



# CITY OF LOS ANGELES BOARD OF CIVIL SERVICE COMMISSIONERS

## MINUTES

COMMISSIONERS

JEANNE A. FUGATE  
President

RAUL PEREZ  
Vice President

ERICA L. JACQUEZ  
NANCY P. MCCLELLAND  
VACANT  
Commissioners

### REGULAR MEETING

**THURSDAY, MAY 9, 2019 – 10:00 A.M.**  
**ROOM 350, PERSONNEL BUILDING**  
**700 EAST TEMPLE STREET**  
**LOS ANGELES, CALIFORNIA 90012**

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Present:

Vice President Raul Perez

Commissioner Erica L. Jacquez

Commissioner Nancy P. McClelland

Deputy City Attorney Jennifer Gregg

Assistant General Manager Aram Kouyoumdjian

Commission Executive Director

Bruce Whidden

Absent:

President Jeanne A. Fugate

1. **CALL TO ORDER**

The Commission Vice President called the meeting to order at 10:18 a.m.

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

There was no request for public comment.

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

The Board unanimously approve, as amended, routine and nonappearance matters under Unfinished Business, page 5, items 6 and 7, and New Business, pages 6 through 9, items 8 and 9 on a motion by Commissioner McClelland, seconded by Commissioner Jacquez.

4. **GENERAL MANAGER'S REPORT**

Personnel Department Assistant General Manager for Public Safety Aram Kouyoumdjian reported on the City's new automated scheduling system for Police Recruits called "The Virtual Mentor." This new cutting-edge element of the Personnel Department's Police Recruitment efforts will permit candidates to remain fully engaged in the Police hiring and selection process 24-hours a day, seven days a week from any device. They can schedule test parts, submit questions and check their status in the process. Experience has proven that the more engaged a candidate is in the process, the faster they move through and the better potential police officer they become.

5. **APPEALS UNDER CHARTER SECTION 1016**

- a. **Oleg CHAKHOV**, Security Officer, Los Angeles Police Department. Discharge effective July 20, 2018.

Report and recommendations of the Board's Hearing Examiner Natalie Panossian-Bassler following the conduct of a hearing held January 16, 2019 into the appeal of Mr. Chakhov.

The Hearing Examiner recommends that the Board:

A. FIND that the *Skelly* due process requirements were met.

- 1) SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, was detained for a criminal investigation by California Department of Fish and Wildlife wardens;
- 2) SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, conducted personal business during assigned working hours;
- 3) SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, failed to cooperate with California Department of Fish and Wildlife wardens during an official investigation when he told the wardens the supervisor was on the telephone and wanted to talk with them;
- 4) SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, documented inaccurate information on his Daily Field Activity Report;
- 5) SUSTAIN the cause of action that on or about December 18, 2017, the employee, while on-duty, was insubordinate when he refused to answer questions during an official administrative investigation;
- 6) SUSTAIN the cause of action that from April 7, 2017 to September 7, 2017, the employee, while on-duty, failed to notify the Department that he was detained by the California Department of Fish and Wildlife wardens on April 7, 2017;
- 7) SUSTAIN the cause of action that from April 7, 2017 to September 7, 2017, the employee, while on-duty, failed to notify the Department that he was the subject of a criminal investigation by the California Department of Fish and Wildlife.

B. FIND that the Discharge effective July 20, 2018 was appropriate and is SUSTAINED.

C. MAKE A DETERMINATION to adopt the findings and conclusions in the Hearing Examiner's report as its own.

File No. 55117

**COMMISSION ACTION:**

The Department stated its support for the findings and conclusions in the Hearing Examiner's report and urged the Board to adopt it. Commissioner McClelland noted that a Department may not discipline an employee for merely being detained by law enforcement. The Department stated that it felt it was on solid footing with charge one as the Appellant subsequently was charged with a crime resulting from the criminal investigation and it holds its employees, civilian or sworn, to a higher standard. The Department also noted that its employees are required to notify a supervisor of a detention.

5. APPEALS UNDER CHARTER SECTION 1016, (Continued)

- a. **Oleg CHAKHOV**, Security Officer, Los Angeles Police Department. Discharge effective July 20, 2018, (Continued):

The Board’s Counsel noted that state law prohibits disciplining an employee for being detained by law enforcement. Commissioner McClelland added that state law trumps any Department policy or practice.

The Appellant stated that he was the first person in the State of California to be prosecuted under a new state law that made the sale of ivory objects a criminal offense. He added that he met with the wardens of the California Department of Fish and Wildlife while at work by during a break. He had his radio and the representatives of the branch Library where he was assigned knew where he was at all times. He stated that he was not aware that any investigation was continuing so he did not inform his supervisors.

Commissioner McClelland asked why he had a friend call him and pretend to be his current supervisor and needed to speak with him? The Appellant could not answer.

Commissioner Perez asked the Department to confirm the penalty range for the charge; indicating that count four, five, six and seven call for discharge or included discharge in its range.

***Commission Action:***

In a series of motions by Commissioner McClelland, seconded by Commissioner Jacquez, the Board voted unanimously to:

FIND that the *Skelly* due process requirements were met.

NOT SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, was detained for a criminal investigation by California Department of Fish and Wildlife wardens;

SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, conducted personal business during assigned working hours;

SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, failed to cooperate with California Department of Fish and Wildlife wardens during an official investigation when he told the wardens the supervisor was on the telephone and wanted to talk with them;

SUSTAIN the cause of action that on or about April 7, 2017, the employee, while on-duty, documented inaccurate information on his Daily Field Activity Report;

SUSTAIN the cause of action that on or about December 18, 2017, the employee, while on-duty, was insubordinate when he refused to answer questions during an official administrative investigation;

Motions to both sustain and not sustain count six, “that from April 7, 2017 to September 7, 2017, the employee, while on-duty, failed to notify the Department that he was detained by the California Department of Fish and Wildlife wardens on April 7, 2017” were offered but both failed for lack of a second. The charge remains unresolved.

Commissioner McClelland then moved, with a second from Commissioner Jacquez, to:

SUSTAIN the cause of action that from April 7, 2017 to September 7, 2017, the employee, while on-duty, failed to notify the Department that he was the subject of a criminal investigation by the California Department of Fish and Wildlife.

The motion was unanimously approved.

5. **APPEALS UNDER CHARTER SECTION 1016, (Continued)**

- a. **Oleg CHAKHOV**, Security Officer, Los Angeles Police Department. Discharge effective July 20, 2018, (Continued):

On two final motions by Commissioner McClelland, seconded by Commissioner Jacquez, the Board voted unanimously to:

FIND that the Discharge effective July 20, 2018 was appropriate and SUSTAINED.

ADOPT the findings and conclusions in the Hearing Examiner’s report as its own.

**Appearances**

Sgt Diana Morales, Internal Affairs Group, Los Angeles Police Department  
Oleg Chakhov, Appellant

5. APPEALS UNDER CHARTER SECTION 1016, (Continued)

- b. **Pride FRANKLIN**, Senior Custodian I-Airport, Department of Airports. Discharge effective March 28, 2018.

Report and recommendations of the Board’s Hearing Examiner Shep Zebberman following the conduct of a hearing held in absentia on November 29, 2018 into the appeal of Ms. Franklin.

The Hearing Examiner recommends that the Board:

- A. FIND that the *Skelly* due process provisions were met.

- 1) SUSTAIN the cause of action of using official position or office for personal gain or advantage;
- 2) SUSTAIN the cause of action of engaging in illegal behavior or conduct in conflict with job duties, on or off the job;
- 3) SUSTAIN the cause of action of violation of Department rules;
- 4) SUSTAIN the cause of action of failure to carry out supervisory responsibilities adequately;
- 5) SUSTAIN the cause of action of theft of or aiding or encouraging the theft of cash, or City property or equipment, as established by proper investigation;
- 6) SUSTAIN the cause of action of falsifying City records such as time reports, mileage reports, expense accounts, or other work-related documents including but not limited to providing false or misleading statements during fact-finding investigation;
- 7) SUSTAIN the cause of action of failure to exercise proper supervisory oversight to protect City assets.

- B. FIND that the Discharge effective March 28, 2018 was appropriate and should be SUSTAINED.

- C. MAKE A DETERMINATION to adopt the findings and conclusions in the Hearing Examiner’s report as its own.

File No. 55000

COMMISSION ACTION: Continued from January 24, 2019.

This matter was continued on January 24, 2019 after it was reported that the parties had reached a settlement agreement. Documents were sent to the Appellant for signature with a stamped return envelope to the Office of Civil Service Commission. The settlement agreement included a due date of March 14, 2019 for the return of documents to the Office of the Civil Service Commission. The deadline passed with no communication from the Appellant. The matter is now being returned to the Board for final adjudication.

***Discussion:***

At the May 9, 2019 meeting, the matter returned to the Board for consideration.

The Department stated its support for the Hearing Examiners report and asked the Board to sustain the penalty of Discharge. The Board had no questions and proceeded to its vote.

5. APPEALS UNDER CHARTER SECTION 1016, (Continued)

- b. **Pride FRANKLIN**, Senior Custodian I-Airport, Department of Airports. Discharge effective March 28, 2018, (Continued).

***Commission Action:***

In a series of motions by Commissioner McClelland, seconded by Commissioner Jacquez, the Board unanimously voted to:

FIND that the *Skelly* due process provisions were met.

SUSTAIN the cause of action of using official position or office for personal gain or advantage;

SUSTAIN the cause of action of engaging in illegal behavior or conduct in conflict with job duties, on or off the job;

SUSTAIN the cause of action of violation of Department rules;

SUSTAIN the cause of action of failure to carry out supervisory responsibilities adequately;

SUSTAIN the cause of action of theft of or aiding or encouraging the theft of cash, or City property or equipment, as established by proper investigation;

SUSTAIN the cause of action of falsifying City records such as time reports, mileage reports, expense accounts, or other work-related documents including but not limited to providing false or misleading statements during fact-finding investigation;

SUSTAIN the cause of action of failure to exercise proper supervisory oversight to protect City assets.

FIND that the Discharge effective March 28, 2018 was appropriate and SUSTAINED.

ADOPT the findings and conclusions in the Hearing Examiner's report as its own.

**Appearances:**

Thomas Maumu, Human Resources Division, Department of Airports

Glynnis Cash, Human Resources Division, Department of Airports

The Appellant did not attend the Board Meeting.

**5. APPEALS UNDER CHARTER SECTION 1016 - CLOSED SESSION**  
**CITY EMPLOYEE WITH PEACE OFFICER STATUS**

- c. AIRPORT POLICE LIEUTENANT**, Department of Airports, Discharge effective February 13, 2018.

Pursuant to Government Code 54957, the Civil Service Commission will adjourn into closed session discussion to consider this employee's discipline.

The Commission will report any votes taken when it returns to open session.

File No. 54953

**COMMISSION ACTION:**

The Commission Vice President announced, with the Board's apology, that the Commission would lose its quorum in less than 20 minutes, insufficient time to hear the case. The matter would have to be continued to a future agenda.

6. **DEMAND FOR REINSTATEMENT**

Deny the Demand for Reinstatement regarding the Discharge of **RAY FU** from his position as a Chemist, Department of Water & Power, effective February 6, 2018. In his filing, Mr. Fu asserts as grounds for his demand for reinstatement that the Hearing Examiner and the Board were misled by false and misleading evidence and testimony presented by the Department and that in no way should his actions have led to his Discharge.

Further, make it a matter of record that Mr. Fu filed his Demand via email with the Office of the Civil Service Commission within the 90-day period as prescribed by Charter Section 1017.

File No. 54954

COMMISSION ACTION: MADE A MATTER OR RECORD

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

**Reneir V. ORTEGA**, Office Engineering Technician, Department of Water & Power. Suspension effective January 7, 2019 to January 18, 2019, inclusive, (10-working days). Settlement agreement between the City and Reneir V. Ortega whereby the Department agreed to reduce the ten (10) working day suspension imposed to a six (6) working day suspension. The Department agreed to make the Appellant whole for the four days of suspension already served. The Appellant acknowledged and agreed to accept the causes of action filed against him. The Appellant agreed to withdraw his Appeal from Suspension now pending before the Civil Service Commission. The parties agreed to other terms and conditions. The signed Settlement Agreement documents and the Appellant's Withdrawal from Appeal form were received in the office of the Civil Service Commission on April 23, 2019.

File No. 55238

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:

**April 19, 2019**

**Interdepartmental Promotional and Open Competitive**

CONSTRUCTION ESTIMATOR  
SENIOR SURVEY SUPERVISOR

**Interdepartmental Promotional**

SENIOR PROPERTY OFFICER  
SURVEY PARTY CHIEF  
WATERWORKS MECHANIC

**April 26, 2019**

**Interdepartmental Promotional and Open Competitive**

CIVIL ENGINEERING DRAFTING TECHNICIAN  
PRINCIPAL ARCHITECT

**Interdepartmental Promotional**

BUILDING REPAIR SUPERVISOR  
CARPENTER SUPERVISOR

**Open Competitive**

GALLERY ATTENDANT  
MECHANICAL HELPER  
PORT PILOT

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

1. **BUILDING REPAIR SUPERVISOR**

Pritpal JHAJ, Sanitation Wastewater Manager II, Department of Public Works, Bureau of Sanitation, Richard GONZALEZ, Mechanical Repair General Supervisor, Department of Water & Power, and Matthew ROCKE, Building Maintenance District Supervisor, Department of General Services.

2. **ELECTRIC SERVICE REPRESENTATIVE**

Antoine RAAD, Electrical Engineer, Department of Water & Power.

3. **ENVIRONMENTAL ENGINEER**

Maria HALVERSON, Senior Environmental Engineer, Department of Public Works, Bureau of Sanitation, and Jim BURMAN, Senior Civil Engineer, Department of Public Works, Bureau of Engineering.

4. **FIRE HELICOPTER PILOT**

Daniel CHILD, Fire Helicopter Pilot IV, and Adam KNABE, Fire Captain II, Los Angeles Fire Department.

5. **LABORATORY TECHNICIAN**

Guy HOLLOMAN, Supervising Criminalist, Los Angeles Police Department, Mei YU, Senior Chemist, Department of Public Works, Bureau of Sanitation, and Marlyn STASIAK, Water Quality Laboratory Manager, Department of Water & Power.

6. **SENIOR CITY PLANNER**

Estineh MAILIAN, Chief Zoning Administrator, and Kenneth BERNSTEIN, Principal City Planner, City Planning Department.

7. **SENIOR SURVEY SUPERVISOR**

Leilani WALSH, Harbor Engineer I, Harbor Department.

File No. 55289

8. ADMINISTRATIVE ACTIONS, (Continued)

- c. Approve the change of the test of fitness method in the interdepartmental promotional and open competitive examination for **Environmental Compliance Inspector**. The examination will be comprised of a qualifying technical exercise, qualifying recorded interview, and a written multiple-choice test weighted at 100%.

File No. 55290

- d. Approve the change of the test of fitness method in the open examination for **Performing Arts Program Coordinator**. The examination will be comprised of an advisory essay (0%) and a weighted interview (100%).

File No. 55291

- e. ~~Approve the change of test of fitness method in the interdepartmental promotional examination for **Systems Aide** from 100% interview with a qualifying multiple choice test to 100% interview with an advisory technical exercise.~~

~~File No.~~

COMMISSION ACTION: RECOMMENDATIONS APPROVED

9. **CLASSIFICATION ACTIONS**

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

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

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
3231	1	Airport Environmental Manager, 9422

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>
5528	1	91-17020	Management Analyst, 9184
5529	8	95-37552	Utility Services Specialist, 3755
5530	1	91-15024	Senior Systems Analyst, 1597
5531	2	91-15017	Systems Analyst, 1596
5532	1	94-72076	Senior Civil Engineering Drafting Technician, 7207
5533	1	94-72158	Civil Engineering Drafting Technician, 7232

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>
5526	1	94-33110	Building Repairer, 3333
5527	3	94-33110	Building Repairer, 3333

4. Allocate the following new positions in the **Housing and Community Investment Department**, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
3227	1	Management Analyst, 9184
3257	1	Management Analyst, 9184

5. Allocate the following new positions in the **Department of Public Works, Bureau of Street Services**, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>Class Title and Code</u>
3228	1	Street Services General Superintendent, 4160
3229	1	Community Affairs Advocate, 2496
3230	2	Service Coordinator, 0883

6. Reallocate the following position for the **Personnel Department**, as indicated:

<u>CSC No.</u>	<u>No. of Positions</u>	<u>From:</u> <u>Class Title and Code</u>	<u>To:</u> <u>Class Title and Code</u>
3256	1	Benefits Specialist, 1203	Management Analyst, 9184

File No. 55292

9. **CLASSIFICATION ACTIONS, (Continued)**

- b. The General Manager recommends that the Board of Civil Service Commissioners extend the exemption of the following positions in the **Economic and Workforce Development Department** from the Civil Service provisions of the Charter for a third and final year, in accordance with Charter Section 1001(d)(4).

<b>CSC No.</b>	<b>No. of Positions</b>	<b>Class Title and Code</b>
3232	1	Chief Grants Administrator, 1579
3233	1	Project Coordinator, 1537
3234	1	Senior Project Coordinator, 1538
3235	1	Senior Project Assistant, 1546
3236	1	Senior Project Coordinator, 1538
3237	1	Senior Project Assistant, 1546
3238	1	Senior Project Assistant, 1546
3239	1	Senior Project Assistant, 1546
3240	1	Senior Project Assistant, 1546
3241	1	Senior Project Assistant, 1546
3242	1	Senior Project Assistant, 1546
3243	1	Senior Project Assistant, 1546
3244	1	Senior Project Assistant, 1546
3245	1	Senior Project Assistant, 1546
3246	1	Senior Project Assistant, 1546
3247	1	Senior Project Assistant, 1546
3248	1	Senior Project Assistant, 1546
3249	1	Senior Project Assistant, 1546
3250	1	Senior Project Assistant, 1546
3251	1	Senior Project Assistant, 1546
3252	1	Senior Project Coordinator, 1538
3253	1	Senior Project Coordinator, 1538
3254	1	Assistant Chief Grants Administrator, 1577
3255	1	Project Coordinator, 1537

File No. 55293

COMMISSION ACTION: RECOMMENDATIONS APPROVED

10. **ADJOURNMENT**

The Meeting was adjourned by the Commission Vice President at 11:15 a.m.

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RAUL PEREZ,  
 Vice President

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BRUCE WHIDDEN  
 Commission Executive Director