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

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Anderson called the meeting to order at 9:13 a.m. A quorum was present.

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

2. Public Comment.

No public comments were received.

Regular Agenda

3. Minutes Approval:

a. Approve minutes of the November 22, 2019 Appeal Hearing.

3.a RESULT: APPROVED [4 TO 0]
MOVER: Susan Murphy, Member
SECONDER: Denis O'Neal, Vice Chairperson
AYES: Anderson, Castaldi, Murphy, O'Neal
ABSENT: Alvarez

b. Approve minutes of the December 13, 2019 Business Meeting.

3.b RESULT: APPROVED [4 TO 0]
MOVER: Susan Murphy, Member
SECONDER: Denis O'Neal, Vice Chairperson
AYES: Anderson, Castaldi, Murphy, O'Neal
ABSENT: Alvarez
c. Approve minutes of the December 18, 2019 Appeal Hearing.

| 3.c RESULT: | APPROVED [4 TO 0] |
| MOVER:      | Susan Murphy, Member |
| SECONDER:   | Denis O'Neal, Vice Chairperson |
| AYES:       | Anderson, Castaldi, Murphy, O'Neal |
| ABSENT:     | Alvarez |

d. Approve minutes of the December 19, 2019 Appeal Hearing.

| 3.d RESULT: | APPROVED [4 TO 0] |
| MOVER:      | Susan Murphy, Member |
| SECONDER:   | Denis O'Neal, Vice Chairperson |
| AYES:       | Anderson, Castaldi, Murphy, O'Neal |
| ABSENT:     | Alvarez |

e. Approve minutes of the December 20, 2019 Appeal Hearing.

| 3.e RESULT: | APPROVED [4 TO 0] |
| MOVER:      | Susan Murphy, Member |
| SECONDER:   | Denis O'Neal, Vice Chairperson |
| AYES:       | Anderson, Castaldi, Murphy, O'Neal |
| ABSENT:     | Alvarez |


a. Brian Decker - Hearing on November 22, 2019
   Mitchell Buellesbach, Principal Labor Relations Representative, Employee Services Agency, advised that Findings of Fact for Brian Decker remain in progress.

5. Receive verbal report from Office of Labor Relations.

Mr. Buellesbach provided an update relating to the labor negotiations with the various labor unions. He also reported that Lisa Dumanowski, Director of Labor Relations, retired in November 2019 and Matthew Cottrell is the Interim Director until the position is permanently filled.

Member Murphy inquired whether there are disciplinary actions reported in the newly acquired hospitals. Aimee Logan, Deputy County Counsel, informed the Board that most employees are likely still in their probationary period. Member Murphy requested that Administration provide to the Board a presentation relating to "just culture" and what it represents to the County, who is trained on the topic, and the context in which it should be considered.

5 RESULT: RECEIVED

Taken out of order after Item No. 7.

Member Murphy reported that the Subcommittee discussed various topics including a no contest proposal; default hearing process; website content; scheduling pilot; and, a continuance management proposal. Member Murphy also reported that the Subcommittee is in the process of finalizing written materials on these topics for Board consideration, and items identified for future discussion include the role of the Clerk of the Board; the identification of materials that can be provided to Board Members prior to meeting; a process for settling concurrent appeals; a settlement conference process; Board composition requirements; and, the development of performance measures.

6 RESULT: RECEIVED

7. Discuss pilot process for reviewing the five oldest remaining unheard suspension and termination appeals.

Taken out of order after Item No. 5.

a. Dismissals, Demotion, Probationary Release Appeals:

i. Albert Lagos - Filed March 13, 2018
   Ms. Logan stated the Lagos appeal is ready for scheduling.

ii. Elena Moreno - Filed June 26, 2018
    Ms. Logan stated the Moreno appeal is ready for scheduling.

iii. Sara Pacheco - Filed September 7, 2018
     Ms. Logan stated the Pacheco appeal is ready for scheduling.

iv. Shaneel Prasad - Filed November 13, 2018
    Ms. Logan informed the Board that the Prasad appeal is not ready for scheduling.

v. Matthew Rosso - Filed December 13, 2018
   Ms. Logan informed the Board that the Rosso appeal is not ready for scheduling.

Ms. Logan also informed the Board that the Eddie Orozco appeal is tentatively scheduled for March 13, 2020; the Armando Murillo appeal is tentatively scheduled for March 20, 2020; the John Dam appeal has not been rescheduled; and, the Elena Moreno and Sara Pacheco appeals are ready for scheduling.
b. Suspension Appeals:

   i. Diana Vasquez - Filed October 19, 2018
      Mr. Buellesbach proposed consolidating Ms. Vasquez's two appeals.

   ii. D18-16-9716 - Filed October 29, 2018
      Mr. Buellesbach informed the Board that the confidential appeal can potentially be settled and advised that he will provide an update at the next meeting.

   iii. Elizabeth Bendanillo - Filed November 6, 2018
      Mr. Buellesbach informed the Board that the Bendanillo appeal was tentatively scheduled for April 3, 2020. Jaime Gonzalez, Contract Enforcement Specialist, Service Employees International Union Local 521, informed the Board that Ms. Bendanillo is leaving the country March 6, 2020 and will request a continuance until her return in October 2020, if her appeal is not scheduled prior to the travel date.

   iv. D17-16-9711 - Filed December 31, 2018
      Mr. Buellesbach proposed a tentative appeal date of April 3, 2020.

   v. Alan Travasso - Filed January 12, 2019
      Teresa Moran, Labor Relations Representative, Labor Relations, stated the Travasso appeal is ready for scheduling.

     Greta Hansen, Assistant County Counsel, reported that she will draft correspondence to the representatives in Labor Relations, County Counsel, and the various unions explaining the Board's expectation to attend Personnel Board business meetings and provide information on any matters listed on this section of the agenda.

8. Discuss pending hearing schedule/appeal backlog. (ID# 100193)

   Taken out of order after Item No. 6.

   The Board confirmed calendars through May 2020.

   Member Murphy advised that her attendance is tentative for April 24, 2020 and May 29, 2020.

   Chairperson Anderson advised that he is unable to attend on April 10, April 17, April 24, and May 1, 2020.

   Member Castaldi advised that she is unable to attend on April 10 and April 17, 2020.
Chairperson Anderson directed the Clerk of the Board to contact Member Alvarez regarding his availability for the months of February through May 2020 and relay the information to Labor Relations representatives.

### Adopt Findings of Fact

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

   Ms. Hansen advised that the Findings of Fact for Lavonne Wallace will be presented for consideration at the next business meeting.

**9 RESULT:** NO ACTION TAKEN

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

    Adopted as amended to remove Steve Cushing on page 1, line 16 and include Sue Murphy.

**10 RESULT:** ADOPTED AS AMENDED [4 TO 0]

<table>
<thead>
<tr>
<th>MOVER:</th>
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<tbody>
<tr>
<td>SECONDER:</td>
<td>Susan Murphy, Member</td>
</tr>
<tr>
<td>AYES:</td>
<td>Anderson, Castaldi, Murphy, O'Neal</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Alvarez</td>
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</table>

### Verbal Reports

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

    No decisions were made.

12. **Receive report from County Counsel.**

    Ms. Hansen informed the Board that additional support will be provided by the Office of the County Counsel to increase the timeliness of deliverables. She also informed the Board that once it is determined that video conference technology can be installed in Conference Room 157, she will conduct a legal analysis on video conferencing during hearings.

13. **Make announcements.**

    No announcements were made.

14. **Receive correspondence.**

    No correspondence was considered.

### 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.**
Convened hearing at 10:30 a.m. with Members Anderson, Castaldi, Murphy, and O'Neal present.

16. **Announce that the appeal of John King will be discussed in Closed Session.**
   Chairperson Anderson announced that the appeal of John King would 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.**
   Recessed to Closed Session at 2:25 p.m., with Members Anderson, Castaldi, Murphy, and O'Neal present.

18. **Reconvene meeting to announce actions, if any, taken during Closed Session regarding the appeal of John King.**
   Reconvened at 3:00 p.m. Chairperson Anderson announced that the Board voted 3-1, with Member Alvarez absent, to reduce the final disciplinary action of John King to three days, with Member O'Neal dissenting in favor of a reduction to a one-day suspension.

   **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.**
   Chairperson Anderson adjourned the meeting at 3:10 p.m.

   Respectfully submitted,

   Nancy Guerrero
   Deputy Clerk