Sec. 80. The Commission, at its discretion, may delegate an appeal to be heard by a hearing officer/administrative law judge. Appeals for disability retirement for safety personnel shall be conducted only by an Administrative Law Judge, including those disability retirement appeals heard by the Civil Service Commission. When so delegated, the hearing officer/administrative law judge shall be vested with the same powers resting in the Commission with respect to the scheduling and conduct of hearings, except that the decision of the hearing officer/administrative law judge shall not be binding, but shall be considered a recommendation to the Commission. The recommendation of the hearing officer/administrative law judge shall be presented to the Commission in a written report, in a format specified by the Commission. The Commission shall have the power to adopt, modify, or reject the recommendation of the hearing officer/administrative law judge. The Commission shall also have the power to order all or part of a hearing to be reheard by the same or another hearing officer/administrative law judge, or the Commission may hear the appeal itself anew. Notice of the Commission's consideration of the Hearing Officer's Report/Administrative Law Judge Report shall be sent to the concerned parties and either party may request the Commission to consider final arguments in the matter; however, neither party shall be required to do so as a requirement of exhausting its administrative remedies. Rev. July 20, 1993

FAILURE OF EMPLOYEE TO APPEAR AT SCHEDULED HEARING

Sec. 81. If an employee is granted a hearing and, without good cause, fails to appear, the Commission shall dismiss the appeal and sustain the administrative discipline.

COMMISSION AUTHORITY
CIVIL SERVICE HEARINGS AND INVESTIGATIONS

Sec. 82. In any investigation or hearing, the Commission shall have the power to issue subpoenas and/or subpoenas duces tecum and compel the attendance of witnesses and production by the witnesses of pertinent documents. Subpoenas and subpoenas duces tecum shall be issued and served in accordance with appropriate sections of the Code of Civil Procedure. Each party to a hearing shall be responsible for the service of the subpoenas as provided in the California Government Code. The Commission shall also be empowered to administer oaths to witnesses and it may punish as a contempt the disobedience or failure to comply with the provisions of these Rules. At least 72 hours before the time set for hearing, the respective parties shall furnish to the Commission the names of all witnesses who are to be called to testify in each party's case in chief and, in the absence of good cause, only those witnesses whose names are furnished to the Commission will be permitted to testify.

ORDERS OF THE COMMISSION
AFTER HEARINGS ARE CONCLUDED

Sec. 83. After a hearing, the Commission may, at its discretion, either sustain, reduce, or deny the charges. If the charges are denied the Commission shall order the employee reinstated to the
classification, grade, or salary step held prior to the imposition of the discipline. If the charges are sustained or reduced, the Commission at its discretion, shall either set the period of suspension or demotion or order the employee permanently removed from City service. The decision of the Commission shall be final on the date it is made. Thereafter, any petition for judicial review of the Commission's decision must be filed within 90 days of the effective date of the Commission's decision pursuant to the provisions of the Code of Civil Procedure. Upon expiration of the prescribed period of suspension or reduction in classification, the employee shall be restored to his/her former classification, grade, or step.

CAUSES FOR SUSPENSION, DEMOTION, RELEASE OR DISCHARGE

Sec. 84. At the discretion of the Commission, the following may be declared to constitute grounds for suspension, demotion, release or discharge (separation) of an employee from the classified service of the City:

(1) Violation of any provision of the Charter of the City, the Rules and Regulations of the Commission, or any written departmental rule, regulation, or directive.

(2) Fraud in securing appointment.

(3) Inefficiency in performance of work which results in performance lower than that which is typically expected of a similar employee in a similar position.

(4) Inexcusable neglect of duty.

(5) Insubordination.

(6) Dishonesty.

(7) Unauthorized consumption or possession of and/or being under the unauthorized influence of any alcoholic beverage, narcotic, harmful or addictive drug which has not been prescribed by a licensed physician, while on duty or on standby duty.

(8) Unlawful sale of a narcotic or dangerous drug.

(9) Inexcusable or excessive absence from the City and/or violation of the provisions of any sick leave ordinance or resolution.

(10) Discourteous, disruptive, or harassing conduct toward the public or other employees.

(11) Willful disobedience to a lawful order.

(12) Misuse, misappropriation, or unauthorized use or possession of City property.

(13) Brutality or cruelty to an inmate or prisoner of a City institution, or to a person in custody.

(14) Fighting, and/or malicious mischief while on duty, or destruction of City property.

(15) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A