



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report

File #: 18-01145, **Version:** 1

Item #: A-1

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

Meeting Date: May 2, 2018

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 (04/26/18); (Email) All City Staff (04/26/18)

Department Approval: Serena Wright-Black, Director of Administrative Services (04/19/18)

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 February 22, 2018, the Police Department provided a disciplinary notice of an eighty hour suspension to an employee for violations of Culver City Police Department policies and Civil Service Rules.

Grounds

This disciplinary action is for causes specified below:

- A. Culver City Police Department Policy Section 322.5.4(g): Any other failure to abide by the standards of ethical conduct.
- B. Culver City Police Department Policy Section 322.5.4(m): Any other on-duty conduct which any member knows or reasonably should know is unbecoming a member of this department,

is contrary to good order, efficiency or moral, or tends to reflect unfavorably upon this department or its members.

- C. Culver City Police Department Policy Section 322.5.4(g): Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- D. Culver City Police Department Policy Section 322.5.5€: Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of tis department or that would tend to discredit any of its members.
- E. Culver City Police Department Policy Section 322.5.5(i): Any act, on or off duty that brings discredit to this Department.
- F. Culver City Police Department Policy Section 436.7: Required Activation of Mobile Audio Video (MAV) & Body Worn Camera (BWC).
- G. Culver City Police Department Policy Section 436.14: Classification of Recordings.
- H. Culver City Police Department Policy Section 322.5.4(f): Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- I. Culver City Police Department Policy Section 423: Mobile Digital Computer use.
- J. Culver City Police Department Policy Section 322.4: General Standards: Members shall familiarize themselves with policies and procedures and are responsible for compliance with each (for the failure to maintain his Department Policy login).
- K. Culver City Civil Service Rule 11.3 (s) (11): Causes for Disciplinary Action, Engaging in any of the following: Any conduct unbecoming an officer or employee of the City.
- L. Culver City Civil Service Rule 11.3. (q): Misconduct, including but not limited to: 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.
- M. Culver City Civil Service Rule 11.3. (h): Failure to treat other employees or the public with courtesy, respect and dignity.

The employee was afforded due process rights in a Skelly meeting conducted on March 1, 2018.

The final notice of discipline was issued on March 15, 2018.

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 Closed Hearing to Appeal a Disciplinary Action.

OR

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