



**CITY OF LOS ANGELES
BOARD OF CIVIL SERVICE COMMISSIONERS**

MINUTES

COMMISSIONERS

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NANCY P. MCCLELLAND
Vice President

MARISSA CASTRO-SALVATI
ANTHONY DE LOS REYES
JOHN P. PEREZ
Commissioners

**REGULAR MEETING – THURSDAY
JANUARY 10, 2008, 10:00 A.M.
ROOM 350, PERSONNEL BUILDING
700 EAST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012**

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Audiotapes of the meetings are kept for 30 days. You may contact the Commission Office at (213) 847-9107.
Website Address: www.lacity.org

Call to Order: 10:10 a.m.

Present:

President
Vice President
Commissioner
Commissioner

Sylvia Drew Ivie
Nancy P. McClelland
Marissa Castro-Salvati
John P. Perez

General Manager
Deputy City Attorney
Commission Executive Assistant

Margaret Whelan
Jennifer Handzlik
Victoria Schools

Absent:

Commissioner

Anthony de los Reyes

1. COMMISSION ACTION ON ROUTINE AND OTHER MATTERS

APPROVED routine and nonappearance matters under Unfinished Business Page 5, item 4 and New Business, Pages 8 through 16, items 7 and 8, on motion of commissioner Castro-Salvati, seconded by Commissioner McClelland and unanimously carried.

2. PUBLIC COMMENTS ON MATTER WITHIN BOARD'S JURISDICTION

Samuel Sperling asked the Commission to request a progress report from the Task Force on Performance Appraisal. Commissioner Drew Ivie asked Personnel Department to report at the next meeting.

Cheryl Stallworth requested that the Commission and the Personnel Department conduct an investigation regarding the promotional practices and processes used by the Los Angeles Police Department Civilian Employment Section for the Police Service Representative position. She stated there seemed to be several inconsistencies with promotions including persons who did not take the exam. She expressed concerns of possible unfair labor practices and the potential for lawsuits against the City. Ms. Stallworth also requested copies of available studies from the Police Service Representative Task Force along with all promotional eligibility lists of for the Senior Police Service Representative examination. The General Manager requested Ms. Stallworth provide a written request noting her specific concerns.

Catherine Hardy stated that she received a certification for Senior Police Service Representative in November 2006 and to date she has not received an interview. She requested clarification regarding who has the ultimate authority regarding certification of the eligibility list. The General Manager referred Ms. Hardy to Shannon Pascual for further assistance.

3. APPEALS UNDER CHARTER SECTION 1016

- a. Eugene J. PEREIDA, Gardener Caretaker, Department of Recreation and Parks.
Discharge effective July 17, 2007.

Report/Supplemental Report and recommendation of the Board's Hearing Examiner Ms. Denise M. McGorin, following her conduct of a hearing on September 11, 2007, into subject appeal of Mr. Pereida.

The Hearing Examiner recommends that the Board:

- 1) Find that the due process provisions of Skelly were met.
- 2) Sustain count one for making threats or engaging in a confrontation with the public, supervisors, or co-workers.
- 3) Sustain count two for actions on the job or City property intended to destroy property or to inflict bodily injury.
- 4) Find that the discharge is sustained.

File No. 51995

COMMISSION ACTION:

(On November 15, 2007, the Commission remanded the matter to the hearing examiner for a supplemental report.)

Mr. Lauderdale requested a continuation because Commissioner de los Reyes requested the supplemental report and he was not present for the meeting. The Department did not object to a continuance.

Commissioner McClelland had no objection to continuing the matter. Jennifer Handzlik suggested and the Appellant agreed to a waiver of back pay for the additional time.

CONTINUED to the next meeting.

Appearances: Harold Fujita, Recreation & Parks
Howard Wata, Recreation & Parks
James Lauderdale, SEIU Local 721
Eugene Pereida, Appellant

3. APPEALS UNDER CHARTER SECTION 1016 (Continued)

- b. Carmen M. SHANNON, Police Service Representative III, Los Angeles Police Department. Suspension effective March 16, 2007 to April 10, 2007, inclusive. (22 Workdays)

Report and recommendation of the Board's Hearing Examiner Mr. Jerry Ellner, following his conduct of a hearing on September 12, 2007, into subject appeal of Ms. Shannon.

The Hearing Examiner recommends that the Board:

- 1) Sustain count one that on or about July 20, 2006, you, while on duty, failed to conduct a request for service, as required.
- 2) Find that the twenty-two workday suspension is sustained.

File No. 51888

COMMISSION ACTION:

(On November 15, 2007, the Commission adopted the hearing examiner's recommendation to find that the due process provisions of Skelly were met. A motion to sustain the charge failed for lack of a majority vote and the matter was continued for a fuller Commission.)

Commissioner Perez inquired as to whether the parties had considered a lesser penalty. Mr. Cardenas responded that the Department offered a seven-day suspension in lieu of the twenty-two day suspension. He further stated that the Appellant accepted and signed the settlement agreement. The Commission deferred the matter pending receipt of the signed settlement agreement.

Appearances: Marcos Cardenas, AFSCME Council District 36

**4. SETTLEMENT/RESIGNATION – APPEALS UNDER CHARTER SECTION 1016
TO BE MADE A MATTER OF RECORD**

- a. Gary CROWLEY, Maintenance Laborer, Department of Public Works, Bureau of Sanitation. Discharge effective September 24, 2007.

The Appellant resigned in lieu of discharge effective September 24, 2007.

File No. 52068

- b. Veracruz GREGORIO, Senior Detention Officer, Police Department. Discharge effective May 5, 2005.

Settlement agreement wherein the parties agreed to substitute a 22 working-day suspension in lieu of discharge and the Appellant withdrew his appeal.

File No. 51335

COMMISSION ACTION: MADE A MATTER OF RECORD

5. BACKGROUND DISQUALIFICATIONS

Consideration of denying the appeal of Earl L. BARNES from background disqualification in the examination for TRUCK OPERATOR.

File No. 52108

COMMISSION ACTION: WITHDRAWN

(Continued from December 13, 2007, to allow staff an opportunity to review additional documentation presented by the Appellant.)

NEW BUSINESS

6. DISCRIMINATION APPEALS

- a. Consideration of adopting the Office of Discrimination Complaint Resolution's finding that there is insufficient evidence to support Glenda ARNOLD-HEON'S allegation of discrimination based on race/ethnicity, ancestry, disability, sex, national origin, educational achievement, cultural difference, retaliation and sexual harassment.

File No.

COMMISSION ACTION:

Personnel Department staff investigated the Appellant's complaint in which she listed a great number of basis on which she felt she had been discriminated over a period of many years. The Appellant complained that the Department denied her request for additional unpaid time off. Personnel Department staff found that the Department of Recreation and Parks granted the Appellant's request for family leave and when it was exhausted, the Department granted her request for unpaid time off. However, the Department denied her request for additional unpaid time in accordance with their policies. Personnel Department staff found no evidence of gender discrimination or any discrimination on any lawful basis.

6. DISCRIMINATION APPEALS (continued)

b. Glenda ARNOLD-HEON'S

COMMISSION ACTION (Continued):

The Appellant claimed discrimination based on family medical illness. Her Department denied both her request to work a deviated schedule and her request for extended unpaid leave to care for her gravely ill child. She was employed by the Department for 21-years and felt that because she could not work part time or take any additional time off, she had no choice but to resign. She claimed other discriminatory issues ranging from race, ethnicity, ancestry, disability, sex, national origin, educational achievement, cultural differences and retaliation. She stated that as a long-term employee, she experienced situations from supervisors in which she believed it was evident that the accumulation of discriminatory activities was intact. She stated that she did not report discrimination sooner for fear of retaliation.

Commissioner McClelland inquired as to whether there was an inquiry into the supervisor's conduct and if there was an admonishment. Personnel Department staff responded that she secured a copy of the Department's report in which they issued a memorandum referencing the incident with a finding that there was no substantiation that the supervisor made the comment.

Commissioner Drew Ivie supported staff's decision but believed that the Appellant's testimony was valuable. Commissioner Perez stated that the case had as a basis for what would be poor labor management relations within departments and that efforts should be made to try to rectify problems that could fester. He stated that while issues are grave he does not see that they rise to the level of being discriminatory.

APPEAL DENIED - Adopt staff's finding that there was insufficient evidence to sustain the allegations of discrimination, moved by Commissioner Perez, seconded by Commissioner McClelland and unanimously carried.

Appearances: Janice Wood, ODCR, Personnel Department
Dr. Glenda Arnold-Heon, Appellant

c. Consideration of adopting the Office of Discrimination Complaint Resolution's finding that there is insufficient evidence to support Michele HARTLEY'S allegation of medical condition, marital status, gender, race, and retaliation discrimination.

File No.

COMMISSION ACTION:

CONTINUED TO FUTURE MEETING AT THE APPELLANT'S REQUEST.

7. ADMINISTRATIVE ACTIONS

- a. The General Manager recommends that the Board make a matter of record the following examination bulletins promulgated on:

December 14, 2007

Interdepartmental Promotional

CONSTRUCTION AND MAINTENANCE SUPERINTENDENT
FLEET SERVICES MANAGER
MECHANICAL ENGINEER

Interdepartmental Promotional and Open Competitive

LAND SURVEYING ASSISTANT
REHABILITATION CONSTRUCTION SPECIALIST

December 21, 2007

Interdepartmental Promotional

ELECTRIC DISTRIBUTION MECHANIC TRAINEE
LABOR SUPERVISOR

Interdepartmental Promotional and Open Competitive

FINANCIAL MANAGER

December 28, 2007

Interdepartmental Promotional

PRINCIPAL INSPECTOR
TRANSPORTATION ENGINEER

7. ADMINISTRATIVE ACTIONS (Continued)

- b. Make a matter of record the General Manager's action in approving the use of the following Special Examining Assistants:
- 1) Wanda OWENS, Senior Systems Analyst II, Los Angeles Police Department, and Mona GUIRGUIS, Information Systems Manager II, Department of Water and Power, and Csilla POMJANEK, Senior Systems Analyst II, City Employees' Retirement System, for SENIOR SYSTEMS ANALYST.
 - 2) Wayne DURAND, Chief Inspector, Housing Department, for SENIOR HOUSING INSPECTOR.
 - 3) Chin-Lien CHANG, Electrical Engineer, Department of Water and Power, and Eddy ALLAHVERDIAN, Building Electrical Engineer, Department of Building and Safety, for ELECTRICAL ENGINEERING ASSOCIATE.
 - 4) Lydia RITZMAN, Principal Recreation Supervisor II, Department of Recreation and Parks, for SENIOR RECREATION DIRECTOR.
 - 5) Ruben PEREZ, Deputy Superintendent of Building I, Department of Building and Safety, and Domingo SAUCEDA, Director of Enforcement Operations, Housing Department, for PRINCIPAL INSPECTOR.
 - 6) TJ KNIGHT, Management Analyst II, Department of Public Works, Bureau of Street Services, and Laurel BROYLES, Senior Management Analyst II, Department of Public Works, Bureau of Sanitation, for MANAGEMENT ASSISTANT.
 - 7) Anthony MUNOZ, Civil Engineer, Department of Public Works, Bureau of Engineering, and Thomas CAZARES, Principal Construction Inspector, Department of Public Works, Bureau of Contract Administration, and Roy BENJAMINS, Principal Civil Engineering Drafting Technician, Harbor Department, and Hung BAO, Street Lighting Associate III, Department of Public Works, Bureau of Street Lighting, and Tamera SVETICH, Structural Engineering Associate IV, Department of Building and Safety, and Saifuddin MOGRI and Herman ENG, Electrical Engineers, Department of Water and Power, for OFFICE ENGINEERING TECHNICIAN.
 - 8) James TAN, Principal Utility Accountant "A", Department of Water and Power, for PRINCIPAL UTILITY ACCOUNTANT.

7. ADMINISTRATIVE ACTIONS (Continued)

- 9) Sue LAI, Senior Transportation Engineer, Harbor Department, and Roy KIM, Senior Transportation Engineer, Department of Transportation, for TRANSPORTATION ENGINEER.
- 10) Gary YATES, Chief Helicopter Pilot, Department of Water and Power, for HELICOPTER PILOT.
- 11) Gary YATES, Chief Helicopter Pilot, Department of Water and Power, for CHIEF HELICOPTER PILOT.
- 12) Kenneth SILVER and Robert BASTIAN, Electrical Service Managers, Department of Water and Power, for SENIOR LOAD DISPATCHER.
- 13) Sean HINTON, Principal Park Services Attendant, Department of Recreation and Parks, and Lance BOLAN, Principal Park Services Attendant, Los Angeles Zoo Department, for PARK SERVICES ATTENDANT.
- 14) Glenn CABRERA, Senior Management Analyst II, Los Angeles Police Department, for PRINCIPAL PHOTOGRAPHER.
- 15) Yolanda CHAVEZ, Assistant General Manager, Los Angeles Housing Department, for DIRECTOR OF HOUSING.
- 16) John GATES, Truck and Equipment Dispatcher, Department of Water and Power, for POWER SHOVEL OPERATOR.

File No. 52129

7. ADMINISTRATIVE ACTIONS (Continued)

- d. Approve the change of the test of fitness method in the Interdepartmental Promotional examination for CHIEF INSPECTOR. The examination will be comprised of a weighted interview and an advisory essay.

File No. 52130

- e. Approve the use of interview boards consisting of representatives from inside the City service in the Open Competitive examination for CHILD CARE ASSOCIATE.

File No. 52131

- f. Approve the use of interview boards consisting of representatives from inside and outside the City service in the Open Competitive examination for FINANCIAL MANAGER.

File No. 52132

- g. Approve the use of interview boards consisting of representatives from inside the City service in the Interdepartmental Promotional and Open Competitive examinations for LANDSCAPE ARCHITECTURAL ASSOCIATE.

File No. 52133

- h. Approve the use of interview boards consisting of representatives from inside the City service in the Open Competitive examination for MANAGEMENT ASSISTANT.

File No. 52134

- i. Approve the use of interview boards consisting of representatives from inside and outside the City service in the Interdepartmental Promotional examination for PRINCIPAL UTILITY ACCOUNTANT.

File No. 52135

- j. Approve the change of the test of fitness method in the Interdepartmental Promotional examination for SENIOR WASTEWATER TREATMENT OPERATOR. The examination will be comprised of a weighted interview and an advisory exercise.

File No. 52136

7. ADMINISTRATIVE ACTIONS (Continued)

- k. Approve the use of representatives from inside the City service in the Open Competitive continuous examination for STRUCTURAL ENGINEERING ASSOCIATE.

File No. 52137

- l. Approve the change of the test of fitness method in the Interdepartmental Promotional and Open Competitive examination for TITLE EXAMINER. The examination will be comprised of a Training and Experience Questionnaire.

File No. 52138

- l. Make the following Appeals a matter of record:

Discharge

Lillian SANCHEZ, Senior Clerk Typist, Police Department. Discharge effective December 5, 2007. Filed CSC December 5, 2007.

In accordance with Charter Section 1016, Ms. Sanchez filed her appeal in the Office of the Commission on December 7, 2007.

File No. 52139

Suspensions

Jaime R. PINON, SR., Custodian, Department of General Services. Suspension effective January 7, 2008 to January 25, 2008, inclusive. (15 Workdays)

In accordance with Charter Section 1016, Mr. Pinon filed his appeal in the Office of the Commission on December 17, 2007.

File No. 52140

Anthony STILLWELL, Security Officer, Police Department. Suspension effective December 24, 2007 to January 23, 2008, inclusive. (20 Workdays) Filed CSC December 21, 2007.

In accordance with Charter Section 1016, Mr. Stillwell filed his appeal in the Office of the Commission on December 7, 2007.

File No. 52141

7. ADMINISTRATIVE ACTIONS (Continued)

m. Make the following Notices a matter of record:

Suspensions

Rafael AGUIAR, Wastewater Collection Worker II, Department of Public Works, Bureau of Sanitation. Suspension effective October 22, 2007 to November 5, 2007, inclusive. (10 Workdays) Filed CSC December 7, 2007.

Gary BENTIVEGNA, Equipment Mechanic, Department of General Services. Suspension effective October 15 to October 26, and November 26 to December 7, 2007, inclusive. (20 Workdays) Filed CSC December 4, 2007.

Michael N. CARRANO, Welder, Department of Water and Power. Suspension effective December 12, 2007 to December 20, 2007, inclusive. (6 Workdays) Filed CSC December 18, 2007.

Daniel CORTEZ, Maintenance Laborer, Department of Transportation. Suspension effective December 26 to 28, 2007; January 9, 10, 11, 14, 25, 28, and 29, 2008, inclusive. (10 Workdays) Filed CSC December 5, 2007.

Carmen L. ERICKSON, Meter Reader, Department of Water and Power. Suspension effective January 3, 2008 to January 14, 2008, (8 Workdays, 5/40 Schedule) Filed CSC December 6, 2007.

Discharges

Deborah BRANDON, Custodian, Department of Airports. Discharge effective November 29, 2007. Filed CSC December 4, 2007.

Kim GALLEGOS, SMS Payment Clerk, Department of General Services. Discharge effective December 5, 2007. Filed CSC December 5, 2007.

Barnett LEWIS, Garage Attendant, Department of Public Works, Bureau of Sanitation. Discharge effective November 1, 2007. Filed CSC December 4, 2007.

Melissa MORRISETTE, Clerk Typist, Library Department. Discharge effective October 14, 2007. Filed CSC December 10, 2007.

Jenova RUIZ, Management Analyst II, Planning Department. Discharge effective December 21, 2007. Filed CSC December 21, 2007.

COMMISSION ACTION:

8. CLASSIFICATION ACTIONS

a. The General Manager recommends that the Board approve the following classification actions:

1) Allocate the following new positions in the Department of Airports, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
1302	1	Management Assistant, 1539
1309-1	1	Building Repairer, 3333
1309-2	1	Electrician, 3863
1309-3	1	Plumber, 3443
1309-4	1	Airports Maintenance Superintendent, 3331
1309-5	1	Electrician Supervisor, 3865
1309-6	1	Systems Programmer, 1455
1309-7	1	Departmental Audit Manager, 1610

2) Allocate the following new positions in the Office of the City Clerk, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
1310-1	1	Senior Project Coordinator, 1538
1310-2	4	Project Coordinator, 1537

3) Allocate the following new positions in the Harbor Department, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
1301-1	1	Tree Surgeon Supervisor, 3117
1301-2	4	Tree Surgeon, 3114
1301-3	2	Tree Surgeon Assistant, 3151
1301-4	1	Light Equipment Operator, 3523
1301-5	1	Truck Operator, 3583

4) Allocate the following new positions in the Police Department, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
1307-1	1	Police Sergeant, 2227
1307-2	1	Police Detective, 2223
1308-1	1	Police Sergeant, 2227
1308-2	1	Police Detective, 2223

8. CLASSIFICATION ACTIONS (Continued)

- 5) Allocate the following new positions in the Department of Public Works, Bureau of Engineering, as indicated:

CSC No.	No. of Positions	Class Title and Code
1305	3	Civil Engineering Associate, 7246

- 6) Allocate the following new positions in the Department of Public Works, Bureau of Street Services, as indicated:

CSC No.	No. of Positions	Class Title and Code
1306	4	Clerk Typist, 1358

- 7) Allocate the following new positions in the Joint System of the Department of Water and Power, as indicated:

DWP No.	No. of Positions	DDR No.	Class Title and Code
3716	1	95-94531	Power Engineering Manager, 9453
3717	1	72-75126	Electrical Engineer, 7539
3720	1	94-11030	Systems Programmer, 1455

- 8) Allocate the following new positions in the Power System of the Department of Water and Power, as indicated:

DWP No.	No. of Positions	DDR No.	Class Title and Code
3689	2	94-38310	Underground Distribution Construction Mechanic, 3812
3718	1	95-75251	Electrical Engineering Associate, 7525
3721	1	82-38179	Electrical Mechanic Supervisor, 3835

- 9) Allocate the following new position in the Water System of the Department of Water and Power, as indicated:

DWP No.	No. of Positions	DDR No.	Class Title and Code
3719	1	93-35139	Power Shovel Operator, 3558

- 10) Reallocate the existing position in the Department of Airports, as indicated:

CSC No.	No. of Positions	From: Class Title and Code	To: Class Title and Code
1303	1	Management Assistant, 1539	Management Analyst, 9184

8. CLASSIFICATION ACTIONS (Continued)

11) Reallocate the existing position in the Commission on the Status of Women, as indicated:

CSC <u>No.</u>	No. of <u>Positions</u>	From: Class Title and Code	To: Class Title and Code
1304	1	Management Analyst, 9184	Community Program Assistant, 2501

12) Reallocate the existing position in the Fire Department, as indicated:

CSC <u>No.</u>	No. of <u>Positions</u>	From: Class Title and Code	To: Class Title and Code
1311	1	Systems Analyst, 1596	Programmer Analyst, 1431

13) Reallocate the existing position in the Housing Department, as indicated:

CSC <u>No.</u>	No. of <u>Positions</u>	From: Class Title and Code	To: Class Title and Code
1292	1	Management Assistant, 1539	Management Analyst, 9184

File No. 52142

b. That the Board of Civil Service Commissioners adopt the revised List of City Departments, Appendix D, of the Civil Service Rules, for Civil Service Purposes.

File No. 52143

COMMISSION ACTION: RECOMMENDATIONS APPROVED

9. **GENERAL MANAGER'S REPORT**

The General Manager, Margaret Whelan, briefed the Commission regarding the serious financial issues that the City is facing with the threat of losing approximately 300 million dollars in revenue if the Utility User Tax is not approved. The City is also projecting an approximate 75 million shortfall for this fiscal year. There is a possibility of a negative impact on employees should the City lose the aforementioned revenue.

10. **ADJOURNMENT**

The meeting adjourned at 10:55 a.m.

SYLVIA DREW-IVIE, President

VICTORIA A. SCHOOLS
Commission Executive Assistant