Council Meeting of
May 9, 2006

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

Members of the Council:

SUBJECT: Recommendation of the City Manager that the City Council set a hearing date for Tuesday, June 13, 2006 to conduct the hearing on the appeal of the Civil Service Commission decision sustaining the suspension of Michael O'Brien.

RECOMMENDATION:

Recommendation of the City Manager that the City Council set a hearing date of Tuesday, June 13, 2006 to conduct the hearing on the appeal of the Civil Service Commission decision sustaining the suspension of Michael O'Brien.

Funding:

Not applicable.

BACKGROUND:

The Civil Service Commission conducted a hearing on an appeal of the suspension of Senior Mechanic Michael O'Brien in March 2006. At the conclusion of the hearing, the Commission sustained the suspension. This hearing was open to the public before the Civil Service Commission at the request of the employee.

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, June 13, 2006. The recommended date has been selected to meet the time period for such an appeal per the municipal code and the availability of the participants.

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The hearing would start at 6:00 p.m. in Council Chambers, and should conclude around 7:30 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 minutes of the hearing, the exhibits and briefs submitted to the Commission, the Findings of Fact and Conclusions of Law issued by the Commission, any written exceptions of the parties, and hear oral arguments.

Copies of the minutes and transcripts, all documents and exhibits admitted into evidence and the Findings of Fact and Conclusions of Law 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.

4. 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 hearing.

Respectfully submitted,

LeROY JACKSON
City Manager

By Stacey Lewis
Civil Service Manager

CONCUR:

LeRoy J. Jackson
City Manager