



COMMISSIONERS

CITY OF LOS ANGELES BOARD OF CIVIL SERVICE COMMISSIONERS

MINUTES

JEANNE A. FUGATE
Vice President

GABRIEL J. ESPARZA
NANCY P. MCCLELLAND
RAUL PEREZ
Commissioners

REGULAR MEETING TELEPHONIC

**THURSDAY, FEBRUARY 22, 2018 – 10:00 A.M.
ROOM 350, PERSONNEL BUILDING
700 EAST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012**

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, with notice of 72 hours, will provide reasonable accommodation (assistive listening devices, sign language interpretation, and translation services) to ensure equal access to its programs, services and activities.

Digital recordings of Commission Board meetings are kept for 30 days. Information on acquiring an audio copy of a meeting may be obtained by contacting the Commission Office at (213) 473-9107.

Website Address: <http://www.lacity.org>

Present on the telephone:

Vice President Jeanne A. Fugate
Commissioner Gabriel J. Esparza
Commissioner Nancy P. McClelland
Deputy City Attorney Jennifer Gregg

Present in the Board Room

General Manager Wendy G. Macy
Commission Executive Director
Bruce E. Whidden

Absent:

Commissioner Raul Perez

1. **CALL TO ORDER**

The meeting was called to order by the Commission Executive Director at 10:01 a.m. It was announced that Commission President Jonathan Weiss had resigned effective immediately.

2. **APPROVAL OF MINUTES**

The Board unanimously continued the approval of the minutes of the regular meeting of Thursday, February 8, 2018 to the next meeting in anticipation of the three members present at that meeting will be in attendance.

3. **COMMISSION ACTION ON ROUTINE AND OTHER MATTERS**

The Board unanimously approved, as amended, the routine and non-appearance matters under Unfinished Business, pages 2 and 3, items 5, 6 & 7 and New Business, pages 4 through 12, items 8 and 9, on a motion by Commissioner Esparza, seconded by Commissioner McClelland.

4. **PUBLIC COMMENTS ON MATTERS WITHIN BOARD'S JURISDICTION**

There were no requests for public comment.

5. **REVISION OF PERSONNEL POLICY 30.2**

The General Manager recommends that, after the Board gave a 10-Day Notice of Intention on February 8, 2018, the Commission now approve the revision of Personnel Policy 30.2.

- 30.2 **The Personnel Department shall, upon request, provide service pins for all years of service to the requesting department, except the Department of Water and Power and the sworn members of the Los Angeles Fire Department except as provided in Section 30.1.** The awarding of all service pins for all years of service for 25 years and more of service shall normally be made by the Civil Service Commission, while the awarding of service pins for 20 years or less shall normally shall be made by the operating department's management or commission. Upon the request of any operating department, however, the normal presentation is varied by allowing the department to make the presentation of:
- a. ~~The service pin award of any particular individual.~~
 - b. ~~All service pin awards of any particular category including, if requested, the presentation of all service pins regardless of denomination.~~

File No. 54936

COMMISSION ACTION: RECOMMENDATION APPROVED

6. **RESIGNATIONS, SETTLEMENTS AND WITHDRAWALS UNDER CHARTER SECTION 1016 TO BE MADE A MATTER OF RECORD**

Douglas E. SALLIE, Window Cleaner, Department of Airports. Discharge effective July 10, 2017.

Settlement agreement whereby the Department agreed to rescind the penalty of discharge and accept the Appellant's voluntary resignation; The Appellant agreed not to apply for future employment with the Department of Airports; The Appellant agreed to withdraw his appeal from Discharge now pending before the Civil Service Commission; The parties agreed to other terms and conditions. The Commission Office received the signed documents on February 7, 2018.

File No. 54801

COMMISSION ACTION: MADE A MATTER OF RECORD

7. **ADMINISTRATIVE CLOSURE - APPEAL UNDER CHARTER SECTION 1016 TO BE MADE A MATTER OF RECORD**

Alex A. LOAIZA, Building Maintenance District Supervisor, Department of General Services. Discharge effective September 14, 2017.

DISCUSSION:

On September 14, 2017, Alex Loaiza was served by certified mail with a General Form 77 by the Department of General Services detailing the Department action of imposing the penalty of discharge for: 1) “Unexcused and excessive absenteeism (third offense);” 2) Failure to carry out supervisory responsibilities adequately (third offense);” 3) Failure to follow established procedure for notification of inability to report to work (third offense);” 4) Violation of February 9, 2017 Behavioral Agreement; 5) Violation of February 9, 2017 Disciplinary Pay Status; 6) Reporting for a return to duty test at MSD under the influence of alcohol / being unfit to report to work.

An Appeal was filed on September 21, 2017 in the office of the Civil Service Commission. Following the regular course of events, a hearing examiner was selected and a hearing date selected. On February 5, 2018, the Department informed the Commission Office that Mr. Loaiza had passed away on February 3, 2018.

The California Court of Appeals, Second Appellate District, in *Monsivaiz v. Los Angeles County Civil Service Commission*, 236 Cal. App. 4th 236; 186 Cal Rptr. 3d 446; 2015 Cal. App. (2015) stated as follows:

“A civil service commission...lost its jurisdiction when the employee died. Because the commission could resolve a claim for back-pay only in connection with reinstatement of an employee to service, there was no act the superior court could mandate the commission to perform within its authority to take...”

(*Corina Monsivaiz v. Los Angeles County Civil Service Commission*, 236 Cal. App. 4th 236; 186 Cal Rptr. 3d 446; 2015 Cal. App. (2015).

The administrative closure of the appeal is appropriate, as the Civil Service Commission no longer has jurisdiction to act.

RECOMMENDATION:

Adopt staff recommendation that the Board no longer holds jurisdiction over the Appeal from Discharge of Alex LOAIZA and that the Appeal be Administratively Closed and made a Matter of Record.

File No. 54853

COMMISSION ACTION: MADE A MATTER OF RECORD

8. **ADMINISTRATIVE ACTIONS**

The General Manager recommends that:

- a. Pursuant to Civil Service Rule 4.2, the Board shall make the significant changes in the following bulletins promulgated on the date noted a matter of record:

February 2, 2018

Interdepartmental Promotional and Open Competitive

CHIEF OF PARKING ENFORCEMENT OPERATIONS
SOLID WASTE DISPOSAL SUPERINTENDENT

Open Competitive

FINANCIAL ANALYST
LIBRARIAN

February 9, 2018

Interdepartmental Promotional and Open Competitive

RIDESHARE PROGRAM ADMINISTRATOR

Interdepartmental Promotional

CIVIL ENGINEER
SENIOR POLICE SERVICE REPRESENTATIVE
CHIEF MANAGEMENT ANALYST

Departmental Promotional

POLICE LIEUTENANT

Open Competitive

ARCHIVIST
CUSTOMER SERVICE REPRESENTATIVE
LOAD DISPATCHER

- b. Make a matter of record the General Manager's recommendation to approve the use of the following Special Examining Assistants:

1) **AIRPORTS MAINTENANCE SUPERINTENDENT**

Lawrence HARTNETT, Director of Maintenance Airports I, Department of Airports.

2) **CONSTRUCTION EQUIPMENT SERVICE WORKER**

Dennis RICHARDS, Equipment Repair Supervisor, Department of Water & Power and Kevin STREETER, Equipment Repair Supervisor, Department of Airports.

3) **ELECTRICAL INSPECTOR**

Mike PACKARD, Principal Inspector and Eric BANE, Senior Electrical Inspector, Department of Building and Safety.

4) **ENGINEERING GEOLOGIST**

Daniel SCHNEIDEREIT, Engineering Geologist II, Department of Building and Safety, Patrick SCHMIDT, Geotechnical Engineer III, Department of Public Works, Bureau of Engineering and Andrew LINARD, Managing Water Utility Engineer, Department of Water & Power.

8. ADMINISTRATIVE ACTIONS, (Continued)

b. Make a matter of record the General Manager's recommendation to approve the use of the following Special Examining Assistants, (Continued):

5) FIELD ENGINEERING AIDE

Jesus Maldonado GONZALEZ, Civil Engineering Associate, Department of Water & Power and Cesar BREGAUDIT, Survey Supervisor, Department of Public Works, Bureau of Engineering.

6) PRINCIPAL CLERK

Kedren ROBINSON, Chief Clerk, Harbor Department.

7) PRINCIPAL CONSTRUCTION INSPECTOR

Gerardo LOPEZ, Chief Construction Inspector, Department of Airports, Frank RINALDI and Nellie (Seffy) WILES, Chief Construction Inspectors, Department of Public Works, Bureau of Contract Administration.

8) PRINCIPAL UTILITY ACCOUNTANT

John CHEN, Utility Services Manager and Ben TRUONG, Principal Utility Accountant, Department of Water & Power.

9) SENIOR ACCOUNTANT

Carrie HU, Principal Accountant I, Housing and Community Investment Department, Yolanda ANTONIO, Principal Accountant II, Department of Public Works, Board of Public Works, Livea YEH, Senior Management Analyst I, City Planning Department, Albert LEE, Principal Accountant II, Office of the Controller and Perla TOGONON, Principal Accountant II, Department of Airports.

10) SENIOR CIVIL ENGINEER

Brian CHUC, Harbor Engineer I, Harbor Department and Jeffrey SMITH, Chief Airports Engineer II, Department of Airports.

11) SENIOR EQUIPMENT MECHANIC

John FERRIS, Equipment Superintendent, Department of General Services and Charles O. THARP, Automotive Supervisor, Los Angeles Police Department.

12) STORES SUPERVISOR

Connie ESPINOZA, Supply Services Manager I, Department of General Services and Michael GUTIERREZ, Supply Services Manager, Department of Water & Power.

13) STREET LIGHTING ELECTRICIAN

Elliott KOWITZ and Silvia TORRES, Street Lighting Electrician Supervisors I, Department of Public Works, Bureau of Street Lighting.

14) VOLUNTEER COORDINATOR

Marie O'KELLY-GREEN, Airport Manager II, Department of Airports.

File No. 54938

c. Make a matter of record the General Manager's recommendation to approve the use of the following raters for the evaluation of Training and Experience Questionnaires.

SOCIAL WORKER

Erika BROWN, Social Worker II and Laura TREJO, General Manager, Department of Aging.

File No. 54939

8. ADMINISTRATIVE ACTIONS, (Continued)

- d. Approve the use of interview boards consisting of representatives from inside City service in the interdepartmental promotional and open competitive examination for **Benefits Specialist**.

File No. 54940

- e. Approve the use of interview boards consisting of representatives from inside and outside City service in the interdepartmental promotional examination for **Chief Communications Operator**.

File No. 54941

- f. Approve the use of interview boards consisting of representatives from inside City service in the open and interdepartmental promotional examination for **Equipment Specialist**.

File No. 54942

- g. Approve the use of interview boards consisting of representatives from inside City service in the interdepartmental promotional and open competitive examination for **Graphics Designer**.

File No. 54943

- h. Approve the use of interview boards consisting of representatives from inside and outside City service in the interdepartmental promotional and open competitive examination for **Legislative Representative**.

File No. 54944

- i. Approve the use of interview boards consisting of representatives from inside the City service in the interdepartmental promotional examination for **Principal Accountant**.

File No. 54945

- j. Approve the change of the test of fitness method in the interdepartmental promotional examination for **Equipment Supervisor**. The examination will be comprised of a weighted interview (100%).

File No. 54946

- k. Make the following APPEALS a matter of record:

Suspension

Francine BRAVERMAN, Commercial Field Representative, Department of Water & Power. Suspension effective February 5, 2018 to February 23, 2018, inclusive (15-working days). Form 77 filed with Records, February 5, 2018.

Cause of Action: 1) 50-04, B5 : Failing to carry out assigned work adequately, directly or promptly;
 2) 50-04, F5: Violating safety rules, procedures or accepted practices, which could have resulted in injury or damage to equipment;
 3) 50-04, B1: Violating Department rules;
 4) 50-04, B4: Personal appearance not appropriate for the job in terms of community standards and job safety.

Discipline: Suspension effective February 5, 2018 to February 23, 2018, inclusive (15 working days).

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on February 5, 2018.

File No. 54947

8. ADMINISTRATIVE ACTIONS, (Continued)

k. Make the following APPEALS a matter of record, (Continued):

Suspension

Andrew CAMPBELL, Electrical Craft Helper, Department of Water & Power. Suspension effective February 5, 2018 to February 12, 2018, inclusive (six-working days). Form 77 filed with Records, February 6, 2018.

Cause of Action: 1) 50-04, D1: Flagrantly refusing to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination);

Discipline: Suspension effective February 5, 2018 to February 12, 2018, inclusive (six working days).

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on February 5, 2018. File No. 54948

Jose MIRANDA, Jr., Security Officer, Department of Airports. Suspension effective January 29, 2018 to February 2, 2018, inclusive (five-working days). Appeal is accepted because appellant had a three-working day suspension within 365 days of this discipline. Form 77 filed with Records, January 29, 2018.

Cause of Action: 1) Violation of Administrative Manual Sections (AMS) 5.020 (B.3): Misusing or failing to use delegated authority in the performance of duties;

2) Violation of AMS 5.020 (B.5): Failure to perform work assignments adequately or promptly;

3) Violation of AMS 5.020 (D.1): Improper behavior in relations with supervisors, employees, or the public and refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination).

Discipline: Suspension effective January 29, 2018 to February 2, 2018, inclusive (five-working days).

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on January 29, 2018.

File No. 54949

Bernardo PEREZ, Gardener Caretaker, Department of Recreation and Parks. Suspension effective January 30, 2018 to February 6, 2018, inclusive (six-working days). Form 77 filed with Records, January 29, 2018.

Cause of Action: 1) Failure to perform work assignments adequately or promptly.

Discipline: Suspension effective January 20, 2018 to February 6, 2018, inclusive (six working days).

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on February 2, 2018.

File No. 54950

8. ADMINISTRATIVE ACTIONS, (Continued)

k. Make the following APPEALS a matter of record, (Continued):

Suspension, (Continued)

Jimmy FLOWERS, Security Officer, Department of Airports. Suspension effective January 4, 2018 to January 24, 2018, inclusive (15-working days). Form 77 filed with Records, January 9, 2018.

Cause of Action: 1) Restricting duty of use of audio/video recording devices;
 2) Making a false or misleading statement;
 3) Refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination);
 4) Using abusive language toward or making inappropriate statements to the public, supervisors or co-workers;
 5) Making threats (verbal or non-verbal) or initiating a confrontation with the public, supervisors or co-workers;
 6) Failure to provide work related information to supervisors or others requiring it.

Discipline: Suspension effective January 4, 2018 to January 24, 2018, inclusive (15-working days)

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on February 2, 2018.

* Appeal process delayed while Civil Service Commission jurisdiction was established.

File No. 54951

Erika WILBURN, Traffic Officer II, Department of Transportation. Suspension effective February 12, 2018 to March 9, 2018, inclusive (20-working days). Form 77 filed with Records, February 23, 2018.

Cause of Action: 1) Failure to cooperate with or using abusive language toward other employees;
 2) Using threats to harm another employee.

Discipline: Suspension effective February 12, 2018 to March 9, 2018, inclusive (20-working days)

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on February 9, 2018.

File No. 54952

Discharge

AIRPORT POLICE LIEUTENANT, Department of Airports. Discharge effective February 13, 2018. Form 77 filed with Records, February 14, 2017.

Cause of Action: 1) Misconduct on or off the job, seriously reflecting on City employee or employment;
 2) Performance below standard;
 3) Failure to carry out supervisory responsibility to ensure a safe work environment;
 4) Fraud, dishonesty, theft or falsification of records

Discipline: Discharge effective February 13, 2018.

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on February 6, 2017.

File No. 54953

8. **ADMINISTRATIVE ACTIONS, (Continued)**

k. Make the following APPEALS a matter of record, (Continued):

Discharge, (Continued)**Ray FU**, Chemist, Department of Water & Power. Discharge effective February 6, 2018. Form 77 filed with Records, February 6, 2017.

Cause of Action: 1) Intentionally falsifying or destroying City records without proper authorization.

Discipline: Discharge effective February 6, 2018.

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on February 6, 2017.

File No. 54954

Khosrow SHADFAR, Airport Guide I, Department of Airports. Discharge effective October 16, 2017. Form 77 filed with Records, February 26, 2017.Cause of Action: 1) Engaging in behavior in conflict with job duties;
2) Falsifying City record by altering outside employment form;
3) Falsely claiming sick time to work at outside employment;
4) Utilizing Airport Employee Parking Pass when not scheduled to work.

Discipline: Discharge effective October 16, 2017.

In accordance with Charter Section 1016, the Appellant filed an appeal with the Office of the Commission on October 17, 2017.*

* Appeal process delayed while Civil Service rights of the Appellant were established.

File No. 54955

l. Make the following NOTICES a matter of record.

Suspension**CUSTOMER SERVICE REPRESENTATIVE**, Department of Water & Power.

Suspension effective January 8, 2018 to February 19, 2018, inclusive (15-working days).

Form 77 filed with Records January 9, 2018.

Cause of Action: 1) 50-04, C1: Neglect of Duty;
2) 50-04 C3: Failure to make a reasonable effort to notify supervisors of inability to report to work.

Discipline: Suspension effective February 5, 2018 to February 12, 2018, inclusive (six working days).

GARDENER CARETAKER, Harbor Department. Suspension effective February 5, 2018 to March 2, 2018, inclusive (10-working days) to be served as agreed. Form 77 filed with Records February 1, 2018.Cause of Action: 1) Use of alcoholic beverages or controlled substances in violation of Department standard;
2) Failure to maintain himself in a fit and suitable condition for duty;
3) Positive for cause non-DOT alcohol and drug test.

Discipline: Suspension effective February 5, 2018 to March 2, 2018, inclusive (10-working days) to be served as agreed.

8. **ADMINISTRATIVE ACTIONS, (Continued)**

1. Make the following NOTICES a matter of record, (Continued)

Suspension, (Continued)

GARDENER CARETAKER, Department of Recreation and Parks. Suspension effective January 29, 2018 to February 23, 2018, inclusive (20-working days). Form 77 filed with Records January 29, 2018.

Cause of Action: 1) Use of alcoholic beverages or controlled substances while on duty;
2) Operating City vehicles or other equipment while under the influence of any alcoholic beverage or any drug(s) or narcotic, which will impair operative capability.

Discipline: Suspension effective January 29, 2018 to February 23, 2018, inclusive (20-working days).

PARKING MANAGER, Department of General Services. Suspension effective January 10, 2018 to April 5, 2018, inclusive (20-working days) to be served as agreed. Form 77 filed with Records January 16, 2018.

Cause of Action: 1) Using official position or office for personal gain or advantage
2) Using City time, property or equipment without authorization;
3) Failure to perform work assignments adequately or promptly.

Discipline: Suspension effective January 10, 2018 to April 5, 2018, inclusive (20-working days) to be served as agreed.

Discharge

CUSTODIAN, Department of General Services. Discharge effective December 14, 2017. Form 77 filed with Records January 12, 2018.

Cause of Action: 1) Failure to complete work assignments adequately (third offense);
2) Requiring excessive supervision (third offense);
3) Unexcused or excessive absenteeism (fourth offense);
4) Violation of Department rule by leaving assigned work area without authorization (second offense).

Discipline: Discharge effective December 14, 2017.

COMMISSION ACTION: MADE A MATTER OF RECORD

9. CLASSIFICATION ACTIONS

a. The General Manager recommends that the Board approve the following Classification actions.

1. Allocate the following new positions in the **Department of Airports**, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
2903	30	Security Officer, 3181
2904	1	Chief Management Analyst, 9182
2905	5	Construction Inspector, 7291
2906	1	Senior Management Analyst, 9171

2. Allocate the following new positions in the Joint System of the **Department of Water & Power**, as indicated:

<u>DWP No.</u>	<u>No. of Positions</u>	<u>DDR No.</u>	<u>Class Title and Code</u>
5163	1	95-14092	Information Systems Manager, 1409
5165	1	95-15390	Management Assistant, 1539
5166	1	95-91051	Utility Administrator, 9105
5161	1	95-91064	Utility Services Manager, 9106

3. Allocate the following new positions in the Power System of the **Department of Water & Power**, as indicated:

<u>DWP No.</u>	<u>No. of Positions</u>	<u>DDR No.</u>	<u>Class Title and Code</u>
5175	1	95-75252	Electrical Engineering Associate, 7525
5173	1	95-72463	Civil Engineering Associate, 7246

4. Allocate the following new positions in the Water System of the **Department of Water & Power**, as indicated:

<u>DWP No.</u>	<u>No. of Positions</u>	<u>DDR No.</u>	<u>Class Title and Code</u>
5164	1	95-78712	Environmental Engineering Associate, 7871
5167	1	93-58102	Aqueduct and Reservoir Keeper, 5813
5168	1	93-58102	Aqueduct and Reservoir Keeper, 5813
5169	1	95-75542	Mechanical Engineering Associate, 7554
5170	1	93-31117	Senior Gardener, 3143
5171	1	93-31117	Senior Gardener, 3143
5172	1	95-75543	Mechanical Engineering Associate, 7554
5174	1	95-91051	Utility Administrator, 9105

~~5. Allocate the following new position in the **Emergency Management Department**, as indicated:~~

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
2901	1	Senior Project Coordinator, 1538

6. Allocate the following new positions in the Los Angeles Fire Department, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
2900	48	Firefighter, 2112

Continued...

9. CLASSIFICATION ACTIONS

a. The General Manager recommends that the Board approve the following Classification actions, (Continued).

7. Allocate the following new position for the **Los Angeles Fire and Police Pensions**, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
2899	1	Internal Auditor, 1625

8. Allocate the following new position in the **Harbor Department**, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
2902	1	Systems Analyst, 1596 File No. 54956

~~b. The General Manager recommends that the Board of Civil Service Commissioners give a 10-day notice of intention to:~~

~~1. Create the new classification of **Airport Labor Relations Advocate**;~~

~~**and**~~

~~2. Adopt the new class specification for **Airport Labor Relations Advocate**.
File No.~~

COMMISSION ACTION: RECOMMENDATIONS APPROVED

10. ADJOURNMENT

The meeting was adjourned by Commission Vice President Jeanne Fugate at 10:04 a.m.

JEANNE A. FUGATE,
President

BRUCE E. WHIDDEN,
Commission Executive Director