

LIVERMORE AREA RECREATION AND PARK DISTRICT

PERSONNEL COMMITTEE

**TUESDAY, March 14, 2023
3:00 P.M.**

MINUTES

Robert Livermore Community Center
4444 East Avenue, Livermore, CA 94550-5053
West Wing Conference Room

Committee Members Present: James Boswell, Jan Palajac
Committee Members Not Present: None
LARPD Staff Present: Mat Fuzie, Jeffrey Schneider, Jill Kirk,
Linda VanBuskirk, Michelle Kleman
Members of the Public Present: None

1. Call to Order:

Committee Chair Boswell called the meeting to order at 3:01 p.m.

2. Public Comment:

Chair Boswell opened the Public Comment period. There were no comments from the public. Chair Boswell closed the Public Comment period.

3. Approval of the Minutes of the Personnel Committee Meeting held on February 7, 2023:

Action: The minutes of the Personnel Committee held on February 7, 2023 were approved as submitted.

4. Strategy for Updating HR Policies:

General Manager (GM) Mathew Fuzie introduced the item and reported that the District has been discussing its need to improve and update its HR policies for years but had not had the wherewithal to get to it, until now. The District has a professional, competent HR team who can handle this.

Human Resources Officer (HRO) Michelle Kleman gave a detailed presentation on why the District is now seeking a complete paradigm shift in the way it conducts its HR business, which highlighted a strategy for revising and modernizing existing policies and procedures to ensure they are up-to-date and in line with current laws, regulations, and best practices. After a review of the existing state of policies, procedures, Rules and Regulations, the HR team has identified areas for improvement, and making changes to ensure the policies and procedures are effective and compliant, appropriate, and meet the needs of the District as it is today.

HRO Kleman led a discussion on Competitive Service system of hiring for federal government jobs that is based on merit. The group also discussed the procedures for firing and demoting a member of the competitive service process. Legal counsel has instructed LARPD that we are not required to follow this methodology. There is no legal obligation to create or maintain competitive service, which

can be a lengthy, time-consuming process. To attract good talent, we need to move quicker than this, otherwise we will continue to lose opportunities. During the pandemic, the District created District Notice 004 – Hiring Process – which superseded the existing Rules and Regulations/competitive service concerning the selection of employees.

HRO Kleman pointed out the work to be done concerning Performance Management. The current “Discipline Process” states that we use the Personnel Commission to vet some of our disciplinary actions. It states that somebody in the competitive service can avail themselves of the Personnel Commission if the District were to discipline them in such a way that they lose salary of any sort or be terminated. The employee would have five days to appeal this, either via the Personnel Commission or they can ask for an ombudsperson. The Personnel Commissioners are not necessarily trained experts in disciplinary actions, so referring disciplinary actions to the Personnel Commission may no longer fit in the environment we now operate in. Another option is to use an ombudsperson.

The group then discussed Board involvement pertaining to various HR functions based on the current state vs. what is desired, or what we say we do vs. the desired state. The overall goal is that the Board sets the direction of the District via a Strategic Plan, allowing staff to carry out the organizational direction.

Recommendation: Staff recommended the Committee discuss how we can go forward with the following “The Request of the Board”:

- 1) Dissolve the Personnel Commission and remove competitive service from the framework.
- 2) Replace the gap left in the Personnel Commission by a third-party ombudsperson external to the organization.
- 3) Permit HR to sunset current policies and replace.
- 4) Policies will be reviewed yearly and revamped every three years.

Committee Comments and Questions:

- Competitive service has been here for a long time, but there is an option. We can use it in a modified or hybrid version of both. It is mostly associated with bargaining units, which LARPD does not have.
- (@ page 6) At the first sentence, suggest we remove the word “fringe” - it’s just benefits.
- (@ page 7 re: Board Involvement) Don’t want to be involved in the middle of it, just want to be apprised of it. [*This is critical because ultimately you are the final say.*]
- Regarding the Personnel Commission, we should resurrect the letter that was sent to the previous Board Chair, because there are legal issues that we are in some cases violating.
- There is the EEOC and the Labor Relations Board, both of which have very strict requirements legally mandating what information and the timing that that information that must be provided to them as a federal agency if/when there is an issue. As a personnel matter, we are in some cases moving the problem around by going to a Commission that really isn’t even a part of the District.
- There was a time when the Personnel Commission was relied on heavily, but circumstances have changed drastically, so it may be a better time to tactfully address the matter through the Board and make a recommendation to move forward with dissolution of the Personnel Commission. The District has outside agencies that employees may appeal to, an ombudsperson process, and other support available to us.
- Dissolving the Personnel Commission must be done in a very dignified, tactful way. but – the time has come because HR has evolved into a more professional organization, staffed appropriately, and we have better controls in place. Now it is time to transition back to the original strategy that most organizations are doing – which is internal. If we do need to get outside assistance, we have legal counsel already on staff, and we have outside people on top of that that we can go to if we want. Legal Counsel Lisa Blanco Jimenez stated that the District can dissolve the

Commission, but it is also safe to keep it. It is important to note that if/when the District gets sued, we need to have the protection of having NOT been involved in the process. The Board should have complete separation from that stuff.

- (page 10) The Request of the Board: Where you want to sunset current policies and replace them. Do you write your new policies first and then sunset all the old ones? How does this work? [*That is an approach we've used in the past effectively if we have something to swap it with. The CSDA Sample policy handbook has been a good resource.*]
- The committee consensus was that the sunsetting and replacing of policies should just be a notification to the Board. As policies are published internally, tactfully notify the Board about new policies that have been rolled out, to be reviewed every three years, etc.
- As a way of keeping the Board Members apprised of changes and still in the loop, provide them with an update or report card, either yearly, monthly, etc. of what HR did, such as new job categories. [*Last year we did that through the budget process.*]
 - HRO Kleman can do that yearly, quarterly, or at every Board meeting. Whatever the Board's preference is.
- The Board wants to know about the global issues in a timely manner, the initial response, the data related to the problems, so they can contextually put it into a framework to deal with as it evolves. The operational elements, the functional components of HR are operational. Discussion continued regarding operational policy being different from Board Policy.
- There are inconsistencies in the Board Policy Manual pointing to what the Board does and what staff does. It has some operational pieces.
 - GM Fuzie and EA VanBuskirk will bring recommendations to the Board for Board policy changes prior to and in conjunction with the annual Board Policy Manual Review. Legal counsel assists with drafting Board Policy.
 - Consultant Martin Rauch will lead a Board discussion during an upcoming Board Retreat of the Roles and Responsibilities of the Directors and the General Manager. There needs to be an understanding of where Operations and the Board split.
 - Director Palajac will send a link to the Conejo Recreation and Park District so staff and the Board can review its Mission, Vision, and Values statements prior to the next Board Retreat.

Next Steps:

The Committee suggested the following actions regarding the staff recommended Request of the Board:

- HRO Kleman summarized that items 3 and 4 will be worked on now: "Permit HR to sunset current policies and replace" and "Policies will be reviewed yearly and revamped every three years." Items 1 and 2 referencing the Personnel Commission and a 3rd-party ombudsperson external to the organization need more work. Once each item is ready, it should be taken as a separate item to the full Board.
- HRO Kleman will get the Sexual Harassment policy going because that is out of compliance, and timing is an issue as we have new hires coming on for the summer.
- As new policies are created and old are replaced, the Board will be kept apprised.
- HRO Kleman will work with GM Fuzie to prepare a staff report to the Board regarding the Personnel Commission.

- 5. Covid-19 Update (Standing Item):** HRO Kleman shared that we currently do not have any COVID cases.

Action: The Committee unanimously agreed to remove this item from future agendas since we are no longer under an emergency order unless something changes.

6. Directors' and/or General Manager's Reports or Announcements:

- a) GM Fuzie shared a card created by LARPD staff for handing out to the unhoused or anybody who comes to the RLCC and needs services. (see attached.) The Livermore Human Services Resources card lists phone numbers and addresses of a variety of organizations providing services such as hot meals, shower and laundry, and local food pantries.
- b) GM Fuzie reported that staff are looking into providing a security presence (such as cameras) at the RLCC to help enforce compliance with our Code of Conduct. By providing some of the services we do here, we have drawn a clientele that in some ways creates problematic incidents where employees must handle immediate issues with homeless individuals.
- c) Open Heart Kitchen will be transferring its hot meal program to the new 10,000-square-foot public support space at Vineyard 2.0, which will also feature a commercial-scale kitchen and dining room operated by Open Heart Kitchen. Vineyard 2.0 is scheduled for completion in August 2023. OHK will continue to operate the Senior Program here at the RLCC.

- 7. Adjournment:** The meeting was adjourned at 4:15 p.m.

/Lvb