

COUNTY OF LOS ANGELES
CIVIL SERVICE COMMISSION

COMMISSIONERS:

DENNIS F. HERNANDEZ
NAOMI NIGHTINGALE
STEVEN AFRIAT
JOHN DONNER
Z. GREG KAHWAJIAN

2014 ANNUAL REPORT



Lawrence D. Crocker, Executive Director

I. INTRODUCTION

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, and persons seeking employment, 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 current Commissioners are:

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

During 2014, Evelyn Martinez and Carol Fox served as the First and Third Supervisorial Districts’ appointees on the Commission, respectively.

The Commission’s day-to-day operations are overseen by the Executive Director, Lawrence D. Crocker, who manages a staff of seven (7) full-time employees and two (2) Student Workers:

Steve Cheng	Head, Civil Service Commission
Lupe Castellanos	Custodian of Records
Luz Delgado	Head Commission Specialist
Harry Chang	Head Commission Specialist
Vacant	Intermediate Commission Specialist
Juan Mendoza	Commission Specialist
Meagan Alday	Commission Specialist
Svetlana Vardanyan	Student Worker
Cameron Binion	Student Worker

II. APPEALS PROCESS

The appeals process commences with the filing of a petition for hearing. In 2014, the Commission received 411 Petitions for Hearing (269 disciplinary and 142 discretionary). The disciplinary matters include 83 discharges, 177 suspensions, and 9 reductions. The Commission granted hearings in 235 cases filed in Calendar Year 2014. By comparison, in 2013, the Commission received 590 Petitions for Hearing (370 disciplinary and 220 discretionary). The 2013 disciplinary matters included 160 discharges, 198 suspensions, and 12 reductions. The Commission granted hearings in 338 cases filed in Calendar Year 2013.

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 2014, 425 matters were closed. The Commission granted 6 appeals 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 104 matters, consolidated 8 appeals and dismissed 8 cases without hearing. 196 matters were withdrawn 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 61 cases (67%). The Departments' discipline was modified in 20 cases (22%), and not sustained in 10 matters (11%).

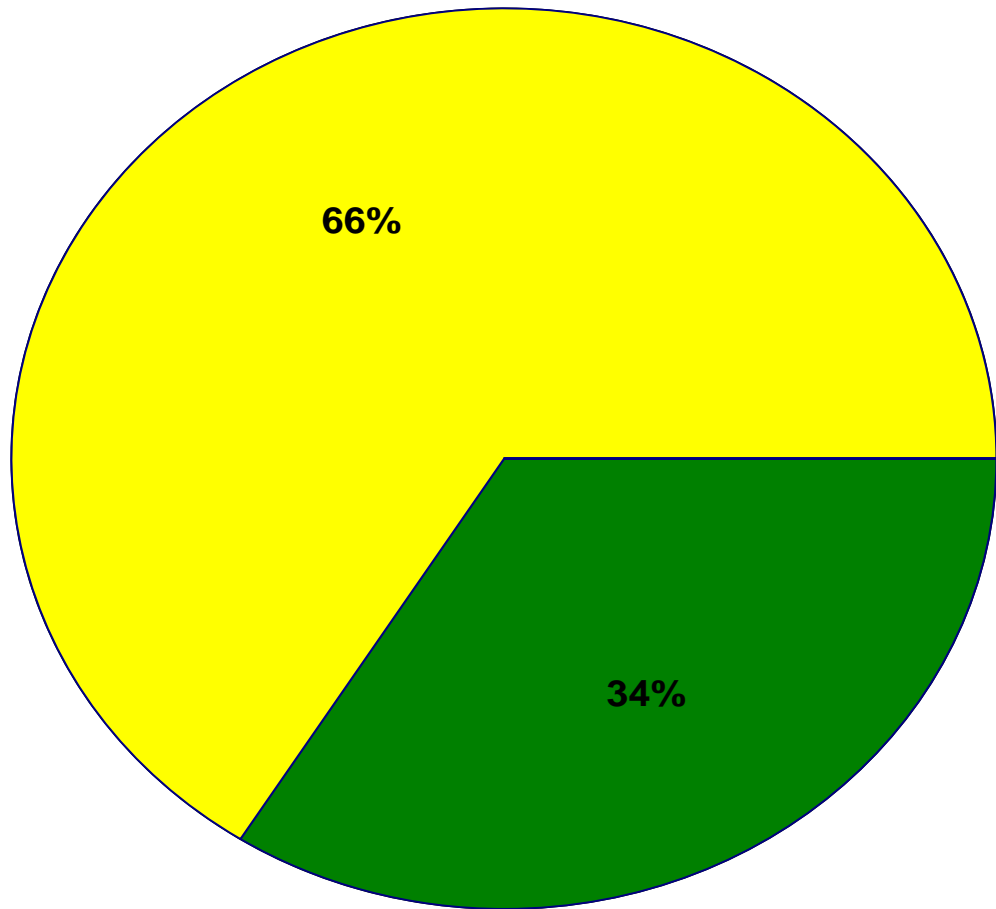
The following pages contain statistical and graphical breakdowns of the petitions that were filed and the decisions rendered post-hearing by the Commission.

2014 Petitions for Hearing

Department	Disciplinary	Discretionary	Total
Agricultural Commission	2	0	2
Animal Control	1	2	3
Assessor	0	1	1
Auditor-Controller	0	2	2
Board of Supervisors	0	1	1
Chief Executive Office	1	4	5
Child Support Services	2	1	3
Children and Family Services	23	5	28
Community and Senior Services	1	0	1
District Attorney	0	1	1
Fire	18	4	22
Health Services	36	3	39
Human Resources	0	45	45
Internal Services	1	3	4
Mental Health	8	9	17
Parks and Recreation	6	0	6
Probation	48	18	66
Public Defender	0	2	2
Public Health	6	1	7
Public Social Services	32	13	45
Public Works	3	2	5
Registrar-Recorder / County Clerk	2	0	2
Sheriff	77	25	102
Treasury & Tax Collector	2	0	2
Grand Totals	269	142	411

Civil Service Commission 2014 Case Data

Disciplinary Cases
269

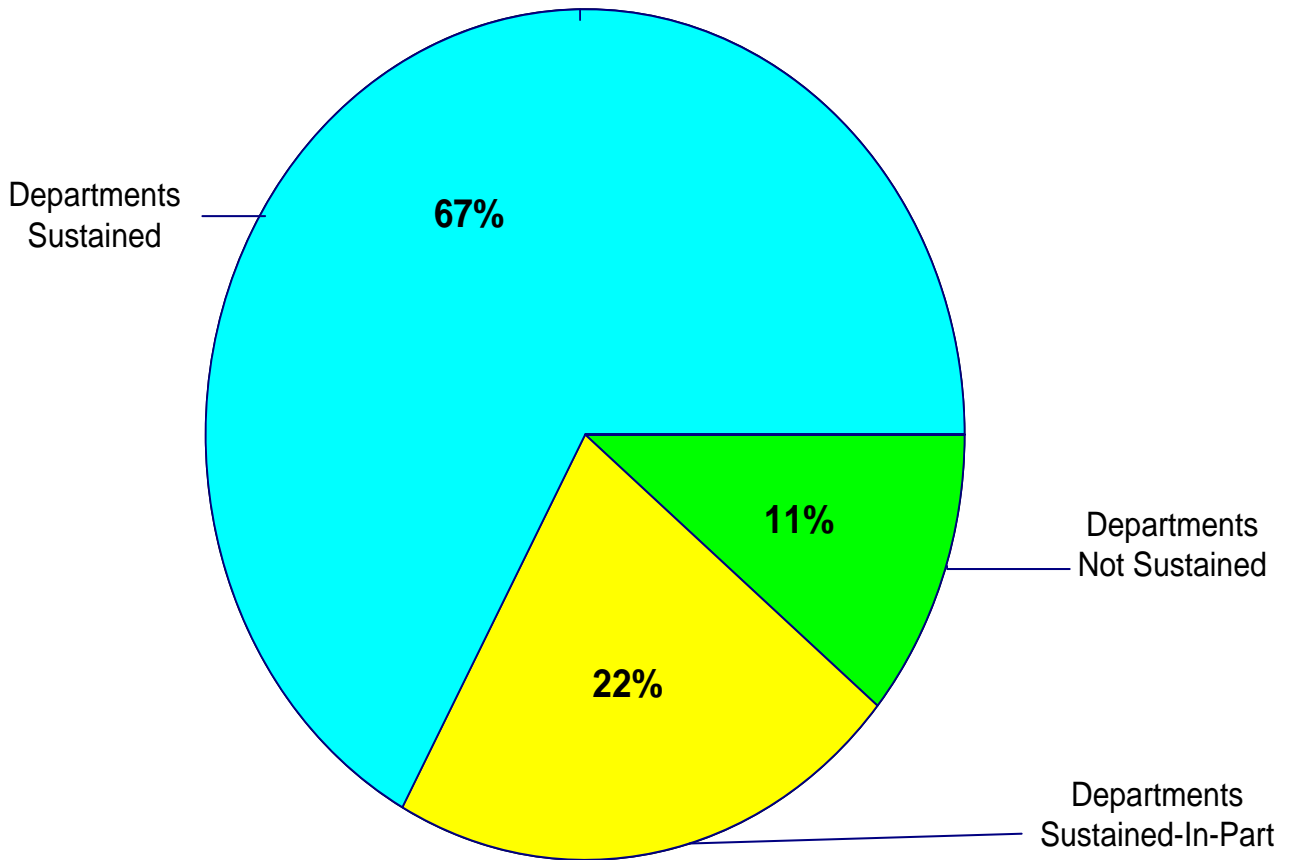


Discretionary Cases
142

POST-HEARING DECISIONS

Department	Dept. Sustained				Dept. Not Sustained				Dept. Sustained In Part			
	2011	2012	2013	2014	2011	2012	2013	2014	2011	2012	2013	2014
Agriculture Commission	1 100%	1 100%	0	0	0	0	0	0	0	0	0	0
Animal Control	3 100%	2 100%	0	1 33%	0	0	0	2 67%	0	0	0	0
Assessor	1 100%	0	0	0	0	0	0	0	0	0	0	0
Beaches and Harbors	0	1 100%	0	0	0	0	0	0	0	0	0	0
Child Support Services	1 50%	1 50%	1 100%	2 100%	1 50%	0	0	0	0	1 50%	0	0
Contract City / Cities	1 100%	2 100%	0	0	0	0	0	0	0	0	0	0
Children & Family Services	11 79%	9 75%	5 84%	5 63%	1 8%	2 17%	1 16%	1 12%	2 13%	1 8%	0	2 25%
Consumer Affairs	0	1 100%	0	0	0	0	0	0	0	0	0	0
Coroner				1 100%				0				0
District Attorney	0	1 100%	0	0	0	0	0	0	0	0	0	0
Fire	2 100%	1 20%	1 100	0	0	1 20%	0	0	0	3 60%	0	0
Health Services	20 80%	17 85%	12 93%	5 63%	3 12%	0	0	2 25%	2 8%	3 15%	1 7%	1 12%
Internal Services	4 100%	3 100%	1 50%	3 100%	0	0	0	0	0	0	1 50%	0
Mental Health	5 100%	7 88%	5 100%	7 100%	0	0	0	0	0	1 12%	0	0
Parks and Recreation	1 100%	1 100%	4 58%	2 50%	0	0	2 29%	1 25%	0	0	1 13%	1 25%
Probation	14 67%	10 48%	10 67%	9 56%	1 5%	4 19%	2 13%	2 13%	6 28%	7 33%	3 20%	5 31%
Public Defender	0	1 100%	0		0	0		0	0	0	0	
Public Health	4 100%	3 100%	3 100%	0	0	0	0		0	0	0	0
Public Library	0	1 100%	0		0	0	0		0	0	0	
Public Social Services	23 96%	10 100%	9 75%	10 84%	1 4%	0	1 8%	1 8%	0	0	2 17%	1 8%
Public Works	1 50%	7 88%	9 70%	2 67%	0	0	0	0	1 50%	1 12%	4 30%	1 33%
Registrar-Recorder	0	1 100%	0	0	0	0	0	0	0	0	0	1 100%
Sheriff	16 76%	20 91%	17 78%	14 61%	3 14%	0	2 8%	1 4%	2 10%	2 9%	3 14%	8 35%
Treasure and Tax Collection	6 100%	0	0	0	0	0	0	0	0	1 100%	0	0
TOTALS	116 (83%)	100 (78%)	77 (77%)	61 (67%)				10 (11%)				20 (22%)

**CIVIL SERVICE COMMISSION
2014 POST-HEARING OUTCOMES**



DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION

1. Case No. 13-143, Cynthia Hernandez (Dept. not sustained) – The Department suspended the employee for 15 days from the position of Registered Veterinary Technician for “wrongful euthanasia of kittens.” The Commission adopted the findings and recommendation of its Hearing Officer who found that the employee did not engage in the alleged activities.
2. Case No. 13-160, Esequiel Morales (Dept. not sustained) – The Department suspended the employee for 15 days from the position of Animal Control Officer III for wrongfully euthanizing kittens. The Commission adopted the recommendation of the Hearing Officer who found that the Department failed to meet its burden of proof regarding the allegations.
3. Case No. 12-343, Simone Smith (Dept. not sustained) – The Department discharged the employee from the position of Children’s Social Worker III for borrowing money from a client. The Commission adopted the recommendation of the Hearing Officer who found that the Department failed to sustain its burden of proof by a preponderance of the evidence.
4. Case No. 12-213, Raquel Cintron (Dept. not sustained) – The Department suspended the employee for 15 days from the position of Registered Nurse I for discourtesy to co-workers and the public. The Commission adopted the recommendation of the Hearing Officer who found that the Department did not prove that the employee engaged in the alleged conduct. Commissioner Nightingale dissented.
5. Case No. 13-197, Melissa Bursey (Dept. not sustained) – The Department suspended the employee not to exceed 30 days pending investigation “into matters of workplace outbursts and unprofessional demeanor” from the position of Intermediate Typist Clerk. The Commission adopted the recommendation of the Hearing Officer who found that the Department had all the information it needed prior to suspending the employee without pay for 30 days.
6. Case No. 12-397, Loretta Sutton (Dept. not sustained) – The Department suspended the employee for 20 days from the position of Senior Typist clerk for failing to work “harmoniously” with fellow employees. The Commission adopted the recommendation of the Hearing Officer who found the Department failed to prove that the allegations were true.
7. Case No. 12-105, Peace Officer (Dept. not sustained) – The Department suspended the employee for 15 days from the position of Deputy Probation Officer II, for use of excessive force and failing to follow restraint procedures. The Commission adopted the recommendation of the Hearing Officer who found that the amount of force used was reasonable and the physical restraint did not violate the Department’s Directive.

- 8.** Case No. 13-070, Peace Officer (Dept. not sustained) – The Department discharged the employee from the position of Deputy Probation Officer I for, among other things, misuse of force and providing false statements. The Commission adopted the recommendation of the Hearing Officer who found that “the Department did not prove by a preponderance of the evidence the facts stated in the Letter of Discharge”
- 9.** Case No. 13-491, Celedonio Jimenez (Dept. not sustained) – The Department suspended the employee not to exceed 30 days pending investigation of the employee lending money at the office. The Commission adopted the recommendation of the Hearing Officer who found that the suspension was not appropriate.
- 10.** Case No. 13-168, Brenda Martinez (Dept. not sustained) – The Department suspended the employee for 15 days from the position of Custody Assistant for making false statements. The Commission adopted the recommendation of the Hearing Officer who found that the 10-month delay between the incidents in question and the investigative interview negatively impacted the investigation.
- 11.** Case No. 12-016, Hripsime Kanataryan (Dept. sustained, in part) – The Department discharged the employee from the position of Children’s Social Worker III for failing to “document visits or contacts with collaterals at all” The Commission adopted the recommendation of the Hearing Officer who found that the employee made her required visits but did not log the contact with the specificity required by the Department, and that a 30-day suspension was appropriate. Commissioner Fox dissented.
- 12.** Case No. 13-128, Trina Ross (Dept. sustained, in part) – The Department reduced the employee from the position of Children’s Social Worker II to an Intermediate Clerk for unsatisfactory work performance. The Commission adopted the recommendation of the Hearing Officer who found that although the employee couldn’t perform as a CSW III, she had performed at the level of CSW I for more than 7 years, and that is the appropriate level to which she should be reduced. Commissioner Martinez dissented.
- 13.** Case No. 12-012, Waheedah Carter (Dept. sustained, in part) – The Department suspended the employee for 10-days from the position of Radiologic Technologist for failing to perform her duties and discourtesy to the public and co-workers. The Commission agreed with the Hearing Officer that the evidence indicated that the employee was discourteous but not that she was negligent in performing her duties. However, the Commission rejected the Hearing Officer’s recommendation to give the employee a letter of warning and instead imposed a 5-day suspension.

- 14.** Case No. 12-348, Jose Holquin, Jr. (Dept. sustained, in part) – The Department discharged the employee from the position of Construction and Repair Laborer for abusing sick leave, falsifying time cards, and providing misleading statements in an administrative interview. The Commission adopted the Hearing Officer's Findings that the Department failed to meet its burden of proof as to abuse of sick leave and falsification of time cards, but did prove the employee gave misleading statements in an administrative interview. After the Department filed objections, the Commission rejected the Hearing Officer proposed discipline of 10-days and instead imposed a 30-day suspension.
- 15.** Case No. 12-305, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Probation Officer 1 for excessive use of force, abusive language towards a minor, making false statements in official records, and failing to exercise sound judgment. The Commission adopted the recommendation of the Hearing Officer who found that the Department did not prove all the allegations by a preponderance of the evidence. The discipline was reduced to a 30-day suspension.
- 16.** Case No. 12-189, Peace Officer (Dept. sustained, in part) – The Department suspended the employee for 10-days from the position of Deputy Probation Officer II for conduct unbecoming a peace officer, failing to report outside employment, and failure to exercise sound judgment. The Commission adopted the recommendation of the Hearing Officer who found that only the allegation regarding failing to exercise sound judgment was proven, and imposed a letter of reprimand.
- 17.** Case No. 13-365, Peace Officer (Dept. sustained, in part) – The Department reduced the employee from the position of Transportation Deputy to the position of Group Supervisor Nights, for his behavior associated with being stopped for driving under the influence. The Commission agreed with the Hearing Officer that imposing the punishment was harsh given that the employee had received counseling and treatment. The Commission adopted the recommendation of the Hearing Officer to impose a 25-day suspension.
- 18.** Case No. 10-220, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Senior Detention Services Officer for, among other things, misuse of force, falsifying a report, and interfering with an administrative investigation. Upon return of a *Writ* from the Superior Court, the Commission reaffirmed its reduction of the the discharge to a 30-day suspension. Commissioner Donner abstained and the Second District seat on the Commission was vacant.
- 19.** Case No. 12-413, Peace Officer (Dept. sustained, in part) – The Department suspended the employee for 15-days from the position of Detention Services Officer for, among other things, misuse of force, being untruthful, and failing to obtain medical attention for a minor. The Commission adopted the Findings and

recommendation of the Hearing Officer who found that “[t]he Department failed to substantiate the majority, and the most serious, of the allegations contained in its imposition letter” The suspension was reduced to a warning. Commissioner Nightingale dissented.

- 20.** Case No. 12-201, Veronica Lara (Dept. sustained, in part) – The Department suspended the employee for 10-days from the position of Eligibility Worker II for discourteous and rude behavior towards others. The Commission adopted the recommendation of the Hearing Officer who found the Department did not prove all of the allegations in the letter of imposition and reduced the suspension to 5-days. Commissioner Kahwajian was absent.
- 21.** Case No. 12-294, Brian Raineri (Dept. sustained, in part) – The Department discharged the employee from the position of Tree Trimmer for threatening behavior and using profanity towards a co-worker. The Commission imposed a 30-day suspension and agreed with the Hearing Officer that the Department did not prove that a discharge was the appropriate discipline.
- 22.** Case No. 13-382, Peace Officer (Dept. sustained, in part) – The Department suspended the employee for 20-days from the position of Deputy Sheriff for discharging her weapon during an altercation and being under the influence. The Commission adopted the findings and the recommendation of the Hearing Officer who reduced the suspension to 10-days. The Hearing Officer recommended that 10-days were appropriate given clean personnel record and outstanding performance evaluations.
- 23.** Case No. 11-347, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for engaging in a disturbance at the Rose Bowl and being uncooperative with the arresting officers. The Commission adopted the Hearing Officer’s recommendation to reduce the discharge to a 15-day suspension based upon the Department’s failure to prove all of the allegations. Commissioner Donner recused himself and Commissioner Kahwajian Dissented.
- 24.** Case No. 11-396, Peace Officer (Dept., sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for engaging in an altercation with an inmate. The Hearing Officer concluded that the Department did not prove by a preponderance of the evidence all of the allegations against the employee and recommended a reduction of the discipline to a 5-day suspension, which the Commission adopted. Commissioner Donner dissented.
- 25.** Case No. 13-137, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for public intoxication and having an unsecured firearm. The Commission agreed with the

Hearing Officer that the employee violated a number of Department policies, but disagreed that no discipline should be imposed. The Commission imposed a 30-day suspension.

- 26.** Case No. 13-157, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for misuse of force and failing to notify his supervisor regarding the incident. The Commission agreed with the Hearing Officer, who recommended a 30-day suspension, that the employee did not receive proper notice of the scope of the Department’s investigation and the allegations against him.
- 27.** Case No. 13-282, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for using his position to get a discount on the price to get his car out of storage and vandalism of a vehicle. The Commission accepted the recommendation of the Hearing Officer to reduce the discharge to a 30-day suspension. The Hearing Officer found that the Department failed to prove the employee intentionally damaged a vehicle. Commissioners Martinez and Donner dissented.
- 28.** Case No. 13-069, Peace Officer, (Dept. sustained, in part) – The Department discharged the employee for immoral conduct. The Commission accepted the findings and recommendation of the Hearing Officer to reduce the discharge to a 30-day suspension. The Hearing Officer noted that the employee did not complete the action alleged and that his conviction was set aside and the criminal complaint dismissed. Commissioner Martinez dissented.
- 29.** Case No. 12-129, Peace Officer, (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for failing to “maintain and establish the highest standard of efficiency and/or professionalism.” The Hearing Officer asserted that the employee’s conduct was correctable and recommended a 20-day suspension. The Commission adopted the Hearing Officer’s recommendation.
- 30.** Case No. 12-148, James Thomas (Dept. sustained, in part) – The Department discharged the employee from the position of Warehouse Worker Aid for being under the influence of alcohol after attending a retirement party and false time card reporting, among other things. The Commission rejected the recommendation of the Hearing Officer, finding that the Department did not meet its burden of proving all of the allegations against the employee.

III. OBSERVATIONS AND RECOMMENDATIONS

Two new members joined the Commission during 2014, one in January for the Fourth District and the other in September for the Second District.

In June, the Probation Department chose to disregard a vote of the commission in favor of an employee's discretionary appeal and questioned the Commission's jurisdiction in matters involving appraisals of promotability. The Commission has been advised by its counsel and firmly believes it has jurisdiction in these matters. It has exercised such jurisdiction for years.

The past practice of the Commission regarding suspensions pursuant to CSC Rule 18.01 were challenged in court and found to have denied the due process rights of employees. Specifically, the Commission's past practice was to certify the issue of whether there was a sufficient nexus between the alleged criminal conduct of the employee and that employee's job duties with the County. In response to the Court's finding, the Commission expanded its examination of the 18.01 suspension to seven factors designed to ensure the due process rights of employees.

In December, the Commission was advised of a California Supreme Court decision in *Riverside Sheriff's Dept v. Stiglitz* (2014) 60 Cal. 4th 624 wherein the Court determined that Pitchess Motions (motions for disclosure of confidential peace officer personnel records) can be made and heard in administrative hearings. The Commission undertook an extensive review of its rules and procedures to create a process regarding the hearing of Pitchess Motions in the Civil Service setting. Additional training of commission staff and hearing officers will be required to satisfy this additional responsibility.

During the latter part of 2014, Commissioners noticed an increase in the number of cases involving alcohol or drugs, predominantly in off duty situations. While most involved driving under the influence, other behaviors affecting judgment were also evident. The Commission dealt with the disciplinary actions involved in these cases, but also noticed inconsistencies in how various departments approached these issues with their employees. The Director of Personnel may wish to conduct a review of the policies adopted by various departments with special emphasis on those who employ peace officers. The Commission directed its staff to undertake a yearlong tracking of DUI cases in 2015.