



INTRODUCTION

The following summary, presented in a Question & Answer format, is intended to help you understand the appeal process, including your rights, when you file a petition for hearing with the Los Angeles County Civil Service Commission. For additional information regarding the process, please call **213-974-2411** or email us at CSC@bos.lacounty.gov

SUMMARY OF CIVIL SERVICE COMMISSION APPEAL PROCESS

WHAT IS THE PURPOSE AND AUTHORITY OF THE CIVIL SERVICE COMMISSION?

The Civil Service Commission is an independent administrative appeals body established by the Los Angeles County Charter to provide impartial and fair application of the Los Angeles County Civil Service Rules (CSR or Rules). The Commission's appellate authority includes appeals of disciplinary actions, (e.g. discharges, reductions, and suspensions in excess of five days), alleged discrimination, and limited other matters as provided for in specific Rules.

The Commission's authority does **not** extend to **all** Civil Service Rules. Most of the Rules are, in fact, administered by the Director of Personnel. The only recourse, if any, for many of these actions would be either the filing of a grievance or appealing to the Director of Personnel.

The Civil Service Commission is not involved in the grievance process; such matters are a part of M.O.U. contracts or internal departmental procedures.

WHEN SHOULD I FILE A PETITION (REQUEST FOR A HEARING)?

In cases of discharge, permanent reduction, or suspension in excess of 5 days, you may petition the Commission for a hearing within 15 (fifteen) business days after service of the notice of the action.

For examination appeals, you may petition for a hearing within 10 (ten) business days after a ruling or order of the Director of Personnel.

In all other matters, over which the Commission has jurisdiction, you have 10 (ten) business days from the date of the ruling or action complained of to file an appeal.

Any information submitted for the Commission's consideration must be **received by 5:00 p.m.** the day of the deadline, otherwise it will be considered untimely.

WHAT INFORMATION IS REQUIRED WHEN I REQUEST A COMMISSION HEARING?

Your petition for hearing must:

- be in writing
- include you, the petitioner, and/or your representative's contact information:
 - Mailing address (Street Address or PO Box, City, State, and Zip Code)
 - Daytime telephone number
 - Current email address (one that you access regularly)
- specify the ruling or action you are appealing
- provide sufficient facts supporting your claim, including the relevant Civil Service Rule

HOW DO I SUBMIT MY PETITION?

Petitions may be submitted via:

- Email to PDFSubmission@bos.lacounty.gov
- U.S. Mail to Civil Service Commission, Kenneth Hahn Hall of Administration
 - 500 West Temple Street, Room 522
- Fax (213) 974-2534
- in person delivery.

The Commission's consideration **must be received by 5:00 p.m.** of the deadline, otherwise it will be considered untimely.

Electronic submissions are strongly encouraged.

HOW DOES THE COMMISSION DECIDE WHETHER TO GRANT MY PETITION FOR A HEARING?

When the Commission receives your petition for hearing, a case number will be assigned, and your case will be placed on the Commission's meeting agenda. Commission staff will notify you and your department's representative of the meeting date. You (and/or your representative) and your department's representative are encouraged to attend the Commission meeting. The Commissioners will review your petition and any supporting documentation prior to the meeting. Based on the written submissions and any arguments made at the meeting, the Commission will decide whether to grant or deny your petition.

WHAT HAPPENS AT THE WEEKLY COMMISSION MEETING?

The Civil Service Commission meets each Wednesday at 9:30 a.m. in Room 522 of the Hall of Administration and, simultaneously, via Webex. Your and/or your representative may attend the meeting in-person or virtually via Webex. Instructions on how to access the meeting via Webex are provided on our website, <https://civilservice.lacounty.gov/>.

There are typically 20-25 cases on the Commission agenda each meeting. When Commission staff calls out your name, you (and/or your representative) and the department's representative will identify yourselves. You will then have an opportunity to present your case orally to the Commission and your department will be given a chance to respond. The Commissioners may

ask questions of either side and will then vote on your petition. The Commissioners will either grant or deny your request for a hearing or continue/hold the matter over for further information.

If your request for hearing is denied, you have one opportunity to file an amended petition within 10 (ten) business days. If the Commission denies your amended petition, you have no further recourse through the Commission.

WHAT HAPPENS IF THE COMMISSION GRANTS MY PETITION FOR A HEARING?

If you are granted a hearing, you will receive a list containing the names of three hearing officers and will be given an opportunity to reject one by striking one name from the list. The department representative will also be given the opportunity to do the same. The remaining hearing officer will be assigned to hear your case. Commission staff will schedule the date and time of your hearing and notify you and/or your representative via email.

EMPLOYEE RIGHTS

WHAT ARE MY RIGHTS IF THE COMMISSION GRANTS MY REQUEST FOR A HEARING?

If your hearing is granted, Rule 4.07 gives you the right to:

- Be represented by an attorney or other representative of your choice
- Testify under oath or affirmation
- Subpoena witnesses to testify at the hearing
- Cross-examine witnesses
- Cross-examine employees of the Commission or of the Director of Personnel who have investigated any of the matters involved in the case and whose reports are offered in evidence at the hearing
- Impeach witnesses
- Present relevant affidavits, exhibits, and other evidence
- Argue your case

DO YOU OFFER MEDIATION SERVICES?

The Commission has a mediation program to assist the parties in resolving appeals without the necessity of conducting a hearing. If your petition is granted, you may request mediation. However, mediation is strictly voluntary, i.e., both sides must agree to mediate. Please contact Commission staff to request mediation.

HOW WILL MEDIATION AFFECT MY APPEAL?

If both parties agree to mediate, Commission staff will schedule mediation with a neutral mediator before the first hearing date. If the parties settle at mediation or at any point before the first hearing date, your appeal will be closed. If your case does not settle, the case will proceed to hearing as scheduled.

AM I REQUIRED TO ATTEND MY HEARING?

Your attendance at the hearing is **required** unless the Commission or Hearing Officer consents to your absence upon a showing of good cause.

Any unexcused absence by you at a hearing shall be deemed a withdrawal of your petition and consent to the action or ruling being appealed. (See CSR 4.08(B)).

AM I REQUIRED TO TESTIFY AT MY HEARING?

In hearings on discharges, reductions or suspensions in excess of five days, you are **not required to testify**. In all other types of cases, you may be required to testify. (See CSR 4.11)

WHO HAS THE BURDEN OF PROOF IN A HEARING?

In hearings on discharges, reductions, or suspensions in excess of five days, the burden of proving the allegations against you are on the department. In all other types of hearings, such as claims of discrimination or examination appeals, the burden of proof is on you to prove your claims. (See CSR 4.12)

WHEN WILL THE RESULT OF MY HEARING BE AVAILABLE?

The hearing officer is required to submit a report of their findings of fact, conclusions of law, and recommendations to the Commission within 30 (thirty) calendar days after your hearing is concluded. (See CSR 4.13).

The case then will be placed back on the Commission's meeting agenda for the Commission to either adopt the Hearing Officer's report as its "proposed decision". You and/or your representative and the department will receive notice of the date to appear before the Commission, along with a copy of the Hearing Officer's report.

WHAT IF I DON'T AGREE WITH THE HEARING OFFICER'S REPORT?

After the Commission adopts the Hearing Officer's report as its proposed decision, the parties have a right to file written objections with the Commission challenging any aspects of the Hearing Officer's report. If objections are filed, the case will be placed back on the Commission's meeting agenda. The parties will then have an opportunity to make oral arguments to the Commission on the objections. The Commission will vote on the objections and issue its "final decision." This will constitute the final action of the Commission, and it will no longer have jurisdiction over your case.

IS THERE A DEADLINE FOR FILING OBJECTIONS?

Parties must file objections to the Commission's proposed decision within 10 (ten) business days after service. If no objections are filed within this period, the proposed decision shall constitute as the final decision of the Commission. (See CSR 4.13)

CAN I APPEAL THE COMMISSION'S FINAL DECISION?

You have the right to appeal a final decision of the Commission by filing a writ petition in Superior Court within 90 (ninety) days of the final decision notice. Failure to do so terminates your appeal rights. The Board of Supervisors has no authority to hear appeals of Commission decisions.

EMPLOYEE RIGHTS

WHEN DO I WAIVE MY RIGHT TO BE HEARD BY THE COMMISSION?

If you fail to file a petition within the time limits established by the Civil Service Rules, you may be deemed to have waived your right to be heard by the Commission.

If you file a complaint with the Employee Relations Commission (ERCOM) that is within ERCOM's jurisdiction and you later file the same appeal with the Commission, you may be deemed to have waived your right to have the matter heard by the Commission.

If you need further information, you may contact us at:

**Los Angeles County Civil Service Commission
522 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles CA 90012
Telephone: 213-974-2411
Fax: 213-974-2534
Email: CSC@bos.lacounty.gov**

NOTICE TO ALL PARTIES

Documents filed with the Civil Service Commission are **public records**, except for certain types of documents related to peace officers. When filing documents, do not include your social security number or any other personal information that you do not want made available to the public. You will be contacted by Commission staff if any additional information is needed.

If a matter is continued to a later Commission meeting agenda date, it does not automatically change the due date for the submission of information to be considered by the Commission.

SUGGESTED FORMAT FOR FILING AN APPEAL

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APPENDIX

Suggested Format For Filing An Appeal

Please type or print neatly

All fields are required

Today's Date

Address your appeal to:

*Los Angeles County Civil Service Commission
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 522
Los Angeles, California 90012*

Full Name

Street Address or P.O. Box

City, State, Zip Code

Employee I.D. (if applicable)

Date of Hire (if applicable)

Daytime Telephone Number

Current Email Address

Your Department (if applicable)

What are you appealing?

*If appealing discipline, specify the disciplinary action (discharge, 10-day suspension, reduction).
If appealing an examination score, specify the examination title and the portion of the
examination being appealed (interview score, Appraisal of Promotability score, written score,
performance portion, etc.).*

*If alleging discrimination under Civil Service Rule 25 must identify the specific non-merit
factor(s) on which the alleged discrimination is based. No hearing shall be granted, nor
evidence heard relative to discrimination based on unspecified non-merit factors.*

Body of Appeal

*In plain language and in detail, include sufficient facts to support your appeal, including the
relevant Civil Service Rules, if applicable.*

Print Your Name and Signature

**NOTE: YOU MUST INCLUDE A COPY OF THE NOTICE OF DISCIPLINARY ACTION OR
NOTICE OF EXAMINATION APPEAL DENIAL.**