise all defenses early (not available, burdensome, employee privacy, contractual waiver). Consider proposing contractual waiver language in negotiations.

## Update on PERB Decisions

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### *Napa Valley CCD (2018) PERB Decision No. 2563-E (Issued on 5/25/18)*

- **Holding:** Presumption that unions have the right to use employer email system to engage in communications during “non working time.” Presumption is rebuttable by demonstrating special circumstances.
- **HR Implication:** Don’t bother trying to rebut this presumption. Focus on ensuring you have clear policies about use of employer resources, including use of time. You can probably still limit usage for things like social events, and can certainly prohibit usage for non-employer business that is not a protected activity. Conform old IT and employee handbook policies accordingly, and train HR staff.

(Cont.)

## Update on PERB Decisions

***Napa Valley CCD (2018) PERB Decision No. 2563-E (Issued on 5/25/18)***

- **HR Implication (Cont.):** In policies and employee notifications, include requirements that any use of employer email, for any reason, must conform to policy regarding courtesy, non-discrimination, confidentiality, records retention, etc. Notice employees that there is no expectation of privacy in use of email system, emails are subject to public disclosure and records retention policy, and email use for union business must be on own time.



## Update on PERB Decisions

***City of Salinas (2017) PERB Order No. Ad-457-M (Issued on 1/4/18)***

**Holding:** PERB holds that an employer's letter to the union, stating the employer has met its obligations to meet and confer, constitutes declaration of impasse, even when the term "impasse" is not used.

**HR Implication:** Not much; nice to see PERB didn't hold things up on a technicality. But why be cagey and leave the union guessing? If you are at impasse, go ahead and put it in writing, and give the union the opportunity to meet to contest that determination and/or break the impasse. It's faster and cheaper than litigation.



## Update on PERB Decisions

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### ***Boling v PERB*** (Cal. Supreme Court Case No. S242034)

**Holding:** City was required to bargain over a pension initiative where the Mayor actively campaigned for the initiative and pursued it as a matter of policy.

**HR Implication:** Advise elected officials of the *Seal Beach* requirements that apply even if they pursue benefit changes via voter initiative. You can ask County Counsel to deliver the message, or send even send a general advisory to your electeds who may want to dip their toes in the initiative waters. Even if you disagree with the initiative and/or the official, it's best to ensure they at least avoid violating MMBA.

## The *Janus* Decision

## The *Janus* Decision

### *Janus v AFSCME* (2018 SCOTUS)

**Holding:** For anyone who missed this because they live under a rock, unions can no longer collect agency fees (a.k.a. fair share or service fees) to cover their costs of representing non-members. SCOTUS held on June 27 that requiring agency fees is unconstitutional; it is effectively compelled speech in violation of the First Amendment.



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## The *Janus* Decision

### *Janus v AFSCME* (2018 SCOTUS)

**HR Implication:** Public agencies discontinued collected these fees immediately. Remind supervisors, managers, and payroll clerks not to advise employees on whether they should join, quit, or remain members of the union. (sample "Do's and Don'ts") Amend MOUs to delete reference to agency fees (show example). Should the union identify any negotiable impacts and if required by your severance clause, meet and confer (although there's not much you can do). Ensure your union access provisions (in policy or MOU) are circulated and applied consistently. This is such a huge financial hit for some unions that it may have significant implications for labor relations, such as:

- More organizing activity and campaigns, especially around negotiations, in order to shore up the union's strength and finances
- Potential layoffs of union staff, with corresponding increased demands for employer-paid release time for union representatives
- More use of City email for union organizing (see Napa Valley CCD)
- More state and local legislation intended to assist unions negatively affected by Janus



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## SB 866

### SB 866

**SB 866 was signed by Governor Brown on June 27, 2018, and took effect immediately. Major elements:**

- Public employers cannot email employees about union membership or their rights in that regard without giving the union notice and first attempting to negotiate the content of the message. If there is no agreement, the union gets to send an accompanying message.
- Public employers must withhold union dues based on a certification from the union, and cannot demand to see the authorization itself (presumably this trumps the Labor Code provision that requires us to have an authorization on file to implement a deduction).
- A rather generic “hold harmless” provision is incorporated in the bill.
- Bill unclear as to whether the employer must accept membership cards from employees seeking to join the union.
- Requirement to provide release time to employee representatives for meet and confer (already in MMBA) and processing of grievances.

## Other Post-*Janus*/SB 866 Issues

### Other Post-*Janus*/SB 866 Issues

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#### Validity of Pre-*Janus* Membership Obligations

- Are employees bound by maintenance of membership agreements signed prior to *Janus*?
- Litigation on this issue in Oregon & Washington by Freedom Foundation. Argument: Employees could not have given a “clear and compelling” waiver prior to *Janus* because employees did not have the right to refuse to pay agency fees.

## Other Post-*Janus*/SB 866 Issues

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### Maintenance of Membership/Maintenance of Check-Off

- Unions are moving towards “maintenance of check-off” instead of maintenance of membership. Under maintenance of check-off, employees may resign their membership at any time, but are obligated to continue with any payment obligations consistent with the agreement.
- Should employers continue to include maintenance of membership/check-off and/or other organizational security provisions in MOUs? Are such provisions even within the scope of bargaining after *Janus* and SB 866?

## Other Post-*Janus*/SB 866 Issues

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### Communications with Employees re Membership/Dues, etc.

- Are there circumstance where employer can communicate with employee regarding membership and/or dues & fees?
- Already receiving examples of employees being referred to union and returning with more questions.
- Where an employee has questions and concerns, is there a conflict between *Janus* and SB 866?

## Other Post-*Janus*/SB 866 Issues

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### Interpretation of Broad Statutory Terms

- Gov. Code section 3550: A public employer shall not **deter or discourage** public employees or applicants to be public employees from becoming or remaining members of an employee organization, or from authorizing representation by an employee organization, or from authorizing dues or fee deductions to an employee organization.
- Gov. Code section 3553: If a public employer chooses to disseminate mass communications to public employees or applicants to be public employees concerning public employees' rights to join or **support** an employee organization ...



## Other Post-*Janus*/SB 866 Issues

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### Jurisdictional Issues

- Gov. Code 1150 et seq
  - PERB has no direct jurisdiction to enforce. But can interference charge be pled?
  - Are counties exempt under home rule principle?





## Other Post-*Janus*/SB 866 Issues

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### AB 119 Issues

- Any conflict with PRA to keep time, date, location of NEO secret?
- What if employees tell Freedom Foundation?
- Dealing with third party requests for employee names and contact information.

Questions

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# Merit Systems Audit

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**Regulations Implementing Revised  
Federal Grant-in-Aid Merit System Requirements  
(Government Code Sections 19800 through 19811)**

**Text of Modified Regulations**

**TITLE 2. ADMINISTRATION**

Add Division 5 to the California Code of Regulations, title 2, to read as follows:

**DIVISION 5. STATE AND FEDERAL GRANT-IN-AID PROGRAM MERIT SYSTEMS**

**CHAPTER 1. APPROVED LOCAL MERIT SYSTEM STANDARDS**

**§ 17010. Purpose.**

Every Local Agency administering a state or federally funded aid program that requires as a condition of program participation that the Local Agency operate a merit-based Personnel System is subject to this Division.

NOTE: Authority cited: Sections 19800, 19801, 19802, and 19811, Government Code.  
Reference: Sections 19801, 19802, and 19810, Government Code.

**§ 17011. Definitions.**

As used in this Division,

(a) Administrative Law Judge means an individual in state service duly appointed to a position classified as an Administrative Law Judge.

(b) Classification means a category of positions that are sufficiently similar in the type of work performed by incumbents, level of difficulty, responsibility, and qualifications required such that the positions warrant similar treatment in personnel and pay administration.

(c) Department means the California Department of Human Resources.

(d) Director means the Director of the California Department of Human Resources.

(e) Disciplinary Action means an action by a Local Agency against an employee that is based on the employee's performance of the duties of the position and that results in

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the dismissal, demotion, suspension, or loss of pay or work hours of a permanent employee. Disciplinary Action does not include letters of reprimand, written instructions to the employee regarding correcting workplace behavior, or any other action that does not change a permanent employee's job classification or decrease his or her pay.

(f) Federal Requirements means the federal principles and standards for a merit-based Personnel System set forth in federal regulations administered by the Office of Personnel Management, "Intergovernmental Personnel Act Programs: Standards for a Merit System of Personnel Administration" in the Code of Federal Regulations (CFR), under Title 5, Part 900, Subpart F, 62 FR 5323, Oct. 14, 1997 and as amended from time to time.

(g) Hearing Officer means an individual designated by the Director to hear and prepare proposed decisions in those matters that may be appealed to the Department, including but not limited to appeals from audit findings and appeals from actions affecting Program employees. The Director may delegate to the Hearing Officer those duties and powers relating to the conduct of hearings established by Government Code section 19815.4(e) for purposes of making a determination.

(h) Local Agency means any city, county, city and county, district, or other subdivision of the state, or any independent instrumentality thereof, that is required to utilize a merit-based Personnel System for Program employees.

(i) Personnel System means the laws, rules, practices and policies a Local Agency follows, and the operation of its merit-based employee management system for applicants, Program employees and other Local Agency employees. Personnel System includes but is not limited to, the performance of, and any documentation of:

(1) hiring, examination and selection, training, performance evaluation and disciplinary procedures;

(2) compensation plans, classification descriptions, position descriptions and duty statements;

(3) employee-management memoranda of understanding;

(4) anti-discrimination policies and procedures; and

(5) conflict of interest rules and procedures.

(j) Program or Programs means those state and federally funded operations that require any Local Agency administering any portion of the Program operate a merit-based Personnel System for employees engaged in Program operations. Such Programs include but are not limited to, the Social Security Act, as amended; the

Public Health Service Act, as amended; and the Federal Civil Defense Act, as amended.

NOTE: Authority cited: Sections 19800, 19801, and 19811, Government Code.  
Reference: Sections 19800, 19801, 19802, 19802.5, 19803, and 19810, Government Code.

**§ 17012. Approved Local Merit Systems for Program Employees—Total or Partial Approval.**

(a) Every Local Agency may operate its Personnel System for Program employees in the same manner as it does for other employees of the Local Agency after the Department reviews and approves the Personnel System in order to confirm that the Personnel System is merit-based and satisfies the Federal Requirements. Upon request by a Local Agency, the Department shall review the Local Agency's Personnel System, may require additional information as it deems necessary, and shall make a determination as to the adequacy of the Personnel System and advise the Local Agency of the Department's decision.

(b) In determining whether a Local Agency's Personnel System is consistent with the Federal Requirements, the Department shall review elements of the Personnel System that relate to the Federal Requirements including:

(1) Procedures and rules for employee recruitment, selection, and advancement.

(2) Compensation policies and procedures.

(3) Training policies and practices.

(4) Performance evaluation standards and procedures, including procedures for correcting and disciplining employees for poor performance.

(5) Overall fairness of the Personnel System, including policies regarding equal employment opportunity and nondiscrimination.

(6) Rules regarding conflicts of interest including rules protecting employees from coercion for partisan political purposes and prohibiting employees from using their authority to interfere with actions of others relating to elections.

(c) Once approved to operate its Personnel System for Program employees as for other employees, a Local Agency shall certify to the Department in the form and manner that the Department requires that it is operating its Personnel System in accordance with the information reviewed and approved by the Department and that it



will continue to do so. The certification shall be renewed by the Local Agency on Department request.

(d) Any Local Agency approved to operate its own or any part of its Personnel System prior to January 1, 2014 shall be deemed approved by the Department. The Department may require that the Local Agency acknowledge its acceptance of any new standards adopted by the Department.

(e) A Local Agency that wants to apply a particular policy, standard, or procedure governing its Personnel System for its employees to Program employees may submit documentation that the policy, standard, or procedure is consistent with the Federal Requirements to the Department and ask the Department for approval. If the Department approves the request, the Local Agency may thereafter apply the approved policy, standard or procedure and the Department will administer the remainder of the personnel management system for the Local Agency in accordance with Chapter 2 of this division.

(f) If the Department denies the request of a Local Agency to operate all or part of its Personnel System for Program employees, it shall advise the Local Agency of the reasons for the denial in writing. The Local Agency may resubmit its request at any time.

(g) Any Local Agency approved to operate all or any part of its Personnel System for Program employees shall retain records pertaining to personnel management of Program employees. A copy of the policy on retention of personnel and related human resources records or a written advisement of the Local Agency's plan to preserve the records shall be provided to the Department upon request. If the Local Agency has no such policy, the Local Agency shall agree to retain records for seven (7) years from the date of the action or the date of the employee's separation, whichever is longer.

(h) Any Local Agency approved to operate all or part of its Personnel System for Program employees is subject to audit by the Department to determine compliance with the Federal Requirements. The audit schedule, scope, and frequency are within the discretion of the Department. The audit process may include an entrance conference with the Local Agency, a review of documentation, field work as necessary to clarify or expand on the documentation, an exit interview, and an opportunity for comment by the Local Agency to the draft report prepared by the Department. If a Local Agency submits written comments in response to a draft report, the response shall be included in the final audit report.

NOTE: Authority cited: Sections 19800, 19801, 19802, and 19811, Government Code. Reference: Sections 19801, 19802, 19802.5, 19803, 19805, and 19808, Government Code.

**§ 17013. Department Procedures for Resolving Disputed Audit Findings.**

(a) For purposes of this section, the following definitions shall apply.

(1) "Department Representative" means the manager of the division within the Department responsible for administration of merit system standards for Local Agencies under these regulations, or his or her designee.

(2) "Hearing" means a review of written submissions by the Parties and may include oral testimony or presentations if the Hearing Officer deems it appropriate.

(3) "Parties" means the Department Representative and the Local Agency collectively.

(b) After a final audit report has been issued, the Department Representative or the Local Agency may request that the Director convene a hearing within 30 calendar days of the issuance of the final audit report in order to resolve any disputed findings contained in the audit report. Any such request shall be made in writing to the Director and shall include a description of the particular elements of the audit report that are disputed and the reasons for the dispute.

(c) Within 15 calendar days of receiving a request for a hearing, the Director shall assign a staff manager who has not previously been involved in any aspect of the audit to serve as the Hearing Officer and to prepare a draft final decision for the Director's review and adoption at the conclusion of the hearing process. The Hearing Officer shall promptly notify the Parties of his or her appointment.

(d) Within 30 calendar days of notice of the appointment of the Hearing Officer, the Parties shall prepare and provide to the Hearing Officer and to the other party a written statement in support of its position.

(e) Within 30 calendar days of the Hearing Officer receiving the statements, the Hearing Officer may schedule a date for oral presentations by the Parties if the Hearing Officer deems such presentations necessary to fully identify and understand the issues in dispute. The scope and manner of the oral presentations shall be within the discretion of the Hearing Officer. Any presentations shall be recorded and available for transcription at the request of either party and at the expense of the party so requesting. The Hearing Officer will set a date by which all materials requested by the Hearing Officer must be submitted.

(f) Within 30 calendar days of the date that all material requested by the Hearing Officer is submitted, the Hearing Officer shall prepare a draft determination of the dispute and provide it to the Director. The Department Representative shall have the burden of proof to establish by a preponderance of the evidence that the Local Agency's Personnel System is out of compliance with the Federal Requirements.

(g) The Director shall have 30 calendar days from receipt of the draft determination to take action. If the 30 calendar days expire without the Director taking action, the draft decision shall be deemed the final determination of the Director. The Director may adopt the draft determination or direct that additional information be provided by the Local Agency or the Department Representative to the Hearing Officer and the determination be resubmitted for the Director's review subsequent to consideration of that information.

(h) The Director's decision shall include a determination of whether any authority previously granted to the Local Agency to operate all or part of its own Personnel System for Program employees shall be rescinded or modified. In the event the Local Agency is directed to take action under the terms of the Director's final determination and fails to do so within 60 calendar days or such longer period as the Director may designate in his/her decision, the Director shall notify the state officer responsible for administering the Program of his or her decision that the Local Agency is not in conformity with Federal Requirements.

Note: Authority: Sections 19800, 19801, and 19811, Government Code.

Reference: Sections 19800, 19802.5, 19803, 19805, and 19806, Government Code.

#### **§ 17014. Qualifications and Classifications of Program Employees.**

(a) Except for those positions designated as unclassified under (b), the Local Agency shall allocate every Program position to a Classification consistent with the Local Agency's approved Personnel System that is appropriate for the duties of the position.

(b) Every Local Agency may designate a limited number of positions within the Program as unclassified or otherwise not subject to merit system requirements and the requirements of these regulations so long as such designation is consistent with the Local Agency's approved Personnel System concerning the type, number, level and process for establishing such unclassified positions.

Note: Authority cited: Section 19801, 19802, 19811 Government Code. Reference: Section 19800, 19801, and 19802 Government Code, and 5 CFR 900.602(a).

### **CHAPTER 2. DEPARTMENT ADMINISTERED INTERAGENCY MERIT SYSTEM FOR PROGRAM EMPLOYEES.**

#### **§ 17030. Department Oversight of Local Agency Personnel System for Program Employees.**

For any Local Agency not approved to operate its own Personnel System in total, the Department shall oversee the Local Agency's operation of its merit-based Personnel System for Program employees pursuant to this Chapter. In the case of a Local

Agency that is approved by the Department to operate specific elements of its Personnel System for Program employees, the Department shall oversee all other aspects of the Local Agency's operation of its merit-based Personnel System pursuant to this Chapter.

NOTE: Authority cited: Sections 19800, 19801, 19803, and 19811, Government Code. Reference: Sections 19801, 19803, and 19808, Government Code.

### **§ 17031. Qualifications and Classification of Program Employees.**

(a) Except for those positions designated as unclassified under (b), the Local Agency shall allocate every Program position to a Classification established by the Department that is appropriate to the duties of the position. The Local Agency's position allocation shall be subject to audit by the Department.

(b) Every Local Agency may designate a limited number of positions within the Program as unclassified or otherwise not subject to merit system requirements and the requirements of these regulations so long as such designation is consistent with the Local Agency's Personnel System regarding the type, number, level and process for establishing such unclassified positions. Designations of positions as unclassified are subject to audit by the Department.

Note: Authority cited: Section 19801, 19803, and 19811, Government Code. Reference: Section 19800, Government Code, 5 CFR 900.602(a).

### **§ 17032. Recruitment and Selection of Program Employees.**

(a) The Department shall ensure that the availability of Program employee positions is advertised for a sufficient period of time and in a manner that provides for a qualified candidate pool based on the level of the position, the required qualifications, and the availability of qualified applicants in the appropriate labor market.

(b) The advertisement shall include a description of the duties of the position, the position compensation, required minimum qualifications, a description of the selection process, and instructions on when and how to submit an application.

(c) If applications will be accepted for shorter a period of time than the full advertising period, the advertisement shall state the date, time, and manner that applications will be accepted. Applications must be accepted on the last day of the advertising period or a date subsequent to the close of the advertising period.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code. Reference: Section 19803, Government Code.

**§ 17033. Selection Processes for Applicants to Program Positions.**

(a) The selection process shall fairly test and determine the relative qualifications, fitness and ability of applicants to perform the duties of the Program position to which they seek appointment. Applicants shall be selected based on job-related criteria developed prior to reviewing or examining any individual application. The selection process may be conducted through interviews, written examinations, performance based examinations, assessments of education and experience of the applicants, or any combination of processes that are reasonably designed to ascertain the applicant's ability to perform the duties of the Program position.

(b) Eligibility to participate in the selection process may be limited to current employees of the Local Agency or of the Program if the Local Agency's Personnel System allows for such limitations on the candidate group in positions at a similar level to the vacant Program position.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17034. Certification of Qualified Candidates and Appointment to Program Positions.**

(a) At the conclusion of the selection process, the Department shall provide to the Local Agency a list of applicants and the scores each applicant achieved in the selection process for the Program position. The Local Agency shall follow its Personnel System to certify the appropriate number of names for consideration for appointment and to finalize the appointment.

(a) Appointment procedures for Program employees shall be conducted by the Local Agency in the same manner as for other Local Agency employees.

(b)

(c) If Local Agency employees are required to serve probationary periods, the Local Agency shall require and administer probationary periods for Program employees in the same manner. If a Local Agency is authorized to reject an employee while the employee is on probation, Program employees may be rejected for the same reasons and in the same manner as for other employees. The Program employee may appeal that rejection to the Department. The appeal must be in writing and filed within 30 calendar days of the date on which the rejection became effective. The appeal does not delay the effective date of the rejection on probation.

(d) The rights of the parties to an appeal under this section shall be in accordance with section 17045(b) through (g) of these regulations except that the appellant has the burden to show by a preponderance of the evidence that the rejection during probation was done in bad faith.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17035. Disqualification of Applicants from Consideration for Program Positions.**

A Local Agency or the Department may disqualify any applicant from competing in the examination or from further consideration for appointment for any of the following reasons:

- (a) Failure to meet any of the required qualifications for the position.
- (b) Failure to follow application or examination procedures for the position.
- (c) False statements in the application or selection process.
- (d) Any other reason established in the Local Agency's Personnel System.

Any applicant so disqualified shall be notified in writing of the basis for the disqualification and shall be entitled to appeal the decision in accordance with section 17036 of these regulations.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17036. Selection Process Appeals.**

(a) Applicants to Program positions may appeal to the Department actions and decisions made in the Local Agency selection process on the following grounds:

- (1) for alleged irregularity, discrimination, bias, or fraud in one or more steps in an examination.
- (2) for alleged improper acts or circumstances resulting in erroneous interpretation and application, by the examiners, of the skills, knowledge and abilities considered essential for satisfactory performance in the class for which the applicant was examined.

(b) Appeals of decisions from selection procedures must be filed with the Department within 30 calendar days of the date on which the appellant receives notice of the decision that he or she is appealing. Sufficient examination material shall be made available to an appellant to explain the basis for the examination decision, and to confirm the computation of the appellant's score unless in the Department's discretion such access would result in an unfair advantage to the appellant in a future examination.

(c) The Director shall appoint a Hearing Officer to hear the appeal and to prepare a proposed decision. The Hearing Officer shall review documents submitted by the appellant and such other evidence as the Hearing Officer may request. The appellant shall have the burden of demonstrating by a preponderance of the evidence that the selection process was conducted improperly under subsections (a)(1) or (a)(2) of this section, and that, as a result, the applicant was ineligible for consideration by the Local Agency in filling the position. The Hearing Officer may in his or her discretion schedule an evidentiary hearing. The Hearing Officer shall prepare a proposed decision for the Director. The Director shall render a decision within 60 calendar days of submission of all of the evidence.

(d) An appeal under this section shall not require a delay of an appointment to a Program position unless the Local Agency in its discretion determines a delay is appropriate. Any correction in ratings shall not affect appointments that may have already been made from the eligible list.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Sections 19803 and 19805, Government Code.

#### **§ 17037. Compensation for Program Employees.**

Local Agencies shall compensate Program employees pursuant to the Personnel System in the same manner established for other Local Agency employees. The Department may review the Local Agency's compensation policy and practices as necessary to ensure compliance with the Federal Requirements. The compensation plan may include provisions explaining the circumstances under which a Program employee's salary may remain above the maximum for the Program employee's Classification if the salary would be reduced through no fault of the Program employee, and if the Personnel System permits compensation above the classification maximum under the same circumstances for all Local Agency employees.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

#### **§ 17038. Training for Program Employees.**

Local Agencies shall provide training to Program employees pursuant to the Personnel System in the same manner established for other Local Agency employees. The Department may review the Local Agency's training policy and practices as necessary to ensure compliance with the Federal Requirements.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17039. Performance Evaluation for Program Employees.**

Local Agencies shall evaluate the performance of Program employees pursuant to the Personnel System in the same manner established for other Local Agency employees. Performance rating criteria must be job related, objective, and applied consistently to all employees subject to performance evaluation. Program employee complaints about the performance evaluation reports or process shall be processed in accordance with Local Agency procedures.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17040. Overall Fairness of the Local Agency Personnel System.**

The Local Agency shall provide for equal employment opportunity, nondiscrimination, and other policies promoting fairness in the overall personnel operations for applicants and Program employees pursuant to the Personnel System in the same manner established for other Local Agency employees.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17041. Conflict of Interest and Improper Use of Authority for Program Employees.**

The Local Agency shall follow the rules and procedures regarding conflicts of interest, including rules relating to improper use of authority by an employee for Program employees pursuant to the Personnel System in the same manner established for other Local Agency employees.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17042. Reduction in Force.**

(a) In the event that the Local Agency determines a reduction in the number of Program employees is necessary, the Local Agency shall follow the procedures established in its Personnel System for reductions in force. Such procedures may include but are not limited to requirements for how and when notice is given to the affected employees, limits on appointments to vacant positions pending completion of the reduction in force, and provisions for creating reemployment lists of those employees laid off or demoted through the reduction in force process.



(b) (1) For the purposes of the Local Agency reduction in force process, seniority shall be calculated for Program employees as for any other employee of the Local Agency with the exception that Program employees hired prior to the effective date of this regulation shall retain the seniority accrued prior to the effective date of this regulation, as provided in subsection (2). Program employees who are hired after the effective date of this regulation shall accrue seniority in accordance with the Personnel System of the Local Agency.

(2) In addition to other seniority to which a Program employee is entitled, Program employees with permanent or probationary appointments in a Local Agency overseen by the Department prior to the effective date of this regulation shall be credited with all seniority accrued as of the effective date of this regulation as provided in this subsection. After the effective date of these regulations, these Program employees will accrue seniority in accordance with the Personnel System of the Local Agency.

(A) Program employees who were appointed on a permanent or probationary basis prior to the effective date of this regulation shall be credited for all employment in any Local Agency governed by this division if that employment was not broken by a permanent separation of six (6) months. When there had been a permanent separation of six (6) months or more, credit earned is only for employment following such break in service. Program employees hired from a reemployment list regained all previously earned seniority on the date of reemployment. A Program employee who transferred to another department in the same Local Agency, and who subsequently returned to the Program without a permanent separation, retains seniority earned prior to the transfer from the Program.

(B) One point of seniority credit shall be given for each qualifying month of service earned prior to the effective date of these regulations.

(C) Notwithstanding the provisions of subsection (b)(2)(A), Program employees who were on approved leaves of absence such as educational leave, military leave, maternity leave, and disability leave shall retain seniority accumulated before the leave of absence. The time the Program employee spends on such approved leave of absence shall not be included in the seniority score computation except that a Program employee who was on industrial disability leave shall have that time credited in the seniority score computation.

(c) A Program employee may appeal to the Department a reduction in force decision affecting his or her employment. Prior to filing an appeal with the Department, the employee shall attempt to resolve the dispute directly with the Local Agency. In the event the Local Agency and the Program employee are unable to resolve the dispute, the Program employee must notify the Department in writing of his or her appeal and the basis for the appeal. The Program employee must attach evidence that a remedy was sought from the Local Agency and denied. The appeal must be received by the Department within 30 calendar days of the date on which the Program employee was

notified that the Local Agency would not provide the relief the Program employee requested.

(d) The scope of appeal is limited to:

(1) The Local Agency's failure to comply with an element of the Personnel Plan that adversely impacted the appellant in particular.

(2) Miscalculation of the appellant's seniority score where seniority is a factor in the order of lay-off.

(e) The Department shall resolve the appeal by reviewing documents submitted by the parties and such other evidence as the Department may request. The Department may in its discretion schedule an evidentiary hearing. The Department shall render a decision within 60 calendar days of submission of all of the evidence.

(f) The reduction in force process shall not be delayed by the filing of any appeal unless the Local Agency determines a delay is appropriate.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Sections 19803 and 19805, Government Code.

#### **§ 17043. Failure to Meet Requirements for Continuing Employment.**

(a) If such a procedure is permitted under the Local Agency's Personnel System, in lieu of disciplinary action, a Local Agency may terminate, demote, transfer, reduce the salary, or otherwise alter the employment of a Program employee without the Program employee's consent and for reasons unrelated to the Program employee's job performance when the only cause of action against the employee is failure to meet a requirement for continuing employment. Such actions shall not be considered disciplinary for purposes of the Program employee's record and may be referred to as non-disciplinary actions. Such actions may include but are not limited to demotion or transfer; termination based on an unapproved absence by the employee; demotion or transfer unrelated to a reduction in force; actions based on the Program employee's medical condition; the imposition of paid and unpaid leaves; and any other action permitted under the Local Agency's Personnel System.

(b) A Program employee may appeal such actions to the Department after seeking a remedy directly from the Local Agency. In the event the Local Agency and the Program employee are unable to resolve the dispute, the Program employee shall notify the Department in writing of his or her appeal and the basis for the appeal. The employee shall attach evidence of having requested a remedy directly from the Local Agency and the outcome of that request. Such appeals must be filed with the Department within 30 calendar days of the date on which the Program employee was notified that the Local Agency would not provide the relief the Program employee requested. An appeal does not delay the effective date of the action.

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(c) The scope of appeal is limited to:

(1) Whether the Local Agency failed to comply with an element of the Personnel System.

(2) Whether the Local Agency is taking the action for an unlawful reason.

(d) On receipt of the appeal, the Director shall appoint a Hearing Officer who is an Administrative Law Judge to hear the appeal in accordance with Section 17045 and prepare a proposed decision, except that the appellant has the burden of proving by a preponderance of the evidence that the non-disciplinary action was improper. The Director shall render and issue a decision within 90 calendar days of all evidence being submitted.

(e) The appellant's rights to reinstatement to his or her former position after the cause of the non-disciplinary action has been resolved shall be determined by the Local Agency in accordance with the Local Agency's Personnel System.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Sections 19803 and 19805, Government Code.

**§ 17044. Disciplinary Actions based on Program Employee Performance or Conduct.**

When a Program employee's performance or conduct is unacceptable to the Local Agency, the Local Agency may take Disciplinary Action against the Program employee for any cause established in the Local Agency's Personnel System. The Local Agency shall prepare and serve the Disciplinary Action in accordance with the Personnel System rules, including provisions describing the length and type of notice to be given to the Program employee, the contents of the notice, any right to meet or appeal to the Local Agency prior to the action becoming effective, and the inclusion of documentary evidence with the notice of the action.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

**§ 17045. Appeals from Program Employee's Disciplinary Action.**

(a) A Program employee may appeal a Disciplinary Action to the Department within 30 calendar days of the date on which the Disciplinary Action became effective. The appeal must be in writing and need not be in any particular form but shall include a description for the basis of the appeal and the relief requested by the appellant. The Department shall ensure that the Local Agency receives a copy of the appeal and all

materials provided by the appellant. The appeal does not delay the effective date of the Disciplinary Action.

(b) The Director shall designate a Hearing Officer who is an Administrative Law Judge to hear the appeal and prepare a proposed decision for the Director's consideration. The Hearing Officer shall preside over all aspects of the hearing, may grant or refuse extensions of time, set the hearing dates, conduct the hearing and administer oaths to witnesses, rule on the submission of evidence, request additional evidence or the submission of documents by the parties, including legal briefs, and perform any and all other acts in connection with the hearing that may be necessary. Hearings are public, although witnesses may be excluded, unless the Hearing Officer determines that it is appropriate to close the hearing.

(c) Each party shall have these rights: to call and examine witnesses; to be represented by counsel or another representative of their choosing; to request the issuance of subpoenas and subpoenas duces tecum; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issue, even though that matter was not covered in the direct examination; and to impeach any witness regardless of which party first called the witness to testify. The party with the burden of proof shall have the opportunity to rebut the evidence.

(d) If an appellant does not testify on his or her behalf, the appellant may be called and examined as on cross-examination by the Local Agency. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence shall be admitted and may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it is the type of hearsay admissible over objection in a civil action. The rules of privilege shall be effective to the same extent to which they are now or may hereafter be recognized in civil actions. Irrelevant and unduly repetitious evidence may be excluded.

(e) The Local Agency shall have the burden of proving by a preponderance of evidence that the Disciplinary Action is supported by the evidence and that proper procedures were followed.

(f) The Department shall issue a decision within 90 calendar days of submission of all of the evidence or other information requested by the Hearing Officer and shall provide the decision to both parties. The decision may uphold the Disciplinary Action in all respects, or modify the penalty assessed to a lower level of discipline if a lesser penalty is available under the Local Agency Personnel System.

(g) After 30 calendar days, the decision shall be binding on the Local Agency and is the final administrative decision in the matter. Notwithstanding the above, within 30 calendar days after service of a copy of a decision, any party may file a petition for rehearing with the Department. The petition shall be in writing and shall contain all the

grounds upon which the party requesting rehearing believes the petition should be granted. Within 30 calendar days after such a filing, the Department shall serve a copy of the petition on the other parties to the proceeding. Within 60 calendar days after service of the petition for rehearing on the non-requesting parties, the Director shall either approve or deny the petition in whole or in part. Failure to act upon a petition within this 90 calendar day period shall be deemed a denial of the petition. If a petition for rehearing is granted, the matter may be set for rehearing or the Department may reconsider the appeal based solely upon the existing record and arguments provided by the parties. The Hearing Officer shall determine the scope, procedures, and the schedule for any subsequent proceedings.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Sections 19803 and 19805, Government Code.

#### **§ 17046. Processing Grievances from Program Employees.**

Grievances shall be defined and processed as provided in the Personnel System for Program employees as for other Local Agency employees.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Section 19803, Government Code.

#### **§ 17047. Department Audits of Local Agency Personnel Systems.**

The Department may audit any Local Agency's Personnel System under this Chapter as necessary to ensure that those elements of the Personnel System applied to Program employees are in compliance with the Federal Requirements. The audit schedule, scope, and frequency of audits are within the discretion of the Department. The audit process may include an entrance conference with the Local Agency, a review of Local Agency documentation, field work as necessary to clarify or expand on the documentation, an exit interview, and an opportunity for comment by the Local Agency to the draft report prepared by the Department. If a Local Agency submits written comments in response to a draft report, the response shall be included in the final audit report. The Local Agency or Department Representative may dispute Department audit findings pursuant to section 17013 of these regulations.

Note: Authority: Sections 19800, 19801, 19803, and 19811, Government Code.  
Reference: Sections 19803 and 19808, Government Code.



## Merit System Services Program

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CalHR is responsible for the administration and management of the Merit System Services (MSS) Program for certain local government employees. Pursuant to California Government Code sections 19800 – 19811, CalHR ensures that counties receiving federal funds for Social Services and Child Support programs use a merit personnel system for program employees that meets the following six merit principles:

1. Recruitment, selection and advancement of employees is on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.
2. Employees are provided equitable and adequate compensation.
3. Employees are trained, as needed, to assure high quality performance.
4. Employees are retained on the basis of the adequacy of their performance, inadequate performance is addressed, and employees whose inadequate performance cannot be corrected are separated.
5. Applicants and employees are assured fair treatment in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, or disability and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the federal equal employment opportunity and nondiscrimination laws.
6. Employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for purposes of interfering with or affecting the result of an election or a nomination for office.

CalHR assumed responsibility for this program under the Governor's Reorganization Plan Number One of 2011. Currently CalHR contracts with Cooperative Personnel Services (CPS) HR Consulting to audit and provide services to counties.

The State of California adopted Local Agency Personnel Standards (LAPS) to implement Government Code Sections 19800 -19811. Of the 58 California counties, most are authorized to administer their own personnel systems for program employees based on CalHR's review and approval of their personnel management system. These counties are often referred to as Approved Local Merits Systems (ALMS) counties. These ALMS counties are periodically audited to ensure that they continue to be in compliance with LAPS.

The remaining counties comprise the Interagency Merit Systems (IMS) counties. Through CalHR, CPS provides technical human resources support and services to these counties to ensure they adhere to LAPS standards.

## NEW REGULATIONS

CalHR has recently updated the regulations that govern MSS employees.

Enacted MSS Regulations (<http://calhr.ca.gov/Documents/enacted-mss-regulations.pdf>)

## INFORMATION FOR MSS PROGRAM EMPLOYEES IN IMS COUNTIES

### Appeals of Disciplinary Actions

California Code of Regulations sections 17010 through 17047

If you have been subject to a disciplinary action due to alleged unacceptable performance or conduct, you may appeal the disciplinary action to CalHR within thirty (30) calendar days of the date on which the disciplinary action became effective. Your appeal does not need to be in any specific format, but it must be written and must include a description of why you are appealing and how you want CalHR to modify the action taken against you. Appealing the adverse action will NOT stop it from becoming effective.

Once your appeal has been received by CalHR, CalHR will provide a copy of your appeal to your employer. CalHR will also assign a Hearing Officer to hear your appeal. At the hearing, your employer must prove, by a preponderance of the evidence, that the disciplinary action against you is supported by the evidence and that proper procedures were followed. You and your employer will be able to request subpoenas before the hearing and, at the hearing both parties may examine witnesses, introduce exhibits, cross examine witnesses, and impeach witnesses. If you choose not to testify on your own behalf, the employer may still call you as a witness or cross-examine you.

The Hearing Officer will manage the scheduling and conduct of this hearing and is empowered to grant or deny extensions of time, set hearing dates, conduct the hearing and administer oaths, rule on evidence, and request additional evidence and legal briefing from the parties. Hearings are public unless the Hearing Officer decides that closing the hearing is appropriate.

Within ninety (90) calendar days after all the evidence has been submitted, CalHR will issue a final decision and will provide it to both you and your employer. The decision may uphold the disciplinary action or modify the penalty to a lower level of discipline depending on your employer's personnel system.

If you or your employer disagrees with CalHR's decision, either party may file a petition for rehearing with CalHR within thirty (30) calendar days after service of the decision. The petition for rehearing must be in writing and must say why you believe there should be another hearing. Within thirty (30) days of the filing of the petition, CalHR will serve a copy of the petition on the other parties.

CalHR will decide whether to grant or deny the request for a rehearing, in part or in full, within sixty (60) calendar days of its service of the other parties. If CalHR grants the request for rehearing, it may order a new hearing or may decide the matter based on the existing record and arguments made by both parties. If CalHR does not officially grant or deny the petition within ninety (90) calendar days from filing, the request for rehearing has been denied.

## Appeals of Rejections on Probation

California Code of Regulations section 17034

If you are employed in a county that makes appointments on a probationary basis and you are rejected during that probationary period, you may appeal your rejection if you believe that the rejection was done in bad faith. Your appeal must be filed with CalHR, in writing, within thirty (30) calendar days of the effective date of the rejection. At the hearing, you will have the burden to show, by a preponderance of the evidence, that you were rejected in bad faith.

Your appeal will not delay the effective date of the rejection.

## Selection Process Appeals

California Code of Regulations section 17036

You may appeal any of the following if it occurred during your selection process:

1. irregularity, discrimination, bias, or fraud in one or more steps of an examination



2. for improper acts or circumstances that resulted in incorrect interpretation and application by the examiners, of the skills, knowledge, and abilities considered essential for satisfactory performance in the class at issue

Such appeals must be filed with CalHR within thirty (30) calendar days of the date on which you received notice of the decision that you are appealing. After receiving your appeal, the Director of CalHR will appoint a Hearing Officer to hear your appeal. The Hearing Officer may collect written evidence or may choose to hold an evidentiary hearing. Either way, you will have to convince the Hearing Officer, by a preponderance of the evidence, that the selection process was conducted improperly and that, as a result, you were ineligible for consideration by the local agency. Within sixty (60) calendar days of submission of all the evidence, the Director of CalHR will render a decision.

Your appeal does not prevent appointment of another applicant. However, the Local Agency, in its own discretion, may decide to delay the appointment. If your appeal results in the correction of ratings, that correction will not affect any appointments already made from the eligible list.

## Layoff Appeals Process

California Code of Regulations section 17042

If your employment is affected by a reduction in force, you may appeal your employer's decision if:

1. your employer failed to comply with an element of its Personnel Plan and this failure to comply adversely impacted you, or
2. a miscalculation in your seniority score occurred and that seniority was a factor in the order of layoff.

Before contacting CalHR, you must attempt to resolve your dispute with your employer. If you and your employer are unable to resolve your dispute, you may appeal your layoff to CalHR. Your appeal must be received by CalHR within thirty (30) calendar days of the date on which you were notified that your employer would not change its decision as you requested. When you send your appeal to CalHR, you must include evidence that you attempted to resolve your dispute with your employer prior to filing the appeal with CalHR.

After your appeal is received by CalHR, you will have the opportunity to submit evidence to CalHR, either through documents or at an evidentiary hearing. With the evidence that you submit, you must demonstrate that your employer failed to comply with an element of its Personnel Plan and this failure to comply adversely impacted you or that a miscalculation in

your seniority score occurred and that seniority was a factor in the order of layoff. Once all the evidence has been submitted, CalHR will issue a decision on your case within sixty (60) days.

Your appeal will not delay the layoff or reduction in force, unless your employer decides that a delay is appropriate.

## Non-Disciplinary Actions

California Code of Regulations section 17043

If your employment has been altered for a failure to meet a requirement for continuing employment, such as a termination based on unapproved absence, an action based on your medical condition or other non-disciplinary action, you may appeal if:

1. the non-disciplinary action taken against you was improper because your employer failed to comply with an element of its personnel system; or
2. your employer took this action against you for an unlawful reason.

Before appealing to CalHR, you must attempt to resolve the action with your employer. If you and your employer are unable to resolve the issue, you then have thirty (30) calendar days from the date you were informed that your employer would not provide your requested relief to file an appeal with CalHR. Your appeal to CalHR must be in writing, and must include the basis for the appeal and evidence that you attempted to resolve the matter with your employer before appealing to CalHR.

When CalHR receives your appeal, a Hearing Officer will be appointed to your case. You must prove to the Hearing Officer, by a preponderance of the evidence, that the non-disciplinary action taken against you was improper because your employer failed to comply with an element of its personnel system or your employer took this action against you for an unlawful reason. The hearing will proceed in the same manner as a hearing for an appeal of a disciplinary action. The Hearing Officer will prepare a proposed decision and a final decision will be issued by the Director of CalHR within ninety (90) days of the submission of all the evidence.

After the final decision has been issued, your right to reinstatement to your former position will be determined by your employer in accordance with its personnel system.

## INFORMATION FOR EMPLOYERS IN IMS COUNTIES

## Obtaining Approval To Administer A County's Personnel System

California Code of Regulations section 17012

A county is permitted to use its own personnel system to govern the employment of MSS employees, if it first receives approval from CalHR. To do so, the county must send a request to [MSSProgram@calhr.ca.gov](mailto:MSSProgram@calhr.ca.gov) (<mailto:MSSProgram@calhr.ca.gov>) . CalHR will review the county's personnel system and may request other documents to assist in its determination that the county's personnel system is consistent with federal requirements.

In its review, CalHR will consider

1.  
Procedures and rules for employee recruitment, selection, and advancement
2.  
Compensation policies and procedures
3.  
Training policies and practices
4.  
Performance evaluation standards and procedures, including procedures for correcting and disciplining employees for poor performance
5.  
Overall fairness of the Personnel System, including policies regarding equal employment opportunity and discrimination
6.  
Rules regarding conflicts of interest including rules protecting employees from coercion for partisan political purposes and prohibiting employees from using their authority to interfere with actions of other relating to elections.

If CalHR approves the county's personnel system, the county must then certify that it is operating its personnel system consistently with the information provided to CalHR and that it will continue to do so. If CalHR denies a county's request to operate all or part of its personnel system, CalHR will provide the reasons for the denial to the county in writing. The county can renew its request at any time.

A county may also apply to CalHR to be allowed to administer a part of its personnel system to MSS employees. To do so, the county would follow the same process as a county seeking to apply its entire personnel system to MSS employees. Once approved, the county can apply the approved

process or procedure to MSS employees while the remainder of their personnel system will be administered by CalHR.

Once approved, the county may begin administering all or part of its personnel system to MSS employees. The county must retain records relating to the personnel management of MSS employees and will provide a copy of the retention policy to CalHR on request. If the County has no retention policy, the county will retain records for seven years from the date of action or from the date of separation, whichever is longer.

Once the county is approved to operate its personnel system for MSS employees, it will periodically be audited by CalHR to ensure that its personnel system remains in compliance with federal standards. During the audit, the county may need to meet with representatives of CalHR, provide documentation, allow CalHR representatives to visit the relevant local agencies, and participate in an exit interview. When the draft audit report is completed, it will be provided to the county. The county may submit written comments in response to the draft audit and those comments will be included in the final report.

If your county was approved to operate its personnel system by the State Personnel Board prior to January 1, 2014, your county need not reapply to CalHR. However, CalHR may request that the county acknowledge its acceptance of new standards adopted by CalHR.

## INFORMATION FOR EMPLOYERS IN ALMS COUNTIES

### Appealing Audit Findings

California Code of Regulations section 17013

If the county wishes to challenge the findings of an audit of its compliance with its approved personnel system, the county may request that the Director of CalHR convene a hearing to resolve the disputed audit findings within thirty (30) calendar days of the issuance of the audit report. The request must be in writing and must include a description of what parts of the audit report are disputed.

After the request has been filed, the county and a representative of CalHR ("the parties") will be notified that a Hearing Officer has been appointed. Within thirty (30) calendar days after the parties are notified of the appointment of the Hearing Officer, the parties must send a written statement of their positions to the Hearing Officer and to each other. After receiving and reviewing the parties' written statements, the Hearing Officer will decide if it is necessary to

have oral presentations. If the Hearing Officer does request oral presentations, the Hearing Officer has discretion to determine the scope and manner of the presentations.

Thirty (30) calendar days after receiving all the material requested, the Hearing Officer will prepare a draft determination and submit it to the Director of CalHR (Director). The Director then has thirty (30) calendar days to act on the Hearing Officer's draft determination. The Director may adopt the draft determination or may require that additional information be provided to the Hearing Officer and that the decision be resubmitted to the Director after the receipt and consideration of that new information. If the Director fails to act within those thirty (30) calendar days, the draft decision will be considered adopted by the Director.

The burden is on the CalHR Representative to establish by a preponderance of the evidence that the County's personnel system is out of compliance with the federal regulations.

The Director's decision will include a determination of whether the county's authority to operate all or part of its personnel system is rescinded or modified. If the Local Agency is directed to take action by the Director's final order and fails to do so in the designated period, the Director will notify the state officer responsible for administering the Program of his or her decision that the Local Agency is not in conformity with federal requirements.

## CalHR MSS CONTACT INFORMATION

If you have any questions regarding MSS appeals or converting to an ALMS county, contact [MSSProgram@calhr.ca.gov](mailto:MSSProgram@calhr.ca.gov) (mailto:MSSProgram@calhr.ca.gov) .

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DATE: August 10, 2018

TO: ALMS County Administrators, DSS Directors, CSS Directors, and HR Directors  
FROM: CalHR & CPS HR Consulting  
RE: MSS Program Transition

Dear ALMS County Representatives:

The California Department of Human Resources (CalHR) and CPS HR Consulting (CPS HR) would like to announce the two-year renewal of the Merit System Services (MSS) contract covering the period July 1, 2018 through June 30, 2020. This memorandum is to advise you that the new contract includes a detailed plan to transition services provided to the counties under the MSS Program from CPS HR Consulting to CalHR. The transition will allow CalHR to be in compliance with Government Code 19130 which prohibits the contracting for services that can be provided by civil servants, as well as provide future anticipated cost savings to the State.


CalHR and CPS HR will be collaborating during this contract period to transition the audit services for the Approved Local Merit Systems (ALMS) counties. We want to assure you that every effort will be made so that the transition will be as seamless as possible to the counties. During the transition, CPS HR is committed to providing CalHR with institutional knowledge through formalized classroom instructions as well as structured on-the-job training. Conversion of audit services for the ALMS counties will be completed by December 31, 2018.

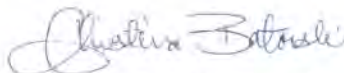
You will also have an opportunity to obtain information about the transition through the following:

- Periodic email blasts to the counties.
- Individual questions or concerns may be submitted to the CalHR MSS Program's email at [MSSProgram@CalHr.ca.gov](mailto:MSSProgram@CalHr.ca.gov)
- Another resource that is available is the CalHR website which contains the Merit System Services Program webpage. Frequently Asked Questions will be established on this webpage.

If you have any questions, please do not hesitate to contact Jacqueline Shepherd, MSS Program Manager, at (916) 323-0299.

Sincerely,

  
Thomas Hunt, MBA  
MSS Administrator  
CalHR



Christina Batorski Peacock  
Manager, Recruitment Solutions  
CPS HR Consulting



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## 2019 Meeting Dates

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### **Spring 2019**

March 27 – 29

Wine & Roses; Lodi



### **Fall 2019**

September 18-20

Location TBD



# Creating an Inclusive Environment

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## Creating an Inclusive Environment

Dan Esparza

September 20, 2018

County Personnel Administrators Association of California (CPAAC)



## History

- Fall 2015 – DHR & Human Rights Commission sponsor Implicit Bias workshop
  - Attended by Mayor's Office & Department Heads
  - eLearning Module and instructor-led workshop
- June 2016 – Late Mayor Ed Lee pledge
  - Deliver implicit bias training for all City employees, prioritized the Police Department
- Initiative Supported by the Mayor and Department Heads



## Preparing for the Programs

- eLearning Program – 30 minute module
  - Language & Culture Worldwide, LLC
  - [http://dhrportal.org/wp-content/uploads/flash\\_files/ccsf\\_supporting\\_diversity\\_final\\_SC ORM\\_1-2/story.html](http://dhrportal.org/wp-content/uploads/flash_files/ccsf_supporting_diversity_final_SC ORM_1-2/story.html)
- Instructor-led Workshop – 2 day workshop
  - Focus – self-awareness
  - Highly facilitated, guided discussions & many activities
  - Learning & Development Manager with a background in Diversity & Inclusion and strong curriculum development skills – Dante King



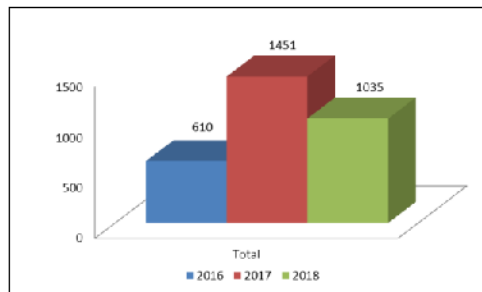
## Where to Start?

- Police Department
  - Meet with command staff to review course
  - Integrate with other trainings that were happening
  - Identify resources, i.e., Lieutenant attends every session
- Other Departments
  - Workshop introduction for Department Heads
  - Start with executive/leadership level staff, then decide how to roll-out in the department



## What's Been Done?

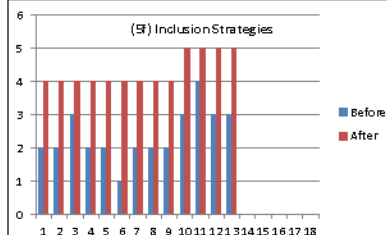
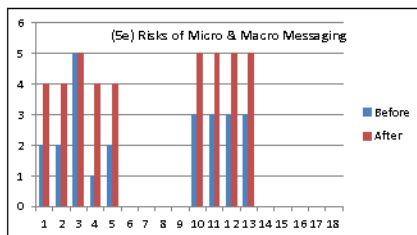
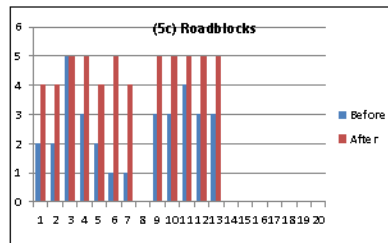
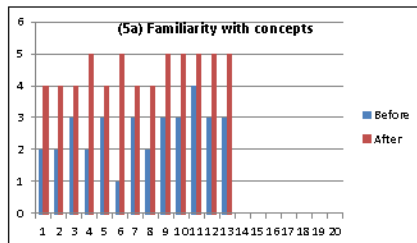
- Mid-2016 to present – 3,096 City employees
  - Police: Lieutenants, Sergeants, Academy cadets, Public Safety Aids and non-sworn staff (1,024)
  - Sheriff: Command staff, Supervising Deputy Sheriff's (241)
  - Other departments



## Who Does It?

- Staffing
  - 2.5 Training Officers + 1 Learning & Development Manager
    - Limit 1 workshop per week
  - If a Police Department workshop
    - 2 Training Officers attend (1 facilitator and 1 support) + Police Lieutenant
  - If any other Department workshop
    - 1 Training Officer facilitates

- Overwhelmingly positive
  - Workshop as a whole - average rating of 4.4 out of 5.0
  - Workshop was useful/practical – average rating of 4.3 out of 5.0
- Also measure a participant's increase in understanding
  - Familiarity with concepts of Diversity, Equality & Equity
  - Roadblocks created by Bias, Stereotypes and Assumptions
  - Risks of Micro-Messaging
  - Inclusion Strategies







## Other Workshops

- Communicating Across Cultures
- Creating an Inclusive Environment Part II
- Best Practices in Interview Panels
  - eLearning module that includes Implicit Bias concepts

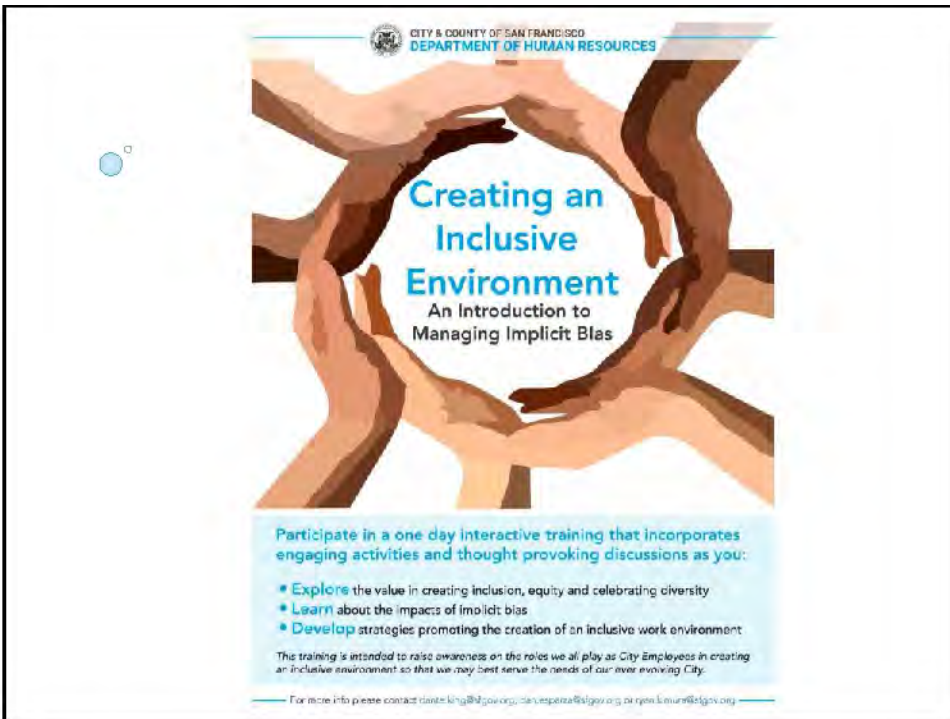


## Creating an Inclusive Environment



Creating Inclusion & Addressing Unconscious Bias





## A little bit about CIE...

- Citywide Training**
  - Trained over 2 500 CCSF Employees



## Goal

*Raise and increase awareness around the value of creating inclusion and celebrating the unique qualities, traits, skills, and talents each of us contributes to the communities in which we live and work.*



## Creating an Inclusive Environment

- Module 1:** Biases, Diversity and Equity/Inequality.
- *Creating Common Understanding from the Start.*
- Module 2 :** Understanding Our Own Biases, Identities & Privileges
- *Me, Myself & I*
- Module 3:** Micro-Messaging/Macro-Messaging.
- *The Impacts of Micro/Macro Aggressions*
- Module 4:** Strategies for Inclusion
- *Making Inclusion a Daily Reality!*



- **Why Diversity, Equity, and Inclusion (D.E.I.)?**
  - Create a common understanding from the start
  - Explore historical and societal impacts of institutional inequity & inequality

# BIAS

- Prejudices (dislikes) and preferences (likes) expressed in judgment and/or behavior; reflected in attitudes and beliefs.

*Biases may be held by an individual, group, or institution.*

- **Explicit Bias** – Prejudices or preferences expressed in judgment and/or behavior; reflected in attitudes and beliefs expressed consciously.

## What we hear and see



- **Implicit Bias (also known as Unconscious Bias)**
  - Prejudices or preferences expressed in judgment and/or behavior; reflected in attitudes and beliefs expressed **unconsciously**.





## Necessary Purpose of Bias

- Brain takes in **11 million** bits of information down to **40**.
  - Creates “shortcuts.”



- Historically necessary for survival.

“Fight, Flight or Freeze”



## Seeing the Whole Picture

Conscious



Unconscious

# SHOP

 Delta Concepts, Inc.  
A DELTA GROUP COMPANY

# FOLK

 Delta Concepts, Inc.  
A DELTA GROUP COMPANY

GREEN	RED	BLUE	BLACK
RED	BLACK	GREEN	BLUE
BLACK	BLUE	RED	GREEN
BLUE	GREEN	BLACK	RED

Stroop Test



## Our Subconscious at Work

### ***Unconscious brain:***

- *Expects to see them together (i.e. shortcuts).*
- *Shortcuts become the “norm.”*
- *Any other way is more challenging to process.*

***Can lead to stereotypes and discriminatory behaviors.”<sup>3</sup>***

<sup>3</sup>Professor Uta Frith, DBE FBA FMedSci FRS, Royal Society, UK. [Royalsociety.org](http://royalsociety.org)



## DHR Common Types of Implicit Bias

- **Affinity Bias** – The tendency to warm-up to people like ourselves
- **Halo effect** – The tendency to think everything about a person is good because you like that person
- **Perception bias** – The tendency to form stereotypes and assumptions about certain groups that make it impossible to make an objective judgement about members of those groups
- **Confirmation bias** – The tendency for people to seek information that confirms pre-existing beliefs or assumptions.
- **Group think** – This bias occurs when people try too hard to fit into a group by mimicking others or holding back thoughts and opinions.



## DHR “Equality” and “Equity:” Are They the Same?

✓ Equality indicates that everyone is at the same level and everything is shared EXACTLY. (= Quantity)

✓ Equity...refers to providing everyone what they need to be successful. (= Quality)





## Inequity Study



## Inequality

- **Individual:** Attitudes and actions that reflect a prejudice against a certain group.
- **Institutional:** Laws, policies, and rules that are utilized by institutions of society that disadvantage certain groups and advantage or create access for other groups.
- **Societal:** Norms, language, culture, music and other values that reinforce a certain groups dominance.

- **Understanding our Biases, Identities & Privileges**
  - Examine the root causes for our own biases, stereotypes, and assumptions
  - Look at bias, identity and privilege as they affect our behavior and outlook





## The Trusted Eight Partner Debrief Questions

- ☐ Anything you discovered from your Trusted 8?
- ☐ How do you think environment, personal influences, and social experiences have contributed to your own unconscious (implicit) lean?
- ☐ How did this activity enhance your understanding of unconscious bias?



## Privilege

**A set of unearned access to benefits/resources  
(or immunity) given or accessible to people  
based on their specific social group membership.**



# Privilege Exercise



## Privilege Exercise: Discussion Questions

- What did you notice in the line-up?
- Are there patterns (Ethnicity, Gender, Race, etc.) in terms of who has more/less privileges?
- What surprised you? What did you learn?



## Privilege: What Now?

- Don't Feel Guilty-Acknowledgement is the first step.
- Take Action- Challenge oppressive systems instead of perpetuating them.
- Listen to people who experience oppression. Learn from it.
- Teach others to recognize their privilege.



## Privilege- What does this look like?

**2 women who invented fake male co-founder say acting through him was 'like night and day'**

Libby Kane provided by BUSINESS INSIDER. Watched 12:28 pm, Wednesday August 30, 2017



Kate Dwyer, left, and Penelope Gazin are cofounders of art marketplace Witdtsy.

"It was like night and day," Dwyer told Titlow of working through Mann. "It would take me days to get a response, but Keith could not only get a response and a status update, but also be asked if he wanted anything else or if there was anything else that Keith needed help with."

**BUSINESS  
INSIDER**



## Thoughts on Privilege

**“PRIVILEGE exists when one group has something of value that is denied to others simply because of the groups they belong to, rather than because of anything they’ve done or failed to do. ACCESS to privilege doesn’t determine one’s outcomes, but it is definitely an asset that makes it more likely that whatever talent, ability, and aspirations a person with privilege has will result in something positive for them.”**

Peggy McIntosh



## Module 3

- **Micro/Macro Messaging**
  - Uncover the common types of implicit bias
  - Understand how bias impacts our words & actions in the form of Micro & Macro Messaging





## Micro-Aggressions

*Brief verbal and/or behavioral indignities, (whether intentional or unintentional) that communicate negative slights and insults towards others.*







- Large-scale or overt aggression toward those of a different race, culture, gender, etc.; sending a message of non-belonging (typically organizational or institutional).
  - Large Scale – media campaigns, policies,
  - Overt Aggression
  - People in powerful positions making extremely provocative exclusionary remarks.





LO 4007 BULLOCKY KING - OCEAN, 15/001





- **Strategies for Inclusion and Equity**
  - Identify ways to create inclusion and equity
  - Create an action plan to identify and evaluate inequities & inequalities

# Check Your Temperature



# Questions?



THANK YOU

[illegible]

[illegible]

# Understanding & Evaluating Group Health Benefit Alternatives for California Counties

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## **County Personnel Administrators of California (CPAAC)**

**Meeting September 20, 2018**

### ***Understanding and Evaluating Group Health Benefit Alternatives for California Counties***

Speaker: Tom Sher, Senior Vice President, Alliant Employee Benefits

#### **Outline**

##### **1. Re-Considering the Basics of Health Insurance and Health Care**

Why it costs so much, the role of geography and employer size, the components of health insurance premium costs

##### **2. Pieces of the Puzzle**

Elements of health insurance procurement: employee demographics, employer contribution and participation rules, MOU's, County medical resources, clinics, retirees versus actives, rates, benefits, provider lists, insured or self-insured, stop-loss coverage, benefits administration

##### **3. "I Can Get it For You Wholesale!"**

Go direct or through a pool? California pool eco-system: names and types of pools, advantages and disadvantages

##### **4. Questions to Ask When Considering Alternatives**

Track record, financial, governance, operational, transparency, legal, "If it's too good to be true, it's too good to be true."

##### **5. Possible Futures for Group Health Benefits**

Status quo, status quo modified, single payer?



# CSAC Legislative Update

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## FALL 2018 LEGISLATIVE UPDATE

**County  
Personnel  
Administrators  
Association of  
California**

**Sept. 21, 2018**

**Dorothy  
Johnson**  
Legislative  
Representative  
CSAC

**Tracy Sullivan**  
Legislative  
Analyst  
CSAC

### WHAT'S NEW?

- **News from Sacramento**
- **2018 Legislative Year in Review**
  - **New Laws**
  - **What's in Store for 2019**
- **CalPERS Activity Report**

## NEWS FROM SACRAMENTO

- **Signature/Veto Deadline**
- **Goodbye Governor Brown, Hello Campaign Season**
- **Fiscal Outlook**

## 2018 IN REVIEW



## NEW LAWS FOR 2019

### ■ **Senate Bill 866 (Committee on Budget)**

- Combined several other measures into single labor “omnibus” bill
- Confidential employee orientation information
  - *Permits vendors on contract with agency*
- Administration of union dues by counties
  - *Deleted cost recovery agreements*
- Meet and confer on mass communications

## NEW LAWS FOR 2019

To Be Determined



## SEXUAL HARASSMENT/MISCONDUCT

- **SB 1343 (Mitchell) – Sexual harassment prevention training requirements**
  - 1 hour, every 2 years for full time, non-supervisory positions
  - Temporary or part-time positions must receive training within 100 hours worked or first month of employment (whichever is first)
  - Online training resource with proof of completion to be provided by DFEH
- **SB 1300 (Jackson) – Personal liability for sexual harassment**
- **AB 3081 (Gonzalez Fletcher) – Rebuttable presumption for retaliation by employer for sexual harassment; sexual assault, domestic violence or stalking**

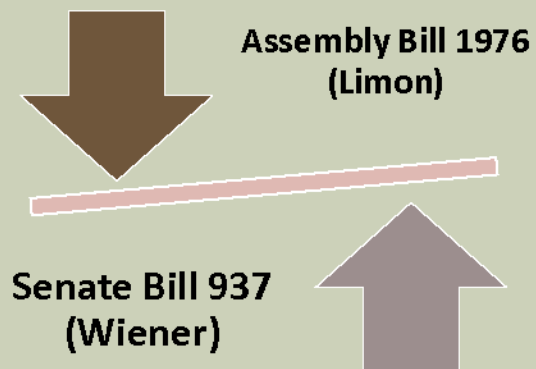
## SEXUAL HARASSMENT/MISCONDUCT

- **AB 1867 (Reyes) – Record retention requirement for sexual harassment complaints**
- **AB 1870 (Reyes) – FEHA complaint filing deadline extension from 1 year to 3 years**
- **AB 2366 (Bonta) – Leave time for sexual harassment victims and their families**

## EMPLOYEE BACKGROUND CHECKS

- SB 1412 (Bradford) – Relevant prior conviction consideration for employment positions
  - Amended to exempt positions with mandatory background checks at federal, state or local level

## LACTATION ACCOMMODATION



## MMBA

- SB 1085 (Skinner) – Lost Time
  - Employer agency must provide “reasonable” leave for employees engaging in shop-steward activities
    - Undefined terms
  - Terms of lost time to be bargained but payment must be made within 30 days
  - Vacation/sick leave/pension service years still accrue

## WORKERS' COMPENSATION

- AB 1749 (Daly) – Off-duty coverage for peace officers
- AB 553 (Daly) – Return to Work Fund drain
- SB 899 (Bradford) – Rejection of *City of Jackson* apportionment based on ethnicity
- AB 479 (Gonzalez Fletcher) – Breast cancer apportionment “light” for safety personnel
- SB 1086 (Atkins) – Sunset removed for firefighter cancer presumption death benefits w/out DIR Study

## PENSION SYSTEM

- **AB 1912 (Rodriguez) Joint Powers Authority Dissolution**
  - Amended to only apply to JPA's at point of dissolution/termination
  - Pension liability self-apportioned or arbitration commences if agreement cannot be reached
  
- **Divestment Bills Continue**
  - Firearm and ammunitions industry
  - Salary reporting
  - Foreign governments
  - "Commission on Divestment"

## MORE WORK TO BE DONE

- **Labor Wish List and PRA Clean Up**
  - Employee Orientation Protected Labor Communications
    - Temporal Issue – When is it Relevant?
    - Code agreement drafting issues
  - Limited access to employee directories
  - On demand directories
  
- **Data Privacy Clean Up for "Opt Out"**
  - AB 375 (Chau) drafting errors impact local and state agencies; left unaddressed in clean up bill SB 1121 (Dodd)

## CALPERS

- Hardship Exemption for New 20-Year Amortization Period
- Health Regions Evaluations Process
- Board Elections – Public Agency Representative
- Annual Education “Forum in a Forum” for Local Elected Officials

## QUESTIONS?



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# Major Hiring Trends for 2018 and Beyond

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# Resources

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## THE EVOLUTION OF WELLNESS - FINANCIAL WELLNESS PROGRAMS

Lyta Hamm, Wellness Coordinator and Sherri Adams, Risk Manager  
Solano County Human Resources, Risk Management Division

1

## WHY FINANCIAL WELLNESS?



- § Financial wellness is an integral part of health and wellbeing
- § Very popular with employees, high participation
- § Programs support employees making educated decisions to reduce financial stress
- § Can result in long lasting positive outcomes for individuals, families and the workplace

2

## AMERICAN'S FINANCIAL CONCERNS BY THE NUMBERS



- More than half of Americans suffered a significant financial issue in the last 2 years
- One third of survey respondents said financial stress is affecting their ability to do well at work
- Workers stressed about money are twice as likely to be in poor health, log more absences and have higher level of stress in general.

- Information from Willis Towers Watson's December 2017 survey, quoted in "Health and Wealth under one Umbrella" in Workforce magazine, March/April 2018 issue.



3

## CREATING THE "KNOW YOUR NUMBERS" FINANCIAL WELLNESS CAMPAIGN



- **Training and research:** Completed WELCOA online training series on workplace financial wellness programs. Gathered resources from expert financial education sources.
- **Leveraged partners** – Solicited benefit and community partners to provide expert financial educational classes.
- **Program tools:** Designed customized, online "Know Your Numbers" challenge on our web based platform and set up online registration for Lunch and Learns.
- **Physical Wellness tie-in:** Included "Know Your Health Numbers" with American Heart Association health assessment tool, My Life Check® - "Because health is your greatest wealth!"
- **Promotion:** In-house promotional video, email message from CAO, Safety and Training Coordinators, 44 Wellness Ambassadors, multi-media promotions and flyers.

4

## "KNOW YOUR NUMBERS" CAMPAIGN



- Conducted January to April 2018
- Components included:
  - Customized digital challenge on wellness platform
  - 28 Lunch and Learns and classes on 6 topics
  - "Know Your Health Numbers" included, with American Heart Association's "My Life Check"® health assessment promotion



5

## LUNCH & LEARNS



### Topics included:

- Managing Personal Finances
- Managing Credit and Debt
- Buying a Home
- Retirement Planning
- Nearing Retirement Account Management
- Medicare 101



6



## DIGITAL CHALLENGE ENCOURAGES TAKING ACTION STEPS



Challenge points earned by:

- **Saving money** - daily and each bi-weekly paycheck
- **Monthly budget** – creating or reviewing, paying bills on time
- **Retirement saving** – starting or increasing
- **Review of debt and assets**
- “Know your health numbers”, by obtaining **health metrics** and completing AHA’s My Life Check® health assessment



7

## GUIDING PRINCIPLES AND SUCCESSFUL DESIGN COMPONENTS



1. Utilizing Wellness Ambassadors
2. Leveraging partnerships
3. Engaging leadership in promotion
4. Providing education and encouraging action steps
5. Keeping programs as simple and accessible as possible



*Solano County Wellness Program awarded honorable mention as one of 5 top workplace wellness programs out of 1,400 CalPERS agencies in California by Kaiser Permanente in 2018.*

8

## 1. WELLNESS AMBASSADORS INCREASE PROMOTION AND PARTICIPATION



- ▶ 44 Ambassadors throughout Solano County expand face-to-face promotion of wellness programs, including financial wellness.



*Wellness Ambassador Brian Mendoza began a daily 15 minute circuit training workout on Get Fit Don't Sit Day in 2016 that is still going strong!*

9

## 2. COLLABORATION WITH PARTNERS PROVIDES EXCELLENCE



- ▶ **Benefit and Community Financial Experts** - solicited to offer expert Lunch and Learn and training sessions:



10



### 3. LEADERSHIP AND SUPPORT INSPIRES WORKFORCE



#### ► **County Administrator Office**

- New Year's wellness email from CAO to all employees, with invitation to participate in financial wellness campaign

#### ► **Auditor Controller Office**

- Expert advice from Auditor Controller to employees on campaign's promotional video



#### ► **Human Resource Department**

- Initiation and development collaboration from Risk Manager, Director and Assistant Director engaged with higher level leadership to solicit support and involvement

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### 4.& 5. CREATE SIMPLE, ACCESSIBLE PROGRAMS WITH ACTION STEPS FOR SUCCESSFUL IMPACT



#### ► **Lunch and Learns designed to be accessible:**

- Two 30-minute lunchtime sessions on each date offered
- Held at multiple worksite locations
- **Easy sign-ups on wellness platform**
- **Accompanying digital challenge designed to incentivize easy steps to put knowledge into action!**



*"Buying a Home" Lunch and Learn provided by Solano First Credit Union*

12

## EVALUATION OF SUCCESS



- Lunch and Learn evaluation and interest survey
- Participation numbers
- *My Well Site* "Know Your Numbers" participation reports and challenge survey
- American Heart Association's *My Life Check*® web platform aggregate report for Solano County participants
- Deferred compensation enrollment and increased contributions data; collected over time.

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## PARTICIPATION NUMBERS AND OUTCOMES



- ✦ "Know Your Numbers" financial wellness campaign report:
  - \$ **303** attendees at **25** Lunch and Learns held at **5** different locations
  - \$ **124** participants in **3** MHN EAP "Managing Personal Finances" classes
  - \$ **123** employees participating in "Know Your Numbers" digital challenge on My Well Site
  - \$ **35%** increase in registered users of My Well Site, our web wellness platform for employees
  - \$ **100%** of Lunch and Learn survey respondents said they would like the financial wellness campaign to be repeated!

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## NEW TOPICS AND IMPROVEMENTS FOR FUTURE CAMPAIGNS



- Conduct financial wellness campaigns annually
- Incorporate financial wellness components into year round Employee Wellness educational and outreach information
- Add wills and trusts and financing education to Lunch and Learn topics
- Offer financial wellness content to our menu for safety and wellness presentations available by request to County department/division staff meetings

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## CONTACTS AND RESOURCES



### CONTACTS

- Marc Fox, Director of Human Resources: [MAFox@solanocounty.com](mailto:MAFox@solanocounty.com) 707-784-2552
- Sherri Adams, Risk Manager: [SLAdams@solanocounty.com](mailto:SLAdams@solanocounty.com) 707-784-2962
- Lyta Hamm, Wellness Coordinator: [LLHamm@solanocounty.com](mailto:LLHamm@solanocounty.com) 707-784-6184

### RESOURCES

- **WELCOA:** Wellness Council of America, memberships include excellent training, including a 4 session series on Financial Wellness programs, resources and more: [www.welcoa.org](http://www.welcoa.org)
- **Global CoreHealth Technologies:** wellness platform vendor: <https://corehealth.global/>
- **BOOKS**
  - "Workplace Wellness that Works" by Laura Putnam
  - "Well Being, Five Essential Elements" by Tom Rath & Jim Harter



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# Cal-ICMA Talent Initiative

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# Talent Initiative Program

In late 2016, Cal-ICMA announced the launch of a Talent Initiative to be undertaken by the Cal-ICMA Talent Development Team (formerly known as the Preparing the Next Generation Committee). The purpose of the Talent Initiative is to engage Chief Executives, HR Directors, and emerging leaders of cities, counties and special districts in a conversation about three questions:



1. What are the kinds of talent challenges that confound cities, counties and special districts local governments in California?
2. What obstacles hinder our efforts to address talent challenges?
3. What are the best practices from public and private, culture-building strategies, and other resources so we can better attract, retain and grow talent?

## Talent Initiative activities include:

- A survey of City/County Managers, HR Directors and emerging leaders regarding talent development needs.
- Five to seven focus groups with senior management leaders across the state.
- A summary report, including recommendations on how professional organizations can help us address the workforce challenges.
- A website showcasing best practices and other resources.
- Use of resources as part of existing training programs and conferences.

According to Dominic Lazzaretto, City Manager of Arcadia, California, and co-chair of the Talent Development Team, "As we deal with the big challenges, it is all about talent. We believe that the Talent Initiative will help local governments overcome major workforce challenges so that we can better recruit, retain and develop those who serve California communities."

Focus groups were conducted from January to April 2017, and a draft report will be completed this month. The Project Advisory Committee for the Talent Initiative includes 35 City/County/Special District Managers and emerging leaders from around the state.

## **Resources**

### ***Talent 2.0 Report***

- [Talent 2.0: A Modern Approach to Attracting and Retaining Top Talent in Local Government](#)
  - Read the Spring 2018 Report, produced by the Cal-ICMA Talent Initiative.
- [Best Practices Compendium: Recruitment, Retention and Organizational Culture](#)
  - The Cal-ICMA Talent Initiative gathered dozens of best practices from cities, counties, and special districts throughout the state. In 2018, leaders from the Contra Costa County Local Government Leadership Academy teamed up to produce a database of resources, sortable by topic (recruiting, retention/development, workplace culture, and engaging elected officials). Links to the initiatives and downloadable resources are available in this compendium.
- [Talent Development Survey Results Summary](#)
  - Read the summary of results from the 2016 survey of local government executives and leaders in California.

### ***Talent Initiative Resources***

- [Winning the Race for Talent: Winter 2018 Presentation](#)
  - Download the presentation delivered at the League of California Cities' City Managers' Department Meeting in Newport Beach. (January 2018)
- [Ten Ideas to Better Attract, Retain, and Grow Talent](#)
  - Download a summary of ten ideas for leaders to start attracting, retaining and growing talent. (February 2018)
- [Workforce of Tomorrow Report](#)
  - Download a December 2015 report from the Local Government Research Collaborative and the Center for State and Local Government Excellence (SLGE) on attracting and retaining talent.
- [Stay Interview Questions](#)
  - Learn more about how to conduct a stay interview.

### ***Additional Resources***

- [ICMA Coaching Program](#)
  - With its roots in California, the ICMA Coaching Program has gone nationwide and continues to provide learning opportunities for local government professionals in all career stages.



- [Credentialed Government Leader Program: Northern California \(MMANC\)](#)
  - Cal-ICMA has teamed up with the Municipal Management Association of Northern California (MMANC) and the Municipal Management Association of Southern California (MMASC) to provide a credentialing program to emerging leaders.
- [Credentialed Government Leader Program: Southern California \(MMASC\)](#)
  - The Southern California-based program is structured in the same manner, providing a collaborative learning experience for local government professionals.
- [Winning the War for Talent – The Role of Elected Officials, Western City, August 2018](#)
  - Download the August 2018 Western City article on the role of elected officials in talent recruitment and development.

**For more information about the Cal-ICMA Talent Initiative, contact:**

- Dominic Lazzaretto, City Manager, Arcadia, and Co-Chair of Cal-ICMA's Talent Development Team, at [domlazz@arcadiaca.gov](mailto:domlazz@arcadiaca.gov)
- Nat Rojanasathira, Administrative Services Director, Danville, and Co-Chair of Cal-ICMA's Talent Development Team, at [NRojanasathira@danville.ca.gov](mailto:NRojanasathira@danville.ca.gov)
- Frank Benest, ICMA Liaison for Next Generation Initiatives, at [frank@frankbenest.com](mailto:frank@frankbenest.com)

# Best Practices in Recruitment, Retention and Organizational Culture

One of the biggest challenges local governments are facing throughout the State is how to attract, develop and retain exceptional talent. Constrained resources, rising pension costs, escalating housing values are just a few reasons that impact the ability to recruit and retain talented candidates.

Cal-ICMA with the help of the Contra Costa Local Government Leadership Academy (CCLGLA) has created a tool of **BEST PRACTICES** to help local governments attract, retain and grow talent. The **BEST PRACTICE MATRIX** can be found below. You can access all the initiatives or go to the individual initiative that would best help your organization.

Once in the matrix, you will find the initiatives in the left column and the best practices resources in the far right column. Just click on the link for those initiatives best practices you would like to learn more about. While reviewing the document, if you have any best practices you would like to add, please send them to Nat Rojanasathira, Cal-ICMA Talent Initiative, at [nat@danville.ca.gov](mailto:nat@danville.ca.gov) or to the CCLGLA team at [bmorris@sanramon.ca.gov](mailto:bmorris@sanramon.ca.gov).

- [All Initiatives](#)
- [All Initiatives \(organized by topics\)](#)
- [Recruitment Only Initiatives \(filtered view\)](#)
- [Retention and Developing Talent Only Initiatives \(filtered view\)](#)
- [Work Place Culture Only Initiatives \(filtered view\)](#)
- [Engaging Officials Only Initiatives \(filtered view\)](#)

## Special Thanks:

Nat Rojanasathira, Director of Administrative Services for the Town of Danville and Kathleen Tropa, Assistant City Manager for the City of Concord for sponsoring this team project.

Donna Vaillancourt, Director of Human Resources at County of San Mateo and Nancy Hetrick, Partner at Management Partners for providing guidance to the CCLGLA team.

Cal-ICMA Talent Development Team for initiating and allowing the further development of this Best Practices in Talent resource.

## CCLGLA Team Members:

Adriane Lee Bird – Walnut Creek, Jason Chen – Orinda, Mike Gancasz – San Pablo, Markisha Guillory – Richmond, Suzanne McDonald - Concord, Brad Morris – San Ramon, Laura Wright – Pittsburg



## Building the Workforce of the Future - Today

### Attracting, Retaining and Growing Local Government Employees

A report from the Cal-ICMA Talent Initiative, Fall 2017

Topic	Initiative	Initiative #	Topic	Type	Resource / Overview
Attracting and Recruiting Talent	Create a 'brand' for the agency that includes consistent graphics, fonts, and messaging.	1	Attracting and Recruiting Talent	Branding	Link to sample agency docs
Attracting and Recruiting Talent	Refine job descriptions and job announcements focused on meaning, values, learning, skills development, and the narrative about the organizational culture.	2	Attracting and Recruiting Talent	Human Resource Policy/Program	Link to sample agency docs
Attracting and Recruiting Talent	Check the tone of the recruitment (from "are you good enough to work for us" to "why you want to work for us").	3	Attracting and Recruiting Talent	Recruitment	
Attracting and Recruiting Talent	Expedite the recruitment and selection timeline.	4	Attracting and Recruiting Talent	Recruitment	
Attracting and Recruiting Talent	Use technology such as video conference interviews to screen candidates.	5	Attracting and Recruiting Talent	Technology	
Attracting and Recruiting Talent	Expand the recruitment reach by using LinkedIn, Glassdoor and other sites.	6	Attracting and Recruiting Talent	Recruitment	
Attracting and Recruiting Talent	Reform civil service and 'merit' rules to include more flexible class plans and more workforce agility.	7	Attracting and Recruiting Talent	Human Resource Policy/Program	
Attracting and Recruiting Talent	Allow for more flexibility in certification requirements (path to certification).	8	Attracting and Recruiting Talent	Human Resource Policy/Program	Link to sample agency docs
Attracting and Recruiting Talent	Gather survey data and analytics about why people are not applying.	9	Attracting and Recruiting Talent	Technology	
Attracting and Recruiting Talent	Consider offering incentives or assistance for workforce housing and child care.	10	Attracting and Recruiting Talent	Human Resource Policy/Program	Link to sample agency docs
Attracting and Recruiting Talent	Team up with another cities (or regional association) to share interns or management fellows.	11	Attracting and Recruiting Talent	Partnerships	Link to sample agency docs
Attracting and Recruiting Talent	Actively recruit and consider former military personnel.	12	Attracting and Recruiting Talent	Recruitment	

Attracting and Recruiting Talent	Engage executives, elected officials, and senior staff to promote local government careers at high schools and colleges, or through ILG's Government Engaging Youth.	13	Attracting and Recruiting Talent	Leadership	<a href="#">Link to sample agency docs</a>
Attracting and Recruiting Talent	Offer internships or fellowships to students, independently or through the ICMA Local Government Management Fellowship.	14	Attracting and Recruiting Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Attracting and Recruiting Talent	Enlist elected officials to promote the need to attract, retain and grow talent and support changes such as flexible scheduling, telecommuting, child care services, and other work/life efforts.	15	Attracting and Recruiting Talent	Leadership	<a href="#">Link to sample agency docs</a>
Attracting and Recruiting Talent	Hire for values, attitudes, and learning ability, not just technical skills.	43	Attracting and Recruiting Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Engaging Elected Officials	Inform policy makers of talent challenges and succession development efforts.	64	Engaging Elected Officials	Communication	
Engaging Elected Officials	Communicate the "employee value proposition" of the local government agency.	65	Engaging Elected Officials	Communication	
Engaging Elected Officials	Ask, "Why would a talented professional want to join us and stay with us?"	66	Engaging Elected Officials	Recruitment	
Engaging Elected Officials	Ask, "Why would a talented professional be reluctant to join us and stay with us?"	67	Engaging Elected Officials	Recruitment	
Engaging Elected Officials	Reform outmoded civil service rules and other obstacles.	68	Engaging Elected Officials	Human Resource Policy	
Engaging Elected Officials	Solicit ways to enhance productivity of the workforce and promote flexibility for workforce.	69	Engaging Elected Officials	Workplace Flexibility	<a href="#">Link to sample agency docs</a>
Engaging Elected Officials	Educate policy-makers on the need to support employees in respect to abusive comments and behaviors by public.	70	Engaging Elected Officials	Communication	
Engaging Elected Officials	Need to support and fund talent development efforts.	71	Engaging Elected Officials	Leadership	<a href="#">Link to sample agency docs</a>
Engaging Elected Officials	Manage expectations of staff and their time outside of regular work hours.	72	Engaging Elected Officials	Leadership	
Engaging Elected Officials	Understand how municipalities can use technology to enhance customer service without maintaining traditional walk-in hours.	73	Engaging Elected Officials	Technology	
Engaging Elected Officials	Support opportunities for analysts and mid-level managers to deliver reports to the board.	74	Engaging Elected Officials	Leadership	



Engaging Elected Officials	Identify appropriate ways to engage board members in meeting employees and promoting conversation and connection.	75	Engaging Elected Officials	Communication	
Engaging Elected Officials	Remind policy makers of their impact in undercutting the reputation of the organization as a good place to work (e.g., the lack of civility on dais).	76	Engaging Elected Officials	Communication	
Engaging Elected Officials	Emphasize the roles of governing board members in creating a "culture of appreciation."	77	Engaging Elected Officials	Communication	
Retaining and Developing Talent	Look at your leadership pipeline and build homegrown talent.	16	Retaining and Developing Talent	Leadership	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	If considering internal candidates for succession planning, talk to them now (at least 3-5 years before retirements are expected) and be upfront with them.	17	Retaining and Developing Talent	Communication	
Retaining and Developing Talent	Use "decision bands" to help emerging leaders to make more decisions.	18	Retaining and Developing Talent	Leadership	
Retaining and Developing Talent	Train younger professionals to promote political astuteness without becoming "political" (e.g., debrief governing board decisions to promote better understanding of "political" decisions).	19	Retaining and Developing Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Update technology to meet the needs of today's workforce.	20	Retaining and Developing Talent	Technology	
Retaining and Developing Talent	Revise civil service and "merit" rules to promote training, stretch assignments, management fellowships, coaching, and other talent development programs.	21	Retaining and Developing Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Garner political support to achieve greater flexibility in labor MOUs.	22	Retaining and Developing Talent	Leadership	
Retaining and Developing Talent	Provide soft-skills training modules in-house training sessions.	23	Retaining and Developing Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Provide staff with an opportunity to attend workshops, seminars, or conferences on an annual basis, with specific learning outcomes.	24	Retaining and Developing Talent	Leadership	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Convince policymakers that investing in a well-trained and developed workforce is a better use of public funds than keeping untrained or unprepared workers on the payroll.	25	Retaining and Developing Talent	Communication	
Retaining and Developing Talent	Offer targeted mentoring for different groups of employees, and future potential leaders.	26	Retaining and Developing Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Allow employees to "fall forward" safely through stretch assignments.	27	Retaining and Developing Talent	Leadership	<a href="#">Link to sample agency docs</a>

Retaining and Developing Talent	Partner with organizations such as MMANC, MMASC, and ICMA for program development in your community (especially in rural areas)	28	Retaining and Developing Talent	Partnerships	
Retaining and Developing Talent	Identify performance evaluation and core competencies for managers, which can help guide talent development.	29	Retaining and Developing Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Consider "pay for performance" compensation.	30	Retaining and Developing Talent	Human Resource Policy/Program	
Retaining and Developing Talent	Create a format for executive management to conduct "talent readiness assessment" discussions regarding key staff.	31	Retaining and Developing Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Use multi-department or cross-functional project action teams to broaden staff experiences and knowledge and promote leadership and collaboration skills.	32	Retaining and Developing Talent	Leadership	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Use intern assignments and acting positions to fill roles or "try out" staff.	33	Retaining and Developing Talent	Leadership	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Offer job rotation programs for general employees, such as those used in police agencies.	34	Retaining and Developing Talent	Human Resource Policy/Program	
Retaining and Developing Talent	Partner with local colleges and universities to train employees or recruit interns.	35	Retaining and Developing Talent	Partnerships	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Create "career ladders" to retain talent.	36	Retaining and Developing Talent	Human Resource Policy/Program	<a href="#">Link to sample agency docs</a>
Retaining and Developing Talent	Involve City Managers, County Administrative Officers, and District General Managers, and other executives in MMANC/SC in order to create "professional communities."	37	Retaining and Developing Talent	Partnerships	
Retooling Organizational Culture	Champion employee engagement efforts.	38	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Focus on the purpose and meaning of local government work including the values of public service and the organization.	39	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Emphasize the values of the organization and ensure that behaviors are aligned with those values.	40	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Incorporate more flexibility in scheduling, holiday closures and the ways we do our work (think the "8 to 5" business model, especially for those who aren't in "front counter" roles).	41	Retooling Organizational Culture	Workplace Flexibility	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Openness to 'hotelling' (shared workspaces).	42	Retooling Organizational Culture	Workplace Flexibility	



Retooling Organizational Culture	Ensure opportunities for face-to-face interactions with top management and all employees.	44	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Promote a safe environment to experiment.	45	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Create a "culture of appreciation" and recognition.	46	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Work towards a more inclusive and affirming environment to attract diverse talent.	47	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Evaluate and promote employees based on results, not simply attendance (hours worked in a day) or tenure in the position/with the organization.	48	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Provide opportunities for entry-level and mid-level employees to work on a whole project (not just a portion of the work) so they perceive that they are making a difference.	49	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Promote more autonomy to do the work.	50	Retooling Organizational Culture	Leadership	
Retooling Organizational Culture	Conduct stay interviews.	51	Retooling Organizational Culture	Leadership	
Retooling Organizational Culture	Experiment with "agile workforce" models (e.g., term-limited employees, management fellows who have just graduated from university masters programs, contract employees).	52	Retooling Organizational Culture	Workplace Flexibility	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Reconfigure offices and work spaces to promote interaction, conversation, and collaboration.	53	Retooling Organizational Culture	Workplace Flexibility	
Retooling Organizational Culture	Incorporate a more "fun" look at City Hall (vs. a serious and sterile look).	54	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Push problem-solving down into the organization.	55	Retooling Organizational Culture	Leadership	
Retooling Organizational Culture	Promote the use of YouTube videos and other social media tools to communicate with employees.	56	Retooling Organizational Culture	Technology	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Offer wellness programs that engage health and collaboration/teamwork.	57	Retooling Organizational Culture	Workplace Flexibility	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Promote celebrations and other "serious fun" that foster social support.	58	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>



Retooling Organizational Culture	Ensure ongoing performance conversations with employees (not just annual performance evaluations).	59	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>
Retooling Organizational Culture	Provide coaching and mentoring, including peer-to-peer coaching and reverse mentoring.	60	Retooling Organizational Culture	Leadership	<a href="#">Links to sample agency docs</a>
Retooling Organizational Culture	Invest in tech tools to enhance productivity (and meet expectations of today's employees).	61	Retooling Organizational Culture	Technology	
Retooling Organizational Culture	Promote ongoing learning in cost-effective ways (e.g., book clubs, stretch assignments, online training)	62	Retooling Organizational Culture	Human Resource Policy/Program	<a href="#">Links to sample agency docs</a>
Retooling Organizational Culture	Use onboarding activities with new employees to engage employees with top management and discuss organizational values and "what we care about"	63	Retooling Organizational Culture	Leadership	<a href="#">Link to sample agency docs</a>

## **Got Talent?** **--Cal-ICMA Wants To Showcase Your Talent Program--**

In launching its Talent Initiative, Cal-ICMA (the California affiliate of the International City/County Management Association) has compiled a diverse set of best practices for local governments in order to better attract, retain and grow talent. This “Compendium of Best Practices” is featured on the Talent Initiative webpage of the Cal-ICMA website at <https://www.icma.org/cal-icma/talentinitiative>.

For each best practice, Cal-ICMA is searching for an exemplary program offered by a local government that is reflective of a best practice. **Cal-ICMA is calling for your local government agency to submit your talent program.** For example, please submit programs such as your Leadership Academy, Job Shadowing, Job Rotation, Talent Exchange, Employee Engagement Initiative, Engaging Elected Officials, or other efforts to develop talent or retool your organizational culture. Your talent program will then be featured on the webpage as part of the “Compendium of Best Practices.”

To submit your exemplary program, complete the brief form found at [www.mmanc.org/talentprograms](http://www.mmanc.org/talentprograms). For more information, please contact Nat Rojanasathira, Cal-ICMA Talent Development Team, at [nrojanasathira@danville.ca.gov](mailto:nrojanasathira@danville.ca.gov), or Brad Morris at [bmorris@sanramon.ca.gov](mailto:bmorris@sanramon.ca.gov).

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# Speaker Bios

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## Micki Callahan

Micki Callahan was appointed Human Resources Director of the City & County of San Francisco in October 2007. She is responsible for administration of the City's civil service system and human resources programs, including labor relations, workers compensation, workforce development, equal employment opportunity, and recruitment and assessment. The Department of Human Resources provides human resource services to approximately 60 city departments, with a total workforce of over 28,000 employees.

Micki has also served as San Francisco's Employee Relations Director. Before joining city management, she worked at the State Mediation and Conciliation Service for 10 years, serving as the Supervisor of Conciliation from 2000 through 2005. Before she became a mediator, Micki spent 14 years working as a union representative. Micki received her BA in Economics from the University of Massachusetts at Amherst. She is a member of the CALPELRA Board of Directors, the County Personnel Administrators Association of California (CPAAC), and the Program Committee for IPMA-HR's 2014 International Training Conference.



## Michelle Cline

Michelle Cline is a Director of Product at NEOGOV, the leading provider of Talent Management software for government and higher education. She directs the team responsible for Insight, NEOGOV's flagship applicant tracking solution. She has been with NEOGOV for fourteen years. Prior to joining NEOGOV Michelle held multiple positions at the City of Eugene and Portland Metro within their Human Resources department. At the City of Eugene, she managed the human resource information system (HRIS) and participated in the design and testing of systems. This combined with her time at NEOGOV has given her extensive knowledge in both Talent Management and SaaS HR Solutions.

Michelle received Bachelor's degrees from the University of Oregon in Accounting and Business Administration and resides in Eugene, Oregon with her husband and two sons.



### Dan Esparza

Dan Esparza currently works in Human Resources for the City and County of San Francisco with a focus on Diversity and Inclusion. Prior to working at CCSF, Dan worked in mental health stigma reduction with an emphasis on diversity and inclusion with communities of color. His work has spanned since 1998 on cultural diversity in the workplace, increasing visibility of various communities such as the LGBT community and the Deaf and Hard of Hearing community. In addition, Dan has worked in the prevention of sexual violence, workplace violence, domestic violence, and stalking on nationwide colleges and universities.

Dan has also been part of Amnesty International USA's national women's program as member and co-chair working on such projects as the "Stop Violence Against Women" international campaign, as well as assisting in training law enforcement academy cadets and medical students on responding to violence against women.



### Shane Evangelist

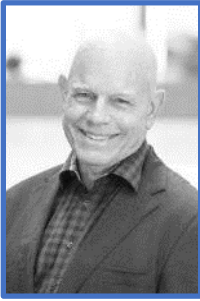
Shane Evangelist is the Chief Executive Officer of NEOGOV, the leading provider of Talent Management software for government and higher education. NEOGOV's SaaS solution includes applicant tracking, onboarding, performance management and learning management. Prior to joining NEOGOV, Shane was the CEO of U.S. Auto Parts Network, Inc, one of the largest online provider of aftermarket auto parts and accessories. Shane held multiple positions at Blockbuster Inc. including Senior Vice President & General Manager of Blockbuster Online where he led the creation and launch of Blockbuster's online movie rental service and was the Vice President of Strategic Planning.

Shane lives in Manhattan Beach, CA where he is married to Monica Evangelist and they have two wonderful girls Madison and Sydney. Shane and Monica both received their MBA's from the Cox School of Business at Southern Methodist University and Shane also holds a BA from the Anderson School of Business at the University of New Mexico.



### Dorothy Johnson

Dorothy Johnson is the CSAC Legislative Representative in the area of Government Finance and Administration policy. Prior to joining CSAC in 2015, she represented the California Special Districts Association on governance and employer relations policy as well as the League of California Cities on public safety and public works policy. She received a double BA from UC Davis in Political Science and Sociology



### Tom Sher

Tom Sher is the Senior Vice President and a Partner in the Public Entity Benefit Group of Alliant Insurance Services, Inc. based in San Francisco. He has been a benefits consultant for over 35 years and clients include many California joint powers authorities, counties, cities, special districts, public schools and colleges.

In 2002-2003, Tom worked with CSAC-EIA to start the EIA Health Program, which in 2019 will cover over 100,000 public employees, retirees and their dependents working for 34 public employers across California. EIA Health has become the second largest public agency health benefit purchasing pool after CalPERS.

Tom works extensively with management and labor unions in the context of Joint Labor-Management processes. He is a graduate of the U.S. Naval Academy and the European Institute of Business Administration.

Tom's favorite activity – other than speaking with you today – is stand-up paddleboarding downwind on San Francisco Bay.



### Tracy Sullivan

Tracy Sullivan currently serves as a Legislative Analyst for the California State Association of Counties (CSAC), focusing on government, finance and administration. Before joining CSAC in November 2016, Tracy worked in the state Capitol Building for two years as a legislative staffer in the Office of Assembly Member Eric Linder. She received her BA in history from Santa Clara University and is expected to receive her MPA from the University of Southern California in May 2018.





## Tim Yeung

Tim Yeung is the Managing Partner of the firm Sloan Sakai Yeung & Wong LLP. Mr. Yeung's practice involves all areas of labor and employment law, with a particular emphasis on litigation. He has defended private and public-sector employers in numerous lawsuits involving claims of discrimination and harassment; whistle blower retaliation; failure to provide reasonable accommodations; and wage and hour violations. He has extensive experience handling all aspects of litigation, including jury trials and appellate litigation in both the state and federal courts. Mr. Yeung has also served as lead counsel in several wage and hour class actions, in both state and federal courts.

Mr. Yeung is widely recognized for his expertise in public sector labor law. In 2004 he was appointed by the Governor as a Legal Adviser to the Public Employment Relations Board (PERB) where he advised the Board in over 100 precedential decisions. Mr. Yeung has litigated cases before PERB under almost every public-sector labor relations statute, including the Dills Act (state employees), MMBA (city, county and other local employees), HEERA (higher education employees), TCEPGA (trial court employees), and TCIELRA (court interpreters). He also has significant experience seeking injunctive relief against strikes by essential employees, both before PERB and in the courts. Mr. Yeung shares his experience and knowledge of PERB matters on the "California PERB Blog" (<http://www.caperb.com>), the first California legal blog focused on public sector labor relations.

In addition to litigation, Mr. Yeung often serves as chief negotiator during contract negotiations. He also has extensive experience with factfinding, having served as a presenter/advocate and also as a panel member on several fact findings.

Mr. Yeung is a frequent speaker at seminars throughout California and has authored several articles and publications on labor and employment law issues, including serving as editor for the MMBA Pocket Guide published by the California Public Employees Program. He is a past Chair of the 6,000-member Labor & Employment Law Section of the State Bar of California and President of the Labor and Employment Relations Association of Northern California. Mr. Yeung is a former Chair of the Labor & Employment Law Section of the Sacramento County Bar and a former member of the City of Davis Personnel Board.

Prior to joining Sloan Sakai, Mr. Yeung served as a Deputy Attorney General in the Employment Law Section of the California Department of Justice. Mr. Yeung has also served as a Legal Adviser to PERB and as a Labor Relations Counsel with the California Department of Personnel Administration.

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And our gratitude to our presenters

for the gift of their time and wisdom.



# CPAAC Attendees

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County Name	Area	Name
<b>Butte</b>	North	Pamela Knorr
<b>Calaveras</b>	Central	Judy Hawkins
<b>Colusa</b>	North	Patty Leland
<b>Colusa</b>	North	Yareli Mora
<b>Contra Costa</b>	Bay Area	Dianne Dinsmore
<b>Fresno</b>	S. Central	Paul Nerland
<b>Humboldt</b>	North	Lisa DeMatteo
<b>Kern</b>	S. Central	Keri Pharris
<b>Kings</b>	S. Central	Leslie McCormick Wilson
<b>Lake</b>	North	Pamela Nichols
<b>Los Angeles</b>	South	Lisa Garrett
<b>Madera</b>	S. Central	Adrieene Calip
<b>Marin</b>	Bay Area	Lisa Baker
<b>Marin</b>	Bay Area	Mary Hao
<b>Napa</b>	Bay Area	Karen Taylor
<b>Retired</b>		Bill May
<b>San Bernardino</b>	South	Bob Windle
<b>San Francisco</b>	Bay Area	Kate Howard
<b>San Francisco</b>	Bay Area	Micki Callahan
<b>San Luis Obispo</b>	South	Natalie Walter
<b>San Luis Obispo</b>	South	Tami Douglas-Schatz
<b>San Mateo</b>	Bay Area	Rocio Kiryczun
<b>Santa Barbara</b>	South	Leonie Mattison
<b>Santa Barbara</b>	South	Lori Gentles
<b>Santa Clara</b>	Bay Area	John Mills
<b>Santa Cruz</b>	Bay Area	Ajita Patel (interim)
<b>Shasta</b>	North	Angela Davis
<b>Solano</b>	Bay Area	Marc Fox
<b>Sonoma</b>	Bay Area	Christina Cramer
<b>Stanislaus</b>	Central	Monica Coryea
<b>Stanislaus</b>	Central	Tamara Thomas
<b>Tulare</b>	S. Central	Rhonda Sjostrom
<b>Tuolumne</b>	S. Central	Ann Fremd
<b>Yolo</b>	Central	Gina Rowland
<b>Yuba</b>	Central	Jill Abel

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<b>Retired</b>	Joanne Cox - <i>removed at Joanne's request</i>		
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<b>Lifetime</b>	Ron Komers	Rwk4365@msn.com	
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