



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

MINUTES

COMMISSIONERS

SYLVIA DREW IVIE
President

NANCY P. MCCLELLAND
Vice President

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

**REGULAR MEETING – THURSDAY
FEBRUARY 28, 2008, 10:00 A.M.
ROOM 350, PERSONNEL BUILDING
700 EAST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012**

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Website Address: <http://www.lacity.org>

Call to Order:

Present:

President

Vice President

Commissioner

Commissioner

Commissioner

General Manager

Deputy City Attorney

Commission Executive Assistant

Sylvia Drew Ivie

Nancy P. McClelland

Anthony de los Reyes

Marissa Castro-Salvati

John P. Perez

Margaret Whelan

Dorothy Berry

Victoria Schools

Commissioner de los Reyes was presented with a 25-year service pin for his dedicated service to the Personnel, Police, and Cultural Affairs Commissions.

1. APPROVAL OF MINUTES

APPROVED Minutes of the regular meeting of Thursday, February 14, 2008, on motion of Commissioner de los Reyes, seconded by Commissioner Castro-Salvati and unanimously carried.

2. COMMISSION ACTION ON ROUTINE AND OTHER MATTERS

Routine matters amended to allocate two Civil Engineering Associate positions under item 9 (7) to the Water System instead of the Joint System in the Department of Water and Power.

APPROVED, As Amended, routine and nonappearance matters under Unfinished Business Page 6, item 5, and New Business, Pages 10 through 17, items 7 through 9, on motion of Commissioner de los Reyes, seconded by Commissioner Perez and unanimously carried.

3. PUBLIC COMMENTS ON MATTER WITHIN BOARD'S JURISDICTION

Mr. Samuel Sperling stated that probationary ratings must be valid and they must measure fitness for the specific job. He believed the rating proposed by the Personnel Department uses general and ambiguous performance criteria that result in tremendous inaccuracy and irrelevance. He suggested the City aim higher to strive for excellence rather than settling for mediocrity. Commission President Sylvia Drew Ivie believed the Performance Task Force report was a big step forward.

4. APPEALS UNDER CHARTER SECTION 1016

- a. Carlos ESPINOZA, Aquatic Facility Manager II, Department of Recreation and Parks. Discharge effective August 10, 2007.

Report and recommendation of the Board's Hearing Examiner Mr. Walter F. Daugherty, following his conduct of hearings on November 8 and December 6, 2007, into subject appeal of Mr. Espinoza.

The Hearing Examiner recommends that the Board of Civil Service Commissioners find that the discharge effective August 10, 2007 is not sustained but is reduced to a 30-day suspension.

File No. 52030

COMMISSION ACTION:

(On January 24, 2008, the Board found that the provisions of Skelly were met; sustained charges one and four and found charges two and three were not sustained. The motion to sustain the discharge failed by a 2-2 vote.)

Department staff met with the Appellant's representative in a good faith effort to discuss settlement options and believed they had an agreement to include a 1014 transfer. The Appellant counter offered and requested back pay to the date of discharge. The Department rejected the counter offer and withdrew its original offer.

The Appellant's representative stated that he has done his best to negotiate in good faith and agreed to almost all proposals by the Department, which included a reduction in pay and the inability for his member to serve in a supervisory capacity. The Appellant rejected the Department's proposal to reduce the discharge to time served which is equivalent to a six-month suspension. Mr. Cherness argued that the six-month suspension is inconsistent with the hearing examiner's recommendation and it is incompatible with both the Department's past practice and the City's disciplinary guidelines. He noted that during the Appellant's thirteen-year tenure with the Department he has had no prior disciplinary history, received good evaluations, promoted to supervisor, earned respect and admiration of peers, and received commendations. He described the Appellant as a fine employee and a decent human being who made a mistake, learned from it, and can go forward. He requested that the Board vote to not sustain the discharge and to find the Appellant fit and suitable to return to his previous position.

Commissioner Perez did not recall an incident in which the Department brought a dismissal for a first offense of misuse of city property. He believed the case hinged on the false accusation against the Appellant on a serious charge of failure to report a possible case of child abuse. He suggested a settlement consistent with the Department past disciplinary practices.

4. APPEALS UNDER CHARTER SECTION 1016

- a. Carlos ESPINOZA

COMMISSION ACTION CONTINUED:

Harold Fujita responded that the Department standards of employee conduct mirrors Personnel Department Policy 33.2 in which the first offense ranges from written notice to discharge. He maintained that discharge was the appropriate penalty. Commissioner McClelland applauded the parties' efforts to try to resolve their differences. She did not take lightly the unauthorized use of city property or the failure to provide information to supervisors and she agreed that discharge was within the guidelines. Commissioner Castro-Salvati was not convinced that the Department provided justification for their decision to discharge the Appellant, given his work history. She supported the hearing examiner's recommendation to reduce the penalty given the Appellant's work history and that it was a first offense.

NOT SUSTAINED – Find that the discharge is not sustained on motion of Commissioner Perez, seconded by Commissioner Drew Ivie and carried by a 3-2 vote. (Nay: de los Reyes/McClelland)

Appearances: Cheryl Torres, Recreation and Parks
Harold Fujita, Recreation and Parks
Darryl Cherness, Engineers & Architects Association
Carlos Espinoza, Appellant

4. APPEALS UNDER CHARTER SECTION 1016

- b. Gloria MOLINA, Senior Clerk Typist, Police Department. Discharge effective August 1, 2007.

Report and recommendation of the Board's Hearing Examiner Mr. Jerry Ellner, following his conduct of a hearing on December 5, 2007, into subject appeal of Ms. Molina.

The Hearing Examiner recommends that the Board of Civil Service Commissioners:

- 1) Find that the provisions of Skelly were met.
- 2) Sustain count one that on or about March 31, 2006, while off duty, the Appellant was arrested for 487(a) PC, Grand Theft.
- 3) Sustain count two that on or about September 14, 2006, while on duty, the Appellant made false statements to Internal Affairs Investigators who were conducting an official investigation.
- 4) Find that the penalty of termination is sustained.

File No. 52031

COMMISSION ACTION: CONTINUED

The parties agreed to continue the matter to April 10, 2008.

5. WITHDRAWALS UNDER CHARTER SECTION 1016 TO BE MADE A MATTER OF RECORD

- a. Leona Y. PHEINE, Clerk, Department of Water and Power. Suspension effective January 22, 2008 to February 20, 2008, inclusive. (20 Workdays - 9/80 Schedule; January 28 and February 11, 2008, excluded.)

The Appellant withdrew her appeal from a 20-day suspension by letter dated January 18, 2008.

File No. 52177

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

The Appellant withdrew his appeal from a 20-workday suspension by letter dated February 7, 2008.

File No. 52178

COMMISSION ACTION: MADE A MATTER OF RECORD

6. BACKGROUND DISQUALIFICATIONS

- a. Consideration of denying the appeal of Jesse L. FLORES from background disqualification in the examination for REFUSE COLLECTION TRUCK OPERATOR.

File No. 52157

(Continued from February 14, 2008)

COMMISSION ACTION:

The Personnel Department disqualified the Appellant because of his employment record with the City and his subsequent unsatisfactory employment history. The Department of Public Works, Bureau of Sanitation, is the only department that hires refuse collection truck operators and they have documented their unwillingness to rehire the Appellant. The position requires that the Appellant possess a valid driver's license. In light of the evidence that the Appellant's license has been revoked/suspended since December 14, 2007, staff recommended that the Board deny the appeal.

The Appellant stated that his license was suspended for child support and he will reinstate it and make payment arrangements. He was going through a divorce and thought it best to resign from city employment and relocate to Santa Maria. However, he could not find adequate employment and returned to the City of Los Angeles.

Commissioner de los Reyes could not see how the Appellant could be hired as a truck driver without the requisite driver's license and a satisfactory work history.

APPEAL DENIED – Adopt staff's recommendation to deny the appeal from background disqualification, on motion of Commissioner de los Reyes, seconded by Commissioner McClelland and unanimously carried.

Appearances: George Skarmeeas, Personnel Department staff
Jesse L. Flores, Appellant

6. BACKGROUND DISQUALIFICATIONS

- b. Consideration of denying the appeal of Jose Luis GONGORA from background disqualification in the examination for TRUCK OPERATOR.

File No. 52060

(Continued from October 11, 2007, to allow the Appellant an opportunity to obtain additional information regarding his convictions.)

COMMISSION ACTION:

Personnel Department staff reviewed the additional information submitted by the Appellant on October 11, 2007, and maintained their position that the Appellant's behavior leading to his recent convictions, lack of stable employment, and failure to be fully forthcoming falls outside background standards. Staff therefore recommended the Board deny the appeal.

The Appellant stated that he took time off to care for his children and that half of the time he was working on cars before he decided to return to city employment.

Commissioner McClelland inquired as to whether the Appellant's resignation from the Board of Public Works was it in lieu of termination. The Appellant responded that, although he was in fear of losing his job, he was not disciplined. The Department agreed that there was no pending disciplinary action when he resigned but added that the Appellant had a pending incarceration due to his convictions.

APPEAL DENIED – Adopt staff's recommendation to deny the appeal from background disqualification, on motion of Commissioner McClelland, seconded by Commissioner de los Reyes and unanimously carried.

Appearances: Felicia Brown, Personnel Department staff
Jose Luis Gongora, Appellant

6. BACKGROUND DISQUALIFICATIONS (Continued)

- c. Consideration of denying the appeal of Edythe R. KELLEY from background disqualification in the examination for CLERK TYPIST.

File No. 52179

COMMISSION ACTION:

The Personnel Department disqualified the Appellant due to circumstances surrounding her discharge for cause from the Los Angeles Police Department, which falls outside the Personnel Department background standards. Staff recommended the Board deny the appeal.

The Appellant stated that since her termination, she has maintained a stable work record with Delta Airlines for seven years and her current employment with the Automobile Club of America. She failed to understand why she is unable to apply with the City again for employment.

Commissioner McClelland inquired about the incident in 2006 regarding the Appellant's appointment from the eligibility list to the Personnel Department. General Manager Margaret Whelan responded that the Personnel Department made a significant error in making the appointment. Commissioner de los Reyes believed the Appellant demonstrated a stable employment record and deserved another chance. Commissioner Perez considered the Appellant's long-term employment with the City before the termination and believed that she has shown a consistent pattern of work at a high level since her discharge. He therefore supported giving her a second chance. Commissioner Drew Ivie believed there was a difference between rehabilitation in a work context and revelation of issues to trace character problems. She believed they were two distinct areas of concern that the job performance may not overcome. Commissioner McClelland asked if there was any prosecution or official police action resulting from the conduct for which the Appellant was discharged. Department staff responded that nothing was found.

APPEAL GRANTED – Grant the appeal from disqualification on motion of Commissioner de los Reyes, seconded by Commissioner Perez and unanimously carried.

Appearances: Felicia Brown, Personnel Department Staff
Edythe Kelley, Appellant

7. REVISION OF CIVIL SERVICE RULE 5.26

The General Manger recommends that the Board of Civil Commissioners give 10 days' notice of intention to amend Section 5.26 of the Civil Service Rule as follows (additions in bold):

Section 5.26. The probationary period for persons appointed in the class of Police Officer **or Police Specialist** shall be twelve months of service in that class except for persons who have previously completed a probationary period as a Los Angeles Police Officer and return to the Police Department in which case probation shall be six months of service; and in the class of Firefighter it shall be twelve months. The probationary period for persons appointed to all other entry-level classes shall be six months of service in one class in one department following a regular appointment, unless a different period, not to exceed twelve months, is established by the Board for a specific non-entry level class. However, service in any class in a restricted duty capacity that exceed seven calendar days as required by a physician, after receiving a regular appointment in that class shall be excluded in computing the period of probation. In computing the period of probation, the following shall be excluded:

- a) The entire period or periods of any absence or absences whether on leave or not, if such period or periods, in the aggregate, exceed seven calendar days.
- b) Service in the class prior to discharge, layoff, or resignation to leave the City service or to return to a former position.

File No. 52180

COMMISSION ACTION: 10 DAY'S NOTICE OF INTENT GIVEN

8. ADMINISTRATIVE ACTIONS

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

February 8, 2008

Interdepartmental Promotional

CHIEF TRANSPORTATION INVESTIGATOR
ENVIRONMENTAL ENGINEER

Interdepartmental Promotional and Open Competitive

AQUEDUCT AND RESERVOIR KEEPER

Open Competitive

ADVANCE PRACTICE PROVIDER CORRECTIONAL CARE

February 15, 2008

Interdepartmental Promotional and Open Competitive

COMMUNICATIONS CABLE WORKER

Open Competitive

BUILDING OPERATING ENGINEER

8. 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) Ken WHITE, Automotive Supervisor, Department of Water and Power, for TIRE REPAIR SUPERVISOR.
 - 2) Minyeong CHEN, Financial Management Specialist V, and Emy ARCENO, Fiscal Systems Specialist I, Office of the Controller, for PAYROLL ANALYST.
 - 3) Veronica SANCHEZ, Community Program Assistant III, Department of Aging, and Chris RAJAPAKSE, Community Program Director, Community Development Department, and Jamiko BELL, Senior Project Coordinator, Commission for Children, Youth & Families, for COMMUNITY PROGRAM ASSISTANT.
 - 4) Scott MORRILL, Signal Systems Superintendent, and Tim ORTEG, Signal Systems Supervisor, Department of Transportation, for SIGNAL SYSTEMS SUPERVISOR.
 - 5) Abraham NAVARRO and Bruce JONES, General Superintendents II, Department of Public Works, Bureau of Street Services, for STREET SERVICES SUPERVISOR.
 - 6) Regina ADAMS and Kevin REGAN, Assistant General Managers, Department of Recreation and Parks, for SUPERINTENDENT OF RECREATION AND PARKS OPERATIONS.
 - 7) William ROBERTS, Principal Utility Accountant "B", Department of Water and Power, for PRINCIPAL UTILITY ACCOUNTANT.
 - 8) Larry MANOCCHIO, Principal Tax Compliance Officer, Office of Finance, for TAX COMPLIANCE AIDE.
 - 9) Kathleen HO, Chief Tax and Permit Division I, and Jeffery WHITMORE, Revenue Manager, Office of Finance, for PRINCIPAL TAX COMPLIANCE OFFICER.

File No. 52181

8. ADMINISTRATIVE ACTIONS (Continued)

- c. Make a matter of record the General Manager's action in approving the use of the following Special Examining Assistants and raters consisting of City employees in the Departmental Promotional examination for POLICE COMMANDER:

SPECIAL EXAMINING ASSISTANTS

- Sharon PAPA, Police Assistant Chief
- James CANSLER, Police Commander
- William FIERRO, Police Commander

RATERS

- Charles BECK, Police Deputy Chief
- Sergio DIAZ, Police Deputy Chief
- Kenneth GARNER, Police Deputy Chief

File No. 52182

- d. Approve the use of interview boards consisting of representatives from inside the City service in the Open Competitive examination, for COMMUNITY PROGRAM ASSISTANT.

File No. 52183

- e. Approve the use of interview boards consisting of representatives from inside the City service in the Interdepartmental Promotional examination for INFORMATION SYSTEMS MANAGER.

File No. 52184

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

File No. 52185

8. ADMINISTRATIVE ACTIONS (Continued)

- g. Make the following Notices a matter of record:

Suspension

Lee CHAVERS, Mechanical Helper, Department of Public Works, Bureau of Sanitation. Suspension effective January 28, 2008 to February 8, 2008, inclusive. (10 Workdays) Filed CSC February 11, 2008.

Fernando GARCIA, Wastewater Collection Worker I, Department of Public Works, Bureau of Sanitation. Suspension effective August 4, 2007 to August 21, 2007, inclusive, and January 30, 2008 to February 4, 2008, inclusive. (17 Workdays) Filed CSC February 15, 2008.

Cheryl JOHNSON, Clerk Typist, Department of Public Works, Bureau of Sanitation. Suspension effective February 13, 2008 to March 11, 2008, inclusive. (20 Workdays) Filed CSC February 15, 2008.

Discharge

Douglas N. JOHNSON, Painter, Department of Water and Power. Discharge effective February 18, 2008. Filed CSC February 15, 2008.

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

Discharge

Willard GIVENS, Refuse Collection Truck Operator II, Department of Public Works, Bureau of Sanitation. Discharge effective February 5, 2008. Filed CSC February 11, 2008.

In accordance with Charter Section 1016, Mr. Givens filed his Appeal in the Office of the Commission on February 7, 2008.

File No. 52186

Airport Police Officer I, Department of Airports. Discharge effective January 23, 2008.

In accordance with Charter Section 1016, Appeal was filed in the Office of the Commission on January 25, 2008.

File No. 52187

COMMISSION ACTION: MADE A MATTER OF RECORD

9. CLASSIFICATION ACTIONS

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

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

<u>CSC</u>	<u>No. of</u>	<u>Class Title and Code</u>
<u>No.</u>	<u>Positions</u>	
1329	1	Airport Environmental Manager, 9422

2) Allocate the following new position in the City Planning Department, as indicated:

<u>CSC</u>	<u>No. of</u>	<u>Class Title and Code</u>
<u>No.</u>	<u>Positions</u>	
1332	1	City Planning Associate, 7941

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

<u>CSC</u>	<u>No. of</u>	<u>Class Title and Code</u>
<u>No.</u>	<u>Positions</u>	
1326	2	Community Program Director, 2500

4) Exempt one Chief Grants Administrator position, Class Code 1579, in the Community Development Department, in accordance with Charter Section 1001(d)(4), from the civil service provisions of the Charter, based on the position being grant-funded for a term not to exceed two years.

5) Exempt one Senior Project Coordinator position, Class Code 1538, in the Community Development Department, in accordance with Charter Section 1001(d)(4), from the civil service provisions of the Charter, based on the grant-funded nature of the position, for a period of one year.

9. CLASSIFICATION ACTIONS (Continued)

6) 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>
1331-1	1	Secretary, 1116
1331-2	1	Clerk Typist, 1358
1331-3	1	Senior Carpenter, 3345
1331-4	1	Sheet Metal Worker, 3775
1331-5	1	Mechanical Helper, 3771
1331-6	1	Air Conditioning Mechanic, 3774
1331-7	5	Electrician, 3863
1331-8	11	Roofer, 3476
1331-9	1	Plumber, 3443
1331-10	1	Carpenter, 3344

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

<u>DWP No.</u>	<u>No. of Positions</u>	<u>DDR No.</u>	<u>Class Title and Code</u>
3738	2	95-72463	Civil Engineering Associate, 7246
3739	2	93-37145	Equipment Repair Supervisor, 3746
3740	1	95-15893	Principal Utility Accountant, 1589
3742	1	94-19120	Real Estate Officer, 1960

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

<u>DWP No.</u>	<u>No. of Positions</u>	<u>DDR No.</u>	<u>Class Title and Code</u>
3741	1	95-31295	Construction and Maintenance Superintendent, 3129

9) Reallocate the existing positions in the Department of Airports, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>From:</u> <u>Class Title and Code</u>	<u>To:</u> <u>Class Title and Code</u>
1330	3	Head Custodian Supervisor, 3178	Senior Custodian, 3157

10) Reallocate the existing positions in the Department of Building and Safety, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>From:</u> <u>Class Title and Code</u>	<u>To:</u> <u>Class Title and Code</u>
1327	3	Structural Engineer, 7956	Building Civil Engineer, 7244

File No. 52188

9. CLASSIFICATION ACTIONS (Continued)

- b. The General Manager recommends that the Board of Civil Service Commissioners:
1. Reallocate forty-one (41) positions of Clerk Typist, Code 1358, to Communications Information Representative, Code 1461, as indicated by CSC No. 1328, in the Bureau of Sanitation;
 2. Find the following incumbents as indicated in Attachment A, legally employed, without further examination, in the class of Communications Information Representative, Code 1461, with assignment rights only to positions properly allocable to the class in which they currently have status; and
 3. Approve the use of a Charter Section 1014 Transfer so that the named incumbents may obtain status in the class of Communications Information Representative, Code 1461.

File No. 52189

- c. The General Manager recommends that the Board of Civil Service Commissioners in accordance with Charter Section 1013(c) and Section 5.30 of the Civil Service Commission Rules, designate the class of Police Specialist, Code 2217, as temporary training, for a period of not to exceed six months.

File No. 52190

COMMISSION ACTION: RECOMMENDATIONS APPROVED

10. GENERAL MANAGER'S REPORT

Margaret Whelan discussed the Personnel Department's Quarterly Activities Report as it relates to police hiring and the process and progress made in the recruitment and selection of Police Officer candidates. There are 72 candidates for the next class and so far, Personnel Department is on target.

11. ADJOURNMENT

The meeting adjourned at 11:31 a.m.

SYLVIA DREW IVIE, President

VICTORIA A. SCHOOLS
Commission Executive Assistant II