

### **2021 ANNUAL REPORT**

### **COMMISSIONERS:**

PERCY DURAN III NAOMI NIGHTINGALE HEIDI SEGAL JOHN DONNER DICKRAN TEVRIZIAN

**CRAIG M. HOETGER, EXECUTIVE DIRECTOR** 



#### **OPENING REMARKS**



Craig M. Hoetger Executive Director of the Civil Service Commission

This year the Commission welcomed a new Commissioner, Heidi Segal. In March, the Board of Supervisors appointed Heidi to replace Steve Afriat, who passed away in December 2020. Heidi formerly directed the Youth Justice Program at the Vera Institute of Justice in New York City and practiced criminal law at the Legal Aid Society. She currently provides consulting services to non-profit organizations and holds leadership positions in a number of Jewish and faith-based organizations locally and nationally. Heidi's experience, intelligence, and thoughtfulness have greatly benefited the Commission and we look forward to what we hope is a long tenure with us.

In May, the Commission experienced another transition as I became the Interim Executive Director. I replaced Mahdi Mohammad, who had served as Executive Director since 2019. Mahdi returned to his legal roots, joining the Office of Inspector General. I had previously worked in the Office of County Counsel as a Senior Deputy County Counsel. One of my primary responsibilities in this position was serving as the Legal Advisor to the Commission. This experience allowed for a relatively seamless transition both for myself and for the Commission and its staff.

I want to express my deep gratitude to the Commission staff, who this year continued the difficult work of administering our virtual meeting and hearing process due to the ongoing COVID-19 pandemic. Although virtual Commission meetings began in 2020, it was not until this year that we started conducting all of our administrative hearings remotely. The process of scheduling, overseeing, and troubleshooting hundreds of hearings is an enormous ongoing task, made all the more challenging because we also had to reschedule all of the hearings that had to be taken off calendar last year due to the pandemic.

Lastly, I want to thank all of the Commission stakeholders, including petitioners, County departments, party representatives, and our hearing officers for your professionalism, patience, and consideration as we continue to do our best to serve you during these unprecedented circumstances.

Craig M. Hoetger 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, 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 2021 were:

Percy Duran III
Naomi Nightingale
Heidi Segal
John Donner
Dickran Tevrizian

First District
Second District
Third District
Fourth District
Fifth District



In the first half of 2021, the Commission's day-to-day operations were overseen by the Mahdi A. Mohamed, Executive Director, who managed a staff of eight (8) full-time employees and two (2) Student Workers. Craig M. Hoetger became the Interim Executive Director on May 5, 2021. Staff for the Commission are part of

the Executive Office of the Board of Supervisors:

Steve Cheng
Lupe Castellanos
Custodian of Records

Karen Magsino-Natividad
Deputy Compliance Officer
Luz Delgado
Head Commission Specialist
Harry Chang
Head Commission Specialist

Svetlana Vardanyan Intermediate Commission Specialist

Student Worker

Meagan Alday Commission Specialist Yancely Welch Commission Specialist

Erebooni Khodabakshian Student Worker

Vacant Student Worker

Vacant

#### **II. APPEALS PROCESS**

The appeals process commences with the filing of a petition for hearing. In 2021, the Commission received 248 petitions for hearing (167 disciplinary and 81 discretionary). The disciplinary matters include 72 discharges, 89 suspensions, and 6 reductions. The Commission granted hearings in 179 cases filed in Calendar Year 2021.

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 2021, 184 matters were closed. These matters were closed as follows:

- Denied
  - o 50 matters requesting hearings were denied by the Commission
- Dismissed
  - o 13 cases were dismissed without hearing
- Withdrawals/Settlements
  - o 2 matters were deemed withdrawn because the Petitioner did not appear at the hearing.
  - o 49 matters were withdrawn or settled.
- Completion of Evidentiary Hearing
  - o 69 disciplinary matters were closed after completion of the evidentiary hearing process.
    - The Departments' actions were upheld in 39 cases (57%).
    - The Departments' discipline was modified in 28 cases (41%).
    - The Departments' discipline was not sustained in 2 cases (2%).
- The Commission granted 1 discretionary awarding the petitioner the additional points in an exam.

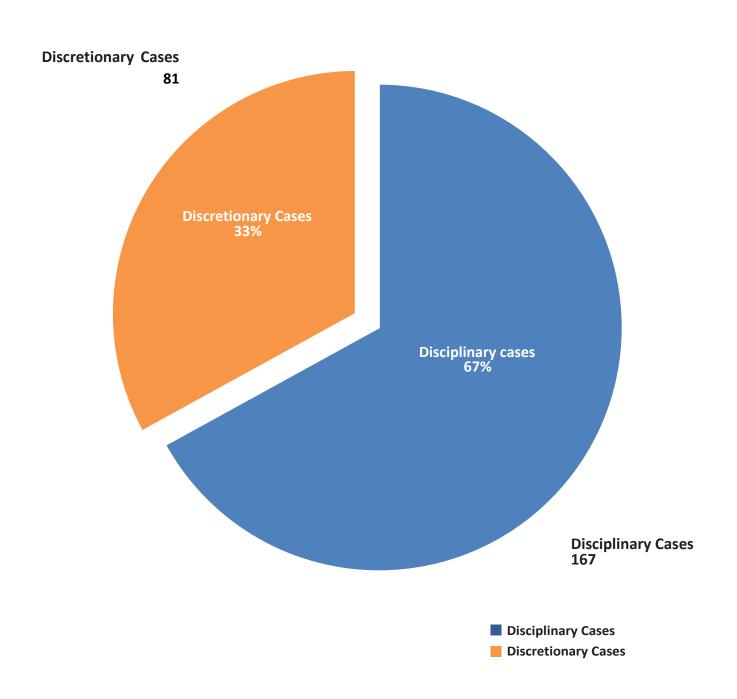
The following pages contain statistical and graphical breakdowns of the petitions that were filed, and the decisions rendered post-hearing by the Commission.

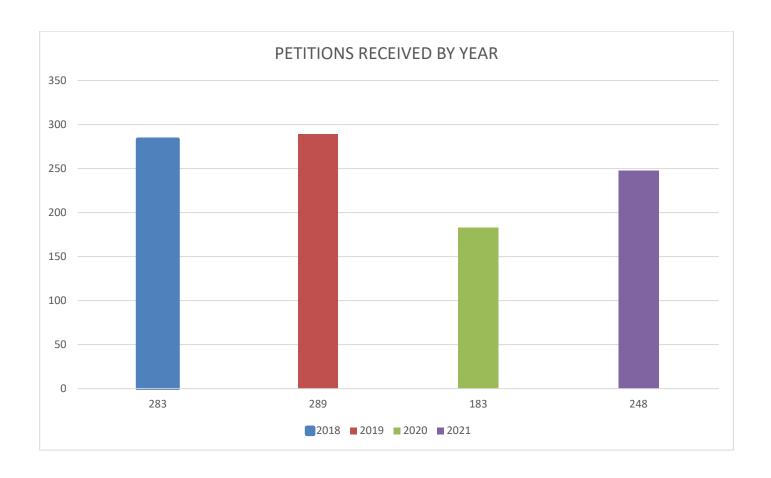
### **2021 PETITIONS FOR HEARING**

DEPARTMENT	DISCIPLINARY	DISCRETIONARY	TOTAL
Agricultural Commissioner/Weights & Measures	1	0	1
Animal Care and Control	2	0	2
Assessor	1	0	1
Beaches & Harbors	2	0	2
Children and Family Services	13	2	15
District Attorney	0	11	11
Fire	10	5	15
Health Services	26	5	31
Human Resources	1	27	28
Internal Services	5	0	5
LACERA	1	0	1
Mental Health	3	1	4
Parks and Recreation	4	0	4
Probation	28	3	31
Public Defender	3	15	18
Public Health	2	2	4
Public Social Services	6	3	9
Public Works	2	4	6
Registrar-Recorder/County Clerk	1	0	1
Sheriff	53	2	55
Workforce Development, Aging and Community Services	1	1	2
Contract Cities	2	0	2
GRAND TOTALS	167	81	248



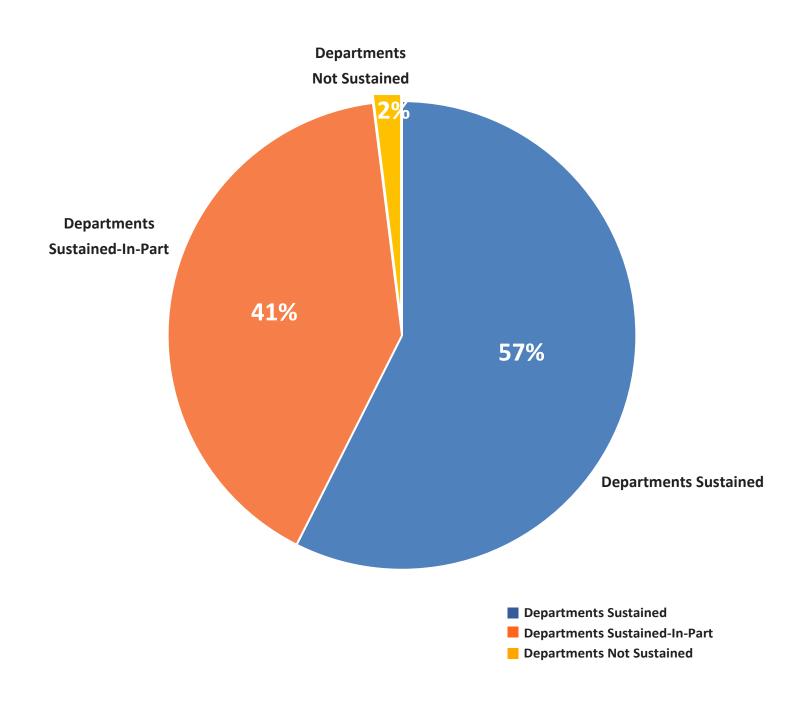
### CIVIL SERVICE COMMISSION 2021 CASE DATA







### CIVIL SERVICE COMMISSION 2021 POST-HEARING DISCIPLINARY OUTCOMES



### **POST-HEARING DECISIONS 2021**

DEPARTMENT	SUSTAINED	NOT SUSTAINED	SUSTAINED IN PART
Children and Family Services	3	1	0
District Attorney	2	0	0
Fire	1	0	2
Internal Services	0	0	1
Probation	8	1	13
Public Health	0	0	1
Public Social Services	2	0	0
Registrar-Recorder/County Clerk	1	0	2
Sheriff	21	0	9
Treasurer and Tax Collector	1	0	0
TOTAL	39	2	28

### III. DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION

- 1. Case No. 16-241, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Sergeant for failing to safeguard case files and County-issued equipment; failing to properly perform duties and responsibilities and conforming to work standards as a detective; and failing to follow proper procedures to void citations and submit them. The Commission adopted findings and recommendation of the hearing officer who found that some of the allegations were barred by the statute of limitations and a five-day suspension was appropriate for the allegations that were proven.
- 2. Case No. 19-75, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Sheriff for failing to confirm to work standards as a Patrol Deputy; displayed unwillingness or inability to perform and assigned task in a competent manner; failing to take appropriate action during a crime; failing to direct/coordinate efforts in the investigation of identity theft and narcotic activity; documenting false information; and providing false and misleading statements. The Commission adopted the findings and recommendation of the hearing officer who found that although the allegations are true, in light of mitigating factors and the policy of progressive discipline, the appropriate level of discipline is a 30-day suspension. Commissioners Segal was absent.
- 3. Case No. 17-118, Peace Officer (Dept. sustained in part) The department suspended the employee for 30 days from the position of Probation director for Criminal or unbecoming conduct related to the employee's duties or interest of the Department; conviction of crimes or unbecoming conduct including crimes against persons or property; inappropriate on/off duty conduct; misuse of county identification; using official position or office for personal gain or advantage; failing to follow established rules or regulation; failing to exercise sound judgment; failing to cooperate in an administrative investigation; and providing false information in the course of an administrative investigation. The Commission adopted the findings and recommendation of the hearing officer who found that not all of the allegations were not proven. A 30-day suspension was an abuse of the department's discretion, and a 20-day suspension was the appropriate discipline, in light of mitigating factors and the policy of progressive discipline.
- 4. Case No. 18-260, Charles Taylor (Dept. sustained in part) The department suspended the employee for 30 days from the position of Supervising Clerk for delay in or lack of following instructions from a supervisor, higher-ranking agency personnel or management; failure to follow established rules and regulations; insubordination or refusal to follow instructions of a supervisor or higher ranking personnel, including behavior demonstrating disregard or disrespect of supervisor; discourtesy with fellow employees; failure to carry out supervisor duties and responsibilities adequately and promptly. The Commission adopted the findings and recommendation of the hearing officer who found that not all of the allegations were substantiated, and the discipline lacks evidentiary justification. The discipline of a 15-day suspension is appropriate. Commissioner Tevrizian was absent.

- 5. Case No. 17-157, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Sheriff for identifying themself as a L.A. County Sheriff's investigator and fabricating a non-existent criminal investigation resulting in unnecessary interjection into a Redondo Beach Police Department investigation; making an official inquiry of an intelligence system to seek information under false pretense of performing an investigation; and using department computer to access confidential law enforcement databases to acquire information for unofficial purposes. The Commission adopted the findings but rejected recommendation of the hearing officer who sustained the department. A suspension of 30 days is the appropriate discipline. Commissioner Donner dissented.
- **6.** Case No. 17-158, Stacey Belcher-Holwager (Dept. sustained in part) The department discharged the employee from the position of Custody Assistant for immoral off-duty incident; failing to maintain a level of moral conduct; and engaging in behavior which was criminal in nature. The Commission adopted the findings but rejected recommendation of the hearing officer who sustained the department. The discipline imposed by the Department is not proportionate to the offense and a 30 day suspension is appropriate. Commissioner Donner and Tevrizian dissented.
- 7. Case No. 17-21, Peace Officer (Dept. sustained in part) The department suspended the employee for 15 days from the position of Deputy Sheriff for failing to use de-escalation techniques when physically engaged resulting in loss of control of the incident; and failing to use sound-tactical principals in a physical confrontation without properly coordinating/planning with assisting personnel. The Commission adopted the findings but rejected recommendation of the hearing officer who found that not all of the allegations were proven and reduced the discipline to 5 days. The appropriate discipline for the misconduct is a 10-day suspension.
- 8. Case No. 19-35, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Probation Officer II for discourtesy to the public, clients, or patients; failure to follow restraint procedures and policies; misuse of force; failure to perform job duties resulting in injuries; failure to exercise sound judgment, implied threat or threatening behavior; fighting with, striking or use of physical force; failure to follow established rules, regulations, policies, and procedures; providing false information in the course of an administrative investigation; falsifying or concealing reports or documents; withholding information from superiors, public clients of the County; unbecoming conduct while performing duties; and carelessness or inattention to duties resulting in improper service being rendered. The Commission adopted the findings and recommendation of the hearing officer who found the department proving all of the allegations and there were clearly mitigating factors a 22-day suspension is within the department's disciplinary guidelines.

- 9. Case No. 18-141, Peace Officer (Dept. sustained in part) The department discharged the employee from his position of Detention Services Officer for failure to exercise sound judgement; failure to follow rules or regulations; failure to cooperate in an administrative investigation; misuse of force; discourtesy to clients; falsifying, concealing, removing or destroying reports or documents; providing false information in an administrative investigation; dishonest conduct; conduct unbecoming a peace officer; and misappropriating or unauthorized taking of County property. The Commission adopted the findings and recommendation of the hearing officer to reduce the discharge to a 30-day suspension. The Department did not meet its burden in showing the discipline of discharge is appropriate because of mitigating circumstances. Commissioners Donner and Segal dissented.
- 10. Case No. 18-144, Peace Officer (Dept. sustained in part) The department discharged the employee from their position of Senior Detention Services Officer for misuse of force; abusive institutional practices; discourtesy to clients; falsifying an official business record; providing false information during an administrative investigation; dishonest conduct; conduct unbecoming; failure to follow policies; failure to complete required reports; failure to exercise sound judgement; and failure to follow rules or regulations. The Commission adopted the findings and recommendation of the hearing officer who found the department did not meet its burden of proving all of the allegations and the discharge is not appropriate. Instead, the employee should be suspended for 30 days. Commissioners Segal and Nightingale dissented.
- 11. Case No. 18-146, Akilah Peters (Dept. not sustained) The department discharged the employee from their position of Children's Social Worker II for discourtesy to the public, clients, or patients; providing false information during an administrative investigation; falsifying or concealing reports or documents; withholding information from superiors, which could or does result in loss, injury or damage to individuals or the County; carelessness or inattention to duties resulting in improper service being rendered to clients, patients, public or impairment of a County function; and failure to exercise good judgment. The Commission adopted the findings and recommendation of the hearing officer who found the allegations are not substantiated and discharge is not appropriate.
- 12. Case No. 18-270, Peace Officer (Dept. sustained in part) The department suspended the employee for 15 calendar days from the position of Group Supervisor Nights for failure to perform job duties which result in escapes or attempted escapes; failure to follow established rules or regulations; carelessness or inattention to duties resulting in improper services being rendered to clients; carrying on personal business during working hours; failing to perform a full day's work; asleep or inattentive while on duty in normal work period; and failure to exercise sound judgment which results in loss of property. The Commission adopted the findings and recommendation of the hearing officer who found the department did not meet its burden of proving all the allegations, coupled with mitigating factors, the 15-day suspension is reduced to a 5 day. Commissioners Duran and Nightingale dissented.

- 13. Case No. 18-180, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Detention Services Officer for conduct unbecoming a peace officer; engaging in criminal activity; dishonesty; failure to follow established rules and regulations; providing false information during an administrative investigation; and failure to exercise sound judgment. The Commission adopted the findings and recommendation of the hearing officer found that not all the allegations were proven, and a 30-day conforms with the department's guidelines.
- 14. Case No. 18-197, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Detention Services Officer for work performance fails to meet job expectations; violation of departmental or externally recognized code of ethics; failure to follow established rules or regulations; failure to exercise sound judgment; and providing false information during an administrative investigation. The Commission adopted the findings of the hearing officer but rejected the recommendation of reducing the discharge to a 15-day suspension. The department did not meet its burden of proving all the allegations and the appropriate level of discipline is a 30-day suspension.
- 15. Case No. 18-205, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Detention Services Officer for carelessness or inattention to duties; failing to perform a full day's work; providing false information during an administrative investigation; failure to cooperate in an administrative investigation; falsifying reports or documents; failure to follow established rules or regulations; and failure to exercise sound judgement. The Commission adopted the findings and recommendation of the hearing officer who found that the department failed to meet its burden of proving all of the allegations and the discharge should be reduced to a 30-day suspension.
- 16. Case No. 18-219, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Probation Officer II for inappropriate on/off duty conduct; association with prohibited individuals; failure to report relationship or association with prohibited individuals; violation of code of ethics; failure to report required information; failure to follow established rules or regulations; and failure to exercise sound judgement. The Commission adopted the findings of the hearing officer but rejected the recommendation sustaining the department. The department did not meet its burden of proving all of the allegations and a 30-day suspension for the misconduct is appropriate. Commissioner Segal dissented and Commissioner Tevrizian was absent.
- 17. Case No. 19-137, Robert Chism (Dept. sustained in part) The department discharged the employee from the position of Senior Information Technology Technical Support Analyst for unlawful harassment; third-person harassment; inappropriate conduct toward others; and prohibited uses. The Commission adopted the findings of the hearing officer but rejected the recommendation to sustain the discharge. The department did not meet its burden of proving all of the allegations and a 25-day suspension is the appropriate discipline. Commissioner Nightingale dissented.

- **18.** Case No. 18-166, Peace Officer (Dept. sustained in part) The department suspended the employee from their position of Deputy Sheriff for 10 days for reckless driving; general behavior; conduct towards others; and obedience to laws, regulations, and orders. The Commission adopted the findings and recommendation of the hearing officer who found the not all of the allegations were proven. Therefore the 10-day suspension is reduced to a 2-day suspension held in abeyance pending completion of training courses. Commissioner Duran was absent.
- 19. Case No. 18-26, James Orr (Dept. sustained in part) The department suspended the employee for fifteen eight-hour days from the position of Ocean Lifeguard Specialist for failing to exercise good judgment or take proper action; filing to adhere to department procedures; and falsifying or submitting false report, records or documents including timecards, mileage or expense claims. The Commission adopted the findings of the hearing officer but rejected the recommendation of reducing the suspension to a written reprimand finding that not all of the allegations are true. Instead, a 10-day suspension is appropriate.
- 20. Case No. 18-263, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Probation Officer for dishonesty; domestic violence; violating the code of ethics; failing to follow established rules or regulations; failing to cooperate in an administrative investigation; providing false information during an administrative investigation; and failing to exercise sound judgment. The Commission adopted the findings and recommendation of the hearing officer who found that the department did not establish by a preponderance of evidence all allegations were violated. Absent the evidence, the discipline is reduced to a 15-day suspension.
- 21. Case No. 17-265, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Sheriff for violating policies and procedures as it pertains to petty theft and making false statements to investigators during an administrative interview. The Commission adopted the findings but rejected recommendation of the hearing officer sustaining the department. The Department did not meet its burden of proving that Appellant's discharge was appropriate. The appropriate level of discipline is a 15-day suspension.
- 22. Case No. 17-146, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Sheriff for failing to treat members of the public in a respectful, courteous, and civil manner; using coarse, profane, insulting language toward members of the public; exhibiting behavior that was unprofessional; and failing to make complete or truthful statements pertaining to actions while on training. The Commission adopted the findings and recommendation of the hearing officer who found that not all of the allegations were not proven. A significant suspension of 30 days was more appropriate. Commissioner Nightingale dissented. Commissioner Segal was absent.

- 23. Case No. 18-264, Stephan Sanchez (Dept. sustained in part) The department suspended the employee for 9 eight-hour days from the position of Ocean Lifeguard Specialist for inappropriate conduct towards others based on protected characteristics; engaging in harassment of an individual's protected characteristic under the County Policy of Equity; and failing to exercise good judgment or to take proper action. The Commission adopted the findings and recommendation of the hearing officer who found that although the allegations were proven true, mitigating factors renders the 9-day suspension inappropriate and is reduced to a 5-day suspension.
- 24. Case No. 19-52, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Deputy Probation Officer II for falsifying or concealing reports or documents; providing false information during an administrative investigation; failure to follow established rules, regulations, policies, and procedures; withholding information from superiors; failure to exercise sound judgement; failure to notify supervisor regarding absence; carelessness or inattention to duties resulting in improper service being rendered; and unauthorized or unscheduled absences. The Commission adopted the findings of the hearing officer but rejected the recommendation who found the discharge is excessively harsh based on the department's guidelines and should be reduced to a 15-day suspension. Instead, the Commission found that a 30-day suspension is appropriate. Commissioner Donner dissented.
- 25. Case No. 18-6, Peace Officer (Dept. sustained in part) The department suspended the employee for 30 days from the position of Deputy Sheriff for violating force prevention principles, performance standards, performance associated with the use of force; electronic immobilization device procedures; safeguarding persons in custody; and operation of vehicles. The Commission adopted the findings and recommendation of the hearing officer who found that although the allegations were proven true a 20-day suspension is the appropriate level of discipline.
- 26. Case No. 19-269, Adam Woods (Dept. sustained in part) The department discharged the employee from the position of Electronics Communications Technician Supervisor for discrimination; unlawful harassment; inappropriate conduct toward others; ethics/standards of conduct; and conduct unbecoming a position of authority. The Commission adopted the findings and recommendation of the hearing officer who found the decision to discharge the employee was not supported by a preponderance of the evidence and a 5-day suspension is appropriate.
- 27. Case No. 19-3, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Probation Director for failure to file incident reports; failing to refer Safe Crisis Management incident for review; failure to follow established rules and regulations; and failure to exercise sound judgment. The Commission adopted the findings and recommendation of the hearing officer who found the department did not meet its burden in proving all of the allegations and a 10-day suspension is withing the department's disciplinary guidelines. Commissioner Nightingale was absent.

- 28. Case No. 18-226, Peace Officer (Dept. sustained in part) The department discharged the employee from the position of Detention Services Officer for failing to perform job duties resulting in escapes or attempted escapes; delaying in or not following instructions from a supervisor; insubordination or refusal to follow instructions of a supervisor; carelessness or inattention to duties; failure to follow established rules or regulations; failure to cooperate in an administrative investigation; providing false information during an administrative investigation; falsifying reports or documents; failing to perform a full day's work; and failure to exercise sound judgment. The Commission adopted the findings and recommendation of the hearing officer who found that the serious allegations were not substantiated, and discharge was excessive. A 30-day suspension is appropriate and reasonable progressive discipline and well within the department guidelines.
- 29. Case No. 18-137 Petitioner B, Peace Officer (Dept. not sustained) The department suspended the employee for 20 days from the position of Detention Services Officer for carelessness or inattention to duties resulting in improper service; failure to perform job duties; failure to complete required incident reports; failure to cooperate in an administrative investigation; failure to exercise sound judgment; and failure to follow established rules or regulations. The Commission adopted the findings and recommendation of the hearing officer who found none of the allegations were proven by a preponderance of the evidence and discipline is not appropriate.
- **30.** Case No. 18-73, Ana Henderson (Dept. sustained in part) The department reduced the employee from the position of Head, Election and Document Processing Services to Senior Clerk for inappropriate conduct towards others; retaliation; disrespectful conduct/insubordination; inappropriate conduct in violation of County Policy; and performance to standards or expectations. The Commission adopted the findings of the hearing officer but rejected the recommendation of a two-level reduction. The department did not meet its burden of proving all the allegations true and a one level reduction is the appropriate discipline.