

COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION



2018 ANNUAL REPORT

COMMISSIONERS:

PERCY DURAN III
NAOMI NIGHTINGALE
STEVEN AFRIAT
JOHN DONNER
Z. GREG KAHWAJIAN

STEVE CHENG, INTERIM EXECUTIVE DIRECTOR



COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

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, 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 2018 were:

Percy Duran III	First District
Naomi Nightingale	Second District
Steven Afriat	Third District
John Donner	Fourth District
Z. Greg Kahwajian	Fifth District

In 2018, the Commission’s day-to-day operations were overseen by the Interim Executive Director, Steve Cheng, who managed a staff of seven (7) full-time employees and two (2) Student Workers:

Lupe Castellanos	Custodian of Records
Alyssa Williamson	Principal Commission Analyst
Luz Delgado	Head Commission Specialist
Harry Chang	Head Commission Specialist
Svetlana Vardanyan	Intermediate Commission Specialist
Meagan Alday	Commission Specialist
Ani Abrahamjan	Commission Specialist
Yancely Welch	Student Professional Worker I
Cameron Binion	Student Worker



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II. APPEALS PROCESS

The appeals process commences with the filing of a petition for hearing. In 2018, the Commission received 283 petitions for hearing (198 disciplinary and 85 discretionary). The disciplinary matters include 106 discharges, 83 suspensions, and 8 reductions. The Commission granted hearings in 143 cases filed in Calendar Year 2018. By comparison, in 2017, the Commission received 292 Petitions for Hearing (204 disciplinary and 88 discretionary). The 2017 disciplinary matters included 91 discharges, 111 suspensions, and 2 reductions. The Commission granted hearings in 194 cases filed in Calendar Year 2017.

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 2018, 269 matters were closed. The Commission granted 3 appeals based upon the written pleadings and 6 matters were deemed withdrawn because the Petitioner did not appear at the hearing. The Commission denied the requests for hearings in 49 matters, consolidated 4 appeals and dismissed 5 cases without hearing. 116 matters were withdrawn or settled. The Commission closed 86 matters after completion of the evidentiary hearing process. Of the 86 cases where a hearing was granted, the Departments' actions were upheld in 68 cases (79%). The Departments' discipline was modified in 10 cases (11%), and not sustained in 8 matters (10%).

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

2018 PETITIONS FOR HEARING

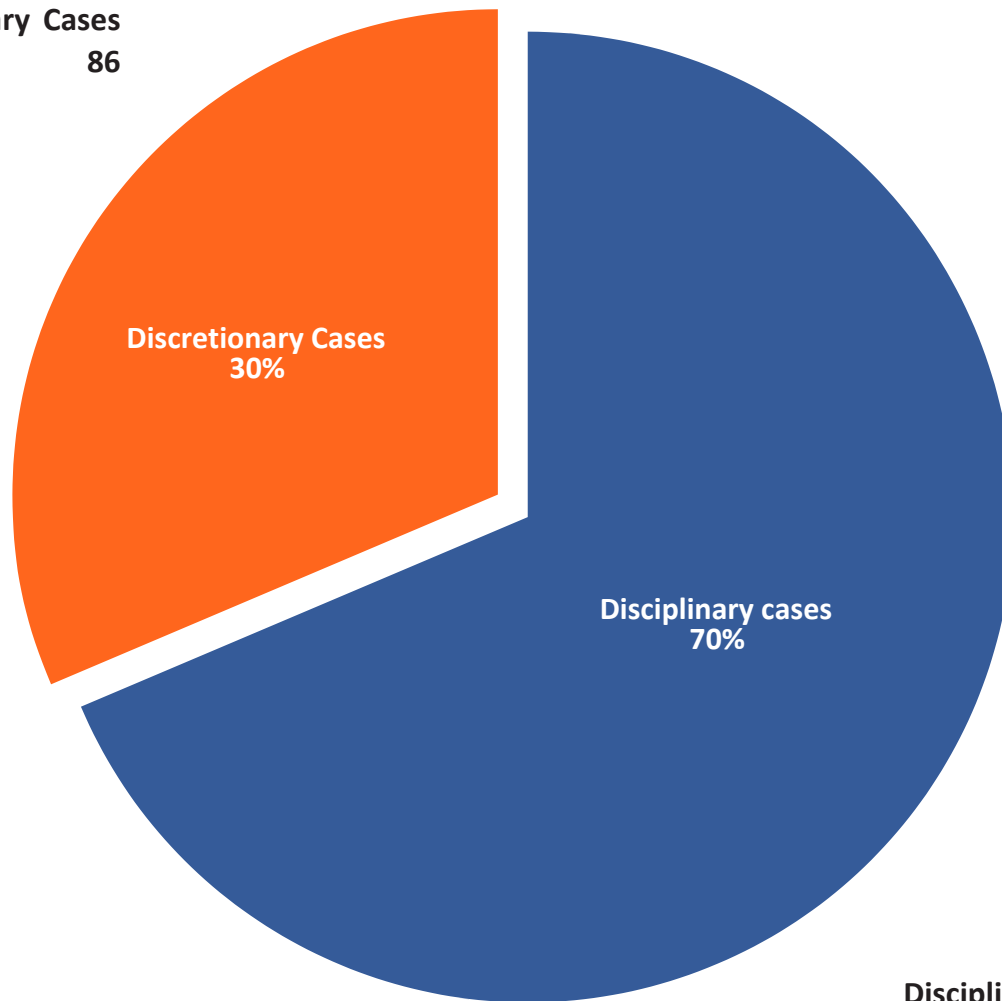
DEPARTMENT	DISCIPLINARY	DISCRETIONARY	TOTAL
Assessor	2	0	2
Chief Executive Office	0	1	1
Child Support Services	5	0	5
Children and Family Services	13	1	14
County Counsel	1	0	1
Fire	6	6	12
Health Services	17	1	18
Human Resources	0	60	60
Internal Services	3	0	3
LACERA	3	0	3
Mental Health	3	1	4
Museum of Art	1	0	1
Parks and Recreation	5	1	6
Probation	59	3	62
Public Defender	1	4	5
Public Health	4	0	4
Public Library	1	0	1
Public Social Services	14	0	14
Public Works	1	0	1
Registrar-Recorder/County Clerk	6	0	6
Sheriff	51	7	58
Treasurer and Tax Collector	1	0	1
Workforce Development, Aging and Community Services	0	1	1
GRAND TOTALS	197	86	283



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CIVIL SERVICE COMMISSION 2018 CASE DATA

Discretionary Cases
86



Disciplinary cases
70%

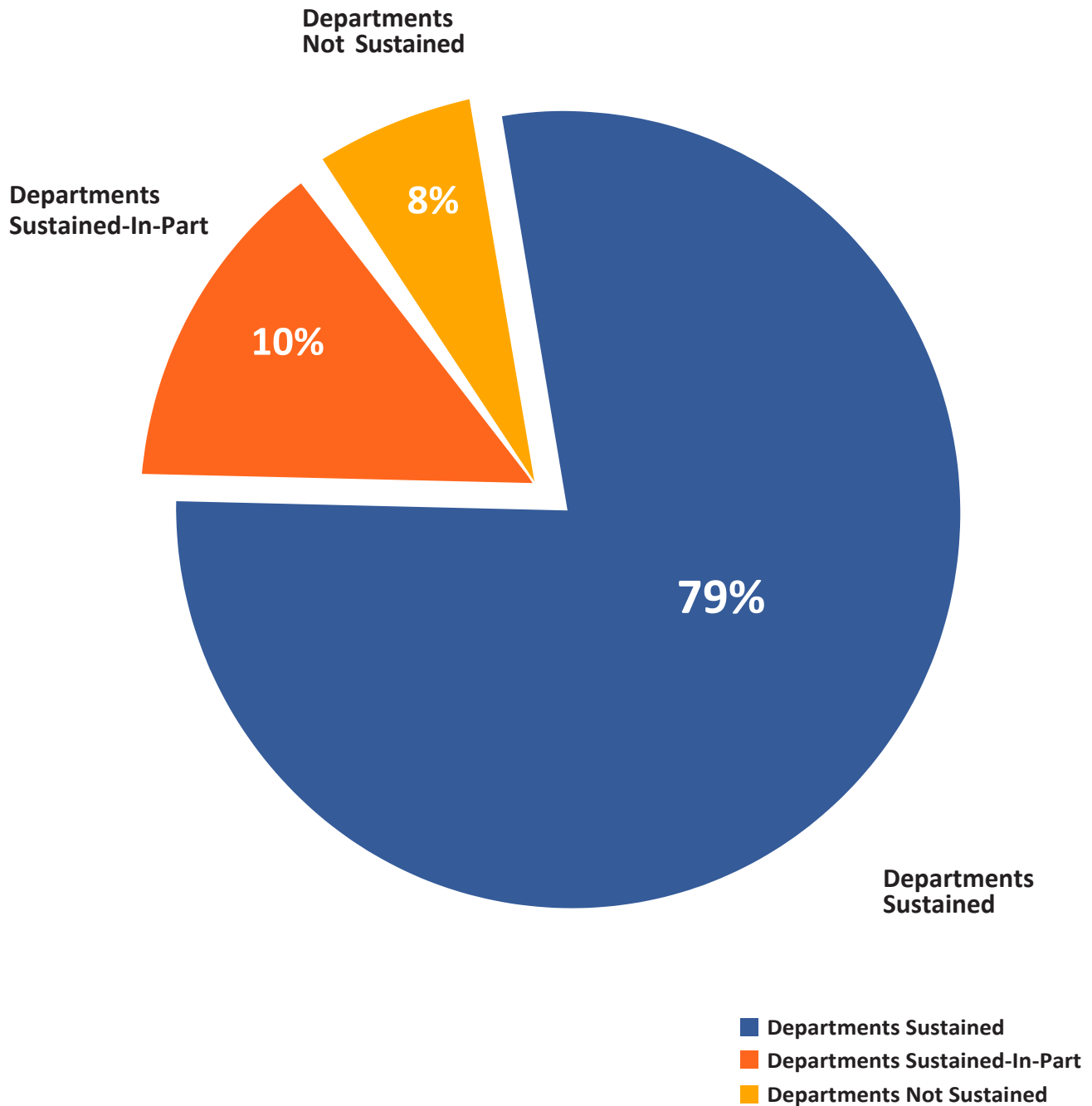
Disciplinary Cases
197

- Disciplinary Cases
- Discretionary Cases



COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION 2018 POST-HEARING OUTCOMES





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POST-HEARING DECISIONS 2018

DEPARTMENT	SUSTAINED	NOT SUSTAINED	SUSTAINED IN PART
Agricultural Weights	1	0	0
Assessor	2	0	0
Children and Family Services	4	0	0
Coroner	1	1	0
Health Services	4	0	0
Internal Services	2	0	0
Mental Health	2	0	0
Parks and Recreation	1	0	0
Probation	10	1	3
Public Health	1	0	0
Public Social Services	8	1	2
Public Works	2	1	0
Registrar-Recorder/County Clerk	0	0	1
Sheriff	30	4	4
TOTAL	68	8	10



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III. DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION

1. Case No. 16-339, Peace Officer (Dept. not sustained) – The Department suspended the employee for 20 days from the position of Deputy Probation Officer I for misuse of force, failure to follow restraint procedures, and providing false information in an administrative investigation. The Commission adopted the findings and recommendation of the hearing officer who found that the Department failed to prove any of the charges and rescinded the suspension. **Commissioners Nightingale and Hernandez dissented.**
2. Case No. 16-285, Cristina Rosales (Dept. sustained in part) – The Department suspended the employee for 10 days from the position of Administrative Services Manager I with the Department of Public Social Services for violations of the County Policy of Equity including making inappropriate comments on the basis of sex and veteran status. The Commission adopted the findings and recommendation of the hearing officer to reduce the suspension to five days, based on the Department’s failure to prove some of the allegations and the employee’s lack of prior discipline.
3. Case No. 17-56, Peace Officer (Dept. not sustained) – The Department suspended the employee for 15 days from his position of Deputy Sheriff for failure to immediately report observing use of force. The Commission adopted the findings and recommendation of the hearing officer to rescind the discipline, based on the Department’s failure to prove the allegations by a preponderance of the evidence. ***Commissioner Afriat was absent.**
4. Case No. 16-20, Gema Barrera (Dept. sustained in part) – The Department discharged the employee from her position of Social Worker with the Department of Children and Family Services for falsifying documentation, discourtesy toward In-Home Supportive Services consumers, and carelessness and inattention to her duties. The Commission adopted the findings of the hearing officer that the Department proved the allegations but reduced the discipline to a 30 day suspension based on the employee’s long tenure and lack of prior discipline. Commissioner Kahwajian dissented. ***Commissioner Afriat was absent.**
5. Case No. 15-295, Peace Officer (Dept. not sustained) – The Department discharged the employee from his position of Deputy Sheriff for failing to properly secure his firearm during an arrest and for failing to report an arrestee’s allegation of theft by the employee to the employee’s supervisor. The Commission adopted the recommendation of the hearing officer to rescind the discipline as its imposition was time-barred under the Peace Officer Bill of Rights.



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6. Case No. 16-240, Peace Officer (Dept. sustained in part) – The Department discharged the employee from his position of Deputy Sheriff for violations of the County Policy of Equity including sending inappropriate emails on Department property and encouraging subordinates to leave their workstation to engage in romantic activity. The Commission adopted the findings of the hearing officer but rejected his recommendation to impose a 10 day suspension. The Commission instead imposed a 30 day suspension based on the employee’s lack of prior discipline and the low likelihood of recurrence.

***Commissioner Afriat was absent.**

7. Case No. 15-114, Peace Officer (Dept. sustained in part) – The Department suspended the employee for 30 days from his position of Deputy Probation Officer II for poor supervision of minors and insubordination. The Commission adopted the findings of the hearing officer but rejected the recommendation to reduce the suspension to 15 days. Instead, the Commission imposed a suspension of 20 days based on the Department’s failure to prove the allegations pertaining to poor supervision of minors.

8. Case No. 17-279, Mark Nickerson (Dept. sustained in part) – The Department suspended the employee for 30 days from his position of Property Conveyances Examiner for performing recordings for personal gain in violation of policy. The Commission adopted the findings and recommendation of the hearing officer to reduce the suspension to 15 days where the County proved some noncompliance with policy, but no violation of a code of ethics or misconduct resulting in personal gain.

9. Case No. 17-4, Peace Officer (Dept. not sustained) – The Department suspended the employee from his position of Deputy Sheriff for 15 days for becoming involved in an off-duty argument with Ventura County Sheriff’s deputies, engaging in work as a private detective, and failure to maintain an approved Outside Employment Form on file. The Commission adopted the recommendation of the hearing officer to rescind the discipline as its imposition was time-barred under the Peace Officer Bill of Rights.

***Commissioner Afriat was absent.**

10. Case No. 16-6, Peace Officer (Dept. sustained in part) – The Department suspended the employee for 30 days from his position of Deputy Sheriff for improper communication and initiation of a foot pursuit. The Commission adopted the findings and recommendation of the hearing officer to reduce the suspension to 15 days based on the Department’s failure to prove some of the allegations.

11. Case No. 17-55, Nicole Hall (Dept. Not sustained) – The Department suspended the employee for 30 days from her position of Intermediate Clerk, Department of Public Social Services, for inappropriate conduct toward others based on sex and disability. After having read the record, the Commission adopted the findings and recommendation of the hearing officer to not sustain the Department based on the Department’s failure to prove the allegations. ***Commissioner Afriat was absent.**



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12. Case No. 17-7, Peace Officer (Dept. sustained in part) – The Department discharged the employee from his position of Deputy Sheriff for off-duty conduct including driving under the influence of alcohol. The Commission adopted the findings and recommendations of the hearing officer to reduce the discharge to a 30 day suspension based on the Department’s failure to prove the allegations. **Commissioner Nightingale Dissented. *Commissioner Afriat was absent.**
13. Case No. 14-344, Peace Officer (Dept. not sustained) – The Department discharged the employee from the position of Deputy Sheriff for sexually molesting his stepdaughter while off-duty. After having read the record, the Commission adopted the findings and recommendation of its hearing officer to rescind the discipline based on the Department’s failure to prove the allegations. **Commissioner Donner was absent.**
14. Case No. 16-213, Peace Officer (Dept. sustained in part) – The Department suspended the employee from his position of Detention Services Officer, Probation Department, for 30 days for refusal of a drug test and medical examination. The Commission adopted the findings of the hearing officer but rejected her recommendation to sustain the Department in full. Instead, the Commission reduced the discipline to a 15 day suspension due to the Department’s errors in testing procedures. **Commissioner Afriat dissented.**
15. Case No. 17-167, Tami Aque (Dept. not sustained) – The Department suspended the employee for 15 days from her position of Forensic Attendant, Coroner, for carelessness resulting in cremation of the wrong decedent’s remains. The Commission adopted the findings and recommendations of the hearing officer to rescind the discipline because the Department had no applicable procedures in place and the employee did not have access to the documents which could have prevented the mistake.
16. Case No. 17-123, Peace Officer (Dept. sustained in part) – The Department suspended the employee for 15 days from his position of Deputy Probation Officer II for allowing minors to use his cell phone in violation of departmental policy. The Commission adopted the findings and recommendation of the hearing officer to reduce the suspension to 10 days, finding that while the Appellant did allow minors to use his personal cell phone to stream music, he did not allow other minors to physically possess his personal cell phone as alleged.
17. Case No. 16-291, Issa Adawiya (Dept. not sustained) – The Department suspended the employee for 20 days from his position of Supervisor, Contract Construction with the Department of Public Works for inappropriate conduct of a sexual nature, neglect of supervisory duties, and unlawful harassment. The Commission adopted the findings and recommendation of the hearing officer to rescind the discipline because the allegations were found untrue or did not occur.



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18. Case No. 16-193, Ricky Brown (Dept. sustained in part) – The Department reduced the employee from a Warehouse Worker III to a Warehouse Worker I with the Sheriff’s Department for neglecting and failing properly to perform his duties and violating HIPPA. The Commission adopted the findings and recommendation of the hearing officer to reduce the employee from a Warehouse Worker III to a Warehouse Worker II, finding that all the allegations were proved true except for the allegation that he violated HIPPA. The department failed to provide the necessity of the two-step reduction. It was found that the employee was overwhelmed at the Warehouse Worker III position but performed competently in the Warehouse Worker II position for approximately 2 years prior. **Commissioner Donner was absent.**

***Commissioner Afriat was out on medical leave.**