



## Legislation Text

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**File #:** CSC 17-0021, **Version:** 1

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Receive a report on hearing appeal Civil Service Rule considerations

### **HUMAN RESOURCES' RECOMMENDATION:**

Receive a report on hearing appeal Civil Service Rule considerations from the Director of Human Resources and provide further direction.

### **SUMMARY**

Following the Civil Service hearing which concluded in May 2017, the Civil Service Commission expressed the desire to streamline the hearing process. This report identifies possible areas of improvements to the Rules for consideration of the Commission to achieve that objective. Proposed hearing process changes will still require the County to provide the opportunity to exclusive representatives of the employee bargaining units to consult over the changes.

### **DISCUSSION**

Between February 1 and May 10, 2017, the Commission held a series of meetings to hear the appeal involving the allegation of discrimination by a Sheriff's Office employee. The hearing concluded after eight (8) sessions, and a final determination was issued by the Commission on May 10, 2017.

As an administrative law hearing body, the Commission has broad authority to conduct hearings in an efficient manner and which do not conflict with the Civil Service Rule Section XIII, Civil Service Commission Hearings. During the hearing process of earlier this year, the Commission expressed a desire to make the hearing process more efficient. In an effort to make better use of the parties' time, the County Human Resources Department is considering the types of hearing process changes described below.

Prior to any formal consideration by the Commission, the Human Resources Department will seek input from both County Counsel, the Commission's Counsel and all bargaining units which represent employees covered by Civil Service Rules.

Process changes for considerations include:

- Imposing limitations to repetitive testimony;
- Hearings are conducted informally, but motions are made in accordance with the Rules and witnesses are examined pursuant to California Evidence Code;
- Requiring parties meet prior to the hearing to pre-mark exhibits and identify exhibits each can agree to prior to the hearing; confirm the issue(s) being heard by the Commission, and establishes timeframes;
- Requiring parties to bring specified number of copies of exhibits to the hearing.
- Requiring parties 5 days' prior to the hearing, to identify the witness list, exhibit list, reasonable estimated time for hearing, a one-page summary of the case setting forth the charges, if disciplinary, the disciplinary action being appealed, and defenses to be raised by the Appellant;
- Requiring the parties to identify a list of facts to which they can stipulate without the introduction or admission of evidence;
- Requiring the parties to take reasonable efforts to consolidate documents;
- Establishing a standard of conduct of individuals participating in the hearing process;

- Establishing the Commission's authority to censure or take other appropriate action for failure to adhere to hearing standards of conduct;
- Establishing a procedure to address Pitchess motions (affecting public safety employees); and
- Establishing parameters for cross examination of witnesses;
- Advising parties of these protocols as the hearings are set, and the Commission's expectation and potential limitations to parties which decline to follow these protocols.

### **ALTERNATIVES**

The Civil Service Commission could request additional items be included in the proposed revisions, removal of items to be included, or ask Human Resources to disregard these efforts; however, the Human Resources Department is not recommending this as the previous hearing has raised concerns regarding efficiencies sufficient enough to warrant further review and discussion.

### **OTHER AGENCY INVOLVEMENT**

None.