

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND
SHEILA KUEHL**

August 7, 2018

Revisiting Civil Service Hearing Reform

The Los Angeles County (County) Civil Service Commission (Commission) is a Charter-mandated, quasi-judicial body that serves as the appellate entity for allegations of discrimination filed by County employees or applicants for County employment. The Commission also serves as the appellate entity for major disciplinary actions, including discharges, reductions, and suspensions, of permanent County employees.

The Commission is comprised of five citizens, appointed by the Board of Supervisors (Board), each for a four-year term. The Commission issues decisions based on the reports and recommendations submitted by Hearing Officers, who receive specialized training in order to hold evidentiary hearings and make factual findings, considering all evidence and witness testimony submitted by the parties to the proceedings. Over the past few years, the Board has directed a range of actions intended to both reform and increase accountability within the civil service hearing process.

On April 26, 2016, the Board directed the engagement of a consultant to review, analyze, and recommend solutions to improve the County's Civil Service Commission process. In response to the Board's directives, the Executive Officer of the Board, County Counsel, and the Director of Personnel conducted a review and analysis of the

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hearing process, including input from various stakeholders gathered through an independent consultant. The study and analysis found that “a consistent pattern of how decisions were determined could not be identified, making it difficult to determine trends or areas for improvements in the County’s discipline process.” They further learned that approximately 25 percent of disciplinary actions are appealed to the Commission. However, it is not immediately apparent what percentage of these actions the Commission sustains or overturns, nor the number of times there are differences between a Hearing Officer’s recommendation and the Commission’s ultimate decision.

In an effort to increase accountability, on April 4, 2017, the Board requested recommendations from various departments on whether Civil Service Rule 18.02 should be amended to allow discharges, reductions, or reassignments to different positions if they are found to have previously made false statements, misrepresentations, and omissions of material facts in internal investigations, and an assessment of which County classifications might be appropriately subject to a Brady list or the amended Civil Service Rule. The November 22, 2017 response to this motion provided a number of recommended actions that can be taken to move the County forward in improving accountability within the civil service process.

Ultimately, the Commission’s decisions can significantly affect the livelihood and well-being of individual employees. Accordingly, the civil service hearing process must operate in a manner that is equitable and protective of the rights of employees. However, it must do so without adversely affecting the public to whom County employees must be held accountable. Nowhere is this truer than in the cases of County employees who exercise the powers of peace officers and/or mandated reporters, including, but not limited to deputies, probation officers, social workers, paramedics, and health and mental health professionals. These employees must be held to the highest standards because of the enormous trust that the public must place in them during times of extreme vulnerability. As such, it is critical that the Board continues to take

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steps that will further enhance the outcomes and accountability of the civil service hearing process.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Instruct the Chief Executive Officer (CEO), in collaboration with the Director of Personnel, and County Counsel, and after soliciting input from labor, to report back to the Board of Supervisors (Board) in writing within 45 days with a draft Board policy requiring a high degree of honesty for all employees in the workplace as recommended in the CEO's November 22, 2017 report on Improving Accountability Within the Civil Service Process; and
2. Instruct the Director of Personnel in collaboration with the Executive Officer of the Board of Supervisors and County Counsel to report back, in writing, within 30 days with a review and analysis of the Civil Service Commission's (Commission) case outcomes, including:
 - a. the number of times, since July 1, 2010, that the Commission has reduced or overturned a departmental disciplinary action of termination, reduction, or suspension;
 - b. the number of times, since July 1, 2010, that the Commission has issued a decision that differs from the Hearing Officer's recommendation;
 - c. the number of Commission decisions since July 1, 2010 that were upheld or overturned based upon the filing of a Writ of Administrative Mandamus; and
 - d. the number of County employees, since July 1, 2010, who have appealed departmental disciplinary action to the Commission more than once.

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