

VENTURA COUNTY CIVIL SERVICE COMMISSION
BOARD OF REVIEW AND APPEALS

Civil Service Commission

By-Laws

Amended: June 26, 2014

ARTICLE 1 - PURPOSE

SECTION 1. These by laws are adopted to promote the efficient and orderly fulfillment of the duties, obligations, and responsibilities with which the Commission is charged, pursuant to the Ventura County Ordinance Code, section 1341 et seq., the County's Civil Service Ordinance.

ARTICLE 2 – TITLE

SECTION 1. The five-member panel, created in accordance with the authority of Ordinance Code Section 1342, shall be entitled and known as the “Civil Service Commission – Board of Review and Appeals.”

ARTICLE 3 – OFFICERS

SECTION 1. At the regular business meeting in July, the Commission shall elect from among its members a Chair and a Vice-Chair, who shall serve for one year or until a successor has been elected.

SECTION 2. No member shall be elected Chair or Vice-Chair until he or she has served on the Commission for a minimum of one year, unless the Commission waives this one-year service requirement.

SECTION 3. The Chair shall preside over and conduct all meetings of the Commission by a formal order of business; shall give general direction to the affairs of the Commission; shall call special meetings of the Commission; and shall have authority to administer all matters not otherwise expressly delegated.

SECTION 4. The Vice-Chair shall assist the Chair in the discharge of his or her official duties. In the absence of the Chair, or in the event of his or her inability to service, the Vice-Chair shall preside at all meetings and perform all duties of the Chair.

ARTICLE 4 – STAFF

SECTION 1. The Commission shall, upon approval by the Board of Supervisors, have its own Staff, which may include a Commission Assistant, Secretary and such additional personnel, including conflict law advisors, as recommended by the Human Resources Department pursuant to subdivision (a) of Ordinance Code section 1345, to provide services to the Commission within the scope of its authority.

SECTION 2. The Staff shall administer the routine business of the Commission; shall maintain a record of all proceedings of the Commission; shall compose findings of fact and decisions for Commission approval; conduct investigations; and perform other related work as required. Under the supervision of the Staff Director, the Secretary shall provide general secretarial and administrative support services, as required.

SECTION 3. When filling staff vacancies, the Commission may seek the assistance of the Human Resources Department.

ARTICLE 5 – SIGNATORIES

SECTION 1. All decisions, recommendations and other official documents of the Commission shall be signed by the Chair, or a designated representative.

SECTION 2. Routine correspondence, including subpoenas and subpoenas duces tecum, may be signed by the Staff Director.

ARTICLE 6 – MEETINGS

SECTION 1. Regular business meetings of the Commission shall be held on the fourth Thursday of each month (other than November and December), at 9:30 a.m., in the Lower Plaza Assembly Room at the Hall of Administration of the Ventura County Government Center, located at 800 South Victoria Avenue, Ventura, California.

SECTION 2. In November, the regular business meeting shall be held on the third Thursday. December's regular business meeting shall be held on the second

Thursday. These meetings shall also commence at 9:30 a.m. in the Lower Plaza Assembly Room.

SECTION 3. Special meetings may be called by the Chair or a majority of Commission members pursuant to Government Code Section 54956.

SECTION 4. The Chair may direct Commission Staff to publish and transmit to all Commission Members (and all others having requested notice of Commission meetings) a "Notice of Cancellation of Meeting" where, at or before the time when a meeting's agenda would normally be noticed, Staff has informed the Chair that there are not substantive matters that would appear on said meeting's agenda. By "substantive matters" is meant any business that requires action of the Commission other than review and approval of minutes or other routine matters.

ARTICLE 7 – HEARINGS

SECTION 1. Hearings shall be set and conducted in accordance with provisions of Ordinance Code Section 1352, et seq. and Article 23 of the Ventura County Personnel Rules and Regulations.

SECTION 2. Except as otherwise required by law, hearings, or portions thereof, may be closed to the public only upon a majority vote of Commissioners present, following consideration of all applicable statutes, case law, ordinances, rules, or regulations. Recordings, transcripts, or documents involved in such closed hearings shall not be disclosed to the public, except by order of the Chair or Vice-Chair after consultation with the Commission's law advisor.

SECTION 3. An appeal from disciplinary action involving termination, which the parties reasonably estimate can be completed in two days or less, may be heard by the full Commission or at least a quorum of the Commission at the Commission's discretion. However, the Commission also may, at its discretion, assign the matter to a hearing officer for a recommendation as to any action to be taken by the entire Commission or a majority of those present.

SECTION 4. An appeal from disciplinary action involving termination, which the parties reasonably conclude will last more than two days, may be heard by a

hearing officer unless the Commission determines that the matter should be heard by at least a quorum of the Commission.

SECTION 5. Appeals from disciplinary action, other than termination, may be heard by a hearing officer or by one or more members of the Commission at its discretion.

ARTICLE 8 – QUORUM

SECTION 1. The presence of three members of the Commission shall constitute a quorum. A majority of those present and voting shall be required to approve, disapprove, or otherwise act on any proposal.

SECTION 2. In case of a tie vote, the order or relief requested by the party having the burden of proof on the matter voted upon shall be denied.

ARTICLE 9 – CONTINUANCES

SECTION 1. Requests for continuances must comply with the terms of the Formal Appeal Hearing Procedures adopted by the Commission.

SECTION 2. Requests for continuances may be granted by the Chair, Vice-Chair, Panel Chair, or the Hearing Officer, under the terms of the Formal Appeal Hearing Procedures.

ARTICLE 10 – AMENDMENTS

SECTION 1. These by-laws shall become effective immediately upon adoption by a majority vote of Commissioners in attendance at a regular or special meeting.

SECTION 2. These by-laws may be amended by a majority vote of Commissioners present at a regular or special meeting, provided the amendment is proposed for consideration at a regular or special meeting of the Commission at least thirty days prior to any such vote.

ARTICLE 11 – RELEASE OF INFORMATION

SECTION 1. Notices of disciplinary action, including final notices, and other personnel file documents or information may be released to the public by the Civil Service Commission only after notice of disciplinary action, or other personnel file documents or information, has been accepted into the record as evidence during a hearing open to the public.

SECTION 2. No member shall take any actions or make any statements on behalf of the Commission unless specifically authorized by the Commission.

ARTICLE 12 – SECTION 103 REVIEWS

SECTION 1. Unless otherwise directed by the Commission, proposed Memoranda of Agreement served on the Commission Assistant pursuant to Section 103 of the Ventura County Personnel Rules and Regulations (Section 103 Reviews) shall be forwarded to all members of the Commission for initial review. Upon receipt, any member of the Commission may direct the Commission Assistant to agendize the matter for formal review by the entire Commission within the time limits dictated by the terms of Section 103.

SECTION 2. Absent a request from any other member to schedule a meeting to conduct a timely Section 103 Review, the Chair may either: (1) sign a letter advising the Board of Supervisors that the Commission is of the opinion that the proposed Memorandum of Agreement will have no adverse impact on the Personnel Rules and Regulations or Civil Service System; or (2) instruct the Commission Assistant to agendize the matter for a timely Section 103 Review.

Section 3. If any member of the Commission requests a formal Section 103 Review, Staff shall calendar the matter so that the Commission's determination can be timely submitted to the Board of Supervisors.