

REGULAR MEETING OF THE
CIVIL SERVICE COMMISSION
CULVER CITY, CALIFORNIA

February 1, 2023
7:00 P.M.

Call to Order & Roll Call

The regular meeting of the Civil Service Commission was called to order at 7:02 P.M. in Mike Balkman Council Chambers at Culver City Hall.

Present: Vice Chair Stewart Bubar
Commissioner Rachelle Jackson
Commissioner Sal LaPardo
Commissioner Michele Van Gelderen

Absent: Chair Chi Ming Gong

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Pledge of Allegiance

Vice Chair Bubar led the Pledge of Allegiance.

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Public Comment - Items Not On the Agenda

Vice Chair Bubar invited public comment.

Amy Webber, Human Resources Analyst, indicated that no requests to speak had been received.

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Receipt of Correspondence

Amy Webber, Human Resources Analyst, indicated that no correspondence had been received.

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Consent Calendar

MOVED BY COMMISSIONER JACKSON AND SECONDED BY COMMISSIONER LAPARDO THAT THE CIVIL SERVICE COMMISSION APPROVE CONSENT CALENDAR ITEMS C-1 AND C-2.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: BUBAR, JACKSON, LAPARDO, VAN GELDERN

NOES: NONE

ABSENT: GONG

Item C-1

Approval of Minutes for the Regular Meeting of January 4, 2023

THAT THE CIVIL SERVICE COMMISSION APPROVE MINUTES FOR THE REGULAR MEETING OF JANUARY 4, 2023.

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Item C-2

Extension of Eligible List: Recreation & Community Services Coordinator (Promotional)

THAT THE CIVIL SERVICE COMMISSION: EXTEND THE ELIGIBLE LIST FOR RECREATION & COMMUNITY SERVICES COORDINATOR (PROMOTIONAL).

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Order of the Agenda

No changes were made.

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Action Items

Item A-1

Consideration of a Request for a Closed Hearing to Appeal a Disciplinary Action

Amy Webber, Human Resources Analyst, provided a summary of the material of record and requested that Legal Counsel refrain from naming the individual involved to protect privacy.

Maureen Okwuosa, Legal Counsel for the Appellant, discussed the expected number of witnesses for the case; legal matters involving use of force; and expected number of hearing days.

Sarah Martoccia, Culver City Fire Department (CCFD) Counsel, discussed expected number of witnesses; expected number of hearing days and hours; the ability of the Commission to send the matter to a Hearing Officer to expedite the process; the decision of the Hearing Officer advisory back to the Commission; and she indicated that due to the length and difficulty of the matter, CCFD recommended that the matter be heard by a Hearing Officer.

Maureen Okwuosa, Legal Counsel for the Appellant, agreed with the recommendation to utilize a Hearing Officer.

Discussion ensued between staff and Commissioners regarding the serious time commitment and potential scheduling difficulties.

MOVED BY COMMISSIONER LAPARDO AND SECONDED BY COMMISSIONER VAN GELDEREN THAT THE CIVIL SERVICE COMMISSION: MAKE THE APPROPRIATE FINDINGS UNDER CIVIL SERVICE RULE 11.13 A, AND REFER THE REQUESTED APPEAL OF THE DISCIPLINARY ACTION TO A HEARING OFFICER OR BOARD PURSUANT TO CIVIL SERVICE RULE 11.13 A.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: BUBAR, JACKSON, LAPARDO, VAN GELDERN

NOES: NONE

ABSENT: GONG

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Item A-2

**(1) Discussion of the Draft Written Report to City Council Regarding Accomplishments by the Civil Service Commission; and
(2) Authorize Transmittal of the Report to City Council**

Amy Webber, Human Resources Analyst, provided a summary of the material of record.

MOVED BY COMMISSIONER VAN GELDEREN AND SECONDED BY COMMISSIONER LAPARDO THAT THE CIVIL SERVICE COMMISSION: AUTHORIZE STAFF TO FINALIZE THE REPORT REGARDING ACCOMPLISHMENTS BY THE CIVIL SERVICE COMMISSION AND TRANSMIT IT TO CITY COUNCIL.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: BUBAR, JACKSON, LAPARDO, VAN GELDERN

NOES: NONE

ABSENT: GONG

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Item A-3

Training: Conducting Administrative Hearings and the Role of the Civil Service Commission

Amy Webber, Human Resources Analyst, introduced the item.

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Recess/Reconvene

Vice Chair Bubar called a brief recess from 7:26 P.M. to 7:35 P.M. while Commissioners moved to a different seating arrangement in Council Chambers.

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Item A-3
(Continued)

Training: Conducting Administrative Hearings and the Role of the Civil Service Commission

Cristina Talley, Legal Counsel, provided a presentation on personnel appeal hearings; discussed training format; Rule 11; process; the role of Commissioners as fact finders; bias; Commissioner experience in the process; the pre-hearing process; potential referral to a Hearing Officer; Commission discretion; the ability of an appellant to request a Hearing Officer; subpoena power; pre-hearing conferences; scheduling issues; the hearing process; Chair discretion to allow or disallow evidence; hearsay evidence; inviting the parties to

meet and confer; specification of documents to bring to the pre-conference hearing; evidence not disclosed at the time of the pre-hearing conference; enforcing decorum; ensuring that both sides have the opportunity to tell their case; order of presentation of evidence; closing evidence; burden of proof; preponderance of the evidence; inability to make a finding in favor of the employee due to personal disagreement with policy; affirmative defenses; illegal policies; the need to prove discrimination or an illegal policy; evaluation of witness credibility; the duty to review all evidence; the obligation to review the administrative record if all or a portion of a meeting is missed; difficulty of scheduling; the importance of attending any hearings that are committed to; grounds to claim that a fair hearing was not received; deliberations; grounds for modification or rejection of a disciplinary action; discrimination; protected classes; due process; Skelly Hearings; the Notice of Intent; rules for considering evidence; unacceptability of probable bias; invalidation of the entire decision; and clarification that if there is a tie vote, there is no decision and the process starts again.

Discussion ensued between staff and Commissioners regarding selection of the Hearing Officer; standards of review; the hearing process; communication between the lawyers; the preference of lawyers to have a Hearing Officer for convenience and to expedite the process; the duty to disclose potential bias; recusal; ability of the Commission to choose to hear a case; scheduling; clarification that there is no time limit for the Commission to complete the hearing; the goal to be expeditious; work schedules; Commission discretion to hear items without making findings; primary considerations; abuse of discretion; authority; responsibility; purview; goals and objectives; timing; Commission consideration about whether to hear the item; written findings on the decision provided by the Hearing Officers after the item is considered; the ability of the Commission to send the findings back to the Hearing Officer if they are deemed to be insufficient; varied length of time to conduct hearings; the requirement to receive findings within 30 days of the determination; determining whether the findings support the decision; employee appeals; final decisions; opportunity for further training; regular consideration of items by Hearing Officers; the opportunity for closed session consultation with legal counsel; policies of different cities; and personnel boards.

Recess/Reconvene

Vice Chair Bubar called a brief recess from 8:51 P.M. to 8:53 P.M. while the Commission moved to back to the dais.

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Public Comment - Items NOT on the Agenda (Continued)

Vice Chair Bubar invited public comment.

Amy Webber, Human Resources Analyst, indicated that no public comment had been received.

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Items from Staff

Amy Webber, Human Resources Analyst, noted routine items left on the dais for Commissioners; provided follow up on a hearing that was sent out to a Hearing Officer in October noting that a status update would be provided at the March meeting; discussed a reminder sent by the City Clerk's Office regarding Committee, Board, and Commissioner comments made at other public meetings; she encouraged Commissioners to reach out to the City Clerk's Office with any questions; and she expressed appreciation to the Commission for participating in the training.

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Items from Commissioners

Vice Chair Bubar thanked Cristina Talley for the training, and he commended paramedics at the Culver City Fire Department noting a positive experience he had with them earlier in the day.

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Adjournment

There being no further business, at 8:58 P.M., the Civil Service Commission adjourned to a regular meeting to be held at 7:00 P.M. on Wednesday, March 1, 2023.

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Dana Anderson
Director of Human Resources, of Culver City, California
SECRETARY TO THE CIVIL SERVICE COMMISSION
Culver City, California

APPROVED _____

Chi Ming Gong
CHAIR of the Civil Service Commission
Culver City, California

I declare under penalty of perjury under the laws of the State of California that, on the date below written, these minutes were filed in the Office of the City Clerk, Culver City, California and constitute the Official Minutes of said meeting.

Jeremy Bocchino
CITY CLERK

Date