

COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION



2019 ANNUAL REPORT

COMMISSIONERS:

PERCY DURAN III
NAOMI NIGHTINGALE
STEVEN AFRIAT
JOHN DONNER
DICKRAN TEVRIZIAN

MAHDI A. MOHAMED, EXECUTIVE DIRECTOR



COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

OPENING REMARKS



*Mahdi A. Mohamed
Executive Director of the
Civil Service Commission*

On June 17, 2019, I became the Executive Director of the Civil Service Commission. I have had the privilege to oversee a talented group of staff who work tirelessly to support the appointed Commissioners and stakeholders in this very important process. Through those first six months, I've acquired an in-depth understanding of the day to day processes of the Commission and the opportunities for enhancement that exist. With the goals to foster greater operational efficiency and to facilitate the timely progression of hearings, we have begun working on a few initiatives.

The first of these initiatives is the development of a voluntary pre-hearing mediation program. The goal of this program is to reduce the number of cases going to a full evidentiary hearing, by fostering early settlements, thereby freeing up resources to adjudicate cases that cannot be settled. I look forward to working with all interested stakeholders to develop a successful program.

Additionally, in order to continuously improve and remain up to date on required training, we will be increasing the frequency of training offered to hearing officers and Commission staff on numerous topics. We continue to update the training which will be available on our website as an on-going resource. We have also started onboarding new hearing officers and are actively working to recruit more in the future to increase the amount available for selection by parties.

Lastly, as a result of the passage of SB 1421 (which requires certain peace officer personnel records and records relating to specified incidents, complaints, and investigations be made available for public inspection) we have received a significant increase in the amount of Public Records Act requests for Sheriff's Department cases. To comply with the strict deadlines required by law, we have reallocated staff to help compile and redact the records as necessary.

I am excited to be a part of the Civil Service Commission and look forward to working with the Commissioners and other stakeholders to help make it an even better forum for all the parties that appear before us, while fulfilling our Charter mandated obligations in a transparent, unbiased, efficient, and equitable manner.

Mahdi A. Mohamed
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. Commissioner Z. Greg Kahwajian served his last meeting on July 10, 2019. The Commissioners in 2019 were:

Percy Duran III	First District
Naomi Nightingale	Second District
Steven Afriat	Third District
John Donner	Fourth District
Dickran Tevrizian	Fifth District



In 2019, the Commission’s day-to-day operations were overseen by the Mahdi A. Mohamed, Executive Director, who managed a staff of six (6) full-time employees and three (3) Student Workers. Staff for the Commission are part of the Executive Office of the Board of Supervisors:

Steve Cheng	Deputy Executive Director
Lupe Castellanos	Custodian of Records
Vacant	Deputy Compliance Officer
Luz Delgado	Head Commission Specialist
Harry Chang	Head Commission Specialist
Svetlana Vardanyan	Intermediate Commission Specialist
Meagan Alday	Commission Specialist
Vacant	Commission Specialist
Yancely Welch	Student Professional Worker I
Bang Luong	Student Worker
Erebooni Khodabakhshian	Student Worker



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II. APPEALS PROCESS

The appeals process commences with the filing of a petition for hearing. In 2019, the Commission received 289 petitions for hearing (192 disciplinary and 97 discretionary). The disciplinary matters include 75 discharges, 110 suspensions, and 7 reductions. The Commission granted hearings in 195 cases filed in Calendar Year 2019.

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.



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During 2019, 301 matters were closed. These matters were closed as follows:

- Appeals
 - 1 appeal was granted by the Commission based upon the written pleadings.
 - 1 discretionary appeal was granted by the Commission after the evidentiary hearing process.
 - 6 appeals were consolidated by the Commission due to substantially similar allegations.
- Denied
 - 70 matters requesting hearings were denied by the Commission
- Dismissed
 - 8 cases were dismissed without hearing
- Withdrawals/Settlements
 - 17 matters were deemed withdrawn because the Petitioner did not appear at the hearing.
 - 110 matters were withdrawn or settled.
- Completion of Evidentiary Hearing
 - 88 disciplinary matters were closed after completion of the evidentiary hearing process.
 - The Departments' actions were upheld in 66 cases (75%).
 - The Departments' discipline was modified in 15 cases (17%).
 - The Departments' discipline was not sustained in 7 cases (8%).

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



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2019 PETITIONS FOR HEARING

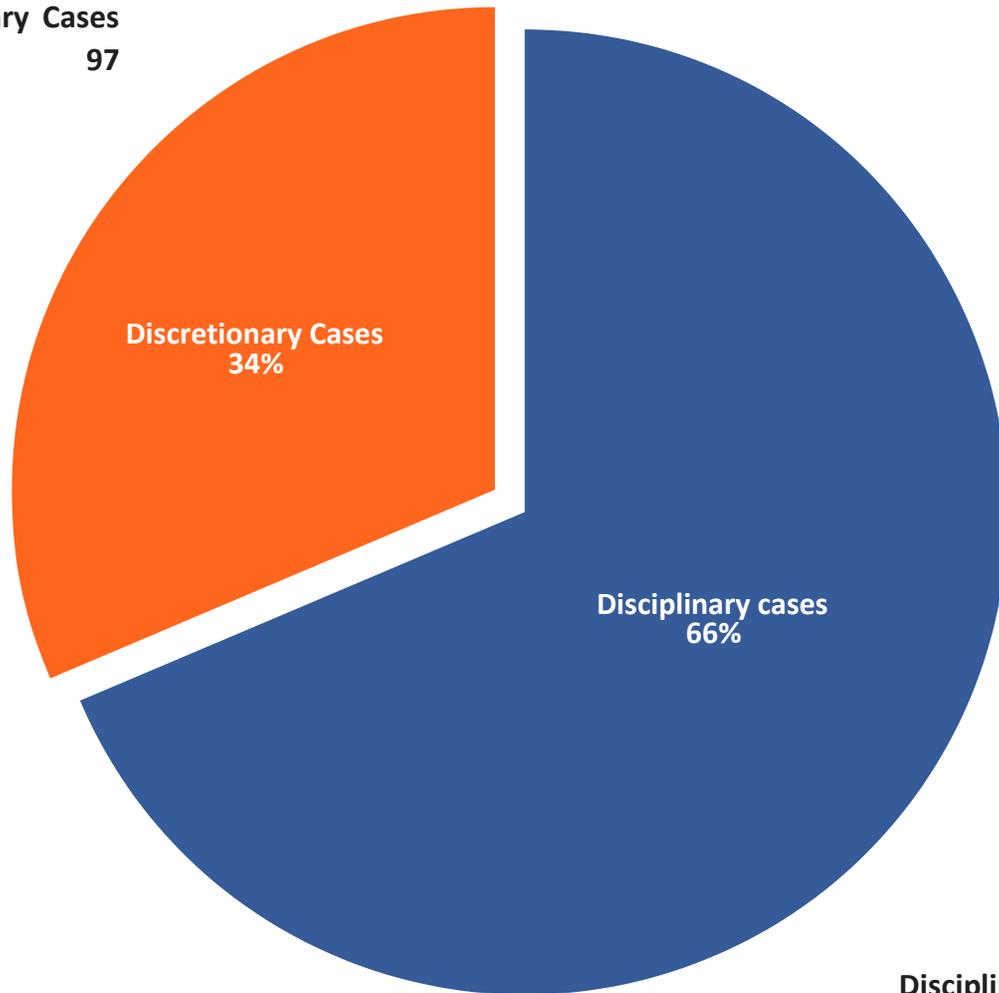
DEPARTMENT	DISCIPLINARY	DISCRETIONARY	TOTAL
Animal Care and Control	1	0	1
Assessor	1	0	1
Auditor-Controller	0	2	2
Board of Supervisors	0	1	1
Child Support Services	4	1	5
Children and Family Services	12	7	19
Coroner	1	1	2
District Attorney	2	2	4
Fire	7	5	12
Health Services	12	11	23
Human Resources	0	35	35
Internal Services	3	1	4
Mental Health	4	1	5
Parks and Recreation	5	2	7
Probation	76	8	84
Public Defender	2	0	2
Public Health	6	1	7
Public Library	1	0	1
Public Social Services	15	9	24
Public Works	1	1	2
Regional Planning	1	0	1
Registrar-Recorder/County Clerk	1	0	1
Sheriff	33	9	42
Treasurer and Tax Collector	2	0	2
Workforce Development, Aging and Community Services	1	0	1
Contract City	1	0	1
GRAND TOTALS	192	97	289



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CIVIL SERVICE COMMISSION 2019 CASE DATA

Discretionary Cases
97

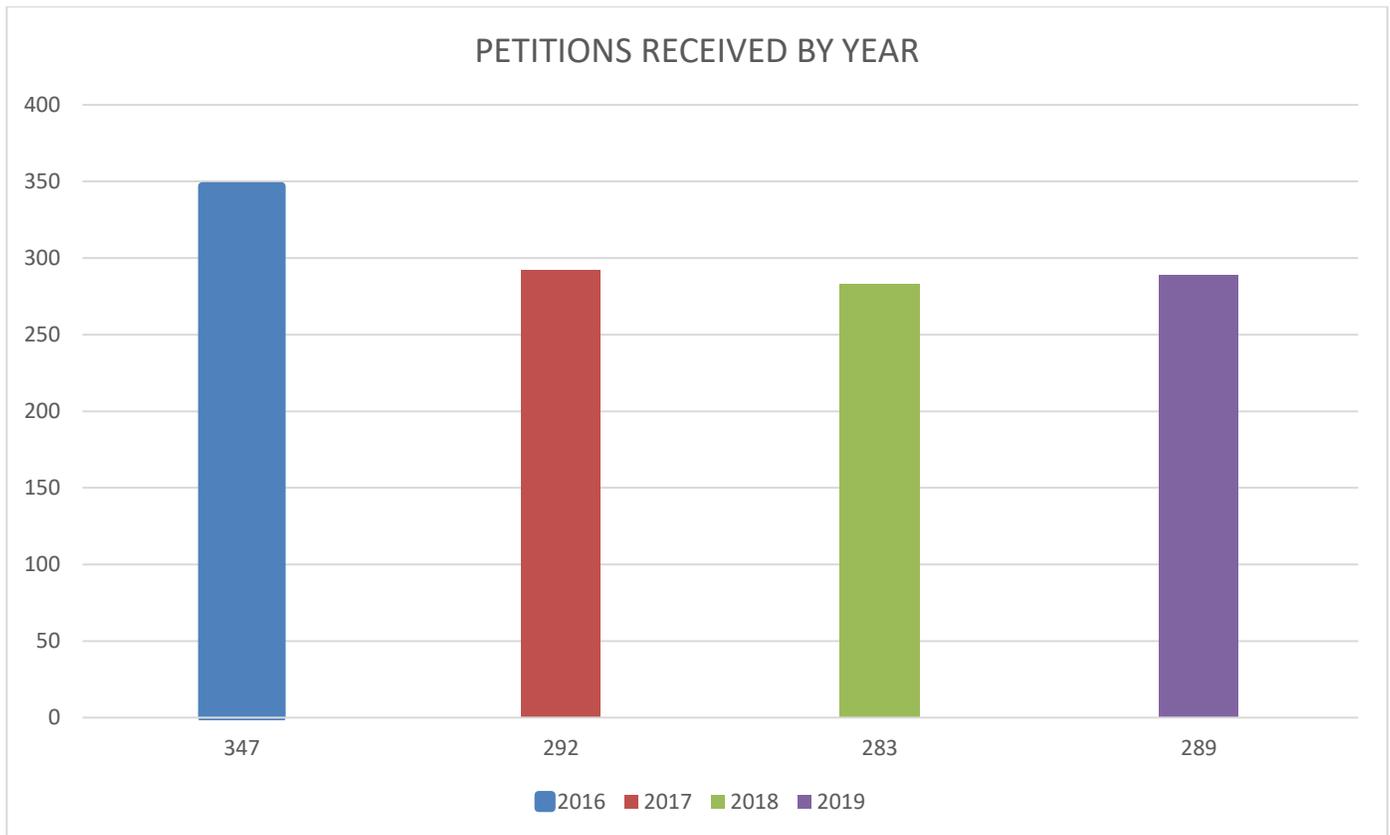


Disciplinary Cases
192

- Disciplinary Cases
- Discretionary Cases



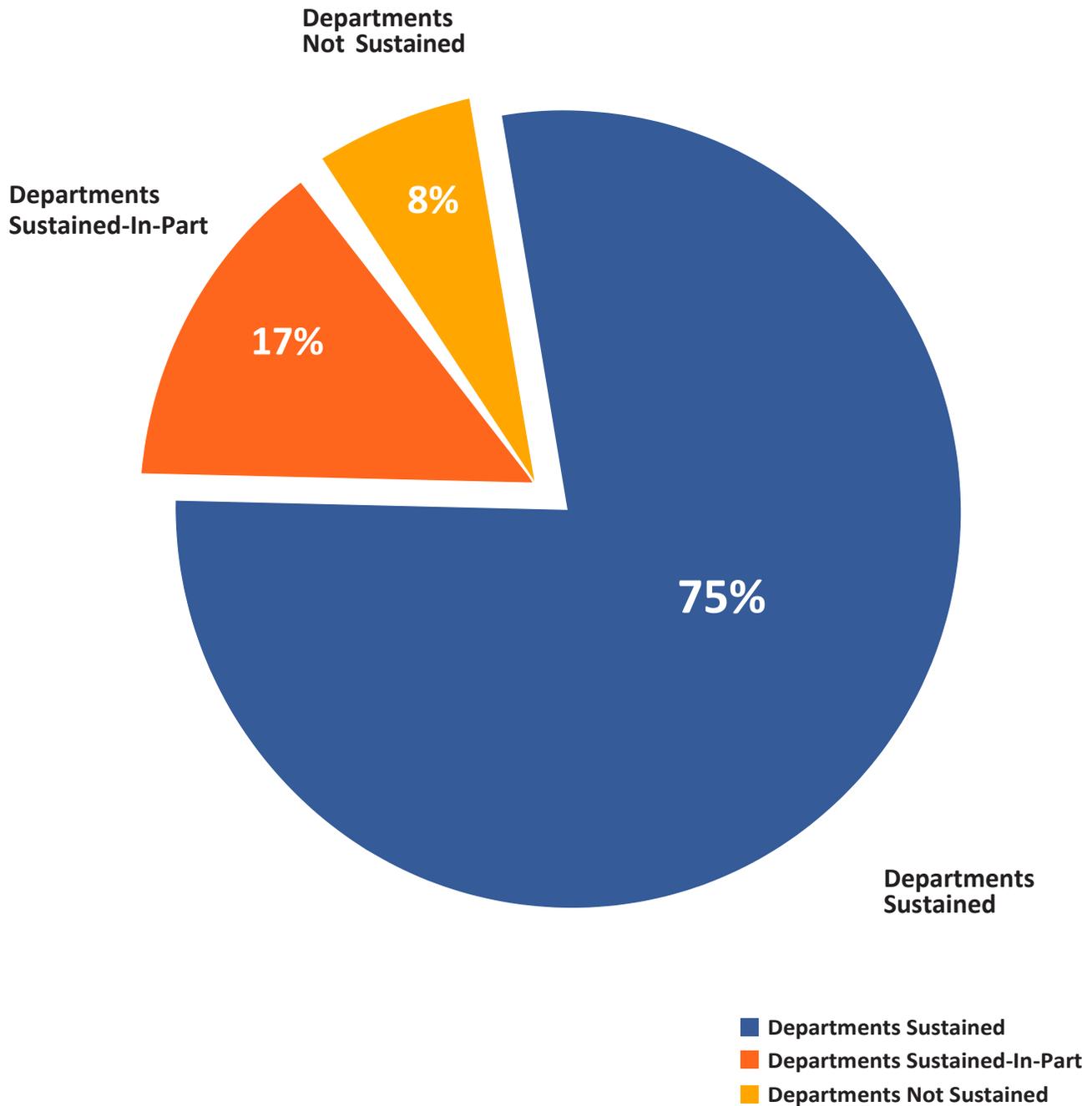
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CIVIL SERVICE COMMISSION 2019 POST-HEARING OUTCOMES





COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

POST-HEARING DECISIONS 2019

DEPARTMENT	SUSTAINED	NOT SUSTAINED	SUSTAINED IN PART
Animal Care and Control	0	0	1
Child Support Services	0	0	1
Children and Family Services	6	0	0
Fire	0	1	0
Health Services	6	0	0
Internal Services	1	0	0
LACERA	1	0	0
Mental Health	2	0	1
Parks and Recreation	1	0	0
Probation	12	2	4
Public Health	2	0	0
Public Social Services	9	1	2
Public Works	1	0	0
Sheriff	24	3	6
Treasurer and Tax Collector	1	0	0
TOTAL	66	7	15



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III. DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION

1. Case No. 16-238, Jonathan Bowers (Dept. not sustained) – The Department suspended the employee for 9 days from the position of Fire Captain for failing to abide by and conform to the department rules, regulations policies and procedures, perform all assigned duties and responsibilities, exercising good judgment, and treating all persons in a respectful and courteous manner while on duty. The Commission adopted the findings and recommendation of the hearing officer who found that the Department failed to prove any of the allegations and rescinded the suspension. Commissioner Duran was absent.
2. Case No. 17-45, Peace Officer (Dept. not sustained) – The Department suspended the employee for 10 days from the position of Deputy Sheriff for failing to report and document a witnessed use of force. The Commission adopted the findings and recommendation of the hearing officer who found that there was a violation of the statute of limitations and therefore no discipline is imposed.
3. Case No. 17-125, Peace Officer (Dept. not sustained) – The Department suspended the employee for 30 days from her position of Deputy Probation Officer I for cheating on an examination, improper use of confidential information, failure to exercise sound judgement, and failure to follow established rules or regulations. The Commission adopted the findings and recommendation of the hearing officer to rescind the discipline, based on the Department’s failure to prove that the appellant committed any of the allegations. Commissioner Afriat was absent.
4. Case No. 17-168, Guadalupe Hernandez (Dept. not sustained) – The Department suspended the employee for 15 days from her position of Eligibility Worker II with the Department of Public Social Services for inappropriate and discourteous conduct towards a departmental participant and fellow coworker, and failure to follow established rules and regulations. The Commission adopted the findings and recommendation of the hearing officer who found that the Department did not meet its burden of proof. Commissioner Duran was absent.
5. Case No. 17-239, Minna Shen (Dept. not sustained) – The Department discharged the employee from her position of Automated Fingerprint Identification System Technician II for her general behavior, conduct toward others, and dishonest/false statements. The Commission adopted the findings and recommendation of the hearing officer who found that the department did not prove all of the allegations and reduced the discharge to a 30-day suspension.



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6. Case No. 15-314, Peace Officer (Dept. not sustained) – The Department suspended the employee for 30 days from her position of Sergeant for failing to direct and/or ensure personnel completed their report detailing all force used and failed to report the force to superiors, and failing to take appropriate action involving a recalcitrant inmate. The Commission adopted the findings and recommendation of the hearing officer not to impose any discipline. Commissioner Tevrizian Abstained. Mahdi Mohamed, Executive Director, was recused.
7. Case No. 17-196, Peace Officer (Dept. not sustained) – The Department suspended the employee for 10 days from her position of Investigator Aid, Probation for engaging in an adverse employment action against another, discourtesy with fellow employees, failure to follow rules and regulations and exercise sound judgment. The Commission adopted the findings and recommendation of the hearing officer not to impose any discipline. The Department failed to prove the allegations by a preponderance of the evidence.
8. Case No. 16-163, Jesus Plaza (Dept. sustained in part) – The Department discharged the employee from his position of Animal Control Officer I for failing to follow established policies, lack of judgment and carelessness of duties resulting in improper service being rendered. The Commission adopted the findings of the hearing officer but rejected his recommendation to sustain the Department in full. The Commission concluded that the Department did not meet its burden of proving discharge was appropriate. The Commission considered mitigating factors stated in the hearing officer's report and imposed a suspension of thirty (30) days. Commissioner Kahwajian dissented. Commissioner Afriat was absent.
9. Case No. 16-258, Estela Wigal (Dept. sustained in part) – The Department suspended the employee from his position of Eligibility Worker I for 30 days for her inappropriate conduct of a sexual harassment nature and failure to follow established rules and regulations. The Commission adopted the findings of the hearing officer but rejected the recommendation to rescind the discipline. Based on the allegations founded by the hearing officer, the Commission found a 20 day suspension was appropriate.
10. Case No. 17-34, Peace Officer (Dept. sustained in part) – The Department discharged him from his position of Deputy Sheriff for providing false statements to a lieutenant about qualifying on his shooting card. The Commission adopted the findings and recommendation of the hearing officer who found discharge was not appropriate and reduced the discharge to a 30 day suspension. Commissioners Donner and Kahwajian dissented.



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- 11.** Case No. 17-151, Peace Officer (Dept. sustained in part) – The Department suspended the employee for 15 days from his position of Sergeant for failing to direct available deputy personnel in the application of force against a person in custody in one incident, and failing to attempt de-escalation and proper evaluation of a situation with a person in custody on a separate incident. The Commission adopted the findings of the hearing officer but rejected the recommendation that suspension was improper and imposed a 5 day suspension. Commissioner Nightingale dissented.
- 12.** Case No. 17-175, Peace Officer (Dept. sustained in part) – The Department discharged the employee from her position of Detention Services Officer for failing to report a relationship or association with prohibited individuals, carelessness or inattention to duties, carrying on personal business during working hours, falsifying documents and information, and failing to cooperate in an administrative investigation. The Commission adopted the findings of the hearing officer but rejected the recommendation. The Commission found that discharge was not appropriate and imposed a 30 day suspension. Commissioners Nightingale and Donner dissented.
- 13.** Case No. 17-249, Peace Officer (Dept. not sustained) – The Department suspended the employee for 15 days from the position of Deputy Sheriff for violating use of force reporting procedures. The Commission adopted the findings and recommendation of the hearing officer that the discipline was not appropriate and reduced the suspension to 5 days.
- 14.** Case No. 14-170, Peace Officer (Dept. sustained in part) – The Department suspended the employee from his position of Deputy Sheriff for 15 days for failing to employ sound tactical principles. As commanded, by the Superior Court, the Department did not prove all the allegations. The Commission reduced the discipline to a 10 day suspension. Commissioner Kahwajian was absent.
- 15.** Case No. 15-205, Peace Officer (Dept. sustained in part) – The Department discharged the employee from his position of Deputy Sheriff for engaging in a vehicle pursuit and one man foot pursuit contrary to Department policy, failing to communicate his actions to the station watch commander, and providing false information in a report. The Commission adopted the findings of the hearing officer but rejected the recommendation. The Commission found that the Department did not meet its burden of proof in establishing the appellant intentionally falsified the report. The Department's decision not to allow the petitioner an opportunity to view and file a supplemental report are considered mitigating factors in reaching this conclusion. However, the petitioner's violation of policies cited in conclusions of law two (2) and three (3) are very serious and warrant significant discipline short of discharge. The Commission found that the appropriate level of discipline is a 30 day suspension.



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- 16.** Case No. 15-267, Chaqueta Gent (Dept. sustained in part) – The Department discharged the employee from her position of Eligibility Worker II for discourteous behavior towards a participant, frequent absences, and failure to follow established rules and regulations. The Commission adopted the findings of the hearing officer who found not all of the allegations were proven. The Commission rejected the hearing officer’s recommendation and imposed a 30 day suspension and reduction to Intermediate Clerk. Commissioner Nightingale dissented.
- 17.** Case No. 16-74, Peace Officer (Dept. sustained in part) – The Department discharged the employee from his position of Deputy Sheriff for failing to report a use of force to his immediate supervisor as a witness and failing to make full, complete, and truthful statements. The Commission adopted the findings and recommendation of the hearing officer who found that not all of the allegations were proven and reduced the discipline to a 30 day suspension. Commissioner Nightingale was absent.
- 18.** Case No. 18-1, Peace Officer (Dept. sustained in part) – The Department suspended the employee from his position of Detention Services Officer for 10 days for horseplay, misuse of force, failure to follow restraint procedures and Safe Crisis Management Policies, abusive institutional practices, unprofessional conduct, business recording and documentation, and failure to exercise sound judgement. The Commission adopted the findings of the hearing officer who found only one charge to be true. The Commission rejected the recommendation and imposed a 5 day suspension.
- 19.** Case No. 18-18, Peace Officer (Dept. sustained in part) – The Department discharged the employee from his position of Group Supervisor, Nights for unauthorized absence, falsifying an official business record, dishonesty, violating code of ethics, inappropriate conduct, and failure to exercise sound judgment. The Commission adopted the findings of the hearing officer but rejected the recommendation and imposed a 30 day suspension. Commissioners Donner and Tevrizian dissented.
- 20.** Case No. 17-236, Satoko Luce (Dept. sustained in part) – The Department suspended the employee from her position of Mental Health Clinical Supervisor for 10 days for inappropriate conduct towards others on the basis of disability and unprofessional behavior. The Commission adopted the findings of the hearing officer who found only one of the charges to be proven. The Commission rejected the recommendation and imposed a 7 day suspension. Commissioner Tevrizian dissented.
- 21.** Case No. 17-254, Peace Officer (Dept. sustained in part) – The Department discharged the employee from his position of Detention Services Officer for inappropriate on/off-duty conduct, failure to cooperate in an administrative investigation, criminal or unbecoming conduct related to the employee's duties or interest of the Department or County, and failure to exercise sound judgement. The Commission adopted the findings of the hearing officer but rejected the recommendation and imposed a 30 day suspension. Commissioner Tevrizian dissented. Commissioner Duran was absent.



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- 22.** Case No. 13-237, Peace Officer (Dept. sustained in part) – The Department discharged the employee from his position of Administrative Assistant III for violating policies of nepotism, employee conduct, conflict of interest, and employee accountability. After complying with the order from the Superior Court, the Commission adopted the findings of the hearing officer but rejected the recommendation and imposed a 30 day suspension. Commissioner Donner was absent.
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