

COUNTY OF LOS ANGELES
CIVIL SERVICE COMMISSION

COMMISSIONERS:

EVELYN V. MARTINEZ
CAROL FOX
JOHN DONNER
Z. GREG KAHWAJIAN

2013 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 also 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 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. 2013 marked the Commission’s 100-year anniversary as an appellate body.

The Commission is comprised of five (5) Commissioners appointed by the Board of Supervisors. The current Commissioners are:

| | |
|-------------------|-----------------|
| Evelyn Martinez | First District |
| Vacant | Second District |
| Carol Fox | Third District |
| John Donner | Fourth District |
| Z. Greg Kahwajian | Fifth District |

During 2013, Vange Felton and Lynn Adkins served as the Second and Fourth Supervisorial District’s 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 |
| Steve Erickson | Head Commission Specialist |
| Luz Delgado | Head Commission Specialist |
| Harry Chang | Intermediate Commission Specialist |
| Juan Mendoza | Commission Specialist |
| Vacant | Commission Specialist |
| Sona Mkrtchyan | Student Worker |
| Svetlana Vardanyan | Student Worker |

II. APPEALS PROCESS

The appeals process commences with the filing of a petition for hearing. In 2013, the Commission received 590 Petitions for Hearing (370 disciplinary and 220 discretionary). The disciplinary matters included 160 discharges, 198 suspensions, and 12 reductions. The Commission granted hearings in 338 cases filed in Calendar Year 2013. By comparison, in 2012, the Commission received 409 Petitions for Hearing (288 disciplinary and 121 discretionary). The 2012 disciplinary matters included 132 discharges, 146 suspensions, and 10 reductions. The Commission granted hearings in 227 cases filed in Calendar Year 2012.

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, as adopted by the Board of Supervisors, provide that the burden of proof is on the Department, and 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 and conclusions of law. If the Commission adopts a Hearing Officer's recommendation, any party aggrieved by the proposed decision may file objections; if based upon objections the Commission adopts a new proposed decision, 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 2013, 488 matters were closed. The Commission denied hearings in 156 matters, consolidated 21 appeals, the Department rescinded the discipline in one case, 3 cases were closed without hearing, and 207 matters were withdrawn/settled. The Commission closed 100 matters after completion of the evidentiary hearing process. Of the 100 evidentiary hearing cases, the Departments' actions were upheld in 77 cases (77%). The Departments' discipline was modified in 15 cases (15%), and not sustained in 8 matters (8%).

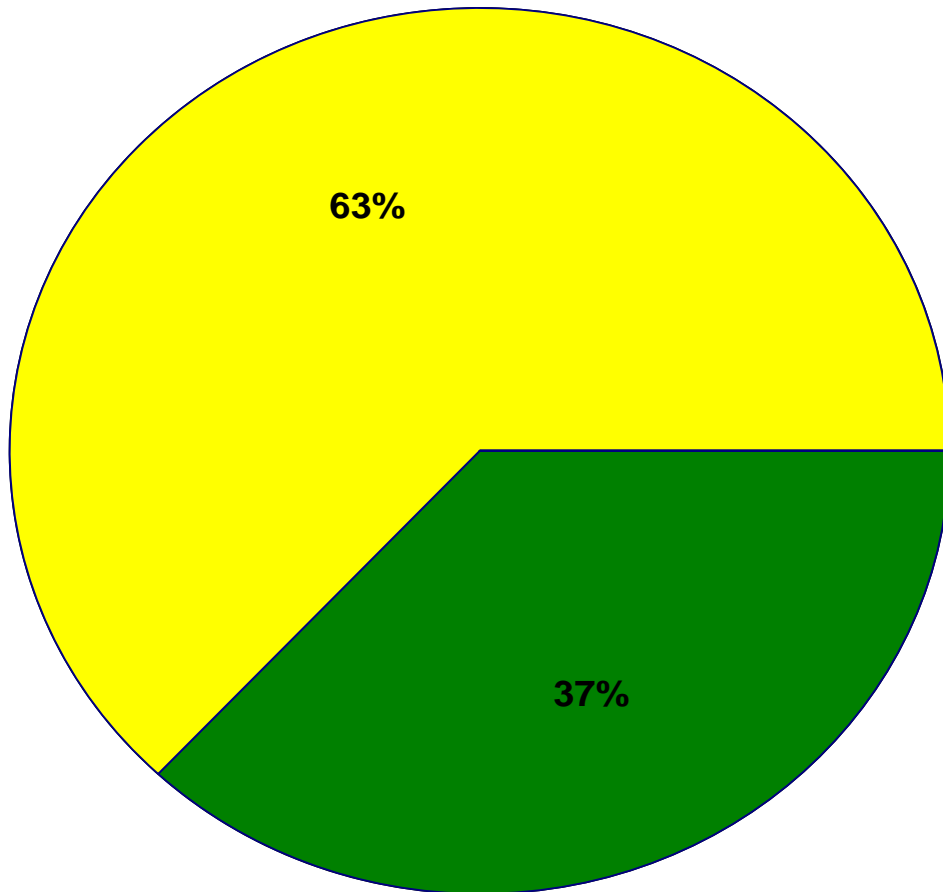
The following pages contain statistical and graphical breakdowns of the petitions that were filed and the decisions rendered post-hearing by the Commission.

2013 Petitions for Hearing

| Department | Disciplinary | Discretionary | Total |
|--|---------------------|----------------------|--------------|
| Agricultural Commissioner/Weights & Measures | 1 | 1 | 2 |
| Alternate Public Defender | 0 | 1 | 1 |
| Animal Control | 5 | 1 | 6 |
| Assessor | 0 | 1 | 1 |
| Auditor-Controller | 2 | 0 | 2 |
| Beaches and Harbor | 1 | 2 | 3 |
| Board of Supervisors | 0 | 2 | 2 |
| Chief Executive Office | 0 | 10 | 10 |
| Child Support Services | 4 | 2 | 6 |
| Children and Family Services | 21 | 14 | 35 |
| Contract City | 1 | 0 | 1 |
| Community and Senior Services | 0 | 1 | 1 |
| Coroner | 1 | 1 | 2 |
| District Attorney | 0 | 2 | 2 |
| Fire | 11 | 13 | 24 |
| Health Services | 50 | 17 | 67 |
| Human Resources | 0 | 51 | 51 |
| Internal Services | 4 | 2 | 6 |
| Mental Health | 21 | 3 | 24 |
| Parks and Recreation | 9 | 1 | 10 |
| Probation | 67 | 26 | 93 |
| Public Defender | 1 | 1 | 2 |
| Public Health | 6 | 1 | 7 |
| Public Library | 0 | 1 | 1 |
| Public Social Services | 34 | 48 | 82 |
| Public Works | 6 | 4 | 10 |
| Regional Planning | 0 | 2 | 2 |
| Registrar-Recorder / County Clerk | 1 | 0 | 1 |
| Sheriff | 122 | 12 | 134 |
| Treasury & Tax Collector | 2 | 0 | 2 |
| Grand Totals | 370 | 220 | 590 |

Civil Service Commission 2013 Case Data

Disciplinary Cases
370



Discretionary Cases
220

POST-HEARING DECISIONS

**Department Sustained Department Not Sustained Department Sustained,
in part**

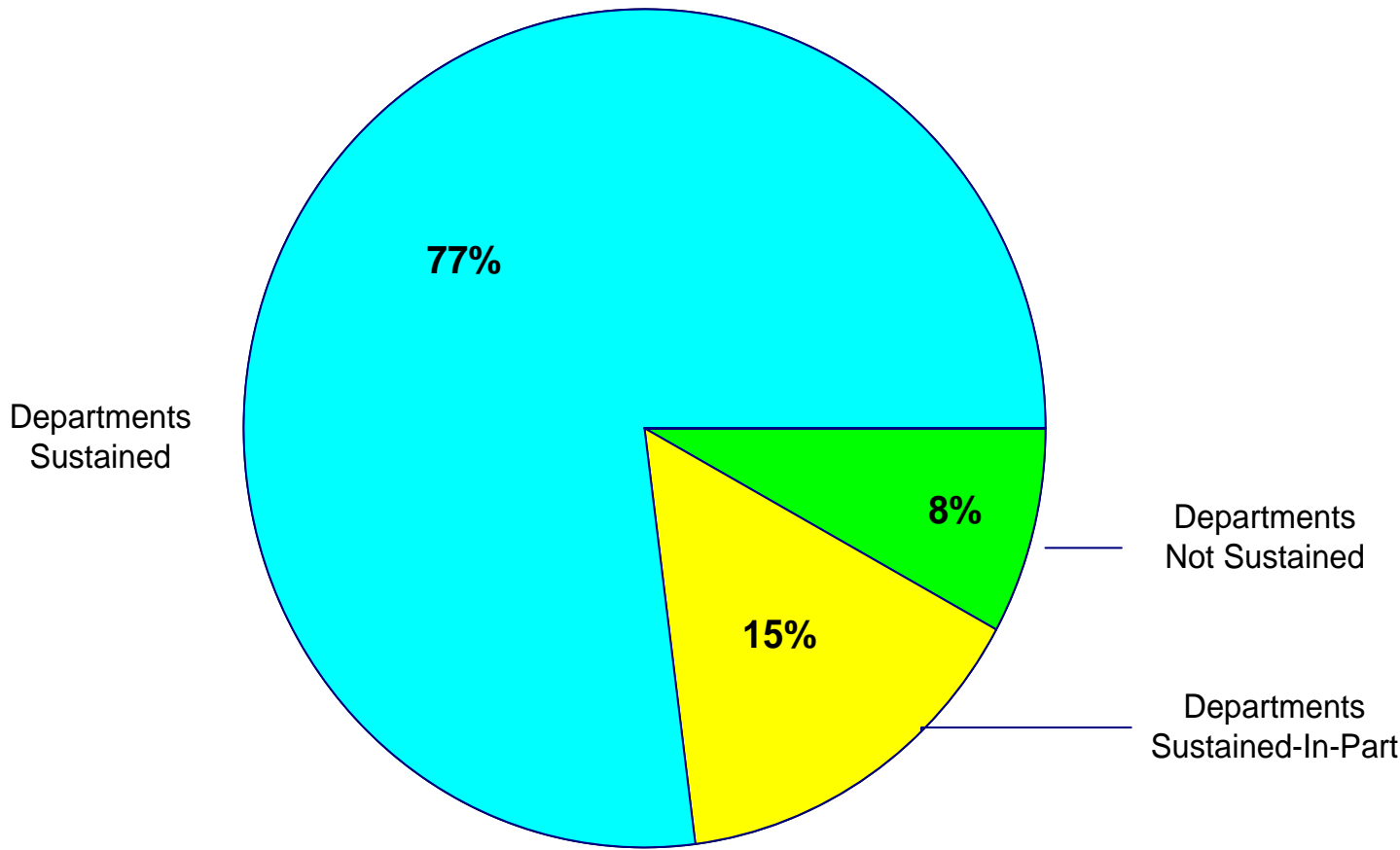
| Department | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 |
|------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Agriculture Commission | 1 (100%) | 1 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Animal Control | 3 (100%) | 2 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Assessor | 1 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beaches and Harbors | 0 | 1 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Child Support Services | 1 (50%) | 1 (50%) | 1 (100%) | 1 (50%) | 0 | 0 | 0 | 1 (50%) | 0 |
| Contract City | 1 (100%) | 2 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Children and Family Services | 11 (79%) | 9 (75%) | 5 (84%) | 1 (8%) | 2 (17%) | 1 (16%) | 2 (13%) | 1 (8%) | 0 |
| Consumer Affairs | 0 | 1 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| District Attorney | 0 | 1 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fire | 2 (100%) | 1 (20%) | 1 (100%) | 0 | 1 (20%) | 0 | 0 | 3 (60%) | 0 |
| Health Services | 20 (80%) | 17 (85%) | 12 (93%) | 3 (12%) | 0 | 0 | 2 (8%) | 3 (15%) | 1 (7%) |
| Internal Services | 4 (100%) | 3 (100%) | 1 (50%) | 0 | 0 | 0 | 0 | 0 | 1 (50%) |
| Mental Health | 5 (100%) | 7 (88%) | 5 (100%) | 0 | 0 | 0 | 0 | 1 (12%) | 0 |
| Parks and Recreation | 1 (100%) | 1 (100%) | 4 (58%) | 0 | 0 | 2 (29%) | 0 | 0 | 1 (13%) |

POST-HEARING DECISIONS – CONTINUED

**Department Sustained Department Not Sustained Department Sustained,
in part**

| Department | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 |
|----------------------------|------------------------|----------------------|---------------------|----------------------|-------------------|-------------------|----------------------|---------------------|---------------------|
| Probation | 14 (67%) | 10 (48%) | 10 (67%) | 1 (5%) | 4 (19%) | 2 (13%) | 6 (28%) | 7 (33%) | 3 (20%) |
| 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 |
| Public Library | 0 | 1 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Public Social Services | 23 (96%) | 10 (100%) | 9 (75%) | 1 (4%) | 0 | 1 (8%) | 0 | 0 | 2 (17%) |
| Public Works | 1 (50%) | 7 (88%) | 9 (70%) | 0 | 0 | 0 | 1 (50%) | 1 (12%) | 4 (30%) |
| Register-Recorder | 0 | 1 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheriff | 16 (76%) | 20 (91%) | 17 (78%) | 3 (14%) | 0 | 2 (8%) | 2 (10%) | 2 (9%) | 3 (14%) |
| Treasure and Tax Collector | 6 (100%) | 0 | 0 | 0 | 0 | 0 | 0 | 1 (100%) | 0 |
| Totals | 116 (83.4%) | 100 (78%) | 77 (77%) | 10 (7.2%) | 7 (6%) | 8 (8%) | 13 (9.4%) | 20 (16%) | 15 (15%) |

**CIVIL SERVICE COMMISSION
2013 POST-HEARING OUTCOMES**



DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION

1. Case No. 11-348, Lorna Hornbeek (Dept. not sustained) – The Department suspended the employee for 30-days from the position of Supervising Children’s Social Worker for negligent supervision of a June 16, 2010, referral. The Commission sustained the Appellant’s objections to the Hearing Officer’s report, which had sustained the suspension. The Commission’s new proposed decision did not sustain the discipline and directed the parties to brief an issue regarding a possible due process violation. The Department did not file objections to the new proposed decision, which, thus, became final.
2. Case No. 11-210, Maurice Hunter (Dept. not sustained) – The Department suspended the employee for 15-days from the position of Recreation Services Leader for harassing behavior towards a subordinate employee. The Commission adopted the recommendation of the Hearing Officer who found that the Department failed to meet its burden of proof regarding the allegations. No objections were filed to the Hearing Officer’s report and recommendation.
3. Case No. 11-388, Antonio Martinez (Dept. not sustained) – The Department discharged the employee from the position of Recreation Services Aquatics Manager for failing to perform his duties and engaging in unethical behavior. 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. 11-226, Peace Officer (Dept. not sustained) – The Department suspended the employee for 15-days from the position of Group Supervisor, Nights, for untruthfulness and unprofessional conduct. The Commission adopted the recommendation of the Hearing Officer who found that the Department did not provide any proof that the employee engaged in the alleged conduct.
5. Case No. 11-368, Peace Officer (Dept. not sustained) – The Department discharged the employee from the position of Detention Services Officer for misuse of force and untruthfulness. The Commission adopted the recommendation of the Hearing Officer who found that the Department did not prove the allegations by a preponderance of the evidence.
6. Case No. 11-311, Barbara Brown (Dept. not sustained) – The Department discharged the employee from the position of Eligibility Worker II for providing false medical leave statements. The Commission adopted the recommendation of the Hearing Officer who found, based upon the testimony of the employee’s physician, that the employee had not submitted false medical leave slips.
7. Case No. 08-054P, Peace Officer (Dept. not sustained) – The Department suspended the employee for 30-days from the position of Deputy Sheriff for being intoxicated while off duty, engaging in a bar fight, and failing to notify his

supervisor of the incident. The Commission adopted the recommendation of the Hearing Officer who found that based on, among other things, the testimony of an expert witness the Department failed to prove the allegations by a preponderance of the evidence.

8. Case No. 12-032, Peace Officer (Dept. not sustained) – The Department suspended the employee for 15-days from the position of Deputy Sheriff for failure to conduct a thorough investigation of a carjacking incident and failing to make statements during an internal Department investigation. The Commission adopted the recommendation of the Hearing Officer who found that the first allegation was time barred by the *Public Safety Officer's Procedural Bill of Rights Act's* one-year statute of limitations, and that the Department failed to prove the second allegation by a preponderance of the evidence.
9. Case No. 11-346, Chikodili Udengwu (Dept. sustained, in part) – The Department suspended the employee for 10-days from the position of Registered Nurse II for carelessness or inattention to duties, and failure to comply with the policies and procedures of the work facility. The Commission adopted the recommendation of the Hearing Officer who found that the Department did not prove all of the allegations against the employee, which mitigated the suspension down to a 5-day suspension.
10. Case No. 12-210, Mike Soto (Dept. sustained, in part) – The Department reduced the employee from the position of General Maintenance Supervisor to Senior Clerk for being under the influence of alcohol while on the job. The Commission rejected the recommendation of the Hearing Officer to sustain the Department and imposed a 15-day suspension instead of the reduction. The Commission's decision was based upon the fact that prior to the imposition of discipline the employee's supervisory restrictions were lifted, the employee passed all random alcohol/drug tests, and the employee was one week away from the removal of all driving restrictions. Commissioner Kahwajian dissented.
11. Case No. 11-362, Ruben Caudillo (Dept. sustained, in part) – The Department discharged the employee from the position of Assistant Arboretum Gardener for unsatisfactory work performance. The Commission adopted the recommendation of the Hearing Officer who found that the Department failed to prove all of the allegations against the employee and, therefore, a 30-day suspension was appropriate.
12. Case No. 11-029, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Detention Services Officer for restraining a minor and interfering with an investigation. The Commission adopted the recommendation of the Hearing Officer who found that the Department failed to prove that the employee interfered with an investigation, and imposed a 30-day suspension. Commissioners Adkins and Kahwajian dissented.

- 13.** Case No. 12-169, Peace Officer (Dept. sustained, in part) – The Department suspended the employee for 30-days from the position of Detention Services Officer for failing to perform his duties, which resulted in an escape. The Commission adopted the recommendation of the Hearing Officer who found that there were many mitigating factors, e.g. a minor’s possession of a facility key, short staffing, and the poor condition of the facility, all of which warranted a reduction of the discipline to 20-days. Commissioner Felton dissented.
- 14.** Case No. 12-197, Peace Officer (Dept. sustained, in part) – The Department suspended the employee for 10-days from the position of Detention Services Officer for inappropriate conduct of a sexual nature. The Commission adopted the Hearing Officer’s Findings and reduced the suspension to 5-days. The Department did not file objections to the Commission’s proposed decision.
- 15.** Case No. 12-102, Maria Lozano (Dept. sustained, in part) – The Department discharged the employee from the position of Eligibility Supervisor for inappropriate sexual misconduct and retaliation. The Commission adopted the recommendation of the Hearing Officer who found that the employee did not engage in sexual harassment and that the Department failed to prove all of the allegations against the employee. The discipline was reduced to a 5-day suspension. Commissioner Adkins was absent.
- 16.** Case No. 12-282, Clark Penn (Dept. sustained, in part) – The Department suspended the employee for 13-days from the position of GAIN Services Worker for misuse of his County computer. The Commission adopted the recommendation of the Hearing Officer who found that the employee’s 21-year unblemished record warranted a reduction of the suspension to 10-days.
- 17.** Case No. 11-037, David Yager (Dept. sustained, in part) – The Department suspended the employee for 10-days from the position of Public Works Crew Leader for falsifying documents. The Commission adopted the Findings of the Hearing Officer but reduced the suspension to 5-days based upon the failure of the Department to provide evidence as to whether the discipline was appropriate.
- 18.** Case No. 11-045, Olivia Moreno (Dept. sustained, in part) – The Department suspended the employee for 30-days for using her work computer to conduct personal business. The Commission adopted the recommendation of the Hearing Officer who found that the Department failed to support its allegations and the level of discipline, and reduced the suspension to 15-days. Commissioner Fox was absent.
- 19.** Case No. 12-038, Brian Raineri (Dept. sustained, in part) – The Department suspended the employee for 30-days from the position of Tree Trimmer Working Supervisor for failing a random drug test. The Commission adopted the Findings of the Hearing Officer but rejected the recommendation to reduce the suspension to 14-days based upon the employee’s completion of a County approved drug abuse treatment program, and instead imposed a 22-day suspension.

20. Case No. 12-056, Timothy Frazier (Dept. sustained, in part) – The Department discharged the employee from the position of Power Equipment Operator for engaging in workplace violence. The Commission adopted the recommendation of the Hearing Officer who found due to the repeated provocation of the other employee, a 30-day suspension should be imposed. The Commission also decided that there was no award of back pay. Commissioner Adkins was absent.
21. Case No. 11-258, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Sergeant for inappropriate behavior toward his subordinates. The Commission agreed with the Hearing Officer that given the employee’s 23-years of service and the fact that not all the allegations were proven, the discharge should be changed to a suspension. The Commission decided a 30-day suspension was appropriate. Commissioners Adkins and Kahwajian dissented.
22. Case No. 11-295, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for providing favors for his inmate brother-in-law and not notifying his supervisor of the relationship. The Commission adopted the recommendation of the Hearing Officer to reduce the discharge to a 30-day suspension given that the Department failed to prove all of the allegations against the employee by a preponderance of the evidence. Commissioner Felton was absent.
23. Case No. 11-297, Peace Officer (Dept. sustained, in part) – The Department discharged the employee from the position of Deputy Sheriff for misuse of force. The Commission adopted the Hearing Officer’s recommendation to reduce the discharge to a 30-day suspension based upon the Department’s failure to meet its burden of proof that all the allegations were true.

III. OBSERVATIONS AND RECOMMENDATIONS

During 2013, the Commission noticed a marked improvement in the advocacy for the Petitioners as well as for the Departments. As parties have become accustomed to the new procedures and practices adopted by this Commission to expedite the hearing process, there have been fewer issues that require the attention of the Commission and/or our Executive Director. We also acknowledge the efforts the County’s Director of Personnel in standardizing many County-wide human resource practices and policies.

One area, for which we still have concern, is exam appeals. During the course of the Commission’s regular Wednesday meetings, we often note that more often than not, a Petitioner is simply trying to understand the basis for the score he or she received on a particular exam. Although we recognize advocates are very busy, we believe that arranging a meeting where a human resources professional can explain to an employee the process by which their score was determined, may resolve an issue before Commission action is taken.