

MEETING AGENDA

City of Huntington Beach
PERSONNEL COMMISSION
Wednesday, September 20, 2006
Civic Center, Room B-8
5:30 P.M.

1. CALL TO ORDER

Commissioners: Gooch, Deight, Hunt, Barton, Garner, Bush, Clemens

Legal Counsel to the Personnel Commission: Jim Murphy, Esq.

Staff Liaison: Irma Youssefieh, Secretary to the Personnel Commission/Human Resources Manager

Also present: Bob Hall, Deputy City Administrator/City Services and Brigitte Charles, Principal Human Resources Analyst

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS

The Personnel Commission welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the Personnel Commission. Negative comments directed at individuals are not acceptable.

Three (3) minutes per person. Time may not be donated to others. No action can be taken by the Personnel Commission on this date unless agendaized. This is the time to address the Personnel Commission regarding items of interest or on agenda items other than public hearings.

4. WELCOME & INTRODUCTION OF PERSONNEL COMMISSION MEMBERS – EDWARD (ED) BUSH and ANJI CLEMENS, Ed. D.

5. APPROVAL OF MINUTES

Meeting of July 19, 2006

6. PUBLIC HEARING

Public Hearing in accordance with Personnel Rule 12 regarding amendments to the City's Classification Plan.

- a. Discussion on the revised job specification for the position of Code Enforcement Officer I in the Planning Department.

Recommended Action: Approve the revised job specification for the position of Code Enforcement Officer I, amending the City's Classification Plan.

Please contact Sandy Henderson at (714) 960-8828 if you have questions or if the Human Resources Division can be of any assistance.

7. LABOR RELATIONS UPDATE

- a. As offered

8. SECRETARY'S REPORT

- a. *Catching the Wave*, new employee orientation video presentation
- b. Update on Classification and Compensation Review of designated positions

9. COMMENTS FROM COMMISSIONERS

Announcements, brief report regarding Commissioner activities, ask questions for clarification, request information from Staff, direction to Staff regarding a future agenda item or for the provision of information for a future meeting.

10. INFORMATION ITEMS

11. ADJOURNMENT

Meeting adjourned to the next regularly scheduled meeting of October 18, 2006.

ITEM # 5

City of Huntington Beach
PERSONNEL COMMISSION

7/19/06

Pending approval by Personnel Commission at the meeting on 9/20/06
(These minutes are not verbatim. A taped recording of the meeting is available in the Human Resources Division, first floor of City Hall, for one year following meeting date.)

CALL TO ORDER

Chairperson Hunt called the Commission meeting to order at 5:35 p.m.

ROLL CALL

Commissioners present – Hunt, Gooch, Barton, Deight, Garner

Legal Counsel to the Personnel Commission Present – James Murphy, Esq.

Staff Present – Irma Youssefieh, Secretary to the Personnel Commission/Human Resources Manager, Bob Hall, Deputy City Administrator, Brigitte Charles, Principal Human Resources Analyst and Vicky Berg, Principal Human Resources Analyst

It was noted that on the agenda for this meeting former Commissioners Taylor and Zeleznikar had been inadvertently listed for the Call to Order.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

A motion was made by Commissioner Gooch and seconded by Commissioner Deight to approve the minutes (passed 4:0:1 - Commissioner Garner abstained).

ELECTION OF COMMISSION CHAIR & VICE CHAIR

A motion was made by Commissioner Hunt and seconded by Commissioner Barton to nominate Commissioner Gooch as Chair. (Passed 5:0)

A motion was made by Commissioner Hunt and seconded by Commissioner Garner to nominate Commissioner Deight as Vice Chair. (Passed 5:0)

PUBLIC HEARING

- a. Discussion on a revised job specification for the following positions in the Building and Safety Department: Inspection and Plan Check positions of Permit Technician, Senior Permit Technician, Building Plan Checker I, Building Plan Checker II, Permit & Plan Check Supervisor, Plan Check Engineer, Permit and Plan Check Manager, Building Inspector II, Building Inspector III, Principal Electrical Inspector, Combination Structural Inspector Supervisor and Inspection Manager.

Ms. Charles corrected the acronyms used for two of the model code groups as being ICBO for International Conference of Building Officials and BOCA for Building Officials and Code Administrators. She explained the only changes to the Building and Safety Department job specifications were to the required certifications since the certifying agencies had changed as a result of a recent merger into ICC, the International Code Council and a partnership with the California Building Officials (CALBO). In addition,

the department had requested that the job title for Combination Structural Inspector Supervisor be changed to Inspection Supervisor.

A motion was made by Commissioner Hunt and seconded by Commissioner Garner to approve the revised job specification for the positions of Permit Technician, Senior Permit Technician, Building Plan Checker I, Building Plan Checker II, Permit & Plan Check Supervisor, Plan Check Engineer, Permit & Plan Check Manager, Building Inspector II, Building Inspector III, Principal Electrical Inspector, Inspection Manager and Combination Structural Inspector Supervisor, including a title change to Inspection Supervisor, amending the City's Classification Plan (passed 5:0).

- b. Discussion on a title change and revised job specification for the position of Senior Deputy City Attorney/Litigator in the City Attorney's Office.

Ms. Youssefieh reported that based upon operational considerations in the upcoming fiscal year, the City Attorney had requested that the specialty of litigation be removed from the job title. This would serve to broaden duties, responsibilities and qualifications for the senior position to provide either trial counsel or advisory counsel.

Commissioner Hunt asked City Attorney Jennifer McGrath if modifying the classification would result in an increased use of in-house counsel to provide legal advice. Ms. McGrath confirmed there would be a decreased reliance on outside counsel as well as an increase in the ability of her office to provide legal counsel to the City Council, commissions and staff. A new position was being proposed in the budget, effective October 1.

A motion was made by Commissioner Gooch and seconded by Commissioner Barton to approve the revised job specification and proposed title change for the position of Senior Deputy City Attorney/Litigator to Senior Deputy City Attorney, amending the City's Classification Plan (passed 5:0).

- c. Discussion on a new position and job specification for the position of Project Manager Assistant in the Community Services Department.

Ms. Youssefieh explained that Human Resources reviewed the existing classification of Economic Development Project Manager Assistant to meet operational needs in park and recreation facility development for the Community Services Department. This assignment in Community Services requires a professional level position to provide assistance from conception to construction on several projects currently underway and to research potential grants to fund projects. It was the recommendation of staff to change the job title to Project Manager Assistant and to broaden the duties of the position to fit assignments in either department as similar knowledge, skills and abilities were required.

Commissioner Hunt asked if this position had been budgeted. Ms. Youssefieh confirmed that it had been approved at the mid-year review of the City's 2005-06 budget.

Commissioner Garner asked why a driver's license "may be required." Ms. Youssefieh explained the need for a driver's license was dependent upon the possibility of field duties and that driving was not an essential function of the position. It was not made a requirement due to the City's need to consider reasonable accommodation requests (from an employee or job applicant) in accordance with the Americans With Disabilities Act (ADA).

A motion was made by Commissioner Hunt and seconded by Commissioner Deight to approve the new position and job specification for the position of Project Manager Assistant, amending the City's Classification Plan (passed 5:0).

- d. Discussion on a new position and job specification for the position of Police Services Specialist II in the Police Department.

Ms. Youssefieh reported that this item would not be presented due to the need for further review.

PERSONNEL COMMISSION PROCEDURE AND JURISDICTION ON A NON-DISCIPLINARY GRIEVANCE

Commissioner Hunt stated he had discussed this matter with Ms. Youssefieh during the week and that the City Attorney's Office had contacted Mr. Davis to attend the Personnel Commission meeting to discuss the matter; however, Mr. Davis was unavailable for the July Personnel Commission meeting. Per the motion of the June 21, 2006 Personnel Commission meeting, he reiterated that the Commission had specifically requested that both parties be invited to appear on this matter and therefore, should again be requested to be present at the August meeting. He then asked Mr. Murphy to review the relevance of case law.

According to Mr. Murphy, the 1976 case of the *Huntington Beach Police Officers Association (POA) v City of Huntington Beach* did not preclude the Personnel Commission from hearing the matter as provided for under Rule 19. The holding of the case was that the City was barred from using the Employee-Employer Relations Resolution to support the Police Chief's unilateral application of the 4-10 workweek provision in the MOU for only Patrol employees with the rest of the staff scheduled to work a 5-8 workweek. The Detective Bureau disagreed and filed a grievance. The Human Resources Director had stated the matter was not grievable, so the Association filed a writ to force the City to meet and confer. The City took the position that the POA had not exhausted their administrative remedies per Rule 19 and according to the Employee-Employer Relations Resolution. The subject matter of Rule 19 was the same as the current Rule 19 with regard to interpretation or application of personnel practices, working conditions and not discipline. The Association did not take the issue to Step 5 of the Grievance Procedure. The difference regarding the current matter lies in both parties taking the matter to Step 5. Neither of the administrative procedures would apply then because the City had taken the position it was their management right. The Court found that the Chief's exercise of his discretion was not a department rule. The Court left off Rule 19 and found that the City's position in that it would not need to meet and confer, was contrary to the Myers Milias Brown Act, so it struck down the City's Employee-Employer Relations Resolution and held that MMBA did apply.

Commissioner Gooch asked where this left the Commission. Mr. Murphy replied at the point where the Commission was before Mr. Vigliotta had made his presentation. The Court said the Association had to follow the Employee-Employer Relations Resolution, as there was no procedure in place. Now, however, the Commission has a procedure; and the parties, through the process, have agreed to go to Step 5 to determine whether the department's rules of work hours applies.

Commissioner Hunt recommended that a letter be written on behalf of the Personnel Commission to Mr. Davis. Commissioner Deight said that the Commission did not know

what Mr. Davis' position was--only that he had been notified. Commissioner Hunt said that Mr. Davis was needed at the meeting to discuss the relevance of the 1976 case and the City's position as to whether this matter is mischaracterized as a grievance.

Commissioner Deight expressed concern if the Personnel Commission did not have jurisdiction and if there were other remedies available, such as the meet and confer process. Deputy City Administrator Bob Hall replied yes. Commissioner Hunt suggested the Chair write and sign a letter addressed to Mr. Davis and the approved representative of the City inviting both parties to the next meeting to discuss this matter, bring it to appropriate resolution and failing to appear, the Personnel Commission would make a determination to the best of its ability to reach resolution.

Commissioner Deight said there was another issue and that was whether the matter was a grievance. Mr. Murphy said whether it is non-disciplinary is still relevant for the hearing and decision. The definition of this grievance is a dispute as to whether or not the employees are grandfathered. Ms. Youssefieh clarified that it was a request for a change in schedule. Mr. Murphy said it was an issue of whether the employees had a right to the schedule as they had been denied the schedule they were requesting.

Ms. Deight said she was not sure what the Personnel Commission was asking for and asked if the matter was a grievance or not. Mr. Murphy said whether it is a grievance under Rule 19 was the issue in interpretation of a work rule and employees suffering under such. Ms. Deight felt this issue needed to be addressed in the motion.

Commissioner Hunt stated they were not going to have consensus of whether or not the matter was grievable. What was up to the Commission is whether or not to hear the matter and, if so, to come up with a finding. Commissioner Gooch said the parties should be allowed to present their case to the Commission. Commissioner Hunt said if Mr. Davis, however, does not wish to appear, then there would be no case.

It was decided that the Chair would write a letter to Mr. Davis or the Association representative and the City Administrator or her representative, to appear before the Commission to determine what their positions are relative to this grievance and to their jurisdiction. If either party desired to move forward with the grievance, the Personnel Commission would hear the matter to reach a decision and outcome.

Commissioner Gooch asked what if either party chose not to move forward. Commissioner Hunt opined that if Mr. Davis chose not to move forward, there would be no case. Commissioner Gooch said he would either need to drop the matter or pursue it on behalf of his client.

Mr. Murphy said it was a matter of whether the issue remains grievable under Rule 19 and whether the Personnel Commission has jurisdiction. Commissioner Hunt stated the parties needed to present themselves at the meeting. Commissioner Deight replied they could respond by letter. Commissioner Gooch said how the parties chose to respond was at their discretion.

Commissioner Deight asked if the matter were grievable under Rule 19, would the question of jurisdiction be moot? Mr. Murphy stated no and that if one party decides to drop the matter, it would be at their own peril. Commissioner Deight asked if the Commission had the power to reach a decision. Mr. Murphy replied yes.

A motion was made by Commissioner Hunt and seconded by Commissioner Barton that the Chair prepare a letter to both parties inviting them to attend the next Commission

meeting to (1) determine if the matter was grievable under Rule 19; (2) determine if the Personnel Commission has the jurisdiction to decide the matter; and (3) inform them that if Mr. Davis fails to respond, the Personnel Commission would decide the matter regardless of receipt of any input.

Commissioner Deight questioned if one of the party's position was that the matter was not a grievance, then how could the issue of jurisdiction arise. Commissioner Gooch was of the opinion that the Personnel Commission would determine if the matter were grievable. Commissioner Deight said if the Commission did make the determination regarding if the matter were grievable, then it would appear unnecessary to deal with the matter of whether or not the Personnel Commission had jurisdiction.

Commissioner Hunt believed the Personnel Commission had the authority and jurisdiction under Rule 19 to follow through on this case and felt if either party wanted to move forward, then the Commission needed to address the matter.

The motion was amended to the effect that the Chair prepare a letter to both parties stating if they wished to move forward on this non-disciplinary grievance, the matter would be heard at the August Personnel Commission meeting, and a response should be received by August 3 (passed 5:0).

Mr. Murphy said the hearing should be listed on the agenda as a closed session. If the Association does not wish to move forward, it would basically be a withdrawal. Commissioner Gooch to draft the letter for Mr. Murphy's review.

LABOR RELATIONS UPDATE

Ms. Youssefieh reported that the Police Management Association (PMA) Memorandum of Understanding (MOU) had been ratified by the City Council at its meeting of July 17, 2006; and that the City was still in negotiations with the Fire Management Association (FMA).

SECRETARY'S REPORT

Ms. Youssefieh informed the Commission that the City Council liaisons had been given the applications of citizens interested in appointment to the Commission and that she anticipated they would be seated in September.

COMMENTS FROM COMMISSIONERS

Commissioner Hunt thanked the Commission, staff and legal counsel for making his tenure as Chair enjoyable and rewarding. All Commissioners commended him for his service. Commissioner Barton asked how many members needed to be present to make a quorum, especially with two seats vacant. Ms. Youssefieh replied four were necessary.

INFORMATIONAL ITEMS

a. Overview of Human Resources (HR) Programming – Presentation

- New Employee Orientation & Master Training Calendar – Principal Human Resources Analyst Brigitte Charles
- On-Line Application, Applicant Tracking Information & Police Officer Recruitment – Principal Human Resources Analyst Vicky Berg
- Human Resources on the Internet and the Intranet – Ms. Youssefieh

b. Grievance Report – July 2006 - Received and filed.

ADJOURNMENT

The meeting adjourned at 7:15 p.m. to the next regularly scheduled meeting of August 16, 2006.

ITEM # 6a



**CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION**

TO: Personnel Commission
FROM: Irma Youssefieh, Human Resources Manager
SUBJECT: **Proposed Class Plan Amendment – Code Enforcement Officer I**
DATE: September 20, 2006

DISCUSSION

In May 2005, the Personnel Commission approved the establishment of a Code Enforcement Technician classification to facilitate employee efforts to change careers, enter the code enforcement field from a related area and/or promote. This classification was designed to be a “bridge” classification to another job family as well as a training position in the Code Enforcement Officer series.

The Planning Department has requested a review of the entry-level professional position in this job family for possible modification to the experience level required in the minimum qualifications for a Code Enforcement Officer I. Staff has completed its review and is recommending that the job specification be changed from requiring two years of code-enforcement related experience to require two years of public contact experience, which includes one year of code enforcement-related experience. A survey of the City’s benchmark agencies (see attached) shows this is consistent for an entry level Code Enforcement Officer I. No change is recommended in compensation.

The Huntington Beach Municipal Employees’ Association (HBMEA) represents this position. Staff has met and discussed this change with the HBMEA and they concur with the revision to the job specification.

RECOMMENDATION

Approve the revised job specification for the classification of Code Enforcement Officer I, amending the City’s Classification Plan.

Attachment: Legislative Draft – Code Enforcement Officer I Job Specification

cc: Scott Hess, Acting Planning Director
Elisabeth Bodine, HBMEA President

CITY OF HUNTINGTON BEACH
CLASS SPECIFICATION



TITLE: CODE ENFORCEMENT OFFICER I

PERSONNEL COMMISSION APPROVAL: SEPTEMBER 20, 2006

COUNCIL APPROVAL:

JOB CODE: 0186
EMPLOYMENT STATUS: REGULAR FULL-TIME
UNIT REPRESENTATION: MEA
FLSA STATUS: NON-EXEMPT

DUTIES SUMMARY

With general supervision, performs technical office and field work involving the inspection, investigation and enforcement of state and City codes and ordinances relating to public nuisances, zoning, litter, weeds, and signs; and performs other duties as required within the scope of the classification.

DISTINGUISHING CHARACTERISTICS

The Code Enforcement Officer I is the entry level class in the series. It is distinguished from the higher class, Code Enforcement Officer II by the scope and complexity of assignments and the training period in conducting inspections.

EXAMPLES OF ESSENTIAL DUTIES

Assists in the implementation of a comprehensive code enforcement program; conducts field investigations and site surveillance of residential, commercial and industrial properties to uncover possible violations of state and City codes and ordinances; issues infraction and misdemeanor citations for violations relating to public nuisances including zoning, litter, abandoned vehicles, weeds, debris accumulation, oversized trucks in residential areas and parking violations.

Photographs evidence, prepares diagrams and measurements, interviews potential witnesses, composes letters and follows-up to ensure remedial action has been taken; receives complaints from citizens and other sources; issues correction notices; performs routine follow-up; effects removal if necessary. Prepares memos and investigative reports; initiates procedures on suspected violations; explains and provides alternative mitigating measures to property owners to resolve violations.

Answers inquiries from public regarding code and ordinance requirements, interpretations, policies and applicability; prepare code violation cases for presentation at public hearings, City Council meetings and judicial proceedings; file written complaints through City Attorney to secure compliance; assists in the preparation of

CITY OF HUNTINGTON BEACH
CLASS SPECIFICATION



TITLE: CODE ENFORCEMENT OFFICER I

PERSONNEL COMMISSION APPROVAL: SEPTEMBER 20, 2006

COUNCIL APPROVAL:

depositions, affidavits, stipulated judgments and inspection warrants; serves legal documents.

Participates in and coordinates joint inspections of properties with other agencies and City departments; researches property ownership, and zoning, building and parcel histories; interprets building and planning project entitlements; compiles statistics and prepares periodic reports; makes presentations to local civic, educational, professional, community and neighborhood groups.

The preceding duties have been provided as examples of the essential types of work performed by positions within this job classification. Management reserves the right to add, modify, change or rescind work assignments as needed.

MINIMUM QUALIFICATIONS

Any combination of education, training, and experience that would likely provide the knowledge, skills, and abilities to successfully perform in the position is qualifying. A typical combination includes:

Knowledge of: Building, zoning, and housing codes and regulations; legal descriptions and boundary maps; basic principles of land use planning; research practices and techniques; rules of evidence related to public hearings and judicial cases; personal computer and standard business software; departmental policies and procedures; conflict resolution techniques; quality service principles and practices; appropriate safety methods and techniques.

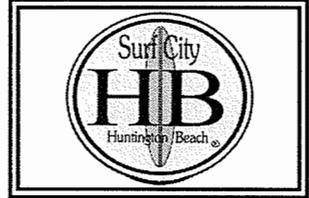
Ability to: Read, interpret and enforce applicable codes; analyze and compile technical information; apply investigative techniques; inspect properties with unknown hazards; utilize appropriate interpersonal skills when interacting with diverse communities or confrontational individuals; prepare clear and concise reports; maintain and follow department processes and regulations; communicate effectively in oral and written form; issue citations; operate standard office equipment including a two-way radio; establish and maintain effective working relationships with residents, City staff and supervisors.

Education: High school diploma or equivalent.

Experience: Two (2) years of public contact experience of which at least one year must be in enforcement of administrative rules and regulations involving inspections and investigative work in a related field for a public agency, and substantial public contact.

Certification: Possession of a valid California motor vehicle operator's license. Successful completion of Penal Code 832 training by completion of probationary period.

CITY OF HUNTINGTON BEACH
CLASS SPECIFICATION



TITLE: CODE ENFORCEMENT OFFICER I

PERSONNEL COMMISSION APPROVAL: SEPTEMBER 20, 2006

COUNCIL APPROVAL:

PHYSICAL TASKS AND ENVIRONMENTAL CONDITIONS - Work involves moderate work often in an outdoor setting with exposure to loud noises, chemicals, debris, air and waterborne pathogens. There is frequent need to stand, walk, sit, talk or hear, use hands, kneel, stoop and perform other similar actions during the course of the workday. Reasonable Employee accommodation(s) for an individual with a qualified physical or mental disabilityies will be considered on a case-by-case basis.