



## Legislation Text

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**File #:** CSC 18-0025, **Version:** 1

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### Civil Service Commission Hearing of a Disciplinary Action Appeal

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

The Director of Human Resources recommends that the Commission conducts a disciplinary action appeal hearing as provided by Civil Service Rules Section XIII, Civil Service Commission Hearings. The Appellant (employee) provided notice on December 5, 2018 that she opts for the hearing to be heard in open session as provided by Government Code section 54957(b)(2).

#### **SUMMARY**

On September 24, 2018, the Human Resources Department received a timely written request for a hearing before the Civil Service Commission, appealing disciplinary action. On October 10, 2018, the Commission scheduled the hearing for December 12, 2018. The hearing will be conducted under Civil Service Rules Section XIII, Civil Service Commission Hearings.

#### **DISCUSSION**

On October 12, 2018, the Commission's Executive Secretary notified the Appellant and the County of the Commission's hearing date, provided a copy of the Civil Service Rules Section XIII, Civil Service Commission Hearings, and the following expectations:

- The parties involved will be expected to be ready to proceed at the hour set, and any failure to be prepared to proceed at that time may be deemed by the Commission to be an admission by the unprepared party that the party's case is not meritorious, and that a decision should be rendered against that party. (Civil Service Rule 13.05, Parties to be Ready, in part)
- By November 28, 2018 - The parties are to meet at least fourteen (14) days before the hearing to pre-mark exhibits and reach agreement as to which exhibits will be admitted without objection and to identify those exhibits as to which objections to admissibility remain. Sufficient copies of such exhibits, three-hole-punched, must be submitted to the Secretary at the time the exhibit is introduced so that each Commissioner, Secretary to the Commission, Counsel to the Commission, transcriber (if applicable) and opposing Counsel receive a copy. No additional copies of demonstrative evidence, video evidence or over-sized exhibits need be provided. The parties shall also meet about any facts as to which they are willing to stipulate may be deemed provided without the introduction of admission of evidence. (Civil Service Rule 13.13, Evidence and Witnesses, paragraph B)
- By December 5, 2018 - No less than seven (7) calendar days before the first date scheduled for the hearing and by 12pm, the parties shall each submit to the Commission Secretary the following:
  - Witness List
  - Joint exhibit list identifying each exhibit by number
  - Party exhibit list identifying each exhibit by number
  - A realistic time estimate of the full length of the hearing
  - A one-page summary of the case setting forth the charge(s), the proposed discipline and any

- defenses to be raised by the Appellant (employee)
  - A list of facts the parties stipulate may be deemed proved without the introduction or admission of evidence
  - Any pre-trial motions
  - Any trial briefs to be considered by the Commission

(Civil Service Rule 13.13, Evidence and Witnesses, paragraph C)
- By December 6, 2018 - No less than six (6) calendar days before the first date scheduled for the hearing the Commission Secretary shall provide the Commissioners with the following:
  - Request for appeal and Notice of Appeal
  - County documents from which the appeal was taken
  - Witness lists
  - Joint exhibit list and exhibits
  - Party exhibit lists and exhibits
  - Party summaries of the action
  - Stipulation of agreed facts
  - Any trial briefs

(Civil Service Rule 13.13, Evidence and Witnesses, paragraph D)
- By December 7, 2018 - The Appellant (employee) must notify the Commission Secretary in writing if the hearing will be heard in an open session of the Civil Service Commission. (Government Code section 54957(b)(2))

#### **ALTERNATIVES**

None.

#### **OTHER AGENCY INVOLVEMENT**

None.