

COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION



2017 ANNUAL REPORT

COMMISSIONERS:

DENNIS F. HERNANDEZ
NAOMI NIGHTINGALE
STEVEN AFRIAT
JOHN DONNER
Z. GREG KAHWAJIAN

LAWRENCE D. CROCKER, 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 2017 were:

Dennis F. Hernandez	First District
Naomi Nightingale	Second District
Steven Afriat	Third District
John Donner	Fourth District
Z. Greg Kahwajian	Fifth District

In 2017, the Commission’s day-to-day operations were overseen by the Executive Director, Lawrence D. Crocker, who managed a staff of six (6) full-time employees and one (1) Student Worker:

Steve Cheng	Deputy Executive Director
Lupe Castellanos	Custodian of Records
Luz Delgado	Head Commission Specialist
Harry Chang	Head Commission Specialist
Svetlana Vardanyan	Intermediate Commission Specialist
Meagan Alday	Commission Specialist
Vacant	Commission Specialist
Cameron Binion	Student Worker



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II. APPEALS PROCESS

The appeals process commences with the filing of a petition for hearing. In 2017, the Commission received 292 petitions for hearing (204 disciplinary and 88 discretionary). The disciplinary matters include 91 discharges, 111 suspensions, and 2 reductions. The Commission granted hearings in 194 cases filed in Calendar Year 2017. By comparison, in 2016, the Commission received 347 Petitions for Hearing (241 disciplinary and 106 discretionary). The 2016 disciplinary matters included 103 discharges, 127 suspensions, and 11 reductions. The Commission granted hearings in 219 cases filed in Calendar Year 2016.

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 2017, 298 matters were closed. The Commission granted 2 appeal based upon the written pleading and 13 matters were deemed withdrawn because the Petitioner did not appear at the hearing. The Commission denied the requests for hearings in 66 matters, consolidated 6 appeals and dismissed 6 cases without hearing. 118 matters were withdrawn or settled. The Commission closed 87 matters after completion of the evidentiary hearing process. Of the 87 cases where a hearing was granted, the Departments' actions were upheld in 61 cases (70%). The Departments' discipline was modified in 18 cases (21%), and not sustained in 8 matters (9%).

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

2017 PETITIONS FOR HEARING

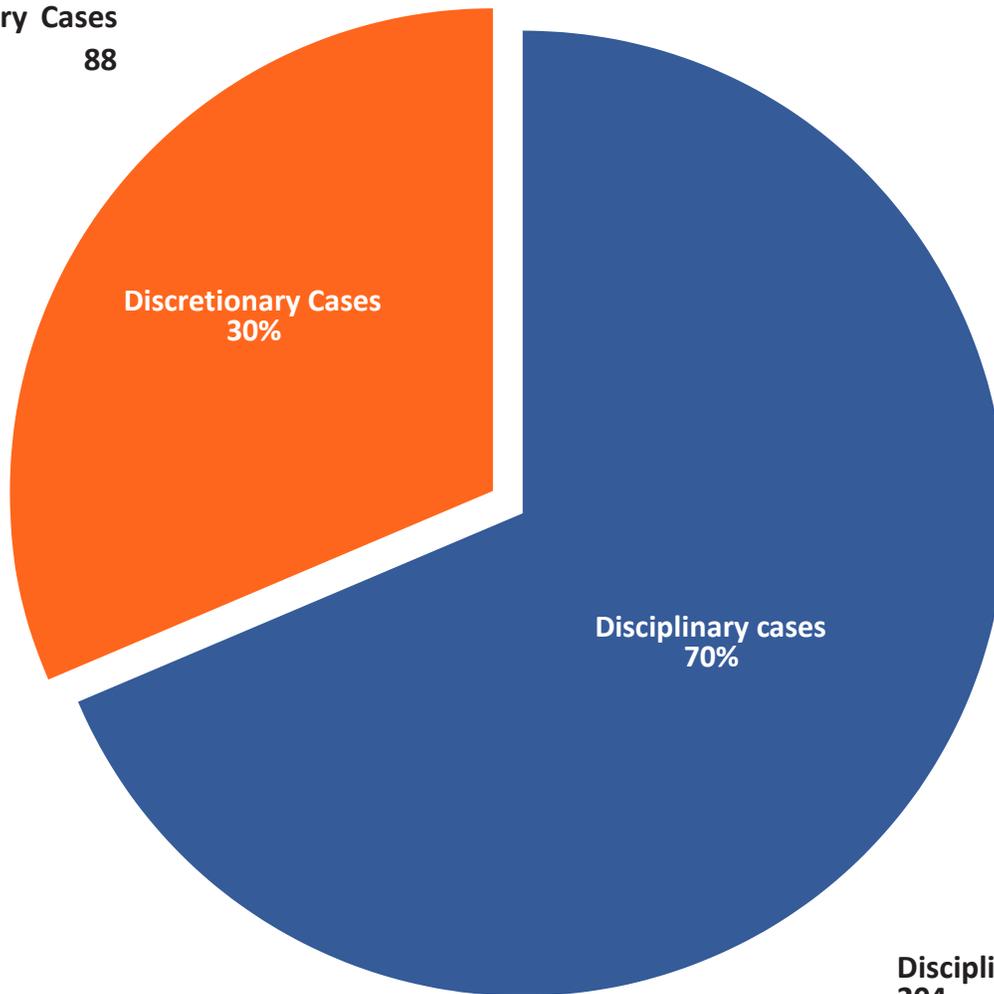
DEPARTMENT	DISCIPLINARY	DISCRETIONARY	TOTAL
Agricultural Commission	1	0	1
Animal Control	1	0	1
Assessor	4	0	4
Auditor-Controller	0	1	1
Child Support Services	2	0	2
Children and Family Services	9	3	12
Coroner	2	0	2
District Attorney	1	0	1
Fire	4	2	6
Health Services	16	1	17
Human Resources	1	74	75
Internal Services	2	0	2
Mental Health	5	0	5
Museum of Art	1	0	1
Parks and Recreation	2	0	2
Probation	52	1	53
Public Health	3	0	3
Public Library	0	1	1
Public Social Services	29	3	32
Public Works	1	1	2
Registrar-Recorder / County Clerk	6	1	7
Sheriff	60	0	60
Treasurer and Tax Collector	1	0	1
Contract City	1	0	1
GRAND TOTALS	204	88	292



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CIVIL SERVICE COMMISSION 2017 CASE DATA

Discretionary Cases
88



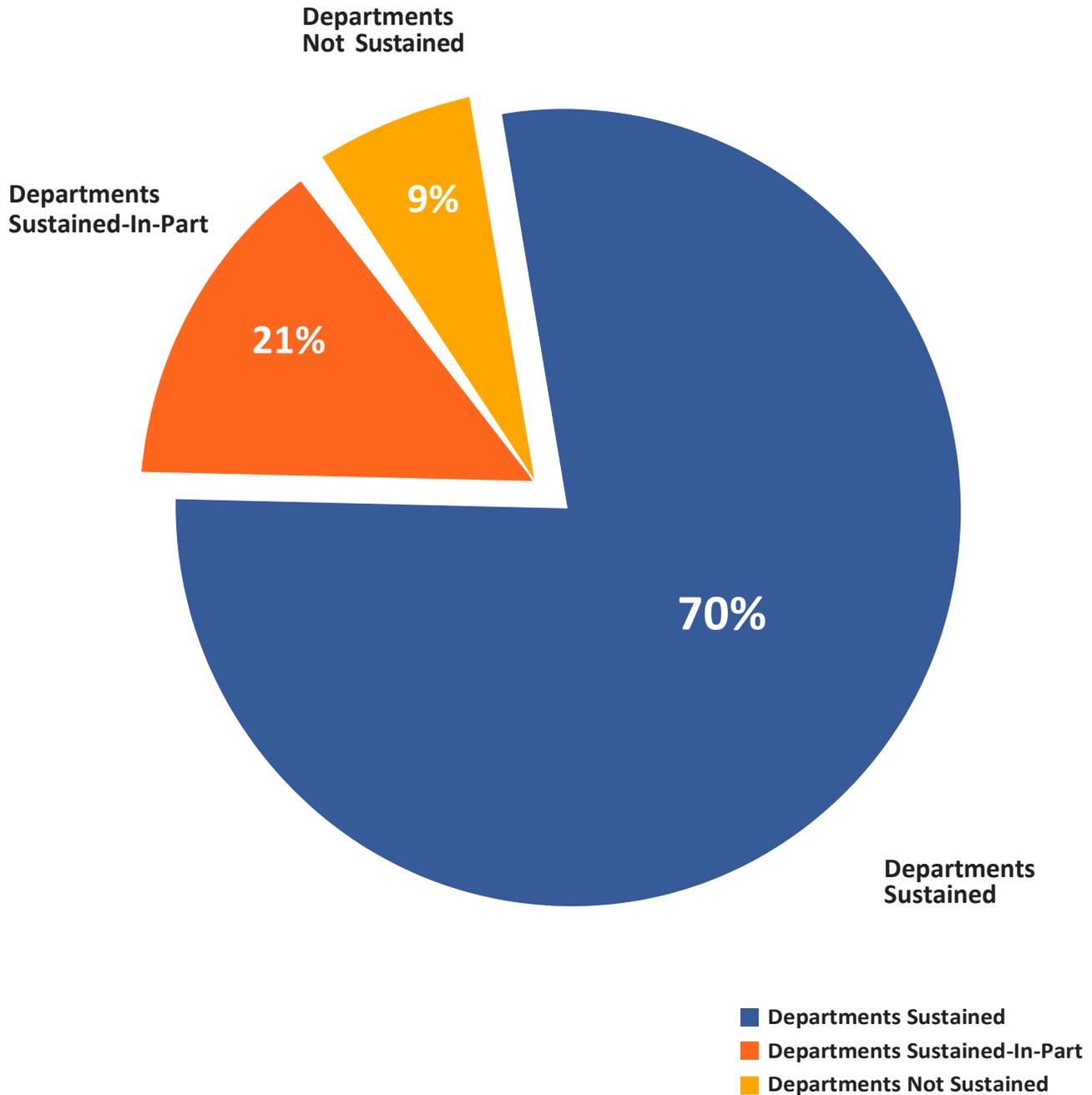
Disciplinary Cases
204

- Disciplinary Cases
- Discretionary Cases



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CIVIL SERVICE COMMISSION 2017 POST-HEARING OUTCOMES





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POST-HEARING DECISIONS 2017

DEPARTMENT	SUSTAINED	NOT SUSTAINED	SUSTAINED IN PART
Agricultural Weights	1	0	0
Animal Control	1	0	0
Child Support Services	2	0	0
Children & Family Services	3	1	1
Workforce Development, Aging and Community Services	1	0	0
District Attorney	1	0	0
Fire	1	0	1
Health Services	1	0	2
Internal Services	2	1	1
Parks & Recreation	1	0	0
Probation	14	1	3
Public Social Services	4	1	2
Sheriff	27	4	8
Treasurer and Tax Collector	2	0	0
TOTAL	61	8	18



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III. DISCIPLINE OVERTURNED OR MODIFIED BY THE COMMISSION

1. Case No. 15-321, Juan Trigueros (Dept. not sustained) – the Department suspended the employee for 15 days from his position of Wastewater Treatment Plant Operator for claiming excess overtime. The Commission adopted the findings and recommendations of its Hearing Officer, who found that the Department failed to prove the underlying allegations.
2. Case No. 15-336, Anna Medina-Rosenberg (Dept. not sustained) – the Department suspended the employee for 15 days from her position of Eligibility Worker II for failure to comply with attendance policies. The Commission adopted the findings and recommendation of its Hearing Officer, who found that the Department did not prove the allegations, and management failed to comply with its own policies.
3. Case No. 16-10, Peace Officer (Dept. not sustained) – the Department discharged the employee from his position of Deputy Sheriff for giving false testimony during a criminal proceeding while under oath. The Commission adopted the findings and recommendation of its Hearing Officer, who found that the Department did not prove the allegations.
4. Case No. 16-52, Maher Ibrahim (Dept. not sustained) – the Department suspended the employee for 20 days from his position of GAIN Services Worker for inappropriate conduct toward a member of the public based on sex. The Commission adopted the findings and recommendation of its Hearing Officer, who found that the Department did not prove the allegations.
5. Consolidated Cases Nos. 13-090, 13-118, and 13-127 Peace Officer (Dept. not sustained) – the Department discharged the employees from their positions of Deputy Sheriff as ordered by the superior court.
6. Case No. 08-139P, Peace Officer (Dept. not sustained) – the Department discharged the employee from the position of Deputy Sheriff for use of prohibited substances and making false statements in an administrative investigation. The Commission adopted the findings and recommendation of its Hearing Officer, who found that the Department did not prove the allegations.
7. Case No. 16-281, Rick Sorensen (Dept. sustained in part) – the Department suspended the employee from the position of Stationary Engineer II for inappropriate conduct based on sex. The Commission adopted the findings and recommendation of the hearing officer, who found that the Department did not prove some of the allegations, and imposed a 20 day suspension.



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8. Case No. 16-186, Peace Officer (Dept. sustained in part) – the Department suspended the employee from the position of Transportation Deputy for 15 days for refusal to transport a minor and refusal to follow instructions from a supervisor. The Commission adopted the findings of its Hearing Officer, who found the allegations to be true. However, the Commission rejected the recommendation, finding that the Department’s actions mitigated the employee’s misconduct, and imposed a 10 day suspension.
9. Case No. 14-397, Iran Escorcia (Dept. sustained in part) – the Department discharged the employee from his position of nurse practitioner for falsification of patients’ medical records insubordination, discourtesy, rendering improper treatment, and mishandling of PHI. The Commission accepted the findings of its Hearing Officer, who found that while the employee mishandled PHI, the Department’s instructions relating to the other charges were unclear. Further, he found that the Department failed to prove discourtesy, all of which served to mitigate the discipline. The Commission rejected the recommendation of the Hearing Officer to impose no discipline, and imposed a 10 day suspension based solely on the mishandling of PHI.
10. Case No. 14-237, Sandra Meza (Dept. sustained in part) – the Department suspended the employee for 30 days from her position of Children’s Social Worker III for lack of sound judgment and failure to ensure that a home study was completed. The Commission adopted the findings of its Hearing Officer, who found that the Department only proved one of the allegations in the notice of suspension. The Commission rejected the recommendation of its Hearing Officer, finding that the gravity of the misconduct warranted a 20 day suspension. **Commissioner Hernandez dissented.**
11. Case No. 14-249, Margaret Rucker (Dept. sustained in part) – the Department discharged the employee from her position of Electrician for mishandling and misappropriating Department equipment, and failure to report outside employment. The Commission adopted the findings and recommendation of its Hearing Officer, who found that the Department only proved that the employee failed to appropriately report her minimal outside employment and imposed a 30 day suspension based on that allegation and in light of the employee’s disciplinary history.
12. Case No. 15-171, Tony Kwok (Dept. sustained in part) – the Department suspended the employee for 15 days from his position of Human Services Administrator III for failure to take action to stop harassment of a subordinate and retaliating against that subordinate for filing a CPOE complaint. The Commission adopted the findings of its Hearing Officer. However, the Commission rejected the recommendation of its Hearing Officer to impose a written reprimand. The Commission imposed an 8 day suspension for the employee’s failure to carry out his supervisory duties.



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13. Case No. 15-307, Peace Officer (Dept. sustained in part) – the Department suspended the employee for 10 days from the position of Deputy Sheriff for failing to conform to work standards during pursuit of a suspect. The Commission adopted the findings of its Hearing Officer but rejected his recommendation. The Commission found that the employee’s actions constituted a violation of the Department’s pursuit policy and imposed a 4 day suspension.
14. Case No. 15-358, Peace Officer (Dept. sustained in part) – the Department discharged the employee from his position of Deputy Sheriff for failing to timely submit reports and falsely telling supervisors that reports were completed. The Commission adopted the findings of its Hearing Officer, who found that the employee failed to timely submit reports but did not make false statements to his supervisor. The Commission rejected the recommendation of its Hearing Officer to impose a 3 day suspension based on the harm caused by the employee’s misconduct, and instead imposed a 15 day suspension. **Commissioner Hernandez dissented.**
15. Case No. 15-359, Teblet Lemma (Dept. sustained in part) – the Department suspended the employee for 10 days from her position of Social Worker for falsification of timesheets and mileage claim forms and failure to perform a full day’s work. The Commission adopted the findings of its Hearing Officer, who found that the Department proved some of the allegations, but that mitigating circumstances exist. The Commission rejected the recommendation of its Hearing Officer to not sustain the Department, and imposed a written reprimand based on the proven allegations. **Commissioner Hernandez dissented.**
16. Case No. 16-29, Peace Officer (Dept. sustained in part) – the Department suspended the employee from his position of Deputy Sheriff for 15 days for failure to timely report use of force. The Commission adopted the findings of its Hearing Officer, who found that while the employee reported force later than was safely possible, he still reported the force within an amount of time which permitted investigation and filing a timely written report. The Commission rejected the recommendation of its Hearing Officer to impose a written reprimand, and instead imposed a 5 day suspension based on the seriousness of the proven misconduct.
17. 13-579, Chantell White (Dept. sustained in part) – the Department discharged the employee from her position of Custody Assistant for accessing Department databases without authorization and for providing confidential information to an individual under criminal investigation without authorization. The Commission adopted the findings of its Hearing Officer, who found that the employee did illegally furnish information to a personal friend, but also found that the friend was not the subject of a criminal investigation. However, the Commission rejected the recommendation of its hearing officer to impose a 15 day suspension and instead imposed a 20 day suspension. **Commissioner Kahwajian dissented, indicating that he would have supported a 30 day suspension.**



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18. 13-468, Peace Officer (Dept. sustained in part) – the Department suspended the employee for 30 days from her position of Deputy Probation Officer II for refusing a minor entry into the front office and making false statements during an administrative investigation. After reading the record, the Commission found that the allegations were true, but that the discipline was not appropriate. The Commission imposed a 20 day suspension.
19. 12-300, Maricella Guillermo (Dept. sustained in part) – the Department discharged the employee from her position of Pharmacy Services Chief II for inappropriate disclosure of confidential information. The Commission adopted the findings of its Hearing Officer that the allegations were true. However, the Commission rejected the Hearing Officer’s recommendation to reinstate the employee without back pay and instead imposed a 30 day suspension.
20. 13-256, Peace Officer (Dept. sustained in part) – the Department discharged the employee from his position of Deputy Probation Officer for allowing minors to wrestle in violation of policy. The Commission adopted the findings and recommendation of its Hearing Officer, who found that while the allegations were true, several mitigating factors existed. Accordingly, the Commission imposed a 30 day suspension. **Commissioners Donner and Kahwajian dissented.**
21. 15-299, Peace Officer (Dept. not sustained) – the Department discharged the employee from his position of Deputy Sheriff for failing to accurately record a crime report and making false statements. The Commission adopted the findings and recommendation of its Hearing Officer, who found that the allegations were not true. **Commissioner Donner was absent.**
22. 16-219, Peace Officer (Dept. sustained in part) – the Department suspended the employee for 15 days from his position of Deputy Sheriff for failing to treat an Alternate Public Defender in a respectful, courteous, and civil manner. The Commission adopted the findings and recommendation of its Hearing Officer, who found that a number of allegations were not supported by the evidence, the discipline was excessive imposing a 10 day suspension. **Commissioners Hernandez and Nightingale were absent.**
23. 16-98, Susana Waters (Dept. sustained in part) – the Department discharged the employee from her position of Custody Assistant for failing to take proper care and appropriate action of County property when she was involved in a traffic accident while driving a County vehicle, failing to be responsible for the County vehicle, and providing false or misleading statements regarding the traffic collision. The Commission adopted the findings and recommendation of its Hearing Officer, who found that not all the policies were violated, and the discipline reduced to a 30 day suspension. **Commissioner Nightingale dissented and Commissioner Donner was absent.**



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- 24.** 13-531, Peace Officer (Dept sustained in part) the Department discharged the employee from her position of Deputy Sheriff for failing to act honorably and with integrity, while off duty used profane language towards the other party during traffic collision, and named as a suspect after allegedly striking the other party. The Commission adopted the findings and recommendation of its Hearing Officer, who found that the Department did not prove all the allegations were true and imposed a 30 day suspension.
- 25.** 13-209, Peace Officer (Dept. sustained in part) the Department suspended the employee for 15 days from his position of Deputy Sheriff for being involved in an unauthorized foot pursuit of a suspect, failing to initiate radio broadcast, allowing a civilian to ride in the patrol vehicle without proper authorization and authoring an inaccurate crime report. The Commission adopted the finding of its Hearing Officer, who found that the Department did not prove all the allegations were true. However, the Commission rejected the Hearing Officer's recommendation to reduce the suspension to 5 days and instead imposed a 10 day suspension.