



Legislation Text

File #: CSC 17-0024, **Version:** 1

Request for a Civil Service Commission Hearing on an allegation of violation of the Civil Service Rules and consider the scheduling of the hearing

HUMAN RESOURCES' RECOMMENDATION

The Director of Human Resources/Executive Secretary recommends that the Civil Service Commission schedule a hearing in the matter of the July 28, 2017 complaint alleging the violation of the Civil Service Rules 3.03 and 4.12, pursuant to Civil Service Rule Section XIII, Civil Service Commission Hearings (Rules 13.01 - 13.21).

Recommended Commission actions are:

1. Schedule the hearing for a special meeting on Wednesday, September 13, 2017 at 7:00 p.m. or following the conclusion of the Commission's regular meeting of this same date, whichever time is later.
2. The Commission direct that documents or other exhibits that each party intends to introduce into evidence at the hearing be submitted to the Commission (via the Executive Secretary) with copies simultaneously submitted to the Commission's Counsel and the other party's advocate. All exhibits are to be numbered and indexed. Eight copies of such documents shall be submitted to the Commission's Executive Secretary no later than 5:00 p.m., September 1, 2017.
3. The Commission direct that a list of witnesses either party intends to call, along with a brief description of what each witness will testify to, be submitted to the Commission (via the Executive Secretary) with copies simultaneously submitted to the Commission's Counsel and the other party's advocate. Eight copies of the witness list shall be submitted to the Commission's Executive Secretary no later than 5:00 p.m., September 1, 2017.
4. Submittals from the parties will be furnished to each individual Civil Service Commissioner on Tuesday, September 5, 2017 (following the Labor Day weekend).

SUMMARY

On August 4, 2017, the Human Resources Department received a written request dated July 28, 2017, for a hearing before the Civil Service Commission, alleging a violation of two sections of the Civil Service Rules.

DISCUSSION

On August 4, 2017, the Director of Human Resources/Executive Secretary received a written complaint requesting a hearing before the Civil Service Commission. The filed complaint contains the elements identified in Civil Service Rule 13.02, Request for Hearing, paragraph A.

Civil Service Rule 13.03, Time Within Which Hearing Must Be Commenced, states that a hearing shall commence within twenty days of the receipt of the employee's request. The special hearing/meeting was set to ensure that the hearing to set the parameters and schedule a further hearing date within 20 days of the receipt of the employee's request for a hearing. At present, there is one anticipated calendared item that will be presented at the Commission's regular meeting of September 13, 2017. Scheduling the further hearing on the employee's complaint for that date will ensure that a quorum of commissioners is available for the hearing.

During the hearing process of earlier this year, the Commission expressed a desire to make the hearing process more efficient. Given the information presently at hand, staff anticipates that the Commission can complete the hearing on September 12, 2017 if the Commission adopts the above recommended actions.

ALTERNATIVES

The Commission could choose not to approve the staff's recommendations and select a different hearing date and/or not adopt the submittal of documents and/or witnesses. This alternative is not recommended because the Commission has a lighter agenda for the September 2017 meeting and all Commissioners are anticipated to be available, Commissioners previously expressed a request to make the process more efficient, and the complaint has a narrow scope.

OTHER AGENCY INVOLVEMENT

The Director of Human Resources/Executive Secretary worked with the Commission's Counsel in the preparation of this staff report.

Enclosure:

- Civil Service Section XIII, Civil Service Commission Hearings