

Council Meeting of
July 14, 2009

Honorable Mayor and Members
Of the City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: City Manager - Set a hearing date to conduct employee
suspension appeal hearing**

RECOMMENDATION

Recommendation of the City Manager that the City Council set a hearing date of Tuesday, August 18, 2009 to conduct the hearing on the appeal of the Civil Service Commission decision sustaining the suspension of a Torrance Police Officer.

FUNDING:

Not applicable.

BACKGROUND

The Hearing in the appeal of suspension of Torrance Police Officer commenced before the Civil Service Commission on November 24, 2008. The hearing in this matter continued on the following dates: December 8, 2008; December 15, 2008; December 22, 2008; and January 26, 2009. On February 9, 2009, the Commission formally adopted their decision to sustain the suspension of a Torrance Police Officer. On February 10, 2009, the employee filed an appeal of the Civil Service Commission's decision; however, the firm representing this employee requested a delay in scheduling the hearing before the City Council. After delaying the hearing for four months, Civil Service contacted the representatives for the appellant and requested their assistance in scheduling the employee's appeal hearing before the City Council.

ANALYSIS

Under the provisions of the Municipal Code (Section 14.47.13) an employee has ten (10) days in which to file an appeal of the Commission's decision with your Honorable Body. The employee filed a timely appeal and Staff is recommending that the hearing date be set for Tuesday, August 18, 2009. The recommended date has been selected to accommodate the availability of the participants.

The hearing would start at 5:00 p.m. in Council Chambers, and should conclude before 7:00 p.m. The employee will request whether the hearing will be conducted on an open or closed basis. However, either way, the hearing will not be televised.

In hearing this matter, the Council may receive the following items: transcripts of the hearing held before the Civil Service Commission; the exhibits submitted to the Commission; and the Findings of Fact and Conclusions of Law and Orders issued by the Commission. During the hearing, oral arguments will also be presented by both parties.

Copies of the minutes and transcripts, all documents and exhibits admitted into evidence and the Findings of Fact and Conclusions of Law and Recommendation of the Commission will be distributed to your Honorable Body prior to the hearing for your review.

At the conclusion of the hearing your Honorable Body will have several options available. You will be able to:

1. Affirm the decision of the Civil Service Commission.
2. Affirm the decision of the Civil Service Commission but reduce the penalty.
3. Reverse in whole or in part the Commission's decision and reduce the penalty appropriately.

Return the matter to the Civil Service Commission if you find their decision was not supported by substantial evidence or that new evidence has been discovered which could not have been presented by the exercise of due diligence at the original Civil Service Commission hearing.

Respectfully submitted,

LeROY JACKSON
CITY MANAGER


By Laura Lohnes
Civil Service Manager

CONCUR:


for LeRoy J. Jackson
City Manager