

Contra Costa County



651 Pine Street, Third Floor
Martinez, California 94553-1292
(925) 335-1703

MERIT BOARD

Charles Kreling, Chair
Eizo Kobayashi
Toni Warren
James Mellander
Dennis Reigle

Walter G. Treanor
Chairman Emeritus
1981-2002

CONTRA COSTA COUNTY MERIT BOARD

MINUTES OF MEETING

August 13, 2019

**Presiding
Staff**

**Charles Kreling
Stacey Durocher**

Members Present

Eizo Kobayashi, James Mellander, Toni Warren

Members Absent

Dennis Reigle

Counsel

Rebecca Hooley, County Counsel's Office

Others Present

**Janice L. Amenta, Deputy County Counsel, County
Counsel's Office
Cynthia A. Schwerin, Deputy County Counsel, County
Counsel's Office
Chad Mahalich, Deputy District Attorney (Appellant)
Aron DeFerrari, President of the Contra Costa County
District Attorney's Association (Representative)
Lynn Soloway (Appellant)
Michelle Full, Representative for Lynn Soloway**

Other members of the public were present

RECORDING OF MERIT BOARD MEETINGS

The Merit Board meetings are recorded and the audio recordings will be retained for a period of approximately ten years.

APPROVAL OF CONSENT ITEMS

A. Minutes of July 9, 2019

Chair Kreling asked if the Board Members had any changes or modifications to the minutes. There being none, Chair Kreling approved the minutes as submitted.

B. CONSIDER THE AMENDED APPEAL OF LYNN SOLOWAY, HEALTH PLAN NURSE, PROGRAM DIRECTOR, HEALTH SERVICES DEPARTMENT FROM REJECTION ON PROBATION.

- 1. Consider correspondence received from Janice Amenta, Deputy County Counsel, County Counsel's office representing the appointing authority, stating the Merit Board does not have authority to independently determine dates of employment, and to only consider whether the appellant has demonstrated probable cause that she was rejected on probation on a protected activity or class.**

Janice L. Amenta, Deputy County Counsel, County Counsel's Office representing the appointing authority was present. Lynn Soloway, Appellant and her representative, Michelle Full were also present.

After a lengthy discussion, Chair Kreling moved and Member Warren seconded to continue the matter for one month or September 13, 2019 to allow the appellant to pursue other avenues to determine an accurate start date.

AYES: Kobayashi, Mellander, Warren, Kreling

C. Consider the appeal of Chad Mahalich, Deputy District Attorney, District Attorney's office from reprimand based on political retaliation. Both parties agreed to continue this matter from the June 25, 2019 Merit Board meeting to discuss a possible resolution.

Consider additional correspondence from Chad Mahalich stating the parties were unable to reach a satisfactory resolution to the matter.

- 1. Consider the correspondence from Cynthia Schwerin, Deputy County Counsel, County Counsel's office, representing the appointing authority, requesting that the Board deny Chad Mahalich's request for a hearing due to an ongoing investigation being conducted by the Affirmative Action Officer, and to dismiss his premature appeal until the investigation has been concluded.**

Cynthia Schwerin, Deputy County Counsel, County Counsel's Office representing the appointing authority was present. Chad Mahalich, Appellant, and his representative Aron DeFerrari were also present.

**Merit Board
August 13, 2019**

After a lengthy discussion, Member Warren moved and Member Mellander seconded to hold the matter in abeyance for 60 days until the investigation being conducted by the Affirmative Action Officer has been concluded.

AYES: Mellander, Kobayashi, Warren, Kreling

There being no further business to consider, Chair Kreling adjourned the meeting at 7:58 pm.

DATED: _____

APPROVED: /s/ _____