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DEPARTMENT OF HUMAN RESOURCES



SOLANO COUNTY

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January 7, 2019

Justin Decker
Representative/Organizer
Professional and Technical Engineers, Local 21
649 Main Street, #226
Martinez, CA 94553

Regarding: Petition for Modification of Representation Unit

Dear Justin:

I have received and reviewed your December 20, 2018 response to my December 2nd letter on the union's requested unit modification petition. On February 6, 2019, the Civil Service Commission will conduct a hearing and will be asked to render a decision for a "community of interests" determination for the requested bargaining unit determination. The Civil Service Commission meeting begins at 6:30 p.m. and is held in the Board of Supervisors' chambers located on the first floor of the County Administrative Center, 675 Texas Street, Fairfield.

In 2015, the Civil Service Commission established the following hearing process:

- Staff presentation
- Appellant (or representative) presentation, limited to 20 minutes
- Comments from the public or any interested parties, limited to 3 minutes (individual) or 5 minutes (organization)
- Appellant, limited to 10 minutes
- Staff making any additional comments
- The President of the Commission may extend additional time for presentations/comments
- Discussion by the Commission; decision by the Commission
- Commission votes on the issue of whether there is a sufficient community of interests between the classifications to be moved to a new bargaining unit

I would also point you to Civil Service Rule 13.13, Evidence and Witnesses, a copy of which is enclosed. Please call me so that we can schedule time, in accordance with the Commission's expectations of CSR 13.13B, so that we may prepare our joint exhibits.

Sincerely,

Marc A. Fox
Director of Human Resources

Copy: JoAnn Parker, Commission to the Civil Service Commission

13.13 Evidence and Witnesses

- A. The hearing shall be conducted in accordance with the provisions of Government Code Section 11513 and need not be conducted according to technical rules relating to evidence and witnesses. However, the parties shall proceed and conduct themselves as in formal proceedings. Further, any motions shall be made in accordance with Section 13.15 and any party or witness may be examined at any time pursuant to California Evidence Code Section 776, unless the witness has been excused.
- B. The parties are to meet at least fourteen (14) days before the hearing to pre-mark exhibits and reach agreement as to which exhibits will be admitted without objection and to identify those exhibits as to which objections to admissibility remain. Sufficient copies of such exhibits, three-hole-punched, must be submitted to the Secretary at the time the exhibit is introduced so that each Commissioner, Secretary to the Commission, Counsel to the Commission, transcriber (if applicable) and opposing Counsel receive a copy. No additional copies of demonstrative evidence, video evidence or over-sized exhibits need be provided. The parties shall also meet about any facts as to which they are willing to stipulate may be deemed proved without the introduction or admission of evidence.
- C. No less than seven (7) calendar days before the first date scheduled for the hearing and by 12pm, the parties shall each submit to the Commission Secretary the following:
 - 1. Witness list
 - 2. Joint exhibit list identifying each exhibit by number.
 - 3. Party exhibit list identifying each exhibit by number.
 - 4. A realistic time estimate of the full length of the hearing.
 - 5. A one-page summary of the case setting forth the charge(s), the proposed discipline and any defenses to be raised by the Appellant.
 - 6. A list of facts the parties stipulate may be deemed proved without the introduction or admission of evidence.
 - 7. Any pre-trial motions.
 - 8. Any trial briefs to be considered by the Commission.
- D. No less than six (6) calendar days before the first date scheduled for the hearing the Commission Secretary shall provide the Commissioners with the following:
 - 1. Request for appeal and Notice of Appeal
 - 2. County documents from which the appeal was taken
 - 3. Witness lists
 - 4. Joint exhibit list and exhibits
 - 5. Party exhibit lists and exhibits
 - 6. Party summaries of the action
 - 7. Stipulation of agreed facts
 - 8. Any trial briefs
- E. On the first day of hearing, before opening statements or the taking of evidence on the first day of the hearing, the parties must be prepared to address the following matters with the Commission:
 - 1. Any exhibits to be admitted without objection. Such exhibits will be admitted at

- that time.
 - 2. Any stipulated facts. Stipulated facts will be deemed proved for all purposes without the need for evidence.
 - 3. Any pre-hearing motions that have not been resolved.
 - 4. Any witness or scheduling problems known to the parties.
- F. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil action. Hearsay evidence may be admitted for any purpose, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privileges and of official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant or repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.
- G. The parties shall make reasonable efforts to consolidate documents to reduce the time necessary for distributing and marking evidence into the record. Documents shall be sequentially numbered. Further, the parties shall make reasonable efforts to avoid cumulative testimony.
- H. The Commission shall have the authority to limit testimony it deems to be cumulative of testimony previously provided.
- I. It is the duty of persons involved in the proceedings of the Civil Service Commission hearings to:
- 1. Maintain composure and be respectful to the Civil Service Commission, its officers, and opposing party.
 - 2. Counsel or argue positions regarding actions only as legal or just, and which pertain to alleged violations of the Civil Service Rules of Solano County.
 - 3. Abstain from all offensive personal remarks.
 - 4. Discourage the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.
 - 5. Comply with the Commission hearing rules.
- J. The Commission may censure or take any other appropriate action, up to and including permanently, or for a limited period as is just, excluding any person involved in the proceedings before the Solano County Civil Service Commission who fails to maintain these standards. If the Commission makes a finding to take action against such person, they will produce a written finding of facts, decision and order.