

Michael Conger

December 21, 2011

Commissioner Nix County Government Center, Room 270
Commissioner Bergman San Luis Obispo, Calif. 93408
Commissioner Chapman
Commissioner Tappan
Commissioner Salter

SUBJECT: Comments regarding Item 4.d.iii (CSC Draft Annual Report) on your December 21, 2011 agenda.

Dear Commissioners Nix, Bergman, Chapman, Tappan, and Salter:

As I testified before your Commission last week, both state (Government Code Sec. 31108(a)) and local law (County Code Sec. 2.40.120(d)) show clear intent for civil service appeals to receive an expeditious hearing. The prescribed timeframe is 20 days.

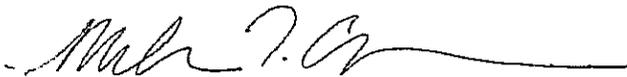
Recommendation: Please include a measure for the number of days it takes an appeal to reach hearing after being filed. This measure will allow the Commission and the public to understand if employees are receiving due process in an appropriate amount of time. Presently, there appears to be no accountability for this metric.

Rationale:

- 1) **The law intends for appeals to be heard within 20 days.** It is abundantly clear that both state and local law intend for appeals to be heard within 20 days. Including a metric will allow your Commission and the public to know if this goal is being accomplished. If this goal is not being accomplished, the metric will allow the Human Resources Department to explain any aberration from the standard.
- 2) **This metric can be used to create results-based standards to measure due process.** By recording and reporting on the number of days civil service appeals take to reach hearing and/or other resolution, the Commission and the public can be provided with a quantifiable assessment of how expeditious the process is. The metric could also be used as part of the results-based budgeting process.
- 3) **Those denied rapid due process have no other avenue.** Appellants who have been denied due process through unnecessary delays and stonewalling could face both financial and emotional hardship. Presently, the Annual Report provides no metric to ensure that these people are receiving fair and judicious treatment.

Thank you for taking this recommendation into consideration as you discuss the Draft Annual Report.

Sincerely,



Michael Conger (employed as: Planner II, Planning and Building Department)