

# COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION



## 2016 ANNUAL REPORT

### **COMMISSIONERS:**

DENNIS F. HERNANDEZ

NAOMI NIGHTINGALE

STEVEN AFRIAT

JOHN DONNER

Z. GREG KAHWAJIAN

**LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR**



# COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

## I. INTRODUCTION

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The Civil Service Commission (“Commission”) is the only County Charter mandated independent Commission and serves as the quasi-judicial appellate body for classified employees who have been disciplined, i.e., discharged, reduced, and/or suspended in excess of five days. The Commission has jurisdiction regarding allegations of discrimination in the imposition of discipline or the treatment of persons seeking employment in the classified service of the County. The Commission also hears appeals of employees, persons seeking employment, and of the scored portions of examinations. Additionally, the Commission serves as the administrative appeals body for a number of cities that directly contract with the County.

The Commission is comprised of five (5) Commissioners appointed by the Board of Supervisors. The Commissioners in 2016 were:

Dennis F. Hernandez	First District
Naomi Nightingale	Second District
Steven Afriat	Third District
John Donner	Fourth District
Z. Greg Kahwajian	Fifth District

In 2016, the Commission’s day-to-day operations were overseen by the Executive Director, Lawrence D. Crocker, who managed a staff of six (6) full-time employees and one (1) Student Worker:

Steve Cheng	Deputy Executive Director
Lupe Castellanos	Custodian of Records
Luz Delgado	Head Commission Specialist
Harry Chang	Head Commission Specialist
Svetlana Vardanyan	Intermediate Commission Specialist
Meagan Alday	Commission Specialist
Vacant	Commission Specialist
Cameron Binion	Student Worker



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## II. APPEALS PROCESS

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The appeals process commences with the filing of a petition for hearing. In 2016, the Commission received 347 petitions for hearing (241 disciplinary and 106 discretionary). The disciplinary matters include 103 discharges, 127 suspensions, and 11 reductions. As of March 24, 2017, the Commission has granted hearings in 219 cases filed in Calendar Year 2016. By comparison, in 2015, the Commission received 362 Petitions for Hearing (222 disciplinary and 140 discretionary). The 2015 disciplinary matters included 88 discharges, 126 suspensions, and 8 reductions. The Commission granted hearings in 215 cases filed in Calendar Year 2015.

When a matter is granted a hearing, the case is assigned to one of the Commission's hearing officers. The hearing officers serve as the trier of fact and preside over evidentiary hearings. Parties to hearings have the opportunity to present, subpoena, and cross-examine witnesses. In disciplinary matters, the Los Angeles County Civil Service Rules provide that the burden of proof is on the Department. In all other cases, the burden of proof is on the petitioner. Subsequent to the close of hearings, the hearing officers submit reports and recommendations for the Commission's consideration. Hearing officers' reports must include findings of fact, conclusions of law and recommendations for discipline. If the Commission adopts a hearing officer's recommendation, the parties may file objections. The Commission considers objections and if the Commission adopts a new proposed decision based upon objections, any party who has not previously filed objections may do so. After all parties have been provided an opportunity to submit objections and present them orally at the Commission's regular meeting, the Commission renders its final decision.

During 2016, 348 matters were closed. The Commission granted 1 appeal based upon the written pleadings and 12 matters were deemed withdrawn because the Petitioner did not appear at the hearing. The Commission denied the requests for hearings in 72 matters, consolidated 3 appeals and dismissed 10 cases. 159 matters were withdrawn and/or settled. The Commission closed 91 matters after completion of the evidentiary hearing process. Of the 91 cases where a hearing was granted, the Departments' actions were upheld in 74 cases (81%). The Departments' discipline was modified in 14 cases (16%), and not sustained in 3 matters (3%).

The following pages contain statistical and graphical breakdowns of the petitions that were filed, and the decisions rendered post-hearing by the Commission.



# COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

## 2016 PETITIONS FOR HEARING

DEPARTMENT	DISCIPLINARY	DISCRETIONARY	TOTAL
Agricultural Commission	4	0	4
Animal Control	3	1	4
Assessor	2	1	3
Auditor-Controller	1	0	1
Beaches & Harbors	5	0	5
Chief Executive Office	1	2	3
Child Support Services	3	0	3
Children and Family Services	17	5	22
Coroner	1	0	1
District Attorney	1	0	1
Executive Office of the Board of Supervisors	1	0	1
Fire	10	2	12
Health Services	8	3	11
Human Resources	1	71	72
Internal Services	4	0	4
Mental Health	7	0	7
Parks and Recreation	3	1	4
Probation	46	2	48
Public Defender	1	2	3
Public Health	3	1	4
Public Library	3	0	3
Public Social Services	32	5	37
Public Works	5	1	6
Registrar-Recorder/County Clerk	1	1	2
Sheriff	76	8	84
Treasurer & Tax Collector	2	0	2
<b>GRAND TOTALS</b>	<b>241</b>	<b>106</b>	<b>347</b>

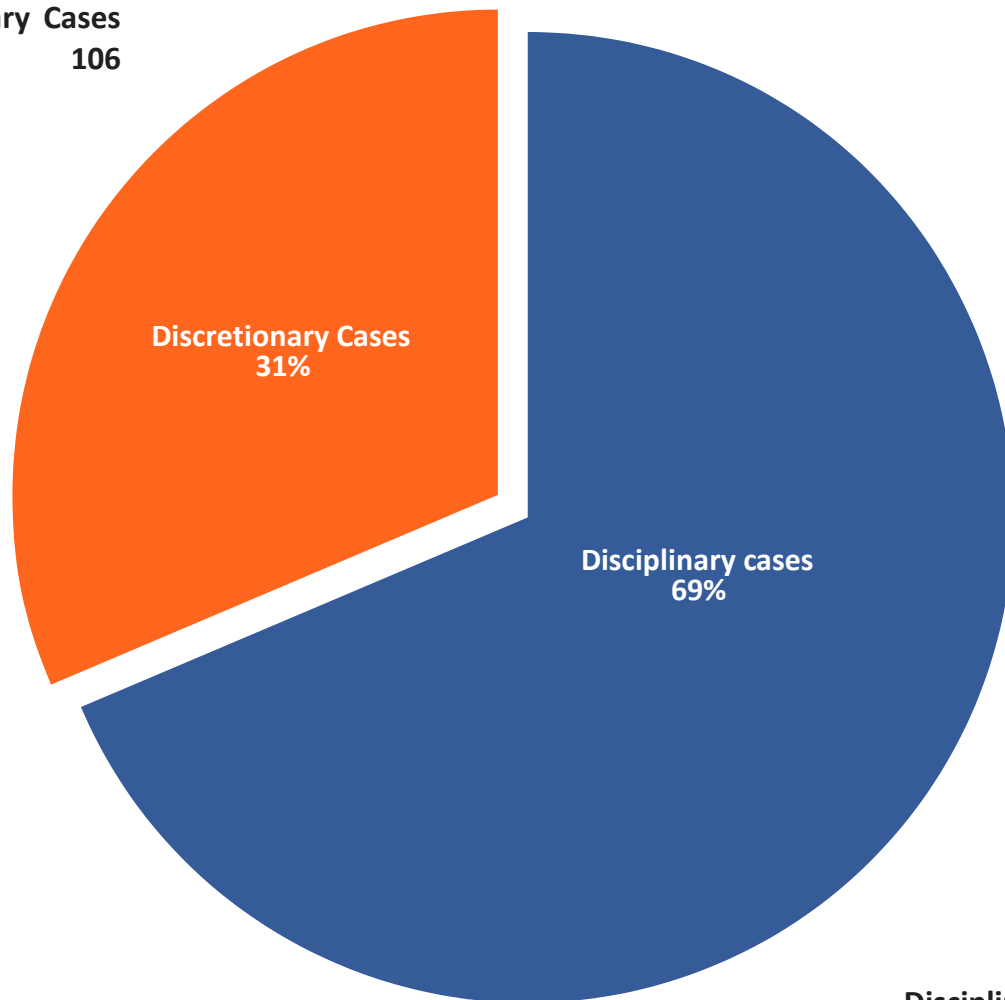


# COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

## CIVIL SERVICE COMMISSION 2016 CASE DATA

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**Discretionary Cases**  
106

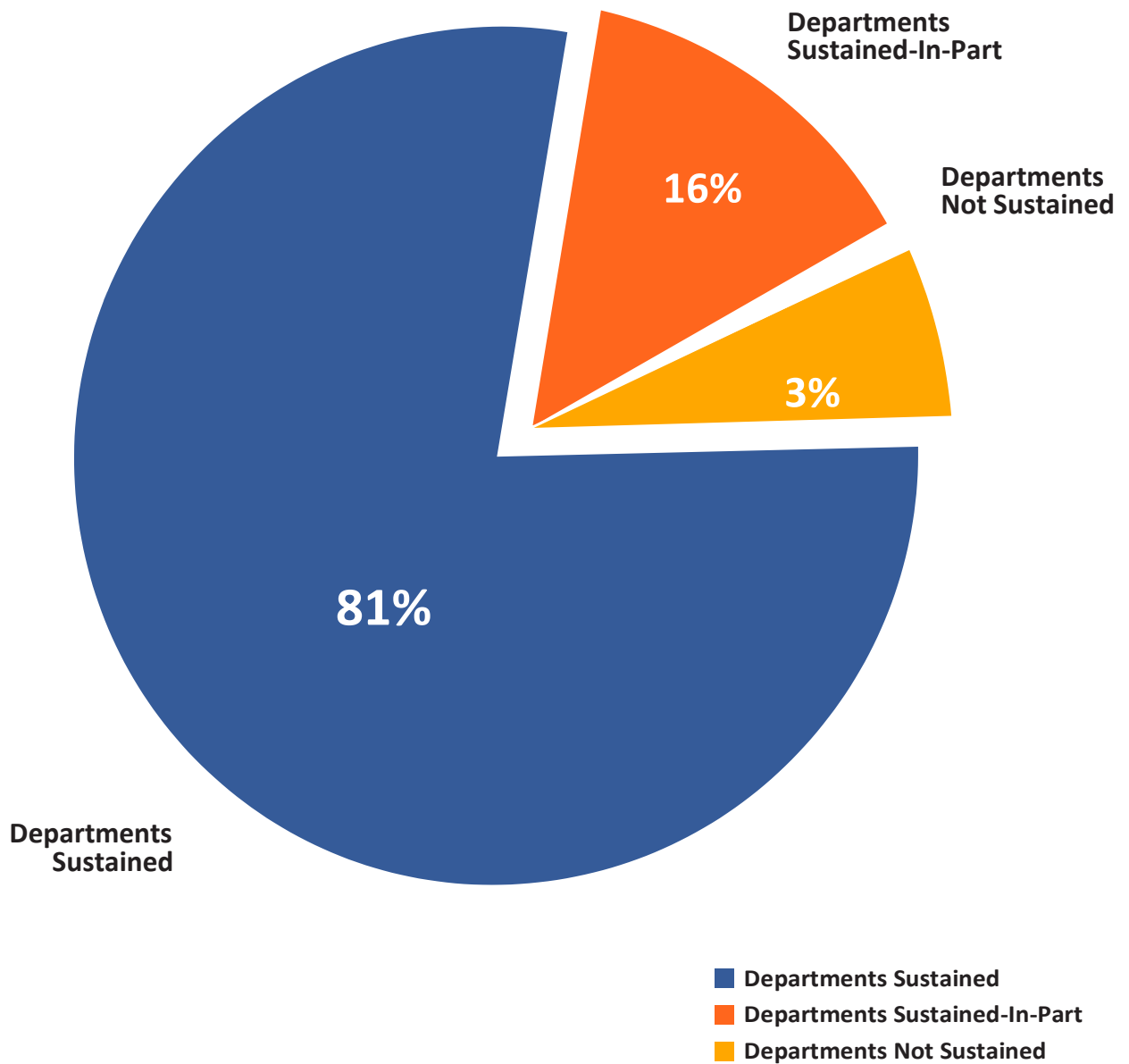


**Disciplinary Cases**  
241



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## CIVIL SERVICE COMMISSION 2016 POST-HEARING OUTCOMES





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## POST-HEARING DECISIONS 2016

DEPARTMENT	SUSTAINED	NOT SUSTAINED	SUSTAINED IN PART
Animal Control	1	0	0
Beaches and Harbors	1	0	0
Chief Executive Office	1	0	0
Children & Family Services	3	0	3
Health Services	3	0	0
Internal Services	1	0	0
Parks & Recreation	1	0	0
Probation	15	0	2
Public Health	0	0	1
Public Social Services	9	2	1
Public Works	2	0	0
Sheriff	37	1	6
Treasurer and Tax Collector	0	0	1
<b>TOTAL</b>	<b>74</b>	<b>3</b>	<b>14</b>



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## III. DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION

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1. Case No. 15-43, Michael Ogiamien (Dept. not sustained) – The department suspended the employee for 15 days from the position of Social Worker for his submission of false field itineraries and failing to follow established rules and regulations. The Commission adopted the findings and recommendation of the hearing officer who found that the department failed to prove any of the charges by a preponderance of the evidence. **Commissioner Nightingale dissented.**
2. Case No. 15-177, Navideh Levy (Dept. not sustained) – The department suspended the employee for 10 days from the position of Social Worker for “dishonest on-the-job conduct by submitting a falsified State of California, In-Home Supportive Services (IHSS) Assessment of Need form...” The Commission adopted the findings and recommendation of its hearing officer who found that the department failed to prove by a preponderance of the evidence that Appellant falsified or copied the SOC-821.
3. Case No. 13-384, Peace Officer (Dept. not sustained) – The Department suspended the employee for 22 days from the position of Deputy Sheriff for failing to conform to work standards, general behavior, and professional conduct by submitting false or inaccurate information regarding a traffic collision. The Commission adopted the finding and recommendation of its Hearing Officer who found that the Department failed to prove that the allegations were true.
4. Case No. 14-387, Justin Dorman (Dept. sustained, in part) – The Department discharged the employee from the position of Custody Assistant for possession and/or use of a controlled substance. The Commission adopted the findings and recommendation of its Hearing Officer who found that although the Department proved that the allegations are true, discharge is not appropriate. **Commissioners Donner and Kahwajian dissented.**
5. Case No. 14-390, Marisse Bibbens, (Dept. sustained, in part) – The Department suspended the employee for 20 days from the position of Supervising Children’s Social Worker for carelessness or inattention, work performance, failure to exercise sound judgment and carry out supervisory duties. The Commission adopted the findings and recommendations of its Hearing Officer who found that the discipline constituted disparate treatment without justification and reduced the suspension to 15 days. **Commissioners Afriat and Donner dissented.**
6. Case No. 14-394 James Taylor (Dept. sustained, in part) – The Department discharged the employee from the position of Intermediate Clerk for unprofessional and threatening behavior. The Commission adopted the findings and recommendation of its Hearing Officer who found that the employee’s length of employment mitigated the likelihood of recurrence and imposed a 30day suspension with no back pay. **Commissioners Nightingale and Donner dissented.**





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- 7.** Case No. 14-402, Peace Officer (Dept. sustained, in part) – the Department suspended the employee from the position of Deputy Sheriff for 30 days for making false statements and failure to make full, complete and truthful statements during an internal investigation. The Commission adopted the findings of its Hearing Officer that employee engaged in the alleged behavior. However, the Commission rejected the Hearing Officer’s recommendation to sustain the Department, finding that the level of discipline was excessive in light of the harm to the public. The Commission imposed a 15 day suspension.
- 8.** Case No. 15-75, Tony Topsakalyan (Dept. sustained, in part) – the Department suspended the employee from the position of Eligibility Worker II for 10 days for unauthorized access of the LEADER system. The Commission adopted the findings of the Hearing Officer. However, the Commission rejected the recommendation to sustain the Department, finding that in light of Appellant’s work history, a 5 day suspension was appropriate.
- 9.** Case No. 15-139 and 15-140 (consolidated), Peace Officers (Dept. sustained, in part) – the Department suspended employee A from the position of Deputy Sheriff for 10 days and employee B from the position of Deputy Sheriff for 8 days for failure to adhere to standards in the pursuit of a suspect. The Commission adopted the findings and recommendation of its Hearing Officer to reduce the suspensions to 7 days for employee A and to 5 days for employee B, based on the Department’s failure to prove a portion of the allegations in the letters of suspension.
- 10.** Case No. 14-127, Jose Izquierdo (Dept. sustained, in part) – the Department discharged the employee from his position of Children’s Social Worker III for failure to visit children on his caseload, failure to document visits, and for deficient attendance. The Commission adopted the findings and recommendation of its Hearing Officer who found that the Department failed to prove the charges as to the failure to make required visits and imposed a 30 day suspension with no back pay.
- 11.** Case No. 14-211, Joseph Patricko (Dept. sustained, in part) – the Department discharged the employee from his position of Principal Radiation Protection Specialist for mishandling gunpowder resulting in injuries to minors and felony convictions for child endangerment and illegal possession of explosives. The Commission adopted the findings and recommendations of its Hearing Officer, who found that the employee injuries were minor, and the felonies were reduced to misdemeanors which did not impact his continued employment and reduced the discharge to a 30 day suspension.



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- 12.** Case No. 15-195, Peace Officer (Dept. sustained, in part) – the Department suspended the employee from the position of Detention Services Officer for 10 days for discourtesy, misuse of force, failure to complete required incident reports, failure to follow established rules or regulations, and failure to exercise sound judgment. The Commission adopted the findings of its Hearing Officer that the employee failed to comply with some procedures but did not engage in inappropriate touching of a minor. However, the Commission rejected the Hearing Officer’s recommendation to sustain the Department, finding that the employee’s failure to report warranted a 5 day suspension.
- 13.** Case No. 15-197, Peace Officer (Dept. sustained, in part) – the Department discharged the employee from the position of Deputy Sheriff for inaccurate, false or improper police information and failure to fully and accurately record the circumstances of an individual’s detention. The Commission adopted the findings and recommendation of its hearing officer, who found that the employee mistakenly, rather than knowingly, authorized inaccurate documentation, and imposed a 30 day suspension.
- 14.** Case No. 15-282, Peace Officer (Dept. sustained, in part) – the Department suspended the employee for 7 days from his position of Deputy Sheriff for parking his vehicle at a high facility overnight with his shotgun exposed and without prior approval. The Commission adopted the findings of its Hearing Officer, who found that while the employee exercised unprofessional judgment, his actions were mitigated by his previous supervisor’s authorization. However, the Commission rejected the Hearing Officer’s recommendation to reduce the suspension to a written reprimand, finding that a written reprimand was insufficient to demonstrate the level of irresponsibility, and imposed a 4 day suspension.
- 15.** Case No. 14-282, Ron Higgins (Dept. sustained, in part) – the Department suspended the employee for 20 days from his position of Tax Services Specialist for failure to follow the code of conduct including unauthorized absences from his workstation and discourteous behavior. The Commission accepted the findings and recommendation of its Hearing Officer, who found that the Department failed to prove one alleged instance of failure to follow instructions and one alleged instance of unauthorized absence from his workstation and imposed a 15 day suspension.
- 16.** Case No. 14-345, Peace Officer (Dept. sustained, in part) – the Department suspended the employee for 15 days for involvement in and failure to report a use of force, failure to document a crime, and failure to call for backup personnel. The Commission adopted the findings and recommendations of its Hearing Officer, who found that the employee did not fail to document a crime and should not have called for backup personnel and imposed a 10 day suspension.



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17. Case No. 14-380, Peace Officer (Dept. sustained, in part) – the Department suspended the employee for 10 days from his position of Transportation Deputy for failure to properly secure a minor resulting in her escape. The Commission adopted the findings of its Hearing Officer as to the truth of the allegations. However, the Commission rejected the Hearing Officer’s recommendation, finding that factors outside the employee’s control contributed to the situation, and imposed a 5 day suspension. **Commissioner Kahwajian Dissented.**