

A REVIEW AND ANALYSIS
OF LOS ANGELES COUNTY'S
HUMAN RESOURCES AND
CIVIL SERVICE COMMISSION PROCESSES

**STATUS REPORT ON THE IMPLEMENTATION OF
RECOMMENDATIONS
AUGUST 2012**



AUGUST 2012

**CITIZENS'
ECONOMY
&
EFFICIENCY
COMMISSION**
LOS ANGELES COUNTY
Est. 1964

THE LOS ANGELES COUNTY
CITIZENS' ECONOMY AND EFFICIENCY COMMISSION

Chair

Isaac Diaz Barcelona, 5TH District

1ST Vice Chair

Chun Y. Lee, 2ND District

2ND Vice Chair

Jonathan S. Fuhrman, 1ST District

Chair Emeritus

Robert H. Philibosian, 4TH District

Study Task Force

Freda Hinsche Otto, Chair, 4th District
Jonathan S. Fuhrman, 1st District
Roman Padilla, 1st District
Robert H. Philibosian, 4th District, Ex-officio Member
Janice Kamenir-Reznik, 3rd District
William J. Petak, 4th District

Commissioners

Fred Balderrama, 2nd District
Hope J. Boonshaft, 3rd District
Robert Cole, 2nd District
Alan Glassman, 3rd District
Ron Ikejiri, 2nd District
Arne Kalm, 5th District
Bradley H. Mindlin, 3rd District
Adam Murray, 1st District
Royal F. Oakes, 5th District
Solon C. Soteras, 5th District
Stefan Wolowicz, 4th District

Executive Director

Edward Eng

Administrative Assistant

Aisha Pittmon

The mission of the Commission is to examine any function of County government at the request of the Board of Supervisors, on its own initiative, or as suggested by others, and to submit recommendations to the Board which will improve local government economy, efficiency, and effectiveness.

**CITIZENS'
ECONOMY
EFFICIENCY
COMMISSION**
LOS ANGELES COUNTY
Est. 1964

August 22, 2012

Chair

Isaac Diaz Barcelona

1st Vice Chair

Chun Y. Lee

2nd Vice Chair

Jonathan S. Fuhrman

Chair Emeritus

Robert H. Philibosian

Commissioners

Fred Balderrama
Hope J. Boonshaft
Robert Cole
Alan M. Glassman
Ronald K. Ikejiri
Arne Kalm
Edward McIntyre
Bradley H. Mindlin
Adam Murray
Royal F. Oakes
Freda Hinsche Otto
Roman Padilla
William J. Petak
Janice Reznik
Solon C. Soteras
Stefan Wolowicz

Executive Director

Edward Eng

Honorable Zev Yaroslavsky, Chair
Supervisor, Third District
Kenneth Hahn Hall of Administration
500 West Temple Street, Suite 856
Los Angeles, CA 90012

Dear Chairman Yaroslavsky:

On January 25, 2011, the Board of Supervisors adopted the Economy and Efficiency Commission's (Commission) report entitled, *A Review and Analysis of Los Angeles County's Human Resources and Civil Service Commission Processes* and approved the recommendations unanimously. The Board also requested that the Commission conduct a review to provide the Board with an assessment of the County's progress over the last year to implement the recommendations.

In response to the Board's request, this report contains a discussion of the implementation status of each of the recommendations made in the original report. Based on the findings and analysis, it was concluded that substantial progress has been made in improving the County's human resources and Civil Service Commission processes.

Two new recommendations have been added for the Board and the Civil Service Commission to consider related to Civil Service Commission hearing procedures and the use of Hearing Officers:

Recommendation 8a: That the Board of Supervisors amend Rule 4.17 to change the Pre-hearing Conference requirement to that of a Pre-hearing Readiness Conference to be held no less than 10 days prior to an appeal's first hearing; and in addition, require a Pre-hearing Settlement Conference to be held at least 21 days prior to any hearing, thereby encouraging

both sides to reach an expedited settlement and avoid a formal hearing before the Civil Service Commission.

Recommendation 8b: That the Civil Service Commission consider developing a rotational system of using Hearing Officers to also conduct Pre-hearing Settlement Conferences where the Pre-hearing Settlement Officer is different from the Hearing Officer on the case.

Though many of the recommendations were implemented or are in the process of being implemented, several were not acted upon. We continue to urge the Board to consider several changes that were recommended in the original report related to the statutes governing Civil Service Rules. It is the opinion of the Task Force conducting the study as well as the Economy and Efficiency Commission as a whole that these recommendations have substantial merit and would further improve the Civil Service and Human Resource systems (these recommendations are noted in the attached report).

We ask that the Board of Supervisors accept the attached report, and adopt the two new recommendations on the Civil Service hearing procedures and the use of hearing officers, and refer them to the CEO for implementation.

We appreciate the opportunity to present this report to your Board and stand ready to assist the Board of Supervisors in the review and further consideration of these recommendations.

With warmest regards,

A handwritten signature in black ink, appearing to read 'Isaac Diaz Barcelona', with a stylized, flowing script.

Isaac Diaz Barcelona
Chairman

C: Each Member of the Board
Chiefs of Staff, Board Offices
Sachi Hamai, Executive Officer, Board of Supervisors
Patrick Ogawa, Chief Deputy Executive Officer, Board of Supervisors
William T Fujioka, CEO
Brence Culp, Chief Deputy CEO
Labor representatives
Lisa Garrett, Director, Department of Human Resources
Larry Crocker, Executive Director, Civil Service Commission

TABLE OF CONTENTS

	Page
I. OVERVIEW OF RECOMMENDATIONS AND ACTION STEPS	1
II. SUMMARY OF FINDINGS	1
III. BACKGROUND	3
IV. SCOPE AND METHODOLOGY	3
V. STATUS OF RECOMMENDATIONS	
A. Human Resources Processes	4
<u>Recommendation 1:</u> That the Board of Supervisors direct the Department of Human Resources to expeditiously implement those improvements in the hiring processes that have been identified in the recent Human Resources Study.	4
<u>Recommendation 2:</u> That the Board of Supervisors instruct the Director of Human Resources to enlarge the size of Band 1 in most competitive examinations.	5
<u>Recommendation 3:</u> That the Board of Supervisors instruct the Director of Human Resources to take full advantage of the authority to extend the probationary period for new hires from 6 months up to one year where appropriate, based upon specific job duties and responsibilities.	5
<u>Recommendation 4:</u> That the Board of Supervisors instruct the Director of Human Resources to eliminate APs and replace them with a modified Performance Evaluation that includes a self assessment, an assessment of employee readiness for promotion, and specific recommendations for employees both to improve current job performance and better to equip themselves for future promotions.	5
<u>Recommendation 5:</u> That the Board of Supervisors instruct the Director of the Human Resources to enhance the existing training programs for managers and supervisors on the appropriate use of Performance Evaluations, with particular attention paid to the process for identifying, documenting and tracking poor performance.	6

B. Civil Service Commission Processes 7

Recommendation 6a: That the Civil Service Commission adopt the amendments they proposed in 2009 to their Procedural Rules, in particular ensuring that hearings commence expeditiously after appointing a Hearing Officer. 7

Recommendation 6b: That the Civil Service Commission further amend their Procedural Rules to limit continuances for both appellants and County management. 7

Recommendation 7: That the Board of Supervisors amend Civil Service Rule 4.13 to eliminate the requirement for a *Proposed Decision*, thereby allowing the Civil Service Commission to issue a *Final Decision* immediately upon considering a Hearing Officer's report. 8

Recommendation 8: That the Board of Supervisors amend Rule 4.17 to require a Pre-hearing settlement conference to be held at least 10 days prior to any hearing, thereby encouraging both sides to reach an expedited settlement. 8

Recommendation 9a: That the Board of Supervisors amend the Civil Service Rules to limit the Commission's jurisdiction to appeals involving discharges, demotions, or suspensions in excess of 5 days and eliminate all discretionary appeals. 9

Recommendation 9b: That the Board of Supervisors direct the Department of Human Resources, in consultation with Employee Advocates, to create appropriate appeal processes that provide employees with a forum for a fair consideration of their claims in discretionary cases not involving discharges, demotions, or suspension in excess of 5 days. 9

Recommendation 10a: That the Civil Service Commission set clear standards and expectations on the performance of the Hearing Officers, and that the Commission establish a system to evaluate and track Hearing Officers' performance against those standards. 10

Recommendation 10b: That the Board of Supervisors direct the Executive Officer, in concert with the Civil Service Commission, to develop a process to either eliminate poorly performing Hearing Officers or identify them for non-renewal when the contract term is up. 10

<u>Recommendation 11:</u> That the Board of Supervisors direct the Executive Officer, in concert with the Civil Service Commission, to review the administration and operation of the current master contract for Hearing Officers and the method by which Hearing Officers are selected and consider adopting an alternative procedure, including the use of in-house Hearing Officers.	10
<u>Recommendation 12:</u> That the Board of Supervisors instruct the Director of Human Resources to accelerate completion of their efforts to create a baseline set of disciplinary guidelines that all Departments adopt, allowing Department-specific modifications where necessary and recognizing the need for a supplemental set of guidelines for peace officers and related personnel.	11
<u>Recommendation 13:</u> That the Board of Supervisors centralize all County representation before the Civil Service Commission under DHR's Advocacy Group, with DHR either directly representing the County or overseeing individual Departments as they handle specialized cases.	11
<u>Recommendation 14:</u> That the Board of Supervisors instruct the Director of the Department of Human Resources to develop a database of prior rulings by the Civil Service Commission as a reference for Departments.	12
<u>Recommendation 15:</u> That the Board of Supervisors amend the Civil Service Rules to limit the authority of the Commission to either sustain or overturn personnel actions, or accept settlements which are agreed upon by both parties.	12
VI. ACKNOWLEDGEMENT	12
VII. APPENDICES	
A. Overview of the Status of the 15 Recommendations	13
B. Timeline Analysis of Recent Civil Service Commission Final Decisions	15
C. Average Number of Days Between CSC Hearing Grant and First Scheduled Hearing January 2009 to December 2011	16

I. OVERVIEW OF RECOMMENDATIONS AND ACTION STEPS

In this follow-up report, the Economy and Efficiency Commission is providing an assessment of each of the 15 recommendations made to the Board of Supervisors in January 2011 in the report on human resource services and Civil Service Commission processes. The Commission is also proposing two additional recommendations for adoption.

A general overview and summary of the status of each of the recommendations is included in the appendix of this report (see Appendix A). In summary:

- Five recommendations (#1, 5, 6, 10 and 11) have been fully or partially implemented;
- Six recommendations (#4, 7, 8, 9, 13, and 15) have not been implemented and are still considered valid; and
- Four recommendations (#2, 3, 12, and 14) have been satisfied or are not necessary to pursue further.

The Task Force proposes that the Board of Supervisors adopt two additional recommendations as an addendum to the January 2011 report:

Recommendation 8a: That the Board of Supervisors amend Rule 4.17 to change the Pre-hearing Conference requirement to that of a Pre-hearing Readiness Conference to be held no less than 10 days prior to an appeal's first hearing; and in addition, require a Pre-hearing Settlement Conference to be held at least 21 days prior to any hearing, thereby encouraging both sides to reach an expedited settlement and avoid a formal hearing before the Civil Service Commission.

Recommendation 8b: That the Civil Service Commission consider developing a rotational system of using Hearing Officers to also conduct Pre-hearing Settlement Conferences where the Pre-hearing Settlement Officer is different from the Hearing Officer on the case.

II. SUMMARY OF FINDINGS

At the direction of the Board of Supervisors, the Economy and Efficiency Commission began reviewing the County's human resources and Civil Service Commission processes in early 2010. The final report presented January, 2011 included fifteen recommendations. The Task Force appointed by the Commission to study these issues found that many of the County's processes related to personnel and Civil Service Commission matters were inordinately slow, cumbersome and applied inconsistently from department to department resulting in a system that was frustrating to department

managers, labor and employees and often inequitable. The long delays in accomplishing even minor tasks cost the County substantial sums in lost time and wages. As an example, disciplinary and discretionary appeals filed with the Civil Service Commission took over two years, on average, to resolve after the Civil Service Commission granted a hearing. It took over one year, on average, before that hearing even commenced. The Task Force found that such delays and inconsistencies harm the interests of the County affecting both management and County employees.

The Task Force's original recommendations had two fundamental thrusts:

- 1) To expedite the County's human resource processes, and in particular the Civil Service Commission appeal process; and
- 2) To make those processes more consistent and more equitable, leading to a fairer system for all parties.

In 2012, the Board of Supervisors requested that the Economy and Efficiency Commission reconvene the Task Force to review the County's response to the original recommendations and the impact those recommendations have had.

The Task Force concludes that substantial progress has been made toward both key areas stated above: Examples of improvement include the following:

- The Civil Service Commission appeal process now moves dramatically more quickly. Civil Service Commission hearings now commence within 100 days of granting a hearing instead of a year, and cases are being resolved in less than one year, instead of over two years;
- For those cases that began after the Civil Service Commission adopted the changes recommended in the Economy and Efficiency Commission Report, the timelines are even more dramatic. Hearings overall are initiated within just over three months, and cases fully resolved within six months;
- The disciplinary process is more consistent and more predictable; and
- The hiring process has been streamlined and updated using on-line technology.

The improvements to human resource processes and the Civil Service appeals process stem, in large part, from the reforms initiated even before the initial report was formally adopted by the Board. The Department of Human Resources and the Civil Service Commission deserve substantial credit for moving quickly on these recommendations.

The Task Force made several other recommendations involving changes to the Civil Service Rules. These necessitate collective bargaining for their implementation, and none have yet been implemented. While the Task Force continues to believe in the utility of those recommendations, we recognize they are but one element in the broader array of issues the County must negotiate with its represented employees and must be evaluated within that larger context.

III. BACKGROUND

On November 24, 2009 on a motion by Supervisor Antonovich, the Board of Supervisors (Board) requested the Citizens' Economy and Efficiency Commission (Commission) to "...work with stakeholders in a review of the current Civil Service System and Human Resources Management practices, to recommend ways to improve efficiencies in our system..."

In response to the Board's request, the Commission appointed a Task Force of seven Commissioners assisted by the Commission's Executive Director to undertake this study. The Task Force initiated a year-long review with a wide range of stakeholders including county management, labor groups, representatives from similar jurisdictions and academic researchers. In addition, the Task Force analyzed data from an on-line survey to all employees, compiled timelines from a sample of cases before the Civil Service Commission, and also reviewed relevant articles and studies.

On November 4, 2010, the Commission submitted their findings and recommendations to the Board in a report entitled, *A Review and Analysis of Los Angeles County's Human Resources and Civil Service Commission Process*.

On January 25, 2011, the Commission presented the report's findings to the Board. This was followed by Supervisor Molina's presentation of similar findings from data compiled independently from her office. After both presentations, in a motion by Supervisors Molina and Antonovich, the Board adopted the Commission's report and unanimously approved the recommendations for implementation. The Board also requested the Commission to conduct an implementation review within a year and provide the Board with an assessment of the County's progress.

In compliance with this follow-up request, the Task Force was reconvened in March 2012, and this report is the result of that review.

IV. SCOPE AND METHODOLOGY

In preparing this report, the Task Force used the recommendations in its November 2010 report as the basis for this assessment.

Among the stakeholders interviewed for this progress report were: department heads and their executive staff, key representatives from labor, representatives from Board Offices, and current and former Hearing Officers.

The Task Force also analyzed data compiled from Hearing Officer reports provided by the Civil Service Commission for the 25 most recent cases for which Final Decisions were rendered as of March 2012 (Appendix B).

V. STATUS OF RECOMMENDATIONS

A. Human Resources Processes

Overview

Recommendations 1-5 focused on the "front-end" of the human resource (HR) system: job postings, hiring, internal promotions and personnel evaluation. This is a tremendously broad and complex area, in which needs or requirements unique to particular departments sometimes conflict with attempts to achieve consistency and economies of scale across the County as a whole.

At the time the original report was adopted in January, 2011, the Department of Human Resources (DHR) was already actively working to improve these processes with some success., DHR has initiated many changes including a new on-line application system for County jobs; moving from a six-month to a one-year probationary period for some classes; improved performance evaluation (PE) training, particularly for first-level supervisors and managers; and several departments are experimenting with an alternative to the Appraisal of Promotability (AP) process.

Status of Recommendations

Recommendation 1: That the Board of Supervisors direct the Department of Human Resources to expeditiously implement those improvements in the hiring processes that have been identified in the recent Human Resources Study.

Findings:

The Task Force found that DHR was in agreement with the recommendations made in the report and began to enact many improvements in the hiring process even before the Task Force's final report was issued. For example, the on-line application process was widely adopted and there was broad consensus among nearly all department managers that the new online application system is a more efficient process. However, labor groups expressed some concerns that the improvements were negligible.

A major benefit of the new system cited by departments was the consolidation of all relevant documents such as resumes, certifications, and applications in a centralized location for easy access. Other benefits included a significant reduction in paper usage and a speedier process for candidates.

On the other hand, a few departments observed that while the series of new systems and changes enhanced the overall efficiency related to application and testing, the new processes also resulted in a surge of applications and it took an

inordinate amount of time to interview all the qualified candidates as required by the rules. Despite this concern, department managers concurred that the new processes have been beneficial and have resulted in quality candidates for their respective departments.

The on-line application system, along with improvements in the classification system, an enhanced selection process built around a more focused job analysis and bulletin, and development of new models for testing, provides a better HR framework for hiring the best candidates in the County of Los Angeles.

The Task Force commends DHR for their progress in developing an improved HR process.

Recommendation 2: That the Board of Supervisors instruct the Director of Human Resources to enlarge the size of Band 1 in most competitive examinations.

Findings:

The Task Force found that other changes in recruitment and selection processes implemented by DHR have resulted in improvements in the County's ability to identify and select the best candidates. There is no need to pursue further implementation of this recommendation.

Recommendation 3: That the Board of Supervisors instruct the Director of Human Resources to take full advantage of the authority to extend the probationary period for new hires from 6 months up to one year where appropriate, based upon specific job duties and responsibilities.

Findings:

DHR has implemented this recommendation.

The Task Force believes that DHR's action is appropriate and beneficial to the County since the longer rating period allows more time to assess employee performance.

Recommendation 4: That the Board of Supervisors instruct the Director of Human Resources to eliminate the Appraisal of Promotability (AP) process and replace it with a modified Performance Evaluation (PE) process that includes a self assessment, an assessment of employee readiness for promotion, and specific recommendations for employees both to improve

current job performance and also better to equip themselves for future promotions.

Findings:

In the original study, the Task Force found that the process of conducting APs varied significantly from department to department. That finding has not changed.

From the observation of the Task Force, some departments have very effective procedures for conducting APs while others continue to struggle with a fair and equitable assessment of candidates. In general, intra-departmental AP processes seemed to move more smoothly while inter-departmental AP processes appeared more subjective and added substantial time to the process. Departments that exhibited some of the best procedures conducted their APs using management conferences to normalize AP scores resulting in a better process.

In response to the Task Force recommendations, DHR is piloting programs that offer alternatives to the traditional AP process. Some departments have reported positive results with the new approach, but other departments remain skeptical that the new tool effectively identifies the best candidates.

The Task Force urges DHR to continue to explore alternative assessment tools with special attention to inter-departmental APs.

Recommendation 5: That the Board of Supervisors instruct the Director of Human Resources to enhance the existing training programs for managers and supervisors on the appropriate use of Performance Evaluations, with particular attention paid to the process for identifying, documenting and tracking poor performance.

Findings:

The Task Force found that DHR has significantly enhanced the PE training program for managers and supervisors.

A new online PE system is now available to most departments, and among those using the new system, there is consensus that this is an improvement over the old system.

The PE process continues to be a key tool of personnel management and the Task Force believes that DHR has made important strides in creating an effective PE process that has potentially great benefits.

B. Civil Service Commission Processes

Overview

This set of recommendations focused on the "back-end" of the HR process: what happens when employees appeal disciplinary (or non-disciplinary) actions to the County's Civil Service Commission. It is in this area that the Task Force's recommendations have had the greatest -- and most quantifiable -- impact.

Civil Service Commission cases are being resolved far more quickly, to the benefit of both appellants and management; further, evidence suggests that this accelerated handling has not diminished an appellant's due process rights, nor their ability to get a fair and reasonable hearing. Additionally, the new County-wide disciplinary guidelines developed as a result of Recommendation 12 in the original report already are making the disciplinary process more consistent and equitable throughout the County. Along with the database of Civil Service Commission decisions (now under development) and the institution of a Pre-hearing Settlement Conference proposed as a new recommendation in this report (see below), the settlement of cases is expected to be handled more expeditiously and become more predictable and equitable as well.

Status of Recommendations

Recommendation 6a: That the Civil Service Commission adopt the amendments they proposed in 2009 to their Procedural Rules, in particular ensuring that hearings commence expeditiously after appointing a Hearing Officer.

Recommendation 6b: That the Civil Service Commission further amend their Procedural Rules to limit continuances for both appellants and County management.

Findings:

The Civil Service Commission formally adopted the proposed rule changes in December of 2010, and they have communicated a new set of expectations to staff and Hearing Officers. This appears to have led to a significant reduction in the number of continuances granted, and therefore, a dramatic reduction in the overall lifecycle for appeals.

Data provided by DHR indicated that the average number of days from the time a hearing is granted to the first scheduled hearing declined from fourteen months in Quarter One of 2009 to less than five months in Quarter Four of 2011 (See Appendix C). The Task Force reviewed twenty-five recently resolved cases, using the same methodology employed in the original report and found that the average time to initiate a hearing declined from over twelve months to under six

months. The time it takes to fully resolve a case declined from two years to under one year. Further, if one analyzes just those cases begun after the Civil Service Commission adopted the recommended changes, the timelines are even more dramatic: hearings are initiated within just over three months, and cases fully resolved within six months (See Appendix B).

The Task Force recognizes that this analysis is based upon a relatively small sample of cases. However, these changes were also reflected in the anecdotal and qualitative input received from most department heads and labor representatives. Indeed, one of labor's most specific concerns was whether Hearing Officers, in response to new expectations from the Civil Service Commission, were being overzealous in denying continuances in their efforts to conclude cases more expeditiously.

The Task Force commends the Civil Service Commission for implementing procedures that dramatically reduce the cycle time for appeals, thus reducing not only costs but potential risk and liability for the County. Both management and appellants, and the County as a whole benefit from the speedy resolution of appeals.

Recommendation 7: That the Board of Supervisors amend Civil Service Rule 4.13 to eliminate the requirement for a *Proposed Decision*, thereby allowing the Civil Service Commission to issue a *Final Decision* immediately upon considering a Hearing Officer's report.

Findings:

The Task Force continues to believe that this recommendation has merit and should be pursued by the Civil Service Commission and the Board of Supervisors. At this time, although discussions have occurred, no action has been taken.

Recommendation 8: That the Board of Supervisors amend Rule 4.17 to eliminate the requirement that a Pre-hearing conference be held no less than 10 days prior to an appeal's first hearing, and instead require a Pre-hearing settlement conference to be held at least 10 days prior to any hearing, thereby encouraging both sides to reach an expedited settlement.

Findings:

The Task Force found that the mandated Pre-hearing Conference as it currently exists is really more a hearing-readiness conference in which parties meet to obtain facts and set dates for future action than a conference to settle disputes. In most cases, this process did not result in the settlement of cases prior to a

formal hearing. Therefore, The Task Force continues to believe that the Board of Supervisors should amend Rule 4.17 to reflect the new Recommendation 8a below.

The Task Force believes that frank and candid discussions are key success factors in improving the chances of settlement in a Pre-hearing Settlement Conference. This will occur if the Pre-hearing Settlement Conference Hearing Officer is different from the Hearing Officer hearing the case. Therefore, the Task Force proposes Recommendation 8b for the Civil Service Commission to consider with the goal of reducing caseloads by expediting the speedy hearing of cases and arriving at settle disputes without a hearing. This is described in the two new recommendations being proposed:

Recommendation 8a: That the Board of Supervisors amend Rule 4.17 to change the Pre-hearing Conference requirement to that of a Pre-hearing Readiness Conference to be held no less than 10 days prior to an appeal's first hearing; and in addition, require a Pre-hearing Settlement Conference to be held at least 21 days prior to any hearing, thereby encouraging both sides to reach an expedited settlement and avoid a formal hearing before the Civil Service Commission.

Recommendation 8b: That the Civil Service Commission consider developing a rotational system of using Hearing Officers to also conduct Pre-hearing Settlement Conferences where the Pre-hearing Settlement Officer is different from the Hearing Officer on the case.

NOTE: Recommendations 9a and 9b are considered in tandem.

Recommendation 9a: That the Board of Supervisors amend the Civil Service Rules to limit the Commission's jurisdiction to appeals involving discharges, demotions, or suspensions in excess of 5 days and eliminate all discretionary appeals.

Recommendation 9b: That the Board of Supervisors direct the Department of Human Resources, in consultation with Employee Advocates, to create appropriate appeal processes that provide employees with a forum for a fair consideration of their claims in discretionary cases not involving discharges, demotions, or suspension in excess of 5 days.

Findings:

Although no action has been taken on Recommendation 9a, DHR has improved its Complaint Resolution process in response to Recommendation 9b. In addition, it has implemented a more effective review process for high risk cases, focused particularly on discharge cases, to identify less well-substantiated management decisions before they get to the Civil Service hearing process.

The Task Force commends DHR for initiating these changes. We believe that this is an important step in providing employees with a fair consideration of their claims in discretionary cases and also potentially reducing the overall caseload for the Civil Service Commission.

The Task Force continues to believe that the Civil Service Rules should be amended to limit the Commission's jurisdiction to appeals involving discharges, demotions or suspensions in excess of 5 days and refer discretionary appeals to DHR for resolution.

NOTE: Recommendations 10a, 10b, and 11 are considered in tandem.

Recommendation 10a: That the Civil Service Commission set clear standards and expectations on the performance of Hearing Officers, and that the Commission establish a system to evaluate and track Hearing Officers' performance against those standards.

Recommendation 10b: That the Board of Supervisors direct the Executive Officer, in concert with the Civil Service Commission, to develop a process to either dismiss underperforming Hearing Officers or identify them for non-renewal when the contract term is up.

Recommendation 11: That the Board of Supervisors direct the Executive Officer, in concert with the Civil Service Commission, to review the method by which Hearing Officers are selected and consider adopting an alternative procedure, including the use of in-house Hearing Officers.

Findings:

A new Master Agreement for Hearing Officers was prepared by the Executive Office for the Civil Service Commission and was approved by the Board of Supervisors in August 2011. As recommended, performance standards and monitoring mechanisms were incorporated as part of the new agreement.

The new Master Agreement with Hearing Officers is a major change in the selection, contracting, training and oversight of Hearing Officers. Some experience Hearing Officers were lost as a result of this change, while others

chose to continue under the new system. Under the new Master Agreement, Hearing Officers are responsible for the timely resolution of cases and the new system, now that it is in place, appears to be an improvement over the old system.

The Task Force commends the Executive Office of the Board of Supervisors for implementing this recommendation.

Recommendation 12: That the Board of Supervisors instruct the Director of Human Resources to accelerate completion of their efforts to create a baseline set of disciplinary guidelines that all Departments adopt, allowing Department-specific modifications where necessary and recognizing the need for a supplemental set of guidelines for peace officers and related personnel.

Findings:

DHR created and released its Countywide disciplinary guideline manual (*Guidelines: Navigating the Discipline Process*) in December 2011. These disciplinary guidelines have been well received and are currently being successfully implemented in nearly all departments.

The Task Force commends DHR for the swift and successful implementation of these guidelines as recommended.

Recommendation 13: That the Board of Supervisors centralize all County representation before the Civil Service Commission under DHR's Advocacy Group, with DHR either directly representing the County or overseeing individual Departments as they handle specialized cases.

Findings:

Many County departments currently use the Advocacy Services provided by DHR and are very satisfied with the outcomes.

The Task Force strongly encourages other County departments to consider using this valuable service. The Task Force believes centralizing such specialized services leads both to cost savings, by amortizing costs across a larger array of departments, and to more effective service from the increased expertise of a specialized group that learns from, and shares experiences across, all departments.

Recommendation 14: That the Board of Supervisors instruct the Director of the Department of Human Resources to develop a database of prior rulings by the Civil Service Commission as a reference for Departments, Hearing Officers, and the Commission.

Findings:

DHR is in the process of developing this database.

The Task Force recommends that this be completed expeditiously because it will further add efficiencies, consistency and fairness to the system. The Task Force also encourages departments to take advantage of this information as a reference for future hearings before the Civil Service Commission.

Recommendation 15: That the Board of Supervisors amend the Civil Service Rules to limit the authority of the Commission to either sustain or overturn personnel actions, or accept settlements which are agreed upon by both parties.

Findings:

The Task Force continues to believe that this recommendation has merit and should be pursued by the Civil Service Commission and the Board of Supervisors. At this time, although discussions have occurred, no action has been taken.

VI. ACKNOWLEDGEMENT

The Task Force gratefully acknowledges the substantial contributions of our respondents. These interviewees were generous with their time and candor. Their help has been instrumental in our efforts to assess County progress that we hope will improve County government.

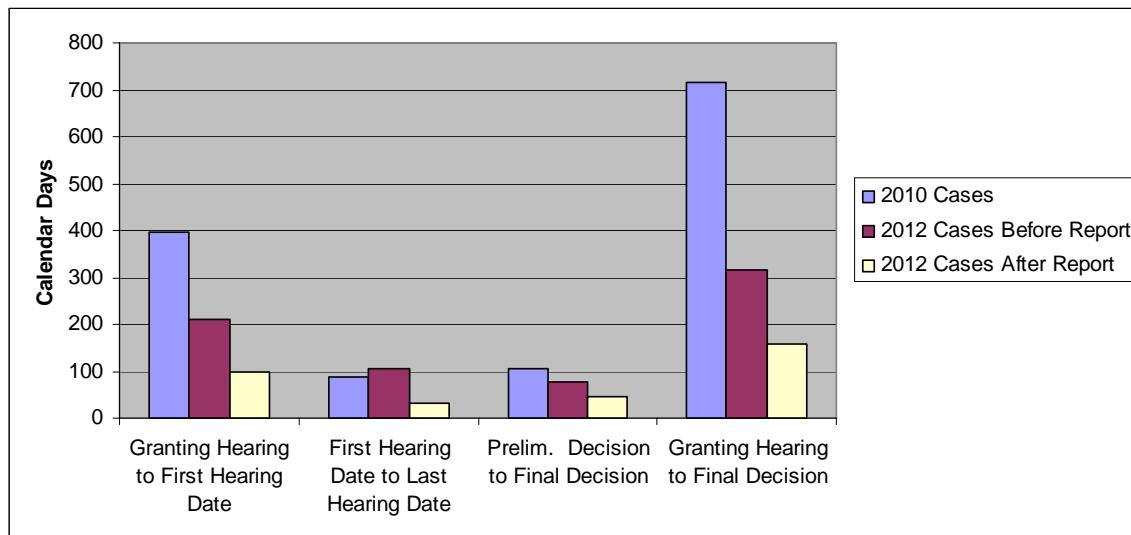
APPENDIX A: General Overview of the Status of the 15 Recommendations

	Recommendation Synopsis	Status	Future Action
1.	Implement hiring processes identified in the Human Resources Study.	DHR has implemented many changes resulting in significant improvement.	Encourage DHR to continue making changes. Monitor progress.
2.	Enlarge the size of Band I in competitive examinations.	Improved processes made by DHR have negated the need to implement this recommendation.	No further action required.
3.	Extend probationary period from 6 months to 1 year.	DHR has implemented this recommendation.	No further action required.
4.	Eliminate the AP process and replace with modified PE.	DHR is piloting alternatives to the AP process. The current process continues to vary from department to department with little change noted.	DHR should continue to look for an alternative to the AP.
5.	Enhance PE training for managers and supervisors.	DHR has initiated extensive training on the PE process as recommended.	Monitor results over time.
6.	6a. Civil Service Commission adopt Procedural Rules proposed in 2009 6b. Amend Procedural Rules to limit continuances of hearings.	Procedural Rule changes were adopted in December 2010. Fewer continuances have resulted in dramatically reduced time frames for appeals.	Monitor results over time.
7.	Eliminate <i>Proposed Decisions</i> in favor of <i>Final Decisions</i> in appeals.	No action taken. Requires Board action for Civil Service Rule change and adoption by Civil Service Commission.	Urge the Board of Supervisors to amend Civil Service Rule changes.
8.	8a. NEW RECOMMENDATION Institute a new Pre-hearing Settlement Conference separate from the Pre-hearing Readiness Conference to facilitate dispute resolution and avoid Civil Service Commission hearings.	Requires Board action for Civil Service Rule change and adoption by Civil Service Commission.	Urge the Board of Supervisors to approve these recommendations.

	8b. NEW RECOMMENDATION Specify that Hearing Officers for Settlements be different from Officers hearing cases.		Urge the Civil Service Commission to adopt these recommendations.
9.	9a. Eliminate discretionary appeals from Civil Service Commission Hearings. 9b. Have DHR create a process to hear discretionary appeals.	No action taken. Requires Board action for Civil Service Rule change and adoption by Civil Service Commission. DHR has initiated a Complaint Resolution process for review of high risk cases.	Urge the Board of Supervisors to amend Civil Service Rule changes. Monitor DHR Complaint Resolution process.
10. 11.	10a. Civil Service Commission should set standards and track Hearing Officer performance. 10b. Set process for removing underperforming Hearing Officers. 11. Develop an alternative method for hiring Hearing Officers.	A new Master Agreement with Hearing Officers has been adopted. Improvements have been made in selection, training and oversight of Hearing Officer performance. One result is a quicker resolution of cases.	Monitor results over time.
12.	DHR to create county-wide disciplinary guidelines.	Countywide Disciplinary Guideline manual was released in December 2011. This is generally perceived as a positive step.	No further action required.
13.	Centralize advocacy services before the Civil Service Commission with DHR.	No apparent change. Some departments use DHR and some use their own advocates.	Task Force continues to encourage departments to use the expertise of DHR for Advocacy Services.
14.	DHR to create database of Civil Service Commission rulings for reference.	DHR is in the process of developing this database.	No further action required.
15.	Limit the rulings of the Civil Service Commission to sustain or overturn personnel actions, or accept settlements agreed upon by both parties.	No action taken. Requires Board action for Civil Service Rule change and adoption by Civil Service Commission.	Urge the Board of Supervisors to amend Civil Service Rule changes.

Appendix B

A Timeline Analysis of Recent Civil Service Commission Final Decisions



The Civil Service Commission provided the Task Force with data for the 25 most recent cases for which Final Decisions were rendered as of March, 2012.

Using the same methodology employed in the original report (submitted in November 2010 and adopted by the Board in January 2011), the Task Force analyzed these cases and compared them to the sample of 25 cases used in the original report.

The purple bars indicate the results from the Task Force's original 2011 report. All these cases had Final Decisions rendered in 2010, and originated between 2005 through 2009. The first three sets of bars measured the time for three different elements of an appeal's life cycle: the time between when the Civil Service Commission grants a hearing and when the hearing first occurred; the time between the first hearing day and the day of hearings for an appeal; and the time from when a Preliminary Decision is filed and when a Final Decision is filed.

The last set of bars measures the full life cycle of appeals, from when the Civil Service Commission grants a hearing to when the Final Decision is rendered.

The burgundy and yellow bars indicate results from the cases resolved in 2012. Those cases were subdivided into two sets: one group that was initiated prior to 2011, when this Commission's report was presented to the Board and when the Civil Service Commission adopted the suggested reforms; and a more recent group in which the appeals originated after January, 2011, subsequent to implementing the reform package.

Even those recent cases which originated prior to 2011 (the burgundy bars) show significantly shortened timelines. But those cases originated after the adoption of the suggested reforms (the yellow bars) show the most pronounced reduction in timelines: hearings begin in less than 100 days, compared to 400 days in the original sample; the average overall start to finish time span is less than 6 months, compared to 2 years for the original group.

Appendix C

Data Provided By Department of Human Resources: Average Number of Days Between CSC Hearing Grant and First Scheduled Hearing January 2009 to December 2011

**Average Number of Days Between CSC Hearing Grant and First Scheduled Hearing
January 2009 to December 2011**

