



City of Culver City

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Staff Report

File #: 24-613, **Version:** 1

Item #: A - 1

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

Meeting Date: February 7, 2024

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 (02/02/24); (Email) All City Staff (02/02/24)

Department Approval: Dana Anderson, Director of Human Resources (01/31/24)

RECOMMENDATION

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

BACKGROUND/DISCUSSION

On October 23, 2023, the Police Department issued a notice of intent to discipline for dismissal from employment to an employee on the grounds that the employee violated the following Culver City Police Department Policy Manual, Culver City's Civil Service Rules, and California Vehicle Code provisions:

1. California State Vehicle Code Section 23152(b): (b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.
2. California State Vehicle Code Section 20002(a): The driver of any vehicle involved in an accident resulting only in damage to any property, including vehicles, shall immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardized the safety of other motorists.

3. Culver City Police Department Policy Manual section 322.5.1(c): Violation of federal, state, local, or administrative laws, rules, or regulations.
4. Culver City Police Department Policy Manual, 322.5.4(m): Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.
5. Culver City Police Department Policy Manual, 322.5.5(i): Any act on- or off-duty that brings discredit to this department.
6. Culver City Civil Service Rule 11.3 Causes for Disciplinary Action Section q. (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;
7. Culver City Civil Service Rule 11.3 Causes for Disciplinary Action Section s. (11): Any conduct unbecoming an officer or employee of the City;

The employee was afforded due process rights in a *Skelly* meeting conducted on November 7, 2023.

The final notice of dismissal was issued on November 15, 2023.

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.