



**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  
JUNE 26, 2008, 10:00 A.M.  
ROOM 350, PERSONNEL BUILDING  
700 EAST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012**

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Call to Order: 10:12 a.m.

Present:

President  
Vice President  
Commissioner

Sylvia Drew Ivie  
Nancy P. McClelland  
Anthony de los Reyes

General Manager  
Deputy City Attorney  
Commission Executive Assistant II

Margaret Whelan  
Jennifer Handzlik  
Victoria Schools

Absent:

Commissioner  
Commissioner

John Perez  
Marissa Castro-Salvati

**1. APPROVAL OF MINUTES**

Minutes of the regular meeting of Thursday, June 12, 2008, APPROVED on motion of Commissioner de los Reyes, seconded by Commissioner McClelland and unanimously carried.

**2. COMMISSION ACTION ON ROUTINE AND OTHER MATTERS**

APPROVED routine and nonappearance matters under Unfinished Business Page 8, item 5, and New Business, Pages 9 through 14, items 6 and 7, on motion of Commissioner de los Reyes, seconded by Commissioner McClelland and unanimously carried.

**3. PUBLIC COMMENTS ON MATTER WITHIN BOARD'S JURISDICTION**

No public comments

**4. APPEALS UNDER CHARTER SECTION 1016**

- a. Abd El-Hamid EL-FADLY, Management Analyst, Department of Public Works, Bureau of Engineering. Suspension effective February 18, 2008 to March 14, 2008, inclusive. (20 Workdays)

Report and recommendation of the Board's Hearing Examiner Mr. Walter F. Daugherty, following his conduct of a hearing on May 6, 2008, into subject appeal of Mr. El-Fadly.

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

- 1) Find that the Department complied with the due process requirements of *Skelly*.
- 2) Sustain the cause of action for failure to meet deadlines, errors resulting in waste of time and materials and poor quality of work, as evidenced by his failure to submit a pre-design report within the six-month deadline.
- 3) Sustain the cause of action for failure to carry out work assignments adequately, directly or promptly by failing to unpack approximately 25 moving boxes in his cubicle for over 18 months, after being directed verbally and in writing on at least four occasions and after receiving a notice to correct deficiencies for same.
- 4) Find that the 20 working day suspension is sustained.

File No. 52198

**COMMISSION ACTION:**

The Department suspended the Appellant for consistently refusing to cooperate with his supervisors, failing to meet a deadline, and poor quality of work. He previously received oral and written counseling, a notice to correct deficiencies, and a five workday suspension, for similar behavior. The Department believed the hearing examiner's rationale and reasoning was sound and that he reached the appropriate conclusions. The Department respectfully requested that the Commission sustain the causes of action and the suspension.

Mr. El-Fadly claimed that the Department managers retaliated against him. His supervisor gave him a bad evaluation and attendance report, and he was not allowed to transfer from the section. Mr. El-Fadly has filed several grievances, court claims, and a claim of discrimination, for which he lost. He believed that if he was allowed to transfer or had a manager who treated him fairly his matter would be resolved.

**4. APPEALS UNDER CHARTER SECTION 1016**

- a. Abd El-Hamid EL-FADLY

**COMMISSION ACTION CONTINUED:**

The Department representative responded that Mr. El-Fadly was afforded the opportunity to transfer. He has had three different supervisors and experienced problems with all of them.

Commissioner de los Reyes stated that there was compelling testimony that the Appellant had some very significant problems in the workplace.

**SUSPENSION SUSTAINED** – Adopt the hearing examiner’s recommendations to find that the due process requirements of *Skelly* were met; sustain the causes of action; and, find that the 20 working day suspension is sustained, on motion of Commissioner de los Reyes, seconded by Commissioner McClelland and unanimously carried.

Appearances: Debra McCraney, Department of Public Works  
Abd El-Hamid El-Fadly, Appellant

**4. APPEALS UNDER CHARTER SECTION 1016 (Continued)**

- b. Lawrence MAR, Steam Plant Assistant, Department of Water and Power. Discharge effective September 27, 2007.

Report and recommendation of the Board's Hearing Examiner Mr. Bruce Cooper, following his conduct of hearings on December 4, 2007, January 15 and February 1, 2008, into subject appeal of Mr. Mar.

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

- 1) Find that the due process provisions of *Skelly* were met.
- 2) Sustain the cause of action – D-4: Using threats or attempting to harm another employee or the public.
- 3) Not sustain the cause of action – D-3: Unnecessarily disrupting the work of other employees.
- 4) Not sustain the cause of action – D-1: Flagrantly refusing to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination), i.e., violating the Change of Work Assignment memorandum.
- 5) Find that the Appellant's discharge is inappropriate and substitute a twenty (20) workday suspension.
- 6) Reinstate the Appellant with any back pay and benefits to which he is entitled.

File No. 52069

**COMMISSION ACTION:**

Jennifer Handzlik was recused from this matter and Dorothy Berry substituted as the Commission's legal counsel.

Ms. Ortega informed the Commission that the parties entered into a settlement agreement to substitute a 30 working day suspension in lieu of discharge.

The settlement agreement will be made a matter of record at the next meeting.

Appearances: Anita Ortega, Department of Water and Power  
Gus Corona, IBEW, Local 18  
Lawrence Mar, Appellant

**4. APPEALS UNDER CHARTER SECTION 1016 (Continued)**

- c. Connelley MOORE, Security Officer, Department of Water and Power. Suspension effective April 30, 2007 to May 13, 2007, inclusive. (10 Workdays)

Report and recommendation of the Board's Hearing Examiner Mr. Eric L. Jones, following his conduct of hearings on August 9, September 13, October 18, and December 4, 2007; and January 23 and April 10, 2008, into subject appeal of Mr. Moore.

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

- 1) Find that the due process provisions of *Skelly* were met by the Department.
- 2) Sustain the first cause of action for neglect of duty.
- 3) Sustain the second cause of action for sleeping on the job.
- 4) Find that the 10 working day suspension is sustained.

File No. 51917

**COMMISSION ACTION:**

The Appellant and his representative notified the Commission office that they would not attend the meeting.

The Department concurred with the hearing examiner's report and asked the Commission to sustain the hearing examiner's recommendations to sustain the causes of action and the 10 working day suspension.

**SUSPENSION SUSTAINED** – Adopt the hearing examiner's recommendations to find that the due process provisions of *Skelly* were met; sustain the causes of action; and, find that the 10 working day suspension is sustained, on motion of Commissioner McClelland, seconded by Commissioner de los Reyes, and unanimously carried.

Appearance: Cynthia Gaudioso, Department of Water and Power

**4. APPEALS UNDER CHARTER SECTION 1016 (Continued)**

- d. Gary T. WHINNERY, Equipment Repair Supervisor, Department of Water and Power. Suspension effective March 5, 2008 to March 13, 2008, inclusive. (6 Workdays)

Report and recommendation of the Board's Hearing Examiner Mr. Lionel Richman, following his conduct of a hearing on May 28, 2008, into subject appeal of Mr. Whinnery.

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

- 1) Find that the *Skelly* provisions have been met.
- 2) Sustain the charge of insubordination.
- 3) Find that the 6-workday suspension was appropriate and should be sustained.

File No. 52219

**COMMISSION ACTION:**

The Department concurred with the hearing examiner's findings and asked the Commission to sustain the charge and the 6 workday suspension.

The Appellant claimed that the hearing examiner's final recommendation was based on incorrect references, conclusions, and misapplied statements. During the hearing he requested that specific language be struck from the *Skelly* package so as to not bias the hearing examiner's decision. However, the hearing examiner would not allow him or the Department to strike out the language. The Department rescinded the notice to correct deficiencies, he therefore requested that all language included throughout the Department's Exhibit and the text of page 10 be struck out or deleted because it was found to have no credibility.

The Department representative responded that the notice to correct deficiencies was not taken into consideration during the hearing. The Department provided an amended Form 77 that no longer included the description of the infraction in the notice to correct deficiencies. The Notice was removed from the Appellant's personnel file and the Form 77 was amended and not taken into consideration. Although the notice was included in the *Skelly* package, it was used only to describe the reason for having the meeting.

**4. APPEALS UNDER CHARTER SECTION 1016 (Continued)**

d. Gary T. WHINNERY

**COMMISSION ACTION CONTINUED:**

Commissioner McClelland was concerned that the notice to correct deficiencies was referred to and described in the record without explanation of its rescission. She believed the record is somewhat at odds with the parties' explanation of the notice to correct deficiencies. She preferred the record be consistent with the parties description of what happened and suggested the hearing examiner modify the report accordingly.

CONTINUED – Motion directing the hearing examiner to conform the report to the agreement that was reached between the parties with respect to the November 15, notice to correct deficiencies and modify the report accordingly, on motion of Commissioner McClelland, seconded by Commissioner de los Reyes, and unanimously carried.

Appearances: DeMarlo Sims, Department of Water and Power  
Gary Whinnery, Appellant

**5. SETTLEMENTS / WITHDRAWALS – APPEALS UNDER CHARTER SECTION 1016 TO BE MADE A MATTER OF RECORD**

- a. Abdul R. KHAN, Wastewater Treatment Operator I, Department of Public Works, Bureau of Sanitation. Suspension effective February 8, 2008 to February 21, 2008, inclusive. (10 Workdays)

On June 5, 2008, the Appellant withdrew his appeal.

File No. 52200

- b. Ranol G. MACLAUGHLIN, Tire Repairer, Department of Water and Power. Suspension effective April 18, 2008 to April 28, 2008, inclusive. (6 Workdays)

Settlement agreement wherein the Department reduced the six workday suspension to one workday and the Appellant withdrew his appeal.

File No. 52245

- c. Special Officer III, Department of Airports. Discharge effective June 7, 2005.

Settlement agreement wherein the Appellant withdrew his appeal and agreed to resign from the Department, effective August 15, 2007. The agreement is subject to other conditions as specified therein.

File No. 51369

- d. Special Officer III, Department of Airports. Discharge effective June 7, 2005.

Settlement agreement wherein the Appellant withdrew his appeal and agreed to resign from the Department, effective August 15, 2007. The agreement is subject to other conditions as specified therein.

File No. 51371

COMMISSION ACTION: MADE A MATTER OF RECORD

6. ADMINISTRATIVE ACTIONS

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

**June 6, 2008**

Interdepartmental Promotional and Open Competitive

WORKERS' COMPENSATION ANALYST

**June 12, 2009**

Interdepartmental Promotional

ELECTRIC DISTRIBUTION MECHANIC TRAINEE

- b. Make a matter of record the General Manager's action in approving the use of the following Special Examining Assistants:

- 1) Michael CRANE and Gerald WATSON, Wastewater Collection Supervisors, Department of Public Works, Bureau of Sanitation, for SENIOR INDUSTRIAL WASTE INSPECTOR
- 2) Steven BICKEL, Personnel Director, Department of Transportation, Randy RILEY, Sanitation Wastewater Manager, Department of Public Works, Bureau of Sanitation, and Dru ROSS, Safety Administrator, Personnel Department, for SAFETY ENGINEER.
- 3) Gerald MONTOYA, Adolfo SANCHEZ, and Javier ROMERO, Water Service Supervisors, Department of Water and Power, for WATER SERVICE WORKER.

File No. 52285

- c. Approve the use of interview boards consisting of representatives from inside and outside the City service in the Interdepartmental Promotional examination for PROTECTIVE COATING SUPERVISOR.

File No. 52286

- d. Approve the use of interview boards consisting of representatives from inside and outside the City service in the Open Competitive examination for WORKERS' COMPENSATION ANALYST.

File No. 52287

**6. ADMINISTRATIVE ACTIONS (Continued)**

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

Suspension

Allen R. MOWRY, Electrical Distribution Mechanic Supervisor, Department of Water and Power. Suspension effective June 10, 2008 to June 24, 2008, inclusive. (10 Workdays) Filed CSC June 11, 2008.

In accordance with Charter Section 1016, Mr. Mowry filed his Appeal in the Office of the Commission on June 10, 2008.

File No. 52288

Joseph S. NAJERA, Senior Electric Distribution Mechanic, Department of Water and Power. Suspension effective June 6, 2008 to June 20, 2008, inclusive. (10 Workdays) Filed CSC June 6, 2008.

In accordance with Charter Section 1016, Mr. Najera filed his Appeal in the Office of the Commission on June 6, 2008.

File No. 52289

David A. TURNER, Senior Security Officer, Department of Airports. Suspension effective June 9, 2008 to July 2, 2008, inclusive. (15 Workdays) Filed CSC June 5, 2008.

In accordance with Charter Section 1016, Mr. Turner filed his Appeal in the Office of the Commission on June 9, 2008.

File No. 52290

Luis VALADEZ, Wastewater Collection Worker II, Department of Public Works, Bureau of Sanitation. Suspension effective June 19, 2008 to July 3, 2008, inclusive. (10 Workdays)

In accordance with Charter Section 1016, Mr. Valadez filed his Appeal in the Office of the Commission on June 12, 2008.

File No. 52291

6. ADMINISTRATIVE ACTIONS (Continued)

Discharge

Durl P. INGRAM, Maintenance and Construction Helper, Department of Public Works, Bureau of Street Services. Discharge effective June 10, 2008. Filed CSC June 11, 2008.

In accordance with Charter Section 1016, Mr. Ingram filed his Appeal in the Office of the Commission on June 13, 2008.

File No. 52292

David B. SMITH, Animal Keeper, Los Angeles Zoo Department. Discharge effective June 6, 2008. Filed CSC June 9, 2008.

In accordance with Charter Section 1016, Mr. Smith filed his Appeal in the Office of the Commission on June 9, 2008.

File No. 52293

Airport Police Officer, Department of Airports. Discharge effective June 4, 2008. Filed CSC June 10, 2008.

In accordance with Charter Section 1016, the Appellant filed his Appeal in the Office of the Commission on June 4, 2008.

File No. 52294

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

Suspension

Denise BRAXTON, Customer Service Representative, Department of Water and Power. Suspension effective June 16, 2008 to August 22, 2008, inclusive. (45 Workdays) Filed CSC June 16, 2008.

Andre BOLDEN, Motor Sweeper Operator, Department of Public Works, Bureau of Street Services. Suspension effective June 16, 2008 to June 27, 2008, inclusive. (10 Workdays) Filed CSC June 13, 2008.

Yamil CABRERA, Custodian, Department of Public Works, Bureau of Sanitation. Suspension effective May 26, 2008 to June 20, 2008, inclusive. (20 Workdays) Filed CSC June 5, 2008.

**6. ADMINISTRATIVE ACTIONS (Continued)**

Daniel A. CERVANTES, Electric Station Operator, Department of Water and Power. Suspension effective June 3, 2008 to June 30, 2008, inclusive. (20 Workdays) Filed CSC June 5, 2008.

Discharge

Enus ARAU, Clerk Typist, Department of Public Works, Bureau of Street Services. Discharge effective June 12, 2008. Filed CSC June 19, 2008.

COMMISSION ACTION: MADE A MATTER OF RECORD

**7. 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>
1358-1	1	Communications Engineer, 7610
1358-2	3	Information Systems Manager, 1409
1358-3	1	Senior Communications Engineer, 7614
1358-4	3	Systems Programmer, 1455
1358-5	3	Systems Programmer, 1455

2) 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>
1356-1	1	Management Analyst, 9184
1356-2	1	Senior Management Analyst, 9171

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

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
1357	3	City Planner, 7944

4) 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>
3800	2	94-79004	Architectural Drafting Technician, 7922
3801	1	95-75252	Electrical Engineering Associate, 7525
3802	5	93-37134	Heavy Duty Equipment Mechanic, 3743
3803	3	95-15110	Utility Accountant, 1511

**7. CLASSIFICATION ACTIONS (Continued)**

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

DWP <u>No.</u>	No. of <u>Positions</u>	DDR No.	Class Title and Code
3796	3	94-38313	Underground Distribution Construction Supervisor, 3814
3797	2	95-75251	Electrical Engineering Associate, 7525
3798	1	94-12115	Principal Clerk Utility, 1202
3799	6	94-38006	Electrical Mechanic, 3841

6) Reallocate the existing positions in the Police Department, as indicated:

CSC <u>No.</u>	No. of <u>Positions</u>	From: Class Title and Code	To: Class Title and Code:
1355	6	Management Analyst, 9184	Crime and Intelligence Analyst, 2236

File No.52295

b. The General Manager recommends that the Board approve the revised class specification for Traffic Manager, Code 0803.

File No. 52296

COMMISSION ACTION: RECOMMENDATION ADOPTED

**8. GENERAL MANAGER’S REPORT**

The Personnel Department reviewed over 35,000 employment work histories. Department staff conducted a mock layoff exercise and although a consideration number of employees have been placed in vacant positions, it appears there will be a small number of employees laid off, probably effective July 15, 2008.

**9. ADJOURNMENT**

The meeting adjourned at 10:50 a.m.

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SYLVIA DREW IVIE, President

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VICTORIA A. SCHOOLS  
Commission Executive Assistant II