



**CITY OF HAYWARD
PERSONNEL COMMISSION
MINUTES
Regular Meeting
Thursday, June 11, 2020
Microsoft Teams Meeting (Virtual)**

A special meeting of the City of Hayward Personnel Commission was called to order virtually at 5:00 p.m. on Thursday, June 11, 2020, on a Microsoft Teams Video Conference Call.

CITY STAFF:

Maria Hurtado, Assistant City Manager/Interim Director of Human Resources
Robin Young, Deputy Director of Human Resources
Vanessa Lopez, Senior Human Resources Analyst
Lisette Del Pino, Human Resources Analyst II
Anthony Phillip, Human Resources Analyst II
Seema Vashi, Assistant City Attorney
Candi Jackson, Human Resources Administration Assistant
Kristoffer Bondoc, Administrative Assistant II

Attendance	<u>REGULAR MEETINGS</u>			<u>SPECIAL MEETINGS</u>	
	Present 6.11.2020 Special Meeting	Present to Date This Fiscal Yr.	Absent to Date This Fiscal Yr.	Present to Date This Fiscal Yr.	Absent to Date This Fiscal Yr.
Allen Zargar	O	1	3	-	1
Erika Cortez	X	3	1	-	1
*Nicolia Gooding	X	4	-	1	-
Zheefong He	X	3	1	1	-
Robert Gaumer	X	3	-	1	-
Denise Thompson	X	3	-	1	-
Randy Wright	X	3	-	1	-

X = present O = absent

* Chairperson

PUBLIC COMMENTS

None.

1. Essential Training for Personnel Commission on Conducting Appeal Hearings

Attorney Gary Baum provided a training to the Personnel Commission on conducting an appeal hearing and answered questions.

Commissioner Wright asked how the Commission collectively arrives at making a

recommendation; as an entire body, do they decide collectively, vote and does the majority determine the recommendation?

Attorney Baum answered that yes, a recommendation and vote will take place and the majority will “win”. It does not need to be a unanimous vote, although it is preferred.

Commissioner Gaumer asked if a vote is needed for each finding.

Attorney Baum answered yes, a vote will be conducted for each major fact. Again, it is not unusual if the votes are not unanimous.

Commissioner Wright asked if upon the Commission arriving at a decision, will it be presented in a report, verbally, in writing, and/or through the Chairperson?

Attorney Baum answered that at the end of the hearing, he or Chair Gooding will read the findings into the record, say what the votes are and ask the Commission if there are any disagreements with what was said.

Commissioner Wright asked if this would become public record once the hearing is done and the decision is made.

Attorney Baum answered no, as this will be a private hearing. The City Manager will receive the record from the court reporter and the findings from the Personnel Commission. The findings go to the City, the employee, and his or her representative.

APPROVAL OF MINUTES

2. Approval of May 21, 2020 Meeting Minutes (Action)

(M/S/P) (Wright/Cortez) Approved – 6 AYES

REPORTS

City Council Liaison (Information)

Council Member Mark Salinas reported that the Council is in the throes of the budget and one concern is that the City is facing a \$9.6M deficit and the City will be pulling funds from its reserves. However, he is pleased to announce that all labor groups have met and returned with some sort of concession and on Tuesday, Council will be passing the budget. Fiscally speaking, Council Member Salinas indicated the City is not sure what kind of relief we will receive from the federal government or the state. He stated it will depend on how fast businesses will be able to reopen within the next 6 months. Council Member Salinas added that we are aiming for Phase 3 of COVID19, however, Hayward and Oakland are still peaking with cases.

Council Member Salinas mentioned that in response to George Floyd's death, there is a national and local call for change, both institutionally and structurally. By institutional, he means in real substantive, meaningful ways. One evidence, is that although Council meetings have been held virtually, the amount of emails and participation from the community last week exceeded his nine (9) years adopting a budget, particularly how we think about the budget around the Police department and various services: human services, mental health, serving kids and families; and the role and impact our Police has on the community. He continued that Council has to think about the role and function of the Police Department, as well as the role and the function of the Police Officer, in relation to the budget.

Council Member Salinas added that another major part of the budget, is the infrastructure. However, there is another side of infrastructure that we need to pay attention to and invest in, and that is the infrastructure of non-profit organizations that support families and neighborhoods. He stated that this is what he considers when looking at the budget, how we are supporting our mental health, public health, and community infrastructure.

Lastly, Council Member Salinas mentioned that we are a part of a changing institutional culture, and he invited the Commission to think about the function and role of the Personnel Commission (recruitment, hiring, and training in all departments) and what they can do to contribute to substantive changes. He added that there will be a report regarding the Racial Equity Plan to follow soon, which will include substantive, action items that we can execute. He encouraged members of the Personnel Commission to take this opportunity as Commissioners to contribute to the structural and substantive change that is needed, as we all have a stake in this.

Commissioner Wright asked if the City is mandating a hiring freeze on all non-essential positions. He also stated he noticed the Cost of Living Adjustments (COLAs) are 2 percent across the board, and Police Management's increase is 3 percent, although as of April 2020 the consumer price index for the Bay Area dropped 0.54 percent. So, it seems contradictory to proceed with the scheduled COLAs.

Council Member Salinas answered that the Hayward Police Officers Association's concession includes freezing 12 positions in the Police Department. He also added that each bargaining group has previously negotiated contract terms, which is why there is a difference between the Police Management's increases versus all other groups.

Interim Director of Human Resources (Information)

Assistant City Manager/Interim Director of Human Resources Maria Hurtado shared updates on Hayward's Emergency Operations Center (EOC) and the recent Shelter-

In-Place (SIP) order. She mentioned that the City's call center fields calls from Hayward and the surrounding communities, and that the call center has received almost 8,400 calls, since it opened in March, with the majority of the calls regarding our COVID testing site. She continued that Alameda County conveyed over 4,000 reported COVID cases with 18 percent from Hayward; Hayward has one of the highest amounts of cases (733 positive cases), second to Oakland.

She continued that the recent SIP order now allows for small social gatherings (groups of 12 or fewer), curbside retail, expanded childcare and camps for children, and the reopening of limited personal services that have little person-to-person contact (i.e. dog walker, pet grooming services). Face coverings are still encouraged when outside and social distancing is still in effect. People are still encouraged to continue working from home as much as possible. As this SIP relates to Hayward, starting this Monday, the City will resume street sweeping services. Therefore, she advised the Personnel Commission to start observing and complying with parking regulations.

Lastly, Assistant City Manager/Interim Director of Human Resources Hurtado wanted to build upon Council Member Salinas' comments regarding the national discourse around George Floyd's death. She reminded the Personnel Commission of the Community Task Force, which was established in 2017 by the Council to update the City's Anti-Discrimination Action Plan from 1992. One of the many recommendations that came from that Action Plan, was the Police Chief's Community Advisory Panel, focused on fostering community and police relations. This past Monday, the Community Advisory Panel held their first Town Hall meeting via Zoom, which lasted a couple of hours. The Panel heard ideas and concerns from the community related to safety. She encouraged the Personnel Commission to view the recording and advised HR Administrative Assistant Candi Jackson to send the link to them. Assistant City Manager/Interim Director of Human Resources Hurtado continued that the Mayor, City Manager, and Police Chief will discuss creating an ongoing dialogue with the community over the next several months to possibly develop actionable recommendations related to public safety in our community.

Assistant City Manager/Interim Director of Human Resources Hurtado also shared that at the June 2nd Council meeting, Mayor Halliday adjourned the meeting in George Floyd's memory. Assistant City Manager/Interim Director Hurtado also stated that at this past Tuesday's Council meeting, Council restored the public comments of the agenda, due to the large interest of the community to voice their concerns to Council directly. This had been suspended due to the initial SIP order in March.

One of the immediate actions taken by the Police Chief, is that the Hayward Police Department will now have video footage from body worn cameras of critical incidents, available on the City's website to create transparency with the community.

3. Receive the Proposed 2020 Calendar Year Agenda Planning Calendar

Assistant City Manager/Interim Director of Human Resources mentioned that although this item is informational, there are two other items that will be added in the future: the Diversity Stats and the City's Racial Equity Plan so that the Commission can learn what the plan is and what the process is around that.

ACTION ITEMS

4. Review and Approve the Personnel Commission Appeal Hearing Procedure

Attorney Gary Baum gave an overview of the Appeal Hearing Procedure and answered questions.

Commissioner Wright asked if the City Manager will attend this hearing.

Attorney Baum answered that typically the City Manager does not attend the hearing unless she is a witness for either side.

Commissioner Wright asked if the City Attorney will attend the hearing.

Attorney Baum answered that the City Attorney may attend the hearing as a witness, but as the department director he is entitled to attend.

Chair Gooding asked if the employee is an attorney and chooses not to have an attorney present, can the employee object.

Attorney Baum answered, yes, the employee can raise objections.

(M/S/P) (Wright/Thompson) Approved – 5 AYES

5. Adopt a Resolution Establishing the Fiscal Year 2021 Personnel Commission Regular Quarterly Meetings

Deputy Director of Human Resources, Robin Young gave an overview of the FY 2021 quarterly meeting schedule.

(M/S/P) (Wright/Thompson) Approved – 6 AYES

Review and Recommend to Council Adoption of the Revised Salary Plan for Fiscal Year 2021

6. Deputy Director of Human Resources, Robin Young gave an overview of the revised Salary Plan. The revised Salary Plan includes salary increases for all classifications represented by Hayward Police Officers Association, Hayward Police Management Association, SEIU Local 1021 Clerical and Related Unit, SEIU Local 1021

Maintenance and Operations Unit, International Federation of Professional and Technical Engineers - Local 21, Hayward Association of Management Employees, as well as those covered by the Unrepresented (Non-Executive) salary plan resolution, as they are entitled to by their negotiated contract terms.

Commissioner Wright stated that he will vote no on this item, due to his issue on the percentage increase being even for all employees except for those represented by Hayward Police Management. He also urged the Commission to go to Transparent California online to compare Hayward's salaries with other cities throughout California.

Chair Gooding accepted Commissioner Wright's vote and stated that Council Member Salinas mentioned earlier that all increases were previously negotiated.

Commissioner Cortez asked if her vote would affect the Council's approval and stated that she would vote no on this item as well.

Chair Gooding answered that the Personnel Commission makes the recommendation to Council in regard to the Salary Plan.

Assistant City Manager/Interim Director of Human Resources Maria Hurtado added that the City met with the various bargaining groups to consider concessions and asked if employees were comfortable giving up their cost-of-living adjustments (COLA). Some deferred their COLA, but some agreed to x-amount of unpaid furlough hours. Lastly, she reminded the Personnel Commission, that each bargaining group has different negotiated terms and lengths of time (3-year or 5-year) that we must abide by.

(M/S/P) (Gaumer/Thompson) Recommended to Council for Approval –
4 AYES, 2 NO (Cortez, Wright)

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT

Meeting was adjourned at 7:01 p.m.



Maria Hurtado, Assistant City Manager/
Interim Director of Human Resources