

Council Meeting of
June 13, 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 conduct a hearing on the appeal of the Civil Service Commission decision sustaining the suspension of Michael O'Brien, and the deliberation of this matter shall occur in Executive Session. (hearing may occur in executive session per Government Code Section 54957)

RECOMMENDATION:

Recommendation of the City Manager that the City Council conduct a hearing on the appeal of the Civil Service Commission decision sustaining the suspension of Michael O'Brien, and the deliberation of this matter shall occur in Executive Session.

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 a hearing is set for tonight's meeting.

Council agenda
Appeal of Michael O'Brien
June 13, 2006

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.

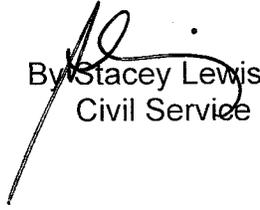
Copies of the minutes and transcripts, all documents and exhibits admitted into evidence and the Findings of Fact and Conclusions of Law of the Commission were distributed to your Honorable Body on May 18, 2006, for your study prior to hearing oral arguments.

In hearing this appeal your Honorable Body has several options available. You can:

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 Jackson
City Manager