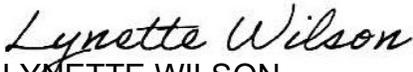


ANALYSIS

An ordinance amending Title 5 – Personnel of the Los Angeles County Code to temporarily amend Civil Service Rules 2, 4, 12, 18, and 26 for the duration of the Probation Department emergency to assist Probation in adequately managing its employees in Probation sworn classifications to maintain a safe environment for youth during the staffing shortage; grant the Director of Personnel authority over disciplining sworn classifications in the department; and add a definition to specify what positions are affected by the rule revisions.

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LW:vh

Date received: 1/29/26
Date revised: 3/5/26

ORDINANCE NO. _____

An ordinance amending Title 5 – Personnel of the Los Angeles County Code to temporarily amend Civil Service Rules 2, 4, 12, 18, and 26 for the duration of the Probation Department emergency.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Appendix 1, Rule 2 is hereby added to read as follows:

RULE 2 DEFINITIONS

2.43.5 Probation Sworn Classification.

"Probation sworn classification" means a probationary or permanent position at the Probation Department in one of the following classifications: Deputy Probation Officer I, Field (Item No. 8604); Deputy Probation Officer II, Field (Item No. 8607); Deputy Probation Officer I, Residential Treatment/Detention Services (Item No. 8608); Deputy Probation Officer II, Residential Treatment/Detention Services (Item No. 8609); Supervising Deputy Probation Officer (Item No. 8610); Deputy Probation Officer III (Item No. 8611); Assistant Probation Director (Item No. 8612); Probation Director (Item No. 8620); Senior Probation Director (Item No. 8621); Internal Affairs Investigator, Probation (Item No. 8639); Internal Affairs Manager, Probation (Item No. 8640); Supervising Internal Affairs Investigator, Probation; Group Supervisor, Nights, Probation (Item No. 8618); Group Supervisor II (Item No. 8602); Group Supervisor II, Probation (Item No. 8619); Transportation Deputy, Probation (Item No. 8626); Supervising Transportation Deputy, Probation (Item No. 8627); Detention Services Officer (Item No. 8655); Senior Detention Services Officer (Item No. 8657); and Supervising Detention Services Officer (Item No. 8659).

SECTION 2. Appendix 1, Rule 4 is hereby amended to read as follows:

RULE 4 Hearings

4.10 Evidence

A. The hearing shall be formal, but need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in civil actions.

B. Hearsay evidence may be admitted for any purpose, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.

1. Notwithstanding Subsection B, in a hearing for an employee in a Probation sworn classification, hearsay evidence may be admitted for any purpose and is sufficient in and of itself to support a finding.

SECTION 3. Appendix 1, Rule 12 is hereby amended to read as follows:

RULE 12 Probation

12.02 Length of Probationary Period

A. The period of probation shall be no less than six (6) nor more than twelve (12) calendar months from the date of appointment to a permanent position, as

established by the dDirector of personnel for each class. The appointing power may release an employee before their probationary period has expired.

1. Notwithstanding Subsection A, for an employee in a Probation sworn classification, the period of probation shall be no less than twenty-four (24) calendar months from the date of appointment to a permanent position within the Probation Department, as established by the Director of Personnel for each sworn classification. The appointing power may release an employee before their probationary period has expired.

B. If an employee is absent from duty during a probationary period, the appointing power may calculate the probationary period on the basis of actual service exclusive of the time away. If a change in the probationary period is made, the employee shall be notified prior to the end of the original probationary period.

1. Notwithstanding Subsection B, for an employee in a Probation sworn classification, if an employee is absent from performance of the duties of the position or positions during a probation period, the appointing power may calculate the probationary period based on the actual time engaged in the performance of the duties of a position or positions. A probationary period may also be calculated to exclude any period during which the employee is not predominantly performing the duties of their position. If a change in the probation period is made, the employee shall be notified, in writing, prior to the end of the original probationary period.

12.05 Reviews and Appeals

A. If an employee is given notice of a probationary period which the employee believes is in violation of this Rule, such employee may appeal through the

established grievance procedure in the department, or through the grievance procedure contained in any Memorandum of Understanding in effect between the County and the certified employee organization for the employee's class.

1. Notwithstanding Subsection A, for an employee in a Probation sworn classification, if an employee is given notice of a probationary period which the employee believes is in violation of this Rule, such employee may appeal the matter to the Director of Personnel who shall have exclusive jurisdiction to consider the matter.

SECTION 5 Appendix 1, Rule 18 is hereby amended to read as follows:

RULE 18 Suspension, Discharge, Reduction, and Resignation

18.01 Suspension

A. Subject to such appeal right as provided in this Rule, an employee may be suspended by the appointing power for up to and including thirty (30) days, pending investigation, filing of charges and hearing on discharge or reduction, or as a disciplinary measure. Where the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed thirty (30) calendar days and continue until, but not after, the expiration of thirty (30) calendar days after the judgment of conviction or the acquittal of the offense charged in the complaint or indictment has become final. The reason(s) for such suspension shall be forthwith furnished in writing to the employee and a copy sent to the Director of Personnel.

1. Notwithstanding Subsection A, for employees in a Probation sworn classification, the appointing power may suspend the employee

without pay: 1) For up to sixty (60) calendar days pending investigation into potential misconduct; 2) When a criminal complaint or indictment is filed naming the employee until thirty (30) calendar days after the judgment of conviction or acquittal for the offense charged has become final. A suspension based on a criminal complaint or indictment need not be supported by any additional evidence beyond the criminal complaint, charges, or indictment; and, 3) For up to thirty (30) calendar days as a disciplinary measure.

B. An employee who is suspended shall be entitled to answer, explain or deny the charges in writing within ten (10) business days. A copy of the answer shall be sent to the dDirector of pPersonnel and filed as part of the employee's record.

1. Notwithstanding Subsection B, for an employee in a Probation sworn classification, the reason(s) for the suspension shall be furnished in writing to the employee and a copy sent to the Director of Personnel. The employee who is suspended shall be entitled to answer, explain, or deny the charges in writing within five (5) business days. A copy of the answer shall be sent to the Director of Personnel and filed as part of the employee's record.

C. An employee who is suspended for up to five (5) days may appeal such suspension to the dDirector of pPersonnel. Any such appeal must be in writing, shall contain specific detailed information, and must be received by the dDirector of pPersonnel within fifteen (15) business days of the employee's notification of the suspension. The dDirector of pPersonnel may not consider any information or charges made by the appointing power unless they are contained in the letter of suspension, nor

any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not have reasonably been expected to be known by the appointing power or employee. The Director of Personnel shall determine whether or not to consider the appeal, or whether or not the suspension is justified.

1. Notwithstanding Subsection C, an employee in a Probation sworn classification who is suspended for up to five (5) days may appeal such suspension to the Director of Personnel. Any such appeal must be in writing, contain specific reasons for the appeal, indicate whether the employee has filed a grievance regarding the suspension, and be received by the Director of Personnel within fifteen (15) business days of the employee's notification of the suspension. The Director of Personnel may not consider any information or charges made by the appointing power unless they are contained in the letter of suspension, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not have reasonably been expected to be known by the appointing power or employee. The Director of Personnel shall render a decision regarding the suspension, which shall be final.

D. An employee in a Probation sworn classification who timely appeals a suspension to the Director of Personnel pursuant to this rule may not thereafter grieve the suspension pursuant to a departmental or negotiated grievance procedure, and an employee who timely grieves a suspension pursuant to a

departmental or negotiated grievance procedure may not thereafter appeal the suspension to the Director of Personnel pursuant to this rule.

18.02 Discharge or Reduction

A. A permanent employee in a nonsupervisory class, a supervisory class in a bargaining unit as certified by ERCOM, or a managerial class in the Sheriff, may be discharged from eCounty service or reduced in rank or compensation, and a permanent employee in all other supervisory classes and all other managerial classes may be discharged from eCounty service or reduced in grade or compensation, after appointment or promotion is complete, and after completion of the employee's first probationary period (except as provided in Rule 18.06). Before such discharge or reduction shall become effective, the employee shall receive a written notice from the appointing power of intent to invoke discharge or reduction, and specific grounds and particular facts therefor. The employee shall then be allowed a reasonable time, not to exceed ten (10) days, to respond orally or in writing to the appointing power before the discharge or reduction shall become effective.

1. Notwithstanding Subsection A, a permanent employee in a Probation sworn classification may be discharged from County service or reduced in rank or grade, to any position, after appointment or promotion is complete, and after completion of the employee's first probationary period (except as provided in Rule 18.06). Before such discharge or reduction shall become effective, the employee shall receive a written notice from the appointing power of intent to invoke discharge or reduction, and specific grounds and particular facts therefore. The employee shall then be allowed a reasonable time, not to exceed five (5) business days, to respond

orally or in writing to the appointing power before the discharge or reduction shall become effective.

B. When a permanent employee is discharged or reduced, the employee shall be allowed fifteen (15) business days from date of service of said notice of discharge or reduction in which to reply thereto in writing and request a hearing before the eCommission. Notice of the time allowed for answer and for requesting a hearing before the eCommission shall be stated in the notice of discharge or reduction. The appointing power shall submit to the eCommission evidence showing that the employee has been served with the notice of discharge or reduction either personally or by certified or registered mail addressed to the employee's last known address, and the date of such service.

1. Notwithstanding Subsection B, when a permanent employee in a Probation sworn classification is discharged or reduced, the employee shall be allowed fifteen (15) business days from date of service of said notice of discharge or reduction in which to reply thereto in writing and request a hearing before the Commission. Notice of the time allowed for answer and for requesting a hearing before the Commission shall be stated in the notice of discharge or reduction. The appointing power shall submit to the Commission evidence showing that the employee has been served with the notice of discharge or reduction either personally, electronically, or by certified, or registered mail addressed to the employee's last known address or electronic mail address, and the date of such service.

SECTION 6. Appendix 1, Rule 18 is hereby added to read as follows:

18.10 Discipline by The Director of Personnel.

A. Notwithstanding any other provision of these Rules, the Director of Personnel may suspend pursuant to Rule 18.01, reduce or discharge pursuant to Rule 18.02, or discharge pursuant to Rule 18.05 any employee in a Probation sworn classification for whom the Director of Personnel is not the appointing power. For purposes of any such action only for any employee in a Probation sworn classification, references to the "appointing power" in Rules 18.01, 18.02, 18.04, or 18.05, as applicable, mean the Director of Personnel.

B. The authority of the Director of Personnel to take any action described in this Rule supersedes the authority of the appointing power.

C. For purposes of any petition for a hearing regarding an action described in paragraph A of this Rule:

1. References to "department" in Rule 4.03 mean the Department of Human Resources; and

2. References to "appointing power" in the provisions of Rule 4 mean the Director of Personnel.

D. The Director of Personnel may delegate to subordinates the exercise of judgment or discretion to take any action described in this Rule.

SECTION 7. Appendix 1, Rule 26 is hereby amended to read as follows:

26.05 ServiceBy Mail

A. When service is made by mail, the notice is complete when deposited in the United States Post Office or a mailbox, sub-post office, substation, or

mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, properly addressed to the last known address of the employee, with postage paid.

1. Notwithstanding Subsection A, when service is made by mail or electronically, on an employee in a Probation sworn classification, the notice is complete when deposited in the United States Post Office or a mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, properly addressed to the last known address of the employee, with postage paid, or when electronically transmitted to the last known email address for the employee on record. Service may be accomplished by electronic transmission unless an employee has indicated to the Probation Department in writing they elect to receive communications via mail.

[TITLE5APP1LWCC]