

<b>DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL</b>	
<b>Personnel Directive</b>	Subject: <u>FORMAL EMPLOYEE DISCIPLINE</u>
<b><i>ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES</i></b>	

June 20, 2007

PERSONNEL DIRECTIVE NO. 21

BACKGROUND

Personnel Policy No. 6, "Standards of Employee Conduct," describes what the Board expects of each Public Works employee in terms of attendance on the job, work performance, and relations with others. Personnel Policy No. 7, "Guide to Employee Discipline," lists the kinds of offenses for which Public Works employees may expect to be disciplined and suggests what the disciplinary action for each offense should generally be.

A procedure for disciplinary action was placed into operation after both Personnel Policy No. 6 and No. 7 were adopted (October 1968) and revised in 2001. In December 1971, Personnel Directive No. 21 was first issued and due to significant changes in law revised in February 1982. As part of the revision of the Department's Management Manual, this Directive was updated in 2007.

In January 1986, the Board of Public Works modernized the Department's disciplinary procedures by revising the procedure as it pertains to suspensions of 6 days to discharge. The City Charter, effective July 2000, conferred Chief Administrative Officer status upon each Bureau Director. Each Bureau Director; therefore, has certain responsibilities related to employee discipline. The Board of Public Works remains the head of the Department, ultimately responsible for its control and management. As such, the Board must play an active and continuing role regarding employee discipline. The roles of the Bureau Directors and the Board of Public Works are defined in greater detail written into the body of this Directive.

These procedures have been discussed with the City Attorney's Office and fulfill the legal "due process" requirements mandated by the "Skelly" decision. Prior to final action, employees, as required by the "Skelly" decision, review and are able to respond to the charges, the proposed discipline to be taken, and the documentation upon which such recommendations are based.

These procedures are to be used only for employees who have completed their probationary period. Personnel Directive No. 44 will continue to be used for probationary employees.

PROCEDURE

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## I. Determining Need for Discipline

- A. When the employee's immediate supervisor identifies a problem, Personnel Policy No. 7 "Guide to Employee Discipline" should be reviewed to determine if the offense warrants formal disciplinary action.
- B. If it appears disciplinary action is appropriate; the matter should be discussed with next level supervisor for advice. When discussing this matter, the immediate supervisor should have as much information as possible available for his/her supervisor to consider. The OMES Liaison Analyst should be contacted and the proposed discipline discussed. Also at this time a Background Data Sheet should be requested of the OMES Liaison Analyst (Attachment No. 1).

## II. Conducting the Investigation

- A. The next level supervisor (investigator), above the immediate supervisor, or person designated by Bureau Management, conducts an investigation to ensure the immediate supervisor has considered all relevant facts when determining the need to take disciplinary action. The OMES Liaison Analyst is available for advice. Depending on the complexity of the incidents surrounding the proposed discipline the OMES Liaison Analyst, upon request, can assist in the investigation stage. The investigation, depending on the circumstances, may include the following:
  1. Gathering the facts from the affected employee, supervisors, other employees, and/or citizens who may have knowledge of deficiencies and/or incidents(s) and obtaining written statements, where appropriate;

NOTE: Except in unusual circumstances such as where the employee may be dangerous, the person who may be disciplined shall be interviewed at the investigation stage. (Only a brief investigation is necessary in most circumstances involving Federal Department of Transportation (DOT) positive substance tests.) Prior to discussing this matter with the employee, the appropriate Memorandum of Understanding (MOU) should be reviewed. An employee may be represented at an investigatory interview with his/her employer when the employee reasonably believes that the interview may lead to disciplinary action (Weingarten Decision). When discussing the matter with the employee and obtaining his/her explanation, it is important that the investigator avoid any arguments or statements that may suggest that a fair investigation is not being made.

The investigator's role during this phase is not to prejudge the validity of the charges but to collect the facts. The discussion with the employee should be in private and informal. If it appears the employee may eventually be disciplined on this matter and he/she requests representation, it must be granted even though you are only at the investigation stage. The investigator should remain objective in determining the facts and make written notes documenting what occurred in the discussion. For this reason the immediate supervisor of the affected employee shall not be designated as the investigator.

2. Reviewing all available written documentation;
- 3, Determining the work rules, practices, job performance standards and/or general standards of behavior involved and the extent to which the employee could reasonably have been expected to know and follow them;
3. Reviewing the employee's total work records, including records of relevant past performance, conduct and attendance (the Background Data Sheet provided by OMES will outline the employee's work record.) This review should be used to identify patterns of behavior relating to the present cause of action and to determine the appropriate discipline.

### III. Making the Decision Whether or Not to Recommend Discipline

- A. The decision on the appropriate action to take after the investigation is concluded must be reached by consultation with the immediate supervisor and Bureau Management. The OMES Liaison Analyst should also be contacted for advice. The purpose of such consultation is to ensure that:
  1. Personnel Policy No. 7 "Guide to Employee Discipline" has been appropriately considered;
  2. The proposed action, as much as practicable, is uniform and consistent with past Departmental disciplinary actions; and
  3. Departmental/Bureau policies, practices and general standards of conduct applicable to the incident involved are considered.
- B. If no action is to be taken, the employee should be so advised in writing. No record of the intended discipline will be placed in the employee's Departmental personnel folder.
- C. .If the action to be taken is less than suspension, Bureau Management should sign the necessary document, i.e., Notice to Correct Deficiencies, Counseling Record, etc. and provide a copy to the employee. While an NTCD is forwarded to OMES and becomes a part of the employee's folder, a counseling memo is kept in a file at the Bureau level.
- D. If a suspension or discharge is recommended:
  2. After the affected Bureau representative completes the investigation and determines the recommended level of discipline, the entire package should be sent to the Bureau Director, or his/her designee for review, approval and signature. Once the Bureau Director signs off on the recommendation, it should be forwarded to OMES (See Attachment 4). The case will then be assigned to one of the Liaison Analysts.

2. The OMES Liaison Analyst will review all the materials provided by the Bureau and consult with the appropriate Bureau representatives to ensure the package is appropriate and complete. A memorandum will then be prepared (Attachment No. 3) by the OMES Liaison Analyst to the affected employee.

The memorandum will cite the reasons for the proposed discipline, and give the date, time, location and person to whom the employee may respond ("Skelly" Response). Generally, for the response, five working days from the date the employee receives the memorandum is sufficient. The OMES Liaison Analyst will also prepare the proposed unsigned Form Gen. 77 "Notice of Discharge, Suspension or Probationary Termination" which will be attached to this memorandum.

Copies of any and all documents or materials upon which the disciplinary action is based must be given to the employee as attachments to the memorandum. These attachments will also include the Background Data Sheet. (Attachment No. 1.) The OMES Liaison Analyst will collect this material and ensure the memorandum and its attachments are complete and legal requirements are met before they are sent to the employee.

3. The immediate supervisor should give the employee the package of materials, which was signed by the Bureau Head and transmitted by the OMES Liaison Analyst. If the employee is not at work, the package of materials should be sent via certified mail to the employee's address of record. If OMES has scheduled the "Skelly" with the Union representative, then a copy of the package will also be sent certified mail to the representative.

The employee should sign a copy to acknowledge receipt of the package of materials. (If the employee refuses to sign, this should be so noted.) The supervisor should forward this signed copy to the OMES Liaison Analyst.

The employee may also waive his/her "Skelly." However, the waiver must be signed and dated by the employee. The waiver must be transmitted to the OMES Liaison Analyst (See Attachment No. 6).

4. The OMES Liaison Analyst chairs the "Skelly" meeting. A Management Representative from the involved Bureau attends but does not directly participate at the "Skelly" meeting.
5. After the "Skelly" meeting, the OMES Liaison Analyst and the Management Representative shall consider the facts presented by the employee and decide on the proper course of action, i.e., to sustain the recommended discipline, modify it, gather additional information, or facilitate a settlement.
6. The OMES Liaison Analyst will prepare a final report to the Bureau Head. This report will outline the investigation results, any response made by the employee, and the final recommended disciplinary action. (Attmt. No. 5.)

7. A copy of the draft Skelly response is sent to the employee's representative for review. If the representative finds any significant factual errors in the report, he/she must contact the Liaison Analyst by the review period deadline specified in the cover letter to discuss the factual errors. If there are significant changes made to the Skelly report as a result of the discussion of factual errors or inaccuracies, the Liaison Analyst will inform the representative of these changes prior to sending the final Skelly report to the Bureau Director for approval and signature.
8. The final report is transmitted to the Bureau Director for review and signature. The Bureau Director can adopt the report or contact OMES to discuss other options such as reducing the penalty, increasing it to the level recommended in the "Skelly" package, sending it back for a new investigation to increase the penalty to a higher level, or taking it under advisement and/or defer action until additional information is obtained. In the event the Bureau Director and OMES are unable to reach a consensus on the proper course of action, a meeting will be scheduled with the Bureau Director, the Director of OMES and the Labor Relations Commissioner of the Board of Public Works in an effort to reach a consensus.
9. Once the report is signed by the Bureau Director, and the Form Gen. 77, "Notice of Discharge, Suspension, or Probationary Termination", (See Attachment No. 2) is signed by the Director of OMES, the OMES Liaison Analyst will transmit it together (except in case of discharge) with information about the City's Employee Assistance Program (EAP, see attachment 7) to the appropriate Bureau for service on the employee in accordance with the usual procedures. Under no circumstance may a Form Gen. 77 be served upon a Public Works employee without the review, approval, and signature of the Director of OMES. Generally, the disciplinary action will take effect the next working day after the Form Gen. 77 is served. Other arrangements can be made with the OMES Liaison Analyst, if the timing of the discipline will cause an unusual hardship on the affected Bureau or employee. The completed Form Gen. 77 should be returned to the OMES Liaison Analyst as soon as possible, preferably the same day served.

The OMES Liaison Analyst will distribute the signed report as follows:

- a. Affected employee;
- b. Employee's Representative;
- c. Affected Bureau Head; and
- d. Office of Management-Employee Services for placement in the employee's Personnel Folder as well as the assignment file.

IV. Employee Conduct Requiring Immediate Management Action

- A. When employees are found to be in such mental or physical condition they cannot, or will not, perform their duties, or are an immediate risk to themselves, their co-workers, or the public, they shall be instructed to leave the job location and to stay away from all City facilities until receiving further instructions from the supervisor resulting in paid administrative leave. The highest level supervisor available shall take this type of action immediately because it is a departure from the regular procedure and must be taken only under the following emergency situations:
1. The employee is a danger to himself or others.
  2. There is a possibility of theft, sabotage, tampering with /destruction of City records or filing of false workers compensation claims.
  3. The employee is being discharged.
- B. If the next level supervisor is not available, or it is impractical to contact him/her, the immediate supervisor should take the following actions:
1. Call 9-1-1 emergency when a weapon is involved or when there is an immediate and direct threat to employees or the public. Such action can also be taken by a coworker or staff member or any other City employee present. If the danger is not to this level, but assistance is needed, call General Services Security at (213) 978-4670; or place a non-emergency call to the local police station for assistance in controlling the situation.
  2. Direct the employee to leave the worksite immediately. Place the employee who posed the immediate threat off work with pay.
- C. The supervisor must contact the Bureau Director or an assistant Bureau Director as soon as possible to obtain formal approval for the action. The supervisor responsible for taking the action will also notify his/her division manager and the Director of OMES before the close of the work shift. The OMES Liaison Analyst, the OMES Workplace Violence Coordinator, and the City Attorney's Threat Management Unit must be immediately consulted. Within three (3) working days, the supervisor must provide a written report of what transpired with recommendations regarding how to proceed, to the Bureau Director and the Director of OMES.
- D. When it is clear the employee can return to work, he/she should be so advised. The employee may need to be examined and cleared to return by the City's Medical Director. Incidents will be reviewed on a case by case basis.

- E. The Bureau Director determines whether the employee will be placed on paid administrative leave. Justification for paid administrative leave can be one of the following: (see also Personnel Policy No. 19, Workplace Violence and Personnel Directive No. 55, Workplace Violence Prevention and Control)
    - 1. Employee is a danger to himself/herself or others;
    - 2. There is a possibility of theft, sabotage, or tampering with/destruction of City records, filing a false workers compensation claim; or
    - 3. The employee is being discharged.
  - F. The employing Bureau, OMES Liaison Analyst, and the OMES Workplace Violence Coordinator shall decide upon the appropriate action to be taken. A recommendation for discipline, if appropriate, should be made immediately.
  - G. If a supervisor observes alcohol and/or drug impairment in their employee, the employee must be taken for a reasonable suspicion substance test. Supervisors should follow the procedures outlined in the "Interim Policy for OHSD Processing of Drug Tests of Employees" for non-DOT employees or the procedures outlined in the "DOT Drug and Alcohol Testing Program" for employees required to maintain a City commercial drivers license to perform their duties. The OMES Liaison Analyst and the Departmental Drug and Alcohol Coordinator may be consulted.
- V. Resignation In Lieu of Discharge
- A. If an employee wishes to resign in lieu of a recommended discharge, he/she may have an exit interview with the OMES Liaison Analyst in the Office of Management-Employee Services. The option to resign in lieu of being discharged must be made freely and voluntarily on the part of the employee.
  - B. The employee will be advised that his/her employment record will show that this resignation was in lieu of discharge and that a resignation may not be appealed.
- VI. Appeals of Disciplinary Actions
- A. If an employee receives discipline up to and including five working days suspension, he/she may grieve the final action. The appropriate Memorandum of Understanding should be consulted for the grievance time limits. Generally, the employee must discuss the grievance with his/her immediate supervisor within ten calendar days after receiving the approved Form General 77, "Notice of Discharge, Suspension, or Probationary Termination." An OMES Analyst may be contacted for advice.



- B. Discipline which exceeds five working days suspension, within a 12-month period, can be appealed to the Civil Service Commission within five calendar days, including Saturday, Sunday and holidays after the Form General 77 (“Notice of Discharge, Suspension, or Probationary Termination”) is served on the employee. The appeal information is provided on the Form General 77. The OMES Liaison Analyst will represent the Department in appeal hearings and will work with the supervisors to prepare the case.

VII. Role of the Board of Public Works

- A. For those disciplinary matters in which the Bureau Director and OMES Director are in agreement as to the correct level of discipline, the Board of Public Works has agreed to delegate its authority, as the head of the Department of Public Works, to the respective Bureau Directors.
- B. The Director of OMES will provide a report and recommendation to the Board on any disciplinary matters upon which the respective Bureau Director and the OMES Director cannot agree. Under these circumstances, the Board will make the final decision.

References: Skelly vs. State Personnel Board, September 16, 1975,  
Personnel Department Procedures 9.400–9.422,  
Charter Sections 1011, 1015, 1016  
Civil Service Commission Rules 1.23, 1.36, 5.16, 5.19, 7.7, and 8.  
Policies of the Personnel Department, Section 33.  
Board of Public Works Memorandum dated November 8, 1978.  
NLRD vs. J. Weingarten, 420 US.251

Attachments:

1. Background Data Sheet (Page 10)
2. FormGen 77: Notice of Discharge, Suspension or Probationary Termination (proposed action, subject to approval (Page 11,12)
3. Notice of Intention to Take Disciplinary Action (Page 13)
4. Bureau Request to Take Disciplinary Action (Page 14)
5. Skelly Report (Page 15,16)
6. Skelly Waiver Form (Page 17)
7. Employee Assistance Program - Information Sheet (Page 19)

BACKGROUND DATA: Name of Employee, Social Security No., Classification, Bureau

EMPLOYMENT HISTORY

04-06-00 Promoted to Asphalt Raker, Bureau of Street Services  
07-26-90 Appointed Maintenance Laborer, Bureau of Street Maintenance

EVALUATIONS

06-04-99 Competent – Comments: “Narrative”  
06-04-98 Improvement Needed – Comments: “Narrative”  
06-04-97 Standard (Retained) – 4<sup>th</sup> Month Probation – Comments: “Narrative”

NOTICES TO CORRECT DEFIECIENCIES

02-14-99 Absent without permission.  
03-03-98 Insubordination  
01-28-96 Tardiness/Failure to cooperate with other employees.  
11-25-94 Conduct unbecoming a City employee (fighting on the job).  
06-14-92 Conduct unbecoming a City employee (use of foul language in public).  
01-15-92 Failure to wear safety equipment.  
12-03-91 Failure to request time off and attendance.

PREVIOUS DISCIPLINARY ACTIONS

12-04-00 Five (5) working day suspension for: “unauthorized absences.”  
to  
12-08-00

COMMENDATIONS

None in file.

COUNSELLINGS

None in file – additions to be completed by employing Bureau

**NOTICE OF DISCHARGE, SUSPENSION, OR PROBATIONARY TERMINATION**

1. EMPLOYEE NAME LAST FIRST DOE JOHN	2. EMPLOYEE NUMBER 123-45-6789
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3. DEPARTMENT, BUREAU, OFFICE, OR MAJOR DIVISION PUBLIC WORKS/SANITATION/SOLID RESOURCES COLLECTION DIVISION	4. CLASS TITLE AND CODE REFUSE COLLECTION TRUCK OPERATOR ii - 3580-2
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5. RESIDENCE ADDRESS  
 1000 ANYTOWN DRIVE, LOS ANGELES, CA90001

6. TYPE OF ACTION (CHECK APPROPRIATE BOX)	
<p>A. Probationary Termination.          EFFECTIVE <u>05-11-05</u> * <b>THERE IS NO APPEAL FROM THIS ACTION.</b> However, you may request restoration of your name to the eligible list as described in item 18c below. (CLOSE OF SHIFT)</p> <p style="text-align:right; font-size: 2em;"><b>X</b></p>	<p>C. Suspension (disciplinary - more than 5 working days)          (TO BE DETERMINED)          From _____ to _____ inclusive  <b>YOU MAY APPEAL THIS ACTION</b> in accordance with the procedure outlined in 18b below. (20 WORKING DAYS)</p> <p style="text-align:center; font-size: 2em;"><b>O R X</b></p>
<p>B. Suspension---lack of work or lack of funds.          EFFECTIVE _____  <b>THERE IS NO APPEAL FROM THIS ACTION.</b> If you have completed probation, your name will be placed on a reserve list for preferential rehire. If you did not complete probation, your name will be placed on the eligible register until the list expires. If the list has expired at the time of layoff, it will be necessary to retake the examination.</p> <p style="text-align:center; font-size: 2em;"><b>O R X</b></p>	<p>D. Suspension (disciplinary - 5 working days or less).          (TO BE DETERMINED)          From _____ to _____ inclusive  <b>THERE IS NO APPEAL FROM THIS ACTION UNLESS</b> this suspension combined with other suspensions you have received within the preceding 12 months totals more than five (5) working days in which case the appeal procedure outlined in 18b below is available to you. (5 WORKING DAYS)</p> <p style="text-align:center; font-size: 2em;"><b>O R X</b></p>
<p style="text-align:center; font-size: 2em;"><b>O R X</b></p>	<p>E. Discharge. EFFECTIVE _____ (TO BE DETERMINED)  <b>YOU MAY APPEAL THIS ACTION</b> in accordance with the procedure outlined in 18b below. (CLOSE OF SHIFT)</p> <p style="text-align:center; font-size: 2em;"><b>O R X</b></p>

7. Action pending before the Worker's Compensation Appeals Board?  YES  NO  UNKNOWN

8. Cause of action (continue on reverse side if required):  
 A. FAILURE TO COMPLETE ASSIGNMENT;  
 \* EMPLOYEE HAS NO REVERSION RIGHTS  
 \* EMPLOYEE HAS REVERSION RIGHTS TO THE CLASS OF MAINTENANCE LABOREER

**PROPOSED NOTICE  
 SUBJECT TO APPROVAL**

9. TYPED NAME AND TITLE OF APPOINTING AUTHORITY WILLIAM P. WEEKS, PERSONNEL DIRECTOR	10. _____	11. DATE _____
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**12. SERVICE OF NOTICE**

**INSTRUCTIONS: A copy of this notice must be served upon every person who is suspended or discharged for cause after completing his probationary period. Service must be made personally or by leaving a copy at his last known place of residence if said person cannot be found after making reasonable efforts to find him. Service by mail cannot be made except where there is a termination during probation. The completed original of this notice must be filed immediately with the Board of Civil Service Commissioners. If this notice is not served personally, indicate on reverse side what efforts were made to find the employee.**

13. I hereby certify that a copy of this notice was served on the subject employee on \_\_\_\_\_ DATE \_\_\_\_\_ At \_\_\_\_\_ TIME  A.M.  P.M.

14. <input type="checkbox"/> Served Personally <input type="checkbox"/> Certified Mail	15. EMPLOYEE'S LAST KNOWN RESIDENCE _____
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16. PRINTED NAME OF PERSON WHO SERVED NOTICE _____	17. SIGNATURE OF PERSON WHO SERVED NOTICE _____
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**UNEMPLOYMENT INSURANCE/APPEAL/RESTORATION PROCEDURE**

18. **a. UNEMPLOYMENT INSURANCE ELIGIBILITY.**  
 See reverse for statement regarding your right to apply for unemployment insurance benefits.

**b. DISCHARGE FOLLOWING PROBATION OR DISCIPLINARY SUSPENSION.**  
 YOUR SIGNED WRITTEN APPEAL MUST BE FILED WITH THE CITY OF LOS ANGELES CIVIL SERVICE COMMISSION, ROOM 360, 700 EAST TEMPLE STREET, LOS ANGELES, WITHIN FIVE (5) CALENDAR DAYS, INCLUDING SATURDAY, SUNDAY, AND HOLIDAYS, AFTER THIS NOTICE WAS SERVED ON YOU. (Section 112 of the Los Angeles City Charter, governing discharges and disciplinary suspensions, is reprinted on the reverse side.)

**c. RESTORATION TO ELIGIBLE LIST FOLLOWING PROBATIONARY TERMINATION.**  
 Your signed written request must be filed with the Personnel Department within five (5) calendar days, including Saturday, Sunday, and holidays after receiving this notice. Restoration can be made only if your eligible register is still active. If the list has expired, it will be necessary to retake the examination.

## CHARTER OF THE CITY OF LOS ANGELES

### Sec. 1016. Discharge or Suspension

- (a) **Discharge or Suspension for Cause.** Any board or officer having the power of appointment shall have the power to suspend or discharge any officer, member or employee of the office or department. No person in the classified civil service shall be discharged or suspended except for cause, which shall be stated in writing by the board or officer having the power to make such discharge or suspension.
- (b) **Statement of Cause.** The written statement of cause shall be filed with the Board of Civil Service Commissioners, with certification that a copy has been served upon the person so discharged or suspended, in accordance with Section 1018. Upon filing with the board, the discharge or suspension shall take effect.
- (c) **Application for Hearing.** Within five days of service of the written statement upon any person so discharged or suspended, the person shall file a written application with the board in order to require the board to hold a hearing to investigate the grounds for the discharge or suspension. In the event that the person does not file an application, the board may, but is not required to, within 15 days after the filing of the written statement with the board, determine to hold a hearing to investigate the grounds for the discharge or suspension.
- (d) **Reinstatement; Restoration.** If, after an investigation and hearing as required by law is held, the board finds, in writing, that the grounds stated for the discharge or suspension were insufficient or were not sustained, the board shall order the person to be reinstated or restored to duty. With the consent of the appointing authority, the board may also reduce the length of the suspension, or may substitute suspension for discharge, if the board makes a written finding that such action is warranted. The order of the board with respect to the discharge or suspension shall be promptly certified to the appointing board or officer, and shall be final and conclusive.
- (e) **Compensation.** If the board orders reinstatement or restoration to duty of a person who has been discharged or suspended, the person shall be entitled to receive compensation from the City the same as if he or she had not been discharged or suspended by the appointing board or officer.
- (f) **Change of Disciplinary Review.** The Council may, by ordinance, provide for an alternative system for impartial review of employee discipline as set forth in subsections (2) through (5) of this section, provided that such a system conforms with due process standards for a fair hearing, and provided there remains a process for review of employee discipline in which costs are borne by the City.
- (g) **Finality of Order of Suspension for Lack of Funds.** The order of any appointing board or officer suspending any person because of lack of funds or lack of work in the department shall be final and shall not be subject to review by the Board of Civil Service Commissioners.
- (h) **Applicability.** The procedure for review of discipline set forth in this section shall not apply to:
- I. those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of regular police officers who are subject to the provisions of Section 1070 of the Charter.
  - II. those members of the Fire Department appointed under civil service rules and regulations to perform the duties of regular firefighters who are subject to the provisions of Section 1060 of the Charter.
  - III. any suspension of five working days or less in any 12-month period for personal delinquency. The reasons stated in writing for any suspension shall be furnished to the suspended employee and promptly filed with the board. Any suspension which results in an employee having a total suspended time by reason of the exercise of authority under this subsection in excess of five working days in any 12-month period shall be subject to all of the provisions of this section.

(See also Charter Section 1017)

## RIGHT TO APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS

Under State law, an individual who has worked for the City MAY be eligible for unemployment insurance benefits.

If you wish to apply, do the following:

1. Go to the State of California Employment Development Department (EDD) office nearest your home.

TAKE WITH YOU TO THE EDD OFFICE:

2. Official notice of your separation from City employment (resignation, discharge or layoff statement).
3. A recent City paycheck stub.
4. This notice. **IMPORTANT.** If EDD requests a City work address, use only one of the two listed below. All employees except those from Water and Power are to use the address on the left. Department of Water and Power employees are to use the address on the right.

PERSONNEL DEPARTMENT  
City of Los Angeles  
Room 867, City Hall  
200 N. Spring St.  
Los Angeles, CA 90012

DEPARTMENT OF WATER AND POWER  
P. O. Box 111  
Los Angeles, CA 90051  
ATTN: Personnel Office  
Room 546

Failure to use the correct address may unnecessarily delay the processing of your claim.

If you apply, EDD will determine whether or not you are eligible to receive benefits. It is not necessary for you to contact any City office.\_\_\_\_

### CAUSES OF ACTION, CONTINUED FROM FRONT PAGE BOX 8

- B. FAILURE TO NOTIFY SUPERVISOR OF INABILITY TO REPORT TO WORK; AND
- C. FAILURE TO FOLLOW INSTRUCTIONS

SAMPLE

DATE: \_\_\_\_\_

TO: Affected Employee  
Bureau of \_\_\_\_\_

FROM: Affected Bureau Head  
Bureau of \_\_\_\_\_

SUBJECT: NOTICE OF INTENTION TO TAKE DISCIPLINARY ACTION

In accordance with the Skelly provisions, this is to notify you that we have completed our investigation and are recommending you be **suspended** without pay for (number of days working days)/**terminated** for the Cause(s) of Action listed in the attached proposed "Notice of Discharge, Suspension, or Probationary Termination" form. Documents on which this recommended **suspension/termination** is based are also attached.

We have reserved (date, time and location\*) for you to reply in writing or be heard in this matter, if you choose. If you do not wish to be heard or reply in writing, please contact (name, classification, and telephone no. of OMES Analyst) This opportunity to respond is given you in order to make sure that all important fact have been considered before a final decision is made concerning the proposed discipline.

If you want to be heard and intend to have representation at the meeting, you should immediately contact your representative to arrange for his/her appearance. (Name and telephone no. of organization that represents that employee) may be contacted if you choose to be represented by your employee organization.

On \_\_\_\_\_, I received a copy of this Notice with attachments.

\_\_\_\_\_

Signature of Affected Employee

Attachments

Cc: Supervisor requesting discipline  
Supervisor's Supervisor  
Employee Folder (provided discipline is approved)  
W.A. No. \_\_\_ - \_\_\_\_\_

-----  
--

NOT PART OF SAMPLE:  
ATTENTION:

- The employee should be given at least five (5) working days from the date he/she receives the Skelly package in which to respond.
- The Skelly Chairperson will be the Liaison Analyst assigned to the case.

## SAMPLE

TO: Director of Office of Management-Employee Services

FROM: Affected Bureau Head  
Bureau of \_\_\_\_\_

SUBJECT: RECOMMENDED DISCIPLINARY ACTION – (NAME AND CLASSIFICATION OF EMPLOYEE)

Recommended Action – Indicate proposed discipline  
Cause(s) of Action – List charges (Make sure the charges are specific)

Investigation Background

On (date), (Name and Title of Investigator), conducted an investigation concerning charges pertaining to (Name of Employee). As part of the investigation, the following persons were interviewed and, where appropriate, signed statements attached:

1. (Name of affected employee and date interviewed)
2. (Name, and, if appropriate, Class Title and Bureau)
3. Etc.

In addition, the following documents were reviewed:

1. Personnel Policy No. 7, Guide to Employee Discipline
2. Work History of Employee
3. Etc.

As a result of this investigation, we determined the following: (Brief summary of findings)

Recommendation

After considering the above facts, consultation with (name of individuals consulted, i.e., OMES Liaison Analyst) and review of Personnel Policy No. 7 (Guide to Employee Discipline), we decided upon the appropriate disciplinary action to recommend.

Please review the documentation and attachments provided in this report and prepare the necessary documents for your staff to conduct a Skelly response meeting as soon as possible.

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Signature of Bureau Head

## SAMPLE

DATE: \_\_\_\_\_

TO: Bureau Head  
Bureau of \_\_\_\_\_

FROM: OMES Liaison Analyst  
Office of Management-Employee Services

SUBJECT: SUSPENSION – JOHN F. DOE, MANAGEMENT ASSISTANT, BUREAU OF  
SANTITATION

RECOMMENDATION

That John F. Doe, Management Assistant, Bureau of Sanitation, be suspended for twenty (20) working days, for the following Cause(s) of Action:

1. ABSENTEEISM
2. FAILURE TO NOTIFY SUPERVISOR OF INTENDED ABSENCES.
3. FAILURE TO IMPROVE AFTER ORAL AND WRITTEN WARNINGS AND A FIVE (5) WORKING DAY SUSPENSION FOR THE SAME INFRACTIONS.

Transmittal

1. Background Data Sheet (For all discipline)
2. Skelly Package
3. Additional relevant documents presented at the Skelly meeting by the employee or discovered by Management may be included, i.e., attendance listings as applicable

CASE SUMMARY

This section details: 1) the background history of the employee; 2) the circumstances which lead to the recommended discipline; 3) the dates the package of materials provided to employee; 4) what arrangements were made for the employee to respond; 5) date(s) of meeting(s), date written response received and by whom, or what evidence was presented that employee received package but chose not to respond; 6) if pertinent, date and location of Skelly meeting and who was in attendance; and 7) any relevant information to demonstrate the employee was provided his/her due process, i.e., given the necessary materials upon which the discipline was based, allowed time to review and respond to the charges prior to the final action being taken.

SUMMARY OF EMPLOYEE RESPONSE

This section highlights the response, if any, provided by the employee and his/her representative. Only significant issues will be presented. Where no response made, an explanation, i.e., employee waived Skelly or chose not to attend, should be provided.

Bureau Management responses will generally be discussed in the “conclusion” section of this report. However, in those cases where the report is lengthy and/or complicated, it may be clearer to list Management’s clarification or rebuttal directly after the issue in question.

PENALTY

This section provides the range of possible discipline by citing Personnel Policy No. 7 and describes the typical response of the Department to the charge(s) in question.

CONCLUSION

This part of the report may describe in more detail why the final penalty is appropriate. The Liaison Analyst describes the basis upon which he/she concluded the proposed disciplinary action is proper and, if appropriate, clarifies and/or rebuts, from a management viewpoint, the employee’s response. A final statement is made as to what is expected of the employee in terms of performance in the future and what action will be recommended if the employee fails to meet the expectation after returning from suspension, i.e., “Employee must take action to correct these deficiencies or the next recommendation will be for termination.”

Should factual errors or inaccuracies be discovered as a result of the review and discussion of the initial report and changes made, such modifications should also be highlighted in this section of the report.

(Name of OMES Head in print), Director  
Office of Management-Employee Services

By \_\_\_\_\_  
Liaison Analyst Name, Title

I concur.

\_\_\_\_\_  
Name of Bureau Head, Director  
Bureau Name

\_\_\_\_\_  
Date

Cc: Employee Folder, provided discipline is approved  
W.A. No. \_\_\_\_ - \_\_\_\_

Attachment



SAMPLE

**Voluntary Waiver of Skelly**  
City of Los Angeles – Department of Public Works

As an employee of the City of Los Angeles, you are entitled to a meeting (Skelly) to present your response to proposed disciplinary action as a result of any Cause(s) of Action brought against you for lack of performance or behaviors which are inconsistent with City requirements, standards or procedures.

Your response to Causes of Action may be in person, at a meeting or in writing prior to or at the time of the scheduled Skelly meeting. You are entitled to have one representative of your choice present at the meeting with you. Observers are not allowed unless they are paid Union representatives.

If for any reason you wish to waive attendance and/or not provide a written response to the Causes of Action that may result in the proposed discipline, you should sign and date this form in the area indicated below. You will be informed of any action to be taken in person or by certified mail.

I have read and understand the foregoing and have been offered the opportunity to consult with the person(s) of my choice for consultation or advice prior to signing this waiver:

James Smith Jr., Refuse Collection Truck Operator II - Bureau of Sanitation

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

\_\_\_\_\_  
(Analyst Signature)

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

Attachment: Form 77 – Proposed Notice of Discharge, Suspension, or Probationary Termination.

CC: Employee Folder, provided Discipline is approved  
W.A.# 05-082

**VALUEOPTIONS  
OF CALIFORNIA, INC.**

**AN EMPLOYEE ASSISTANCE PROGRAM JUST FOR YOU**  
**(866) 277-5384**

The City of Los Angeles has available as a benefit to all eligible employees and their eligible dependents an Employee Assistance Program (EAP) provided by ValueOptions.

ValueOptions is structured to achieve early identification and resolution of personal problems before they seriously impact job performance. Your EAP provides a variety of choices to assist you including up to three pre-paid face-to-face counseling sessions per problem, per year; Internet based Work/Life referral resources, Legal and Financial Solutions and an online program known as Achieve Solutions.

The City contracts with ValueOptions and does not have access to your confidential information. Any problem you wish to discuss with ValueOptions is between you and the representative assigned to assist you. **Your privacy is guaranteed.**

A fresh perspective from a professional who has a great deal of experience helping people just like you may be just the assistance you need in sorting out problems and issues in your life that may involve co-workers, family or friends.

We urge you to access ValueOptions by telephone 24/7 at (866) 277-5384 or online at [www.achievesolutions.net/cityofla](http://www.achievesolutions.net/cityofla), username: cityofla, password: solutions; With more than 3,000 articles, nearly 2000 archived news items, 40 resource listings, child and elder care referral services, quizzes, calculators and online classes/training, there is a wealth of information for you to explore.

◆ The first step to peace of mind may be difficult, but the end of the journey is rewarding. ◆