DATE: January 31, 2020, Business Meeting
TIME: 9:00 AM
PLACE: Conference Room 157
County Government Center – 70 W. Hedding Street, 1st Floor
San Jose, CA 95110

AGENDA

In compliance with the Americans with Disabilities Act and the Brown Act, those requiring accommodations in this meeting should notify the Clerk of the Personnel Board no less than 24 hours prior to the meeting at (408) 299-5001, or TDD (408) 993-8272.

Please note: To contact the Commission and/or to inspect any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to all or a majority of the Board of Supervisors (or any other commission, or board or committee) less than 72 hours prior to that meeting, visit our website at http://www.sccgov.org or contact the Clerk at (408) 299-5001 or 70 W. Hedding Street, 10th Floor, San Jose, CA 95110, during normal business hours.

Persons wishing to address the Commission on a regularly scheduled item on the agenda are requested to complete a request to speak form and give it to the Deputy Clerk. (Government Code Section 54953.3.) Individual speakers will be called by the Chairperson and are requested to limit their comments to two minutes. Groups of speakers on a specific item are asked to limit their total presentation to a maximum of twenty minutes for each side of the issue.

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including public transit, bicycles, carpooling, and hybrid vehicles.

For public transit trip planning information, contact the VTA Customer Service Department at (408) 321-2300 Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m. Schedule information is also available on the web at www.vta.org.

Bicycle parking racks are available in the James McEntee, Sr., Plaza in front of the County Government Center building. If this Board or Commission does not meet in the County Government Center, please contact VTA for related routes.

Opening

1. Call to Order/Roll Call.

2. Public Comment.

This item is reserved for persons desiring to address the Board on any matter within the subject matter jurisdiction of the Board that is not on this agenda. Members of the public who wish to address the Board on any item not listed on the agenda should complete a request to speak form and give it to the Deputy Clerk. The Chairperson will call individuals to speak in turn.

Speakers are limited to the following: three minutes if the Chairperson or designee determines that five or fewer persons wish to address the Board; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Board; and one minute if the Chairperson or designee determines that fifteen or more persons wish to address the Board.
The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action or response is requested, the Board may place the matter on a future agenda.

Regular Agenda

3. Minutes Approval:
   a. Approve minutes of the November 22, 2019 Appeal Hearing.
   b. Approve minutes of the December 13, 2019 Business Meeting.
   c. Approve minutes of the December 18, 2019 Appeal Hearing.
   d. Approve minutes of the December 19, 2019 Appeal Hearing.
   e. Approve minutes of the December 20, 2019 Appeal Hearing.

   a. Brian Decker - Hearing on November 22, 2019

5. Receive verbal report from Office of Labor Relations.


7. Discuss pilot process for reviewing the five oldest remaining unheard suspension and termination appeals.
   a. Dismissals, Demotion, Probationary Release Appeals:
      i. Albert Lagos - Filed March 13, 2018
      ii. Elena Moreno - Filed June 26, 2018
      iii. Sara Pacheco - Filed September 7, 2018
      iv. Shaneel Prasad - Filed November 13, 2018
      v. Matthew Rosso - Filed December 13, 2018
   b. Suspension Appeals:
      i. Diana Vasquez - Filed October 19, 2018
      ii. D18-16-9716 - Filed October 29, 2018
      iii. Elizabeth Bendanillo - Filed November 6, 2018
      iv. D17-16-9711 - Filed December 31, 2018
      v. Alan Travasso - Filed January 12, 2019

8. Discuss pending hearing schedule/appeal backlog. (ID# 100193)
**Adopt Findings of Fact**

9. Adopt Findings of Fact for Lavonne Wallace. (Held from December 13, 2019 Personnel Board Committee meeting, Item No. 17)

10. Adopt Findings of Fact for Patricia Mendez. (ID# 100195)

**Verbal Reports**

11. Announce Personnel Board decisions, if any, on disciplinary actions.

12. Receive report from County Counsel.


**Appeal Hearing(s)**

15. Convene hearing to consider the appeal of John King relating to suspension from the Santa Clara Valley Health and Hospital System.

16. Announce that the appeal of John King will be discussed in Closed Session.

17. Recess to Closed Session to consider the appeal of John King pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.

18. Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of John King.

**Adjourn**

19. Adjourn to the next hearing on Friday, February 7, 2020 at 9:00 a.m. in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose.
DATE: November 22, 2019, Appeal Hearing
TIME: 9:00 AM
PLACE: Conference Room 157
County Government Center – 70 W. Hedding Street, 1st Floor
San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Anderson called the meeting to order at 9:15 a.m. A quorum was present.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
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<tbody>
<tr>
<td>Martin Alvarez</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>William Anderson</td>
<td>Chairperson</td>
<td>Present</td>
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<td>Linda Castaldi</td>
<td>Member</td>
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<td>Susan Murphy</td>
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<tr>
<td>Denis O'Neal</td>
<td>Vice Chairperson</td>
<td>Present</td>
<td></td>
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</tbody>
</table>

2. Public Comment.

No public comments were received.

Appeal Hearing(s)

3. Convene hearing to consider the appeal of Brian Becker relating to suspension from the Information Services Department.

Convened hearing at 9:15 a.m. with Members Alvarez, Anderson, Murphy, and O'Neal present.

4. Announce that the appeal of Brian Becker will be discussed in Closed Session.

No Closed Session was held.

5. Recess to Closed Session to consider the appeal of Brian Becker pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.

No Closed Session was held.

6. Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of Brian Becker.
Chairperson Anderson announced that the Board voted 4-0, with Member Castaldi absent, to uphold the suspension of Brian Becker.

Adjourn

7. **Adjourn to the next business meeting on Friday, December 6, 2019, at 9:00 a.m. in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose.**

Chairperson Anderson adjourned the meeting at 9:48 a.m.

Respectfully submitted,

Colin Kutch
Deputy Clerk of the Board
DATE: December 13, 2019, Business Meeting  
TIME: 9:00 AM  
PLACE: Conference Room 157  
County Government Center – 70 W. Hedding Street, 1st Floor  
San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Anderson called the meeting to order at 9:09 a.m. A quorum was present.

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<tbody>
<tr>
<td>Martin Alvarez</td>
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<tr>
<td>William Anderson</td>
<td>Chairperson</td>
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<td>Susan Murphy</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Denis O’Neal</td>
<td>Vice Chairperson</td>
<td>Present</td>
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</tbody>
</table>

2. Public Comment.

No public comments were received.

Regular Agenda

3. Minutes Approval:

Taken out of order after Item No. 10.

   a. Approve minutes of the October 4, 2019 Business Meeting.

3.a RESULT: APPROVED [UNANIMOUS]  
MOVER: Susan Murphy, Member  
SECONDER: Martin Alvarez, Member  
AYES: Alvarez, Anderson, Castaldi, Murphy, O’Neal

   b. Approve minutes of the October 25, 2019 Appeal Hearing.

3.b RESULT: APPROVED [UNANIMOUS]  
MOVER: Susan Murphy, Member  
SECONDER: Martin Alvarez, Member  
AYES: Alvarez, Anderson, Castaldi, Murphy, O’Neal
   a. Brian Becker - Hearing on November 22, 2019
      Matthew Cottrell, Labor Relations Director, Employee Services Agency, advised that Findings of Fact for Brian Becker remain in progress.

5. Receive verbal report from Office of Labor Relations.
   Mr. Cottrell informed the Board that labor negotiations continue with all bargaining units and the County has begun mediation with Service Employees International Union (SEIU) Local 521.

   **RESULT:** RECEIVED

   Member Murphy advised that the Subcommittee discussed various topics including a no contest option; a default hearing process; the creation of material describing the appeal process; a scheduling pilot to reduce the wait list; the possibility of consolidating appeals filed by a single appellant; and, a process for a settlement conference.

   **RESULT:** RECEIVED

7. Discuss pilot process for reviewing the five oldest remaining unheard suspension and termination appeals.
   a. Dismissals, Demotion, Probationary Release Appeals:
      i. Eddie Orozco - Filed on June 26, 2016
         Chairperson Anderson noted that the Orozco appeal was discussed during Item No. 10.
      
         ii. Armando Murillo - Filed on May 15, 2017
            Aimee Logan, Attorney, County Counsel, proposed scheduling a two-day hearing in early February 2020.
      
         iii. Albert Lagos - Filed on March 13, 2018
            Ms. Logan reported that an appeal hearing will be scheduled to accommodate witness availability.
      
         iv. Otto Bartholdi - Filed on June 8, 2018
            Jaime Gonzalez, Contract Enforcement Specialist, SEIU Local 521, informed the Board that the Bartholdi appeal has been withdrawn.
v. Kitina Martin - Filed on June 21, 2018  
Mr. Gonzalez informed the Board that the Martin appeal has been withdrawn.

b. Suspension Appeals:

i. Felicia Houston - Filed on May 31, 2018  
Ms. Logan proposed a one-day hearing in January 2020.

ii. Diana Vasquez - Filed on October 19, 2018  
Mr. Cottrel proposed expediting the Vasquez appeal by combining her two appeals and scheduling a two-day hearing as soon as possible.

iii. D18-16-9716 - Filed on October 29, 2018  
Louis Silver, Attorney, Silver and Katz Attorneys at Law, proposed the scheduling of the appeal after conferring with the client.

iv. Elizabeth Bendanillo - Filed on November 6, 2018  
Taken out of order after Item No. 12.  
Mr. Gonzalez informed the Board that the Bendanillo appeal may potentially be withdrawn and that he will provide an update at the next meeting.

v. Gina Lewis - Filed on December 13, 2018  

8. Discuss pending hearing schedule/appeal backlog. (ID# 99490)  
Chairperson Anderson noted that calendars were discussed during Item No. 7.

9. Approve Personnel Board meeting schedule for Calendar Year 2020. (ID# 99421)  
The Board confirmed calendars through April 2020.
Member Murphy advised that she is unable to attend the January 10, 2020 and that her attendance is tentative for the February 21 and February 28, 2020 appeal hearings.
Member Alvarez advised that she is unable to attend the January 24, January 31, and February 7, 2020 appeal hearings.
Chairperson Anderson and Member Castaldi advised that their attendance is tentative on April 3, 2020 appeal hearing.
Member Murphy and Chairperson Anderson requested that the next business meeting agenda include an item for discussion relating to five member Board determinations.
10. Discuss requests for continuance relating to appeal of Eddie Orozco regarding probationary release from the Social Services Agency.

Taken out of order after Item No. 2.

Caroline Cohen, Attorney, SEIU Local 521, and Ryan Noble, SEIU Local 521 Representative, joined the meeting via conference call to discuss the Orozco appeal. Discussion ensued relating to appeal hearing scheduling process and the challenges of last minute cancellations. Ms. Cohen expressed her appreciation with the Board's diligence to schedule the multiple appeals and conveyed the desire for resolution. She further stated that Mr. Orozco's medical clearance is effective through the end of February 2020 and counsel will collaborate with Mr. Orozco to schedule an appeal in March 2020. Chairperson Anderson advised that he will grant or deny any future last minute continuance requests unless time permits to bring the request to the Board for consideration. Mary Maylsz, Attorney, County Counsel, requested a copy of the medical documentation that extends Mr. Orozco's leave through February 2020.

11. Announce that Findings of Fact for Appeal No. D17-16-9410 will be discussed in Closed Session pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.

Taken out of order after 7b(iii).

Considered concurrently with Item No. 12.

No announcement was made.

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Closed Session

12. Adopt Confidential Findings of Fact for Appeal No. D17-16-9410. (ID# 99415)

Considered concurrently with Item No. 11.

No Closed Session was held.

Chairperson Anderson advised that he will collaborate with Vice Chairperson O'Neal to draft a proposed set of Findings of Facts for consideration on date uncertain.

12 RESULT: NO ACTION TAKEN

Continued Regular Meeting

13. Announce actions taken in Closed Session.

No decisions were made.
Adopt Findings of Fact

14. Adopt Findings of Fact for Penny Taganova. (ID# 99596)

14 RESULT: ADOPTED [UNANIMOUS]
MOVER: Susan Murphy, Member
SECONDER: Linda Castaldi, Member
AYES: Alvarez, Anderson, Castaldi, Murphy, O'Neal

15. Adopt Findings of Fact for Erica Lopez. (ID# 99584)

15 RESULT: ADOPTED [UNANIMOUS]
MOVER: Linda Castaldi, Member
SECONDER: Martin Alvarez, Member
AYES: Alvarez, Anderson, Castaldi, Murphy, O'Neal


16 RESULT: ADOPTED [UNANIMOUS]
MOVER: Denis O'Neal, Vice Chairperson
SECONDER: Susan Murphy, Member
AYES: Alvarez, Anderson, Castaldi, Murphy, O'Neal

17. Adopt Findings of Fact for Lavonne Wallace. (ID# 99587)

Vice Chairperson Anderson requested that the Findings of Facts for Lavonne Wallace be revised. He requested that Vice Chairperson O'Neal and Greta Hansen, Assistant County Counsel, collaborate to discuss revisions and requested that Administration provide Findings of Fact for consideration at the January 3, 2020 business meeting.

18. Adopt Findings of Fact for Michael Gonzales. (ID# 99414)

18 RESULT: ADOPTED [UNANIMOUS]
MOVER: Denis O'Neal, Vice Chairperson
SECONDER: Linda Castaldi, Member
AYES: Alvarez, Anderson, Castaldi, Murphy, O'Neal

Verbal Reports

19. Announce Personnel Board decisions, if any, on disciplinary actions.
No decisions were announced.

20. Receive report from County Counsel.
No report was received.

No announcements were made.
22. Receive correspondence.
   No correspondence was considered.

### Appeal Hearing(s)

23. Convene hearing to consider the appeal of Patricia Mendez relating to dismissal from the Santa Clara Valley Health and Hospital System.
   Convened hearing at 11:00 a.m., with all members present.

24. Announce that the appeal of Patricia Mendez will be discussed in Closed Session.
   No Closed Session was held.

25. Recess to Closed Session to consider the appeal of Patricia Mendez pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.
   No Closed Session was held.

26. Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of Patricia Mendez.
   Chairperson Anderson announced that the Personnel Board voted unanimously to uphold the dismissal of Patricia Mendez.

27. Convene hearing to consider the appeal of Darrell Wesson relating to suspension from the Santa Clara Valley Health and Hospital System.
   Chairperson Anderson announced that the Wesson appeal was withdrawn.

28. Announce that the appeal of Darrell Wesson will be discussed in Closed Session.
   No Closed Session was held.

29. Recess to Closed Session to consider the appeal of Darrell Wesson pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.
   No Closed Session was held.

30. Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of Darrell Wesson.
   No action was taken.
Adjourn

31. Adjourn to the next hearing on Wednesday, December 18, 2019, at 9:00 a.m. in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose.

Chairperson Anderson adjourned the meeting at 11:17 a.m.

Respectfully submitted,

Nancy Guerrero
Deputy Clerk
DATE: December 18, 2019, Appeal Hearing
TIME: 9:00 AM
PLACE: County Government Center – 70 W. Hedding Street, 1st Floor
       San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.
   
   Chairperson Anderson called the meeting to order at 9:15 a.m. A quorum was present.

<table>
<thead>
<tr>
<th>Attendee Name</th>
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<td>Vice Chairperson</td>
<td>Present</td>
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</table>

2. Public Comment.
   
   No public comments were received.

Appeal Hearing(s)

3. Convene hearing to consider the appeal of John Dam relating to dismissal from the Employee Services Agency.
   
   Convened hearing at 9:15 a.m. with all members present.

4. Announce that the appeal of John Dam will be discussed in Closed Session.

   No Closed Session was held.

5. Recess to Closed Session to consider the appeal of John Dam pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.

   No Closed Session was held.

6. Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of John Dam.
Chairperson Anderson announced that the appeal of John Dam was continued to Thursday, December 19, 2019.

7. Continue hearing to December 19, 2019, if necessary.

The hearing was continued.

8. Adjourn to the next hearing on Thursday, December 19, 2019, at 9:00 a.m. in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose.

Chairperson Anderson adjourned the meeting at 4:40 p.m.

Respectfully submitted,

Colin Kutch
Deputy Clerk of the Board
DATE: December 19, 2019, Appeal Hearing
TIME: 9:00 AM
PLACE: Conference Room 157
County Government Center – 70 W. Hedding Street, 1st Floor
San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Anderson called the meeting to order at 9:15 a.m. A quorum was present.

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<tr>
<td>Denis O'Neal</td>
<td>Vice Chairperson</td>
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</tbody>
</table>

2. Public Comment.

No public comments were received.

Appeal Hearing(s)

3. Convene hearing continued from December 18, 2019 to consider the appeal of John Dam relating to dismissal from the Employee Services Agency.

Convened hearing at 9:15 a.m. with all members present.

4. Announce that the appeal of John Dam will be discussed in Closed Session.

No Closed Session was held.

5. Recess to Closed Session to consider the appeal of John Dam pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.

No Closed Session was held.

6. Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of John Dam.
Chairperson Anderson announced that the appeal of John Dam was continued to Friday, December 20, 2019.

7. **Continue hearing to December 20, 2019, if necessary.**
   
The hearing was continued.

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**Adjourn**

8. **Adjourn to the next hearing on Friday, December 20, 2019, at 9:00 a.m. in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose.**

Chairperson Anderson adjourned the meeting at 4:00 p.m.

Respectfully submitted,

Colin Kutch
Deputy Clerk of the Board
DATE: December 20, 2019, Appeal Hearing
TIME: 9:00 AM
PLACE: Conference Room 157
County Government Center – 70 W. Hedding Street, 1st Floor
San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.
   Chairperson Anderson called the meeting to order at 9:10 a.m. A quorum was present.

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<tr>
<td>Denis O'Neal</td>
<td>Vice Chairperson</td>
<td>Present</td>
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</table>

2. Public Comment.
   No public comments were received.

Appeal Hearing(s)

3. Convene hearing continued from December 19, 2019 to consider the appeal of John Dam relating to dismissal from the Employee Services Agency.
   Convened hearing at 9:10 a.m. with all members present.

4. Announce that the appeal of John Dam will be discussed in Closed Session.
   No Closed Session was held.

5. Recess to Closed Session to consider the appeal of John Dam pursuant to Government Code Section 54957(b)(1), relating to Public Employee Discipline/Demotion/Release.
   No Closed Session was held.

6. Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of John Dam.
Chairperson Anderson announced that the appeal of John Dam was continued to date uncertain.

Adjourn

7. Adjourn to the next hearing on Friday, January 10, 2020, at 9:00 a.m. in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose.

Chairperson Anderson adjourned the meeting at 3:50 p.m.

Respectfully submitted,

Colin Kutch
Deputy Clerk of the Board
DATE: January 31, 2020
TO: Personnel Board
FROM: Nancy Guerrero, Board Clerk II
SUBJECT: Personnel Board Hearing Schedule

RECOMMENDED ACTION
Discuss pending hearing schedule/appeal backlog.

ATTACHMENTS:
- 2020 Personnel Board Meeting Schedule (PDF)
- December 2019 Appeals (PDF)
Personnel Board 2020 Meeting Schedule

Meetings are held at 9:00 a.m. in Conference Room 157, 1st Floor, County Government Center, 70 West Hedding Street, San Jose.

*Note: Due to construction, all meetings in July will be held in the Lower Level Conference Room (LLCR), County Government Center, 70 West Hedding Street, San Jose.

<table>
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<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>Jan 3, 2020</td>
<td>No Meeting (New Year’s Day, 1/1)</td>
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<tr>
<td>Jan 10, 2020</td>
<td>Business Meeting – Murphy absent</td>
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<tr>
<td>Jan 17, 2020</td>
<td>No Meeting (MLK Day, 1/20)</td>
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<tr>
<td>Jan 24, 2020</td>
<td>Appeal Hearing – Alvarez/Anderson absent</td>
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<tr>
<td>Jan 31, 2020</td>
<td>Appeal Hearing – Alvarez absent</td>
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<tr>
<td>Feb 7, 2020</td>
<td>Appeal Hearing – Alvarez absent</td>
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<td>Feb 14, 2020</td>
<td>No Meeting (President’s Day, 2/17)</td>
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<tr>
<td>Feb 21, 2020</td>
<td>Business Meeting – Murphy tentative</td>
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<td>Feb 28, 2020</td>
<td>Appeal Hearing – Murphy tentative</td>
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<td>Business Meeting</td>
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<td>Mar 20, 2020</td>
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<td>Mar 27, 2020</td>
<td>No Meeting (Cesar Chavez Day, 3/31)</td>
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<tr>
<td>Apr 3, 2020</td>
<td>Appeal Hearing – Anderson/Castaldi tentative</td>
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<tr>
<td>Apr 10, 2020</td>
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<td>May 1, 2020</td>
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<td>May 8, 2020</td>
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<td>May 15, 2020</td>
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<td>June 5, 2020</td>
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<td>June 26, 2020</td>
<td>Appeal Hearing</td>
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<tr>
<td>July 3, 2020</td>
<td>No Meeting (Independence Day, 7/4)</td>
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<td>July 10, 2020</td>
<td>Business Meeting (Location LLCR)</td>
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<tr>
<td>July 17, 2020</td>
<td>Appeal Hearing (Location LLCR)</td>
</tr>
<tr>
<td>July 24, 2020</td>
<td>Appeal Hearing (Location LLCR)</td>
</tr>
<tr>
<td>July 31, 2020</td>
<td>Appeal Hearing (Location LLCR)</td>
</tr>
<tr>
<td>Aug 7, 2020</td>
<td>Appeal Hearing</td>
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<tr>
<td>Aug 14, 2020</td>
<td>Business Meeting</td>
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<tr>
<td>Aug 21, 2020</td>
<td>Appeal Hearing</td>
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<tr>
<td>Aug 28, 2020</td>
<td>Appeal Hearing</td>
</tr>
<tr>
<td>Sep 4, 2020</td>
<td>No Meeting (Labor Day, 9/7)</td>
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<tr>
<td>Sep 11, 2020</td>
<td>Business Meeting</td>
</tr>
<tr>
<td>Sep 18, 2020</td>
<td>Appeal Hearing</td>
</tr>
<tr>
<td>Sep 25, 2020</td>
<td>Appeal Hearing</td>
</tr>
<tr>
<td>Oct 2, 2020</td>
<td>Appeal Hearing</td>
</tr>
<tr>
<td>Oct 9, 2020</td>
<td>No Meeting (Columbus Day, 10/12)</td>
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<tr>
<td>Oct 16, 2020</td>
<td>Business Meeting</td>
</tr>
<tr>
<td>Oct 23, 2020</td>
<td>Appeal Hearing</td>
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<tr>
<td>Oct 30, 2020</td>
<td>Appeal Hearing</td>
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<tr>
<td>Nov 6, 2020</td>
<td>Appeal Hearing</td>
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<tr>
<td>Nov 13, 2020</td>
<td>No Meeting (Veterans Day, 11/11)</td>
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<tr>
<td>Nov 20, 2020</td>
<td>Business Meeting</td>
</tr>
<tr>
<td>Nov 27, 2020</td>
<td>No Meeting (Thanksgiving, 11/26)</td>
</tr>
<tr>
<td>Dec 4, 2020</td>
<td>Appeal Hearing</td>
</tr>
<tr>
<td>Dec 11, 2020</td>
<td>Business Meeting</td>
</tr>
<tr>
<td>Dec 18, 2020</td>
<td>Appeal Hearing</td>
</tr>
<tr>
<td>Dec 25, 2020</td>
<td>No Meeting (Christmas, 12/25)</td>
</tr>
</tbody>
</table>

1/24/20
January 7, 2020

TO: Personnel Board
Agency/Department Heads
Employee Organizations

FROM: Matthew Cottrell
Interim Labor Relations Director

SUBJECT: Status of Appealed Disciplinary Actions for the Period Ending December 31, 2019

Attached are two lists of all disciplines that have been appealed and are pending before the Personnel Board. The first shows appealed dismissals, demotions and probationary releases that are before the Personnel Board. The second is a list of all appealed suspensions.

Employees with peace officer or custodial officer status are shown with case numbers as the law requires privacy for these employees.

The information is provided to keep the Personnel Board, each department, and employee organizations apprised of the docket of cases.

If you have any questions or suggestions, please contact the Labor Relations Department at (408) 299-5820.

Attachment

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith
# Santa Clara County Personnel Board

## List of Dismissal, Demotion, Probationary Release Appeals

as of December 31, 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
<th>Date</th>
<th>Department</th>
<th>Union</th>
<th>Type</th>
<th>Appeal Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murillo, Armando</td>
<td>6)</td>
<td>County Exec</td>
<td>SSA</td>
<td>521</td>
<td>Dismissal</td>
<td>5/15/17</td>
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<tr>
<td>Dam, John</td>
<td>7)</td>
<td>ESA</td>
<td>Self</td>
<td>521</td>
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<td>12/21/17</td>
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<tr>
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<tr>
<td>Pacheco, Sara</td>
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<td>521</td>
<td>Demotion</td>
<td>9/7/18</td>
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<tr>
<td>Prasad, Shaneel</td>
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<td>Assessor</td>
<td>521</td>
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<td>Dismissal</td>
<td>11/13/18</td>
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<tr>
<td>Rosso, Matthew</td>
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<tr>
<td>D18-16-9306</td>
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<td>12/19/18</td>
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<tr>
<td>Aguirre, Bianca</td>
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<td>Self</td>
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<td>Dismissal</td>
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<tr>
<td>Jones, Mary</td>
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<td>Trevino, Richard</td>
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<td>Valles, Maribel</td>
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<td>3/12/19</td>
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<td>Thompson, James</td>
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<td>Carrillo, Arcelia</td>
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<td>Ortiz, Simon</td>
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<td>Vargas, Martha</td>
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<td>Dismissal</td>
<td>7/11/19</td>
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<td>SCVHHS</td>
<td>Self</td>
<td>521</td>
<td>Prob. Release</td>
<td>9/18/19</td>
</tr>
<tr>
<td>Mangano, Amy</td>
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<td>CEMA</td>
<td>521</td>
<td>Prob. Release</td>
<td>10/7/19</td>
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<tr>
<td>Vasquez, Diana</td>
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<td>SCVHHS</td>
<td>521</td>
<td></td>
<td>Dismissal</td>
<td>12/19/19</td>
</tr>
</tbody>
</table>

## SUMMARY

Scheduled dismissals/demotions/probationary releases: 1
Unscheduled dismissals/demotions/probationary releases: 24
Total listed: 25

1 = Scheduled to be heard by Personnel Board
2 = Scheduled to be heard by Suspension Panel
5 = Heard, Personnel Board decision pending
6 = Hearing continued, date to be rescheduled
7 = Hearing extended, additional date(s) to be scheduled
8 = Scheduled to be discussed

P = Primary  
B = Back-up

Prepared by the Labor Relations Department
## List of Suspension Appeals

as of December 31, 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
<th>Date</th>
<th>Department</th>
<th>Union</th>
<th>Type</th>
<th>Appeal Date</th>
</tr>
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<tbody>
<tr>
<td>King, John</td>
<td>1) P</td>
<td>1/31/20</td>
<td>SCVHHS</td>
<td>521</td>
<td>40 Hour</td>
<td>12/19/17</td>
</tr>
<tr>
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<td>5/31/18</td>
</tr>
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<td>521</td>
<td>40 Hour</td>
<td>8/16/18</td>
</tr>
<tr>
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<td></td>
<td>SCVHHS</td>
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<td>120 Hour</td>
<td>10/19/18</td>
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<td>10/29/18</td>
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<tr>
<td>Bendanillo, Elizabeth</td>
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<td>521</td>
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<td>11/6/18</td>
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<tr>
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<td>12/11/18</td>
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<tr>
<td>Lewis, Gina</td>
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<td>521</td>
<td>160 Hour</td>
<td>12/13/18</td>
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<tr>
<td>Ruiz Esparza, Diego</td>
<td>1) P</td>
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<td>12/21/18</td>
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<td>Travasso, Alan</td>
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<tr>
<td>Brown, Angelo</td>
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<td>24 Hour</td>
<td>1/15/19</td>
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<tr>
<td>Servin, Carlos</td>
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<td>SCVHHS</td>
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<tr>
<td>Ballesteros, Zaldy</td>
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<td>2/28/20</td>
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<td>2/12/19</td>
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<td>Ledesma, Patricia</td>
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<td>3/7/19</td>
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<td>Pham, Hai (Heidi)</td>
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<td>3/26/19</td>
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<tr>
<td>Bravo, Sandra</td>
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<td>4/12/19</td>
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<td>Delgadillo, Jess</td>
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<td>Roads</td>
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<td>4/22/19</td>
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<tr>
<td>Ruiz Esparza, Diego</td>
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<td>SCVHHS</td>
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<td>80 Hour</td>
<td>5/16/19</td>
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<tr>
<td>Aguon, Leilani</td>
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<td>6/13/19</td>
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<tr>
<td>Sosa, Kristina</td>
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<td>Self</td>
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<td>6/19/19</td>
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<tr>
<td>Tran, Loc</td>
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<td>EH</td>
<td>521</td>
<td>160 Hour</td>
<td>8/2/19</td>
</tr>
<tr>
<td>Wilson, Shirley</td>
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<td>SCVHHS</td>
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<td>24 Hour</td>
<td>8/19/19</td>
</tr>
<tr>
<td>Cox, Cecilia</td>
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<td>SCVHHS</td>
<td>521</td>
<td>80 Hour</td>
<td>9/30/19</td>
</tr>
<tr>
<td>Vasquez, Breanna</td>
<td></td>
<td></td>
<td>SSA</td>
<td>521</td>
<td>24 Hour</td>
<td>11/22/19</td>
</tr>
</tbody>
</table>

### SUMMARY

- Scheduled Suspensions: 6
- Unscheduled Suspensions: 21
- Total Suspensions Listed: 27

### KEY TO STATUS:

1 = Scheduled to be heard by Personnel Board  
2 = Scheduled to be heard by Suspension Panel  
3 = Scheduled to be heard by Hearing Officer  
4 = Heard by Hearing Officer, recommended decision pending  
5 = Heard, Personnel Board decision pending  
6 = Hearing continued, to be rescheduled  
7 = Hearing extended; additional date/s to be scheduled  
8 = Requesting Suspension Panel

P = Primary  
B = Back-up

Prepared by the Labor Relations Department
DATE: January 31, 2020
TO: Personnel Board
FROM: Nancy Guerrero, Board Clerk II
SUBJECT: Adopt Findings of Fact - Mendez

RECOMMENDED ACTION
Adopt Findings of Fact for Patricia Mendez.

ATTACHMENTS:
- PMendezFindingsFact (PDF)
SANTA CLARA COUNTY
PERSONNEL BOARD
TERMINATION HEARING

In Re the Matter of: Patricia Mendez
Case No. D18-02-9283

FINDINGS OF FACT

This matter came on for hearing before the Santa Clara County Personnel Board ("Board") on December 13, 2019. The full Board consisting of William Anderson (Chair), Steve Cushing, Denis O’Neal, Linda Castaldi and Martin Alvarez were present. Nancy Clark, Deputy County Counsel, appeared on behalf of the County of Santa Clara ("County"). Tracy Stephens, Health Center Manager, Santa Clara Valley Health and Hospital System also appeared on behalf of the County. Jaime Gonzalez, Service Employees International Union, Local 521, appeared on behalf of Appellant Patricia Mendez. Appellant Patricia Mendez was provided notice of the hearing via regular and certified mail but failed to appear.

Due to Mendez’s failure to appear at the hearing, the Board asked the County to proceed with prima facie showing of cause for discipline pursuant to Section 10.6 of the Santa Clara County Personnel Board Rules of Procedures. The County made that prima facie showing of cause to support the request that Mendez’s appeal of the termination decision be denied. The Board accepted the County’s documents into evidence and unanimously rendered a default decision against Mendez, upholding the termination.
Consistent with custom and practice, the County, as the prevailing party, submitted the following findings of fact and conclusions, which the Board hereby adopts. These findings and conclusions are based on the documentary evidence and sworn testimony at the December 13, 2019 hearing before the Board.

1. The County hired Patricia Mendez (Mendez) on November 10, 2014. She has been working as a full time Health Services Representative (HSR) at the Valley Health Center (VHC) Sunnyvale.

2. As a HSR, Mendez was responsible for performance of specialized clerical tasks that may involve client registration, scheduling and interviewing, telephone screening, medical insurance eligibility and account processing for clients to either a patient care area or agency program service site through Santa Clara Valley Health & Hospital System.

3. On April 26, 2017, Mendez was issued a written counseling for serious attendance issues but the issues with attendance continued. Between April 26, 2017 and June 26, 2017, Mendez had 28 unscheduled absences, 11 incidents of tardiness, and 3 early departures from her shift. She provided healthcare provider notes for May 11-13 and May 15-19, 2017 but worked two of those days. Mendez did not appear for work between May 26 and October 4, 2017.

4. On June 26, 2017, July 25, 2017, December 26, 2017 and February 27, 2018, Mendez was sent an unauthorized absence letter, instructing her to contact her direct Supervisor, Tracy Stephens and provide him with documentation supporting her absence. Mendez was provided County policies on Family Medical Leave, Employee Assistance and Reasonable Accommodation.

5. On October 2, 2017 Mendez provided Tracy Stephens with a medical note indicating she was ill and unable to work from July 10, 2017 through October 4, 2017. Mendez returned to work on October 5, 2017 but appeared at work for only six work-days and did not complete a full eight hour shift during that time. She worked for 3.1 hours on Oct. 16, 2017 and did not return to work after that date.

6. On November 7, 2017, Mendez contacted a Senior HSR asking for a temporary accommodation to her shift start time. Tracy Stephens sent an email to Mendez that same day to learn about any accommodation Mendez may need. On November 29, 2017, Reasonable
Accommodation Coordinator Guy Nuzum spoke with Mendez who reported she did not have a reasonable accommodation request.

7. On July 19, 2019, Tracy Stephens sent Mendez a letter recommending she be released from her employment. In that letter, Mendez was told she had a right to respond to the recommended action. Mendez was told of the date and time by which she needed to provide a response but Mendez did not appear or provide any response to the recommended action.

8. A final Notice of Disciplinary Action - Release from Employment was sent to Mendez on August 7, 2018.

CONCLUSIONS

9. Based upon the evidence established by the documentary and witness evidence presented at the hearing, the Board unanimously determined that the County established by a preponderance of the evidence that Appellant Patricia Mendez violated SCVHHS policies and the following County Merit System Rules:

a. Merit System Rule A25-301(a)(1) Violation of the County Charter, merit system rules and regulations and written and published departmental rules and policies which do not conflict with this article.

b. Merit System Rule A25-301(a)(10) Absence Without Leave

c. Merit System Rule A25-301(a)(11) Habitual pattern of failure to report for duty at the assigned time and place.

FURTHER ACTION

The Board hereby advises Appellant Patricia Mendez that she may seek judicial review of this Board decision by filing a writ of mandate pursuant to California Code of Civil Procedure section 1094.5. The writ must be filed with a court of competent jurisdiction no later than the 90th day following the date on which the Board decision becomes final (California Code of Civil Procedure § 1094.6) The Board decision becomes final when it is mailed by first-class mail, postage prepaid, including a copy of a certificate of mailing to the party seeking any such writ.
Dated: ____________________   

By: ________________________

WILLIAM ANDERSON  
Chair, Santa Clara County Personnel Board