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## EMPLOYEE APPEAL RIGHTS

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### 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 the phone number listed on page 8.

### 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. 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 Civil Service 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 contracts or internal departmental procedures.

#### **WHAT INFORMATION IS REQUIRED WHEN I REQUEST A COMMISSION HEARING?**

In cases of discharge, suspension in excess of 5 days, or permanent reduction, you may ask for a hearing by sending the Commission a petition for hearing within 15 business days after service of the notice of the action. In the case of examination appeals, you may petition for a hearing within 10 business days after a ruling or order of the Director of Personnel. In all other matters, you have 10 business days from the date of the ruling or action complained of to file an appeal.

Your petition for hearing should:

- be submitted in writing,
- be signed by you and/or your representative,
- include the signer's name,
- include a mailing address, and
- include a daytime telephone number

Furthermore, your petition should specify, in plain language, the ruling or action you are appealing and provide sufficient facts upon which your case is based (including the specific Civil Service Rule violation, if applicable) to assist the Commission in determining whether to grant you a hearing.

The Commission may defer action on your petition if you have alleged discrimination and if your charges are already being investigated by the County's Affirmative Action Compliance Office, the U.S. Equal Employment Opportunity Commission (EEOC), the State Department of Fair Employment and Housing, or another agency.

[Back To Top](#)

The Commission will defer their decision on the granting of your petition, in accordance with Civil Service Rules, if it has been appealed to the Director of Personnel, pending the outcome of that review process.

### **HOW DOES THE COMMISSION DECIDE WHETHER TO CONSIDER GRANTING ME A HEARING?**

When the Commission receives your letter/petition for hearing, the staff examines your document. If it falls within the rules and you have provided sufficient specific facts to support the appeal, then a case number will be assigned and you will receive a notice informing you of the date that your case will be on the Commission's weekly meeting agenda. You and/or your representative are entitled to be present at the meeting. Your department's personnel office will also be notified of the appeal, and is entitled to attend the Commission meeting.

### **WHAT HAPPENS AT THE WEEKLY COMMISSION MEETING?**

The Civil Service Commission meets each Wednesday promptly at 10:00 A.M. in Room 522 of the Hall of Administration. There are typically 20-25 cases on the agenda. As Commission staff calls out each petitioner's name, each side (typically you or your representative and the department representative) stand up at the podiums and present their respective sides of the issues. The Commissioners may ask questions of either side and then will vote on whether or not to grant you a hearing. The Commissioners may grant your request for a hearing, deny you a hearing or hold your matter over for further information.

If your request for hearing is denied, you have one opportunity to file an amended request within ten days. If the amended request is denied, you have no further administrative recourse.

### **WHAT HAPPENS IF THE COMMISSION GRANTS ME 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 of the three individuals by striking their name from the list. The departmental representative will also be given the opportunity to reject one of the three hearing officers. The remaining hearing officer will be assigned to hear your case. The Commission staff will also schedule the date and time of your hearing and notify you, your representative, and the department in writing.

### **AM I REQUIRED TO ATTEND MY HEARING?**

You are required to attend your hearing even if you are represented, except:

- Where the Commission has determined, pursuant to Rule 4.03, that a decision on your petition will be made after a review of written materials submitted by all parties concerned; or
- Where the Commission or hearing board has consented to your absence upon a showing of good cause.

Any unexcused absence by you at such a hearing shall be deemed a withdrawal of your petition and consent to the action or ruling being appealed.

### **AM I REQUIRED TO TESTIFY?**

In hearings on discharges, reductions or suspensions in excess of five days, you are not required to testify.

[Back To Top](#)

## **WHO HAS THE BURDEN OF PROOF IN A HEARING?**

In hearings on discharges, reductions or suspensions in excess of five days, the burden of proof shall be on the appointing power (the department). In all other types of hearings the burden of proof is on you (for example, claims of discrimination or examination appeals).

## **WHEN WILL THE RESULTS OF MY HEARING BE AVAILABLE?**

Within 30 calendar days from the conclusion of the hearing, the Hearing Officer must submit a report and recommendations to the Commission. The case is then scheduled for the Commission's regular Wednesday agenda. You and the department are notified of the date to appear, and the hearing officer's report is made available to both parties.

After reading the Hearing Officer's report and recommendations, the Commission reaches a proposed decision on the case. After all parties have had the opportunity to file objections, the Commission issues a final decision and order.

## **CAN I APPEAL THE COMMISSION'S FINAL DECISION?**

Any party has the right to appeal a final decision by the Commission to Superior Court within 90 days. Failure to file for court review ends the matter. The Board of Supervisors has no authority to hear appeals of Commission decisions.

## **EMPLOYEE RIGHTS**

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

When a hearing is granted, you are entitled to:

- Be represented by counsel or a representative;
- Have all witnesses testify under oath or affirmation;
- Subpoena witnesses;
- Cross-examine witnesses;
- Cross-examine all 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 before the Commission or hearing board;
- Present such affidavits, exhibits, and other evidence as the Commission or hearing board deems pertinent to the inquiry;
- Argue the case.

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

If you file a matter before the Employee Relations Commission (ERCOM) and that matter is in the jurisdiction of ERCOM, and you subsequently file substantially the same matter before the Civil Service Commission, you will have been deemed to have waived the right to have the matter heard by the Civil Service Commission.

[Back To Top](#)

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

**If you need further information, you may contact the:**

**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**

**APPENDIX**  
**Suggested Format For Filing An Appeal**  
**Please type or print very neatly**

**Date**

**Address your appeal to:**

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

**Full Name**

**Street Address or P.O. Box**

**City, State, Zip Code**

**Daytime Telephone Number**

**Department for which you work**

*Not needed if you are not an employee of L.A. County*

**What are you appealing?**

*Specify disciplinary action: discharge, 10-day suspension, reduction, etc. If appealing examination, specify the portion of the examination being appealed: interview score, Appraisal of Promotability score, written score, performance portion, etc. Include your position or the examination title.*

**Body of Appeal**

*In plain language and detail, include sufficient facts and reasons upon which your appeal is based.*

**Discrimination Appeals**

*Any person who appeals alleging discrimination must name the specific non-merit factor(s) on which discrimination is alleged to be based. (See Civil Service Rule 25). No hearing shall be granted nor evidence heard relative to discrimination based on unspecified non-merit factors.*

**Sign your appeal**

**NOTE:** TO EXPEDITE YOUR APPEAL, INCLUDE A COPY OF THE NOTICE OF ACTION OR NOTICE OF DENIAL OR RULING THAT YOU ARE APPEALING. ALSO, TO HELP US SERVE YOU BETTER, PLEASE PROVIDE YOUR E-MAIL ADDRESS.

[Back To Top](#)