



City of Culver City

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Staff Report

File #: 21-221, **Version:** 1

Item #: A-1

(1) Consideration of a Request for a Continuance of a Disciplinary Appeal Hearing; and (2) Schedule Disciplinary Appeal Hearing dates, as deemed appropriate.

Meeting Date: August 26, 2020

Contact Person/Dept: Mily C. Huntley / Administrative Services

Phone Number: (310) 253-5640

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☐

Public Notification: (Email) Meeting and Agendas - Civil Service Commission (8/25/20); (Email) All City Staff (8/25/20);

Department Approval: Serena Wright-Black, Assistant City Manager (8/25/20)

RECOMMENDATION

Staff recommends that the Civil Service Commission (1) consider the request for a continuance of a Disciplinary Appeal Hearing; and (2) schedule Disciplinary Appeal Hearing dates, as deemed appropriate.

BACKGROUND/DISCUSSION

An administrative appeal before the Commission was scheduled to commence on August 10, 2020. Due to the impact of the Coronavirus and the related stay-at-home orders issued by the City of Culver City ("City") as well as the County of Los Angeles, a determination was made to conduct the hearing remotely. Upon being notified that the hearing would proceed remotely, counsel for the appellant objected to the remote hearing and requested that the Commission continue the hearing until such time as it can be conducted in person.

Pursuant to the parties' stipulation, the appeal was continued to August 24, 2020, to allow the parties an opportunity to try to resolve the matter. Thereafter, at a special meeting convened by the Commission on August 13, 2020, to consider Appellant's request to continue the administrative appeal hearing until it can be held in person, the parties jointly requested that the pending hearing dates be taken off calendar so that the parties could continue to negotiate in good faith to try to

resolve the matter. By unanimous vote, the Commission continued the matter to August 26, 2020, at which time it would consider Appellant's request for a continuance and set new dates for the administrative appeal hearing, if appropriate.

City Council meetings and all city commission, board, and committee meetings are currently held remotely. Additionally, judicial proceedings and administrative hearings in other jurisdictions have been conducted utilizing this procedure. At this time, there is no way of knowing when in-person proceedings will commence again in the City or County of Los Angeles.

Appellant's objections fall into two (2) categories: (1) legal and (2) practical objections. The Commission has been provided with advice from Counsel for the Commission addressing Appellant's legal objections. Staff will address Appellant's practical objections at the Special Meeting.

Staff is prepared to run the hearing using the City's virtual meeting platform, WebEx Meetings. The Commission, counsel to the parties, the Appellant, the Department representative, and witnesses will be using the video conference tools of WebEx Meetings to see and hear each other during the hearing testimony. Staff will set-up a separate private call-in line for the Commissioners to confer with their legal counsel on issues that arise during the hearing. Those witnesses who need access to a computer and phone line with reliable connection will be provided the tools needed to access the hearing during their testimony.

Additionally, staff is prepared to run a series of tests to confirm that the remote hearing proceeding can commence with minimal technical issues, and to confirm that the Commissioners, parties and witnesses have appropriate connection to hear and view key documents and materials for the remote hearing.

It will be the responsibility of the parties to provide HR staff with exhibits in advance to distribute to the Commissioners and their legal counsel. It will be the responsibility of each counsel to the parties to share their screen during testimony to ensure that the witnesses are viewing, and Commissioners are referring to the appropriate exhibit(s).

The Commission has the authority to consider requests for continuances of an administrative appeal hearing under Civil Service Rule 11.10, which provides, in part, that "[t]he Commission may, in its discretion, grant continuances for valid reasons (e.g., incapacity of the employee, unavailability of counsel, or documented emergency circumstances, among others)."

As stated above, all City hearings are being conducted remotely at this time. Additionally, City staff has been advised that other jurisdictions have successfully conducted administrative appeal hearings, with live remote witness testimony. Staff believes this hearing can be held in a fair and efficient manner so that Appellant and the City have a full and fair opportunity to present their cases to the Commission.

FISCAL ANALYSIS

There is no direct fiscal impact associated with this item. Once the hearing concludes staff will be able to conduct a full assessment of the cost associated with conducting a remote hearing, and it is anticipated that there is a possible \$250 per night cost savings for Commission related expenses.

AUTHORITY

As stated above, the Commission has discretion to grant continuances under Civil Service Rule 11.10, “for valid reasons (e.g., incapacity of the employee, unavailability of counsel, or documented emergency circumstances, among others).”

ATTACHMENTS

1. N/A

MOTION

That the Civil Service Commission:

1. Consider the Request for a Continuance of a Disciplinary Appeal Hearing; and
2. Schedule Disciplinary Appeal Hearing dates, as Deemed Appropriate.