



# CIVIL SERVICE COMMISSION

## COUNTY OF LOS ANGELES

**COMMISSIONERS:** LYNN ADKINS • VANGE FELTON • CAROL FOX • Z. GREG KAHWAJIAN • EVELYN V. MARTINEZ  
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR  
SANDY STIVERS, DEPUTY EXECUTIVE DIRECTOR • ROCHELLE L. WILLIAMS, CHIEF, COMMISSION SERVICES

March 25, 2009

To: All Interested Persons

From: Lawrence D. Crocker  
Executive Director

Subject: **Revisions to the Civil Service Commission's Procedural Rules**

The Los Angeles County Civil Service Commission ("Commission") is in the process of revising its Procedural Rules ("Rules"). The Commission will consider revisions to the Rules at one of its regular meeting.

As a starting point, I have drafted proposed revisions to the Rules that are based in large part on my observations of current procedures, as well as discussions I've had with various stakeholders. The revised Rules reflect mainly correcting typographical errors in the existing Rules, and the deletion of references that are no longer applicable to the current staffing of the Commission. However, there are some major proposed changes such as a mandatory pre-hearing conference, which are underlined in the draft Rules for convenience. A copy of the draft revised Rules is enclosed for review and comment.

Interested parties may submit written comments, no later than April 24, 2009, to:

Rules Revisions  
Civil Service Commission  
500 W. Temple Street  
Room 522  
Los Angeles, CA 90012

OR

[CSC@bos.lacohunty.gov](mailto:CSC@bos.lacohunty.gov)

Once comments are received, the proposed revisions will be scheduled for a Commission meeting where there will be additional opportunity for comment, prior to the Commission taking action.

Enclosure (1)

COUNTY OF LOS ANGELES  
CIVIL SERVICE COMMISSION

**PROCEDURAL RULES**



[PROPOSED: EFFECTIVE `09]

## Rule 1

### AUTHORITY AND PURPOSE

#### 1.01. Rules Prescribed

Pursuant to the California Constitution and the Charter of the County of Los Angeles, the Los Angeles County Civil Service Commission does prescribe and adopt these Rules which shall have the force and effect of law.

#### 1.02. Purpose

These Rules are prescribed for the purpose of carrying out the Charter provisions, of assuring the continuance of the merit system, of promoting efficiency in the dispatch of public business, and of assuring all employees in the classified service of fair and impartial treatment at all times. To these ends the Rules shall be liberally construed. The commission may make and enforce any order appropriate to effectuate the purpose of these Rules. (Effective November 3, 1977)

#### 1.03. Gender

Words used in the masculine include the feminine and neuter. (Effective January 6, 1977)

#### 1.04. Conflict of Rules

In case of conflict between any of these Rules and any of the Civil Service Rules of Los Angeles County, as adopted by the Board of Supervisors, the latter shall prevail in all matters as to which the Board of Supervisors is empowered or mandated by the County Charter to make Rules. (Effective May 9, 1979)

## Rule 2

### DEFINITIONS

Unless otherwise required by the context, words used in these Rules are understood to have the following special meanings:

2.01. Business Days means calendar days excluding Saturdays, Sundays, and legal holidays.

2.02. Classified Service means all offices and positions in the civil service of Los Angeles County except those in the Unclassified Service as enumerated in Section 33 of the County Charter.

2.03. Commission means the Los Angeles County Civil Service Commission.

2.04. County means Los Angeles County.

2.05. Department means the largest organizational unit of County government as shown by the separate Departmental Articles of the County Salary Ordinance. Department also includes board, commission, district, and court.

2.06. Employee means any person holding a position in the classified Service of the County.

2.07. Executive Director means the Executive Director of the Civil Service Commission or his designee.

2.08. Official Bulletin Board is the board at the Kenneth Hahn Hall of Administration, 500 West Temple Street, Room 522, Los Angeles 90012, used for the posting of public announcements of the Commission.

2.09. Special Master means a Hearing Officer appointed by the Commission who has specialized knowledge or skill to preside over a consolidated appeal, requiring a presiding officer with such specialized knowledge or skill.

2.10. The definitions contained in the Civil Service Rules of the County, as adopted, by the Board of Supervisors, are incorporated herein by reference.

Rule 3

ADMINISTRATION

**3.01. Election of President**

At the first regular meeting in December of each year, the Commission shall elect one of its members to serve as President for a term of one year, unless removed by vote of a majority of the Commission, or until his successor is fully elected and qualified.

**3.02. Duties of President**

The President shall preside at all meetings of the Commission and serve as the spokesperson for the Commission.

**3.03. President Pro Tem**

If unable to attend a meeting of the Commission, the President shall designate one Commissioner to serve as President Pro Tem, who shall have all of the powers of the President. If no such designation has been made, a majority of the Commissioners present will determine who shall serve as President Pro Tem at the meeting.

## Rule 4

### COMMISSION MEETINGS

#### 4.01. Types of Meetings

The Commission may convene the following types of meetings:

- (a) Regular
- (b) Special
- (c) Adjourned
- (d) Executive
- (e) Emergency

The rules contained herein are applicable to all meetings of the Commission.

#### 4.02. Regular Meetings

Regular meetings shall be held every Wednesday at 9:30 a.m. or at such other day or time as the Commission, at a prior regular meeting, may designate. When the regular meeting day falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for the meeting.

#### 4.03. Special Meetings

A special meeting may be ordered at any time by the President of the Commission or by any three Commissioners by delivering personally or by mailing written notices to each member of the Commission and to each local newspaper of general circulation, radio, or television station requesting such notice in writing. A copy of the notice shall also be posted on the Commission's Official Bulletin Board. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Commission.

Such written notice may be dispensed with as to members who are actually present or who file written waiver of notice.

#### 4.04. Adjourned Meetings

The Commission may adjourn any regular or adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. When so adjourned, an adjourned regular meeting is a regular meeting for all purposes.

When an order of adjournment of a regular or adjourned regular meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified by the Rule for regular meetings.

#### **4.05. Executive Session**

The Commission may meet in executive session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of public employees unless an employee or his representative requests that their matter be considered only in public. The Commission also may exclude witnesses and others as provided in 5.11.

#### **4.06. Location of Meetings**

All meetings shall be held at the Kenneth Hahn Hall of Administration, 500 West Temple Street, Room 522, Los Angeles 90012, unless: (1) a notice of a special meeting or the order of adjournment of a regular or adjourned meeting specifies some other location, or (2) the Commission decided at a prior meeting that the meeting will be at a different location.

#### **4.07. Emergency Meetings**

If by any reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet at the designated location, meetings may be held for the duration of the emergency at such location as is designated by the President of the Commission.

#### **4.08. Change in Location of Meeting**

Where pursuant to Rules 4.06 and 4.07 the location of the meeting is to be other than at the location set forth in these Rules, a notice stating where the meeting will be held shall be posted on the Commission's Official Bulletin Board at least 24 hours prior to the time set for the meeting.

#### **4.09. Continuances**

Any matter set for the Commission's meeting agenda may by order or notice of continuance be continued or re-continued to any subsequent meeting of the Commission in the same manner and to the same extent as set forth in Rule 4.04, provided that if the hearing is continued to a time less than 24 hours after the time specified in the order of notice of hearing, a copy of the order or notice of continuance of hearing shall be posted on the Commission's Official Bulletin Board immediately following the meeting at which the order or declaration of continuance was adopted or made.

#### **4.10. Absence of the Commission**

If all members are absent from any regular or adjourned regular meeting, the Executive Director may declare the meeting adjourned to a stated time and location, and shall cause a written notice of the adjournment to be given in the same manner as provided in Rule 4.03. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the location where the meeting was held within 24 hours after adjournment.

#### **4.11. Public Meetings**

All meetings of the Commission shall be open to the public and all persons shall be permitted to attend any meeting of the Commission except as otherwise provided by rule or law.

#### **4.12. Conditions of Attendance**

A member of the public shall not be required as a condition of attendance at a meeting of the Commission to register his name and other information, to complete a questionnaire, or otherwise fulfill any condition precedent to attendance.

#### **4.13. Agenda**

The Executive Director shall prepare an Agenda for all meetings and distribute the same by mailing to all persons on the Official Mailing List. Said Agenda shall be available in the offices of the Commission at least seventy-two (72) hours before the time set for the meeting.

#### **4.14. Minutes.**

The Executive Director, as directed by the Commission, shall record in the minutes the time and location of each meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners except when the action is unanimous. When requested by a Commissioner, his dissent or approval, including the rationale therefore, shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof, certified by the Executive Director, shall be available for public inspection.

#### **4.15. Communications**

Communications and requests to the Commission shall be in writing, absent a showing of good cause. The substance of each request and the action of the Commission thereon may be noted in the minutes.

#### **4.16. Rules of Order**

Robert's Rules of Order shall guide the Commission in its proceedings, except as otherwise provided herein.

#### **4.17. Quorum**

Three members of the Commission shall constitute a quorum and the concurrence of three members shall be necessary for any action, except that less than a quorum may adjourn any meeting.

#### **4.18. Conduct of Persons Attending Meetings**

The President or President Pro Tem of the Civil Service Commission, with concurrence of one or more members of the Commission, may order the removal of any person from a Civil Service Commission meeting who:

- (a) Displays disorderly, contemptuous, or insolent behavior toward any Commissioner or member of the Commission's staff;
- (b) Displays boisterous conduct or commits any kind of disturbance;
- (c) Disobeys a lawful order of the President or President Pro Tem, including an order to be seated or to refrain from addressing the Commission;
- (d) Brings signs, posters, or large objects into the hearing room without the prior approval of the President; or
- (e) Interferes with the orderly course of a meeting.

The person removed is excluded from further attendance at the meeting from which he has been removed. The matter being considered need not be carried over to a later Commission meeting.

#### **4.19. Pleadings and Additional Information**

Pleadings, or additional information related to a matter set forth on the Commission's agenda, shall be filed no later than sixteen (16) calendar days prior to the meeting for which the matter is scheduled.

- (a) Responses to motions, appeals, petitions, or objections shall be due (5) business days after the filing of the relevant pleading. Any motion or responsive pleading not timely filed shall not be considered without leave of the Commission for good cause shown, in writing.

(b) Parties should submit an original and twelve (12) copies of any documents filed with the Commission.

#### **4.20. Consent Calendar**

Items for the Commission's consent calendar for a regular meeting, *i.e.*, requests for continuance, withdrawals, or consents to hearing, shall be submitted in writing no later than 3:00 p.m. on the Friday before the meeting, or the parties may be required to appear.

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## Rule 5

### HEARINGS

#### **5.01. Selection and Appointment of Hearing Officer**

Except for consolidated appeals, the procedure for the selection and appointment of a Hearing Officer shall be as follows:

(a) Within five (5) business days from the date the Commission grants or orders a hearing or hearing de novo and assigns the matter to a Hearing Officer, the Executive Director shall select a number of available Hearing Officers equal to the number of parties plus one and mail the list of names to each party or the party's representative of record.

(b) Each party shall have ten (10) business days from the date of mailing of such list to file with the Commission a written rejection of no more than one name on the list. Any party filing a notice of rejection shall mail a copy of such notice to all other parties.

(c) After expiration of the ten (10) business-day period prescribed in (b) above, the Executive Director shall appoint, if more than one name remains, one of the remaining persons on the list whose name was not properly rejected.

(d) Written notice of appointment of the Hearing Officer shall be given to all parties and to the Hearing Officer by the Executive Director.

#### **5.02. Mandatory Pre-Hearing Conference**

With respect to any matter set for hearing, the Executive Director shall appoint a different Hearing Officer to conduct a pre-hearing conference. The pre-hearing conference shall take place no later than ten (10) business days prior to the first day of hearing. The purpose of the pre-hearing conference shall be to: (a) narrow the issues, (b) stipulate to facts, (c) establish a list of witnesses intended to be called by the parties, and (d) discuss possible settlement, if appropriate. The Hearing Officer conducting the pre-hearing conference shall file a statement of pre-hearing conference with the Commission no later than five (5) business days before the first day of hearing, which will be forwarded by the Executive Director to the Hearing Officer presiding at the hearing.

#### **5.03. Commencement of Hearings**

Hearings shall commence within forty-five (45) business days of the notice of appointment of the Hearing Officer.

#### **5.04. Exclusions of Witnesses**

The Commission or the Hearing Officer may at its discretion exclude witnesses not under examination, except the petitioner or person involved, the appointing power or an authorized representative, and counsel or other advocate. When hearing testimony of scandalous or indecent conduct, all persons not having a direct interest in the hearing may be excluded. (Effective May 9, 1979)

#### **5.05. Failure to Appear**

Failure of a party to appear at a hearing may be cause for a finding in favor of the opposing party or the matter being deemed withdrawn.

#### **5.06. Subpoenas**

Any party seeking to compel the attendance of witnesses or the production of documents shall serve a subpoena on the prospective witnesses or custodian of the documents, with a copy to the opposing party or that party's representative, no later than ten (10) business days prior to the first day of scheduled hearings. Any party seeking to subpoena witnesses or documents later than ten (10) business days prior to the first day of hearings must seek leave of the Hearing Officer and demonstrate good cause, in writing. Any motions to quash a subpoena must be filed with the Commission and opposing party no later than five (5) business days prior to the first day of scheduled hearings.

#### **5.07. Continuances**

The Commission or Hearing Officer may grant a continuance of any hearing upon such terms and conditions as it may deem proper, including in its discretion the condition that the petitioner shall be deemed to have waived salary for the period of the continuance. Any requests for continuances shall be in writing and filed with the Commission no less than ten (10) calendar days prior to the date set for the hearing. Such requests shall only be granted upon a showing of good cause. Absent extraordinary circumstances, a matter shall not be continued for more than fifteen (15) business days.

#### **5.08. Consolidated Appeals**

The Commission may consolidate the appeals of two or more persons at the request of the parties or upon its own motion. The consolidation of appeals shall be contingent upon showing by appellants or their representatives that the appeals in question present common questions of fact and law, and that separate hearings upon such appeals would result in an unnecessary multiplicity of hearings.

Nothing herein shall be deemed to amend the provisions of the rules concerning the burden of proof or the granting of a hearing upon submission of written materials as provided in the Civil Service Rules of the County.

Any appellant who would otherwise be included in a consolidated appeal hearing shall have the right to appear before the Commission and request that his appeal be heard separately from the other appeals involved. Such request must be made within ten (10) business days of the Commission's granting of the hearing.

The Executive Director shall appoint a Hearing Officer or, if appropriate, a Special Master to hear a consolidated appeal.

#### **5.09. Disclosure of Other Actions**

A petitioner or his representative must inform the Commission of any action brought before any court, commission or other public body relating to the subject matter of his petition, including the date such action was filed. Such disclosure must accompany the petition. If such action is initiated at any stage in the Civil Service Commission proceedings subsequent to the filing of the petition, the petitioner or his representative must inform the Commission immediately, in writing.

#### **5.10. Conduct of Persons at Hearing**

It is improper for any person at a hearing to:

- (a) Insult, intimidate or behave discourteously to the Hearing Officer, any party, any witness or any other person attending the hearing;
- (b) Display boisterous conduct or commit any kind of disturbance;
- (c) Bring signs, posters, or large objects into the hearing room without the prior approval of the hearing Officer;
- (d) Participate in any demonstration tending to disrupt the orderly conduct of the hearing; or
- (e) Interfere with the orderly course of a hearing.

#### **5.11. Authority of Hearing Officer**

(a) If the conduct of an advocate or counsel is in violation of Rule 5.11, the Hearing Officer, at his discretion, may formally warn the offender or suspend the hearing. In either case, the Hearing Officer shall file a written report to the Civil Service Commission describing the behavior and action taken.

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The Commission, after receiving the report and after allowing the offender an opportunity to respond to the allegations set forth in the report, may, depending on the severity of the action, and the frequency of its occurrence:

(1) Suspend the advocate or counsel from the particular hearing and resume the hearing with another advocate or counsel of the affected party's choice;

(2) Suspend the advocate or counsel from appearing at any Civil Service Hearing, for either a given period or for an indefinite period, and resume the hearing with another advocate or counsel of the affected party's choice;

(3) Formally warn the offender, and resume the hearing; or

(4) Take no action and resume the hearing.

(b) If the appellant's disruptive behavior, in violation of Rule 5.11, persists after warning, upon recommendation of the Hearing Officer, the Civil Service Commission may deem the appeal withdrawn.

(c) If a witness refuses to testify, or his conduct is in violation of Rule 5.11, the Hearing Officer may suspend the hearing. Upon recommendation of the Hearing Officer, the Civil Service Commission may request the County Counsel to obtain an order from the Superior Court which directs the witness to cooperate or be in contempt of the court.

(d) Any person not involved in the hearing may be excluded by the Hearing Officer for any conduct in violation of Rule 5.11.

(e) If there is any delay due to conduct in violation of Rule 5.11 on the part of the appellant or his advocate or counsel, the appellant may be deemed to have waived salary for that period of time.

(f) If there is any delay due to conduct in violation of Rule 5.11 on the part of the respondent or its advocate or counsel, the respondent may be deemed to have waived any of its rights in the proceeding and judgment may be rendered in favor of the appellant.

**RULE 6**

**MISCELLANEOUS**

**6.01 Waiver of Procedural Rules**

The Commission may waive any procedural rule that is not required by the Los Angeles County Civil Service Rules.

**6.02 Tolling of Time**

Whenever the time for any action to be taken pursuant to these Rules falls on a weekend or holiday, the time will be tolled until the next business day.

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