



# City of Culver City

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## Staff Report

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**File #:** 16-738, **Version:** 1

**Item #:** A-1

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### Request from Culver City Employees' Association (CCEA) To Schedule a Disciplinary Appeal Hearing

**Meeting Date:** April 5, 2017

**Contact Person/Dept:** Serena Wright-Black/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 (03/30/17); (Email) All City Staff (03/30/17)

**Department Approval:** Serena Wright-Black, Director of Administrative Services (03/12/17)

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### **RECOMMENDATION**

Staff recommends that the Civil Service Commission discuss the request to schedule a disciplinary appeal hearing, 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 January 13, 2017, the Transportation Department provided a disciplinary notice of termination to an employee for violations of the Civil Service Rules and Transportation Department Rules.

#### ***Grounds***

This disciplinary action is for causes specified below:

- A. Civil Service Rules 11.3.s. (6) Failure to meet job performance standards.
- B. Civil Service Rule 11 Section 11.3.s. (18) Violating or failing to adhere to safety rules, practices or programs.
- C. Civil Service Rule 11 Section 11.3.s. (21) Failure to maintain a job requirement.

- D. City of Culver City Council Policy Statement on Drug-Free Workplace and Drugs/Alcohol in the Workplace
- E. Culver City Bus Operators' Manual Section 1.0 Professionalism
- F. Culver City Bus Operators' Manual Section 1.1 Safety
- G. Culver City Bus Operators' Manual Section 2.0 Drug and Alcohol Policy
- H. Culver City Transportation Department Drug & Alcohol Policy Updated 2015

The employee was afforded due process rights in a Skelly meeting conducted on February 1, 2017.

The final notice of discipline was issued on February 22, 2017.

### **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 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.

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

### **MOTION**

That the Civil Service Commission:

1. Schedule dates for a Disciplinary Appeal Hearing for one Transportation Department employee.

OR

2. Refer the requested Disciplinary Appeal Hearing out to a Hearing Officer or Board pursuant to Civil Service Rule 11.13.