

Council Meeting of
July 13, 2010

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 an untelevised hearing date of Tuesday, August 17, 2010 to conduct the hearing on the appeal of the Civil Service Commission decision sustaining the suspension of Dean Martin.

FUNDING:

Not applicable.

BACKGROUND

The Hearing in the appeal of suspension of Dean Martin commenced before the Civil Service Commission on March 22, 2010. The hearing in this matter continued on the following dates: March 29, 2010, and April 5, 2010. On April 19, 2010, the Commission formally adopted their decision to sustain the suspension of Dean Martin. On April 29, 2010, the employee filed an appeal of the Civil Service Commission's decision.

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 17, 2010. 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 has requested that the hearing will be conducted in open session. However, because the basis of some of the charges involves retaliation regarding sexual harassment, the hearing will not be televised to foster continued reporting of potential harassment in the workplace.

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 the following options available as to action to be taken:

1. Affirm the decision of the Civil Service Commission;
2. Affirm the decision of the Civil Service Commission but reduce the penalty;
3. Affirm in part and Reverse in part the Commission's decision and reduce or affirm he penalty imposed; or
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 Civil Service Commission hearing.

Respectfully submitted,

LeROY JACKSON
CITY MANAGER



By Laura Lohnes
Civil Service Manager

CONCUR:



LeRoy J. Jackson
City Manager