



BOARD OF SUPERVISORS
AGENDA LETTER

**Agenda
Number:**

**Clerk of the Board of
Supervisors**
105 E. Anapamu Street, Suite
407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: June 3, 2014
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Richard Solomon, Civil Service Commission Chair, 568-2810
Contact Info: Joseph Pisano, Employee Relations Manager, 568-2839

SUBJECT: ***Proposed Change to Civil Service Rule 1303***

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors approve a change to Civil Service Rule 1303 to add the language highlighted in bold-face italic type in the following excerpt from the rule: "Following the acceptance of an appeal, the Commission shall commence a hearing on an appeal of a disciplinary action within twenty (20) calendar days after the next regularly scheduled Civil Service Commission meeting ***or as soon as practicable thereafter***, unless otherwise waived by both parties."

Summary Text:

Civil Service Rule 1303 requires that the Civil Service Commission (Commission) begin a hearing within 20 calendar days of the acceptance of an appeal unless otherwise waived by both parties. The recommended action provides needed flexibility for the Commission and other parties to appeal hearings by including the phrase, “or as soon as practicable thereafter.”

Background:

At its February 20, 2014 meeting, the Civil Service Commission voted to recommend that the County change Civil Service Rule 1303. Currently the rule provides a twenty (20) calendar day window within which the Commission must “commence a hearing on an appeal of a disciplinary action.” The change would add the phrase “or as soon as practicable thereafter” to this section of the rule, which is pasted below. The text in bold-face italic type indicates the proposed change.

1303. Hearing.

Following the acceptance of an appeal, the Commission shall commence a hearing on an appeal of a disciplinary action within twenty (20) calendar days after the next regularly scheduled Civil Service Commission meeting ***or as soon as practicable thereafter***, unless otherwise waived by both parties. The appellant may appear personally, produce evidence, and have counsel and a public or a closed hearing as mutually agreed upon. At the conclusion of the hearing, the Commission shall affirm, modify, or revoke the order.

The twenty calendar day window has proven untenable at times because of the timing of the Commission meetings and the limited availability of all the required participants, including the commissioners, hearing officers, and the appellants and their representatives. In most cases where this happens, both parties agree to waive the timelines, but there have been times when one party refused to do so. The recommended action changes the rule to allow the Commission greater flexibility in scheduling hearings in a timely way.

After the Commission voted to recommend this change, the County provided all recognized employee organizations the opportunity to meet and confer regarding the proposed change; none requested to do so.

Fiscal Analysis:

There is no fiscal impact associated with the proposed change to Civil Service Rule 1303.

cc: Mona Miyasato, County Executive Officer
Michael C. Ghizzoni, County Counsel
Department Heads
County Employee Organizations