



# City of Culver City

## Staff Report

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**File #:** 23-576, **Version:** 1

**Item #:** A-1

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

**Meeting Date:** February 1, 2023

**Contact Person/Dept:** Dana Anderson / Human Resources

**Phone Number:** 310/253-5640

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

**Public Notification:** (Email) Meetings and Agendas - Civil Service Commission (01/26/23); (Email) All City Staff (01/26/23)

**Department Approval:** Dana Anderson, Director of Human Resources (01/24/23)

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### RECOMMENDATION

Staff recommends that the Civil Service Commission discuss the request to schedule a closed hearing to appeal a disciplinary action, and determine whether to schedule the hearing, including a possible pre-hearing conference, or in the alternative, refer the matter to a hearing officer.

### BACKGROUND/DISCUSSION

On August 15, 2022, the Fire Department issued a notice of intent to discipline dismissal from employment to an employee on the grounds that the employee violated the following Culver City Fire Department Rules and Regulations and Civil Service Rules:

- A. Culver City Fire Department Rules & Regulations Section 116.1: Members shall be courteous and respectful to the public and others with who they have official dealings.
- B. Culver City Fire Department Rules & Regulations Section 116.32: All members of the Department, irrespective of the divisions to which they are attached or the duties they perform, are subject to the rules, regulations, and orders concerning the government of the uniformed force; particularly such rules and regulations as apply to conduct, discipline, and transgression of laws.

- C. Culver City Fire Department Rules & Regulations Section 201.01: In matters of general conduct, all members, safety and non-safety, shall be governed by the ordinary and reasonable rules of behavior observed by law abiding and self-respecting citizens and shall commit no act, either on or off duty, tending to bring reproach or discredit upon the Department or its members.
- D. Culver City Fire Department Rules & Regulations Section 201.23: Engagement in altercations under any circumstances is prohibited.
- E. Culver City Fire Department Rules & Regulations Section 201.37: The violation of any provisions of the Rules and Regulations, Manual of Operations or orders of the Department, or the neglect or evasion of the duties prescribed, shall be a subject of disciplinary action.
- F. Culver City Civil Service Rule 11.3 Causes for Disciplinary Action Section h.: Failure to treat other employees or the public with courtesy, respect, and dignity.
- G. Culver City Civil Service Rule 11.3 Causes for Disciplinary Action Section q.: Misconduct, including but not limited to:
  - (1) Any act of conduct, undertaken in bad faith, which either during or outside of duty hours, is of such a nature that it causes discredit to fall upon the City, the employee's Department or Division,
  - (3) Careless or negligent behavior or conduct which causes or contributes to injury to the employees or others.
- H. Culver City Civil Service Rule 11.3 Causes for Disciplinary Action Section s.: Engaging in any of the following:
  - (2) Incompetency;
  - (3) Neglect of Duty;
  - (6) Failure to meet job performance standards;
  - (10) Conduct which is inconsistent with the proper administration of the Department in which the employee is employed;
  - (11) Any conduct unbecoming of an officer or employee of the City.

The employee was afforded due process rights in a *Skelly* meeting conducted on September 1, 2022.

The final notice of discipline was issued on October 18, 2022.

## **AUTHORITY**

According to Civil Service Rule 11.8, an employee in the classified service who is subject to a disciplinary action has the right to appeal to the Civil Service Commission. Further, Civil Service Rule 11.13 provides authority to the Civil Service Commission, upon majority vote, to appoint a hearing officer to conduct the hearing if it finds and determines that "the use of a hearing officer would benefit the City and the employee to ensure the expeditious completion of the hearing process." If the Commission determines it will hear the matter, the Commission should also decide if the parties will be required to attend a pre-hearing conference, as set forth in Civil Service Rule 11.14.

In the event the Commission elects to conduct the appeal hearing, the Chair and Commissioners should have their calendars available to schedule the pre-hearing conference (if desired by the Commission) and hearing dates.

**MOTION**

That the Civil Service Commission:

1. Determine to conduct a closed hearing to consider the appeal of the disciplinary action and schedule dates for a pre-hearing conference, if desired, and hearing dates.

OR

2. 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.