



**Date:** March 1, 2017  
**To:** Civil Service Commission  
**From:** Kandice Taylor-Sherwood, Executive Director  
**Subject:** **STAFF REPORT - PROPOSED CHANGE IN INTERPRETATION OF CIVIL SERVICE RULE AND PROCESS FOR PROMOTIONAL EXAMS**

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**Purpose:**

The purpose of this memorandum is to communicate a proposed change in past practice regarding the implementation of Civil Service Rules and Regulations Article II Section 7, Qualifications and Requirements, as it pertains to eligibility for participation in promotional processes (refer to Appendix A). Additionally, this memorandum is to introduce a new process for evaluating the experience credit of classified employees for entry into promotional processes.

**Background and Current Issue:**

Past practice and past staff interpretation of the Civil Service Rules and Regulations Article II Section 7 as applied to promotional processes has been to limit participation in promotional opportunities to employees who have obtained permanent status or "seniority" in classifications specified on the job bulletin in order to meet the years' experience required in the minimum qualifications section for the stated job opportunity. Subsequently, there are instances when City of Long Beach classified employees, who have gained legitimate work experience by serving in alternate capacities, have not been able to utilize such service and/or experience to meet the minimum qualifications requirement stated for the promotional process. Examples of when this happens are, 1) the experience gained when employees serve in any role that allows them to receive higher classification pay (HCP); 2) the experience gained when employees perform duties while serving in a provisional appointment; or, 3) when employees have been properly assigned duties outside of their current classification, up to 25% of the time, which would not be deemed sufficient experience for participation in a promotional process.

As directed by the Commission on January 4, 2017 to seek resolution to the issue and to come to a solution that would allow employees greater opportunities to participate in promotional processes, Civil Service staff and management staff met to discuss the issue and possible impacts. Staff conducted benchmarking activities with other agencies to review how they handle this similar issue. Staff also met with a few Commission members and Gary Anderson, Principle Deputy City Attorney, to discuss the issue in depth and receive feedback. Lastly, staff met with the Human Resources Department to discuss concerns and impacts that might arise.

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In our meeting with Human Resources management staff, Human Resources raised two issues, 1) employees receiving higher classification pay may not perform the full range of duties for the classification they are receiving HCP for, and 2) employees working in these alternate capacities may be viewed as receiving preferential treatment over other employees.

Civil Service staff offers that many times, these employees are performing the full range of duties which necessitates the City of Long Beach compensating the employees with a higher classification pay hourly increase (currently \$0.80). Staff also offers that a proposed change in process will further address this concern (refer to the Recommendation section of this report). Furthermore, once the employee is given the opportunity to participate in the process, the employee would still have to demonstrate possession of knowledge, skills, and abilities in the testing process and then during the probationary period. Entry into the testing process is only the first phase of an employee selection process.

In regards to a concern of preferential treatment, operating departments, as part of professional personnel management, need to ensure that selection processes for higher classification pay assignments, provisional appointments, and other training assignments, are offered fairly in consideration of all employees. Currently in the City of Long Beach, staff feels fair selection processes are the norm and not the exception. For example, for provisional appointments, it is Commission policy to encourage a fair recruitment process for the selection of the provisional appointee. Departments demonstrate their selection process when submitting their requesting memorandum for the provisional appointment.

### **Recommendation**

Civil Service Rules and Regulations Article II Section 7 states that the Executive Director, “may limit participation in promotional processes to employees who are serving or who have served for the time specified on the Job Announcement, in certain classifications, departments, bureaus or divisions of the City.

A new interpretation of the rule posits that, “employees who are serving or who have served” was not exclusively/solely intended for employees with permanent status seniority. Allowing employees, who have gained experience by serving in alternate capacities, entrance into promotional processes facilitates a more competitive process.

This recommended change will not affect Civil Service Rules and Regulations Article III Examinations. The distribution of seniority points for those employees who have permanent status in the related classifications will remain part of the promotional testing process, thus giving employees with seniority a competitive edge (refer to Appendix C).

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As such, staff recommends that participation in promotional processes be opened to classified employees who have gained experience in relevant classifications or by way of alternate capacities, regardless if the employee has obtained permanent status in the stated required classifications.

Modifications will be made to the application materials, which will allow employees to submit justification which includes a formal request to have additional work experience (up to 25% outside of the employee's current classification) evaluated for potential entry into the promotional testing processes. Such experience will be evaluated individually, based on the performance of duties of the related classification. The employee's supervisors will certify the work experience by his/her signature. As a proactive measure for tracking such work experience, a change will be made in the classified performance evaluation process. The new classified employee evaluation process and form will include a section for employee and supervisor to note, for each performance period, instances when employees received higher classification pay; served on a provisional basis; performed duties in a reassignment for training assignment, or when they were assigned duties outside of their current classification (up to 25%), etc..

This proposed change will exclude promotional processes for Police and Fire classification as described in Civil Service Rules and Regulations Article III (15), (16), (17) (refer to Appendix B).

### **Next Steps**

The Civil Service Executive Director proposes implementing the following:

- 1) Schedule and conduct meet and confer meetings with all City of Long Beach labor associations regarding the proposed changes to address and resolve any concerns and/or issues.
- 2) Predicated on the meet and confer meetings with the labor associations, make modifications to the applications materials to provide a mechanism for classified employees to submit documentation to have work experience evaluated for potential qualification into the promotional testing processes.

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APPENDIX A

QUALIFICATIONS AND REQUIREMENTS Sec. 7.

The Commission shall establish and display Job Announcements, publish the qualifications and minimum requirements needed to compete in examinations for classified employment, notify employees in advance of any changes in such minimum requirements or qualifications prior to job announcement approval, and may limit participation in promotional examinations to employees who are serving or who have served for the time specified on the Job Announcement, in certain classifications, departments, bureaus or divisions of the City.

The Commission shall make every effort to provide promotional examinations for those City employees in classifications wherein the skills needed for advancement are easily acquired. In all matters regarding qualification or disqualification of applicants, the decision of the Commission shall be final.

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**APPENDIX B**

**LENGTH OF SERVICE REQUIRED FOR PROMOTION POLICE Sec. 15.**

No member of the Police Department shall be eligible to take a promotional examination unless he/she holds a permanent appointment in the classification from which promotion is sought and, after such appointment, shall have completed the required minimum period of active service. The minimum periods of active service are as follows: (1) Police Corporal, three years combined service as a Police Officer and Police Recruit. (2) Police Sergeant a) status as a Police Corporal or, b) three years combined service as a Police Officer and Police Recruit. (3) Police Lieutenant, two years as a Police Sergeant. Time served in the classification of Policewoman Sergeant prior to November 1, 1973, shall be considered as equivalent to service as a Police Sergeant. (4) Police Captain, one year as a Police Lieutenant.

**LENGTH OF SERVICE REQUIRED FOR PROMOTION POLICE Sec. 16.**

No member of the Fire Department shall be eligible to take a promotional examination unless he/she holds a permanent appointment in the classification from which a promotion is sought and, after such appointment, shall have completed the required minimum period of active service. The minimum periods of active service are as follows: (1) Engineer or Fireboat Operator, four years combined service as a Fire Fighter and Fire Recruit. (2) Fire Captain, six years combined service as a Fire Recruit, Fire Fighter, Engineer, and/or Fireboat Operator. Time served in any of these classifications may be cumulative. (3) Battalion Chief, three years as Fire Captain.

**PROMOTIONS - MARINE SAFETY SERGEANT - BOAT OPERATOR AND MARINE SAFETY BOAT OPERATOR Sec. 17.**

All appointments to fill the position of "Marine Safety Sergeant - Boat Operator" or "Marine Safety - Boat Operator" shall be made from applicants who have completed at least two years active service as a Marine Safety Officer in the "permanent service" on or before the last day for filing of applications to take the examination. The Commission shall establish appropriate promotional eligible lists as described in these Rules.

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### APPENDIX C

#### NOTICE OF EXAMINATIONS Sec. 10.

Subject to the approval of the Commission, Civil Service examination announcements shall be posted publicly for a minimum of seven days. Examination announcements shall contain information regarding the duties of and the minimum qualifications needed to perform the job, general information, including salary, and when and where to file applications. In addition to the above, announcements of promotional examinations shall also indicate the Civil Service Rules by which seniority points will be determined, the classifications eligible for participation, and shall be forwarded to all City Departments for posting in areas where eligible employees pass in their normal course of employment

#### EXAMINATION INFORMATION Sec. 11.

Information or advice regarding the actual problems and/or questions contained in Civil Service examinations shall not be given to applicants. However, general study manuals, and/or book lists authorized by the Executive Director, may be distributed to applicants, if the distribution is a part of the stated examination procedure.

#### CONDUCT OF EXAMINATIONS Sec. 12.

All Civil Service examinations and/or other employee selection procedures shall be administered fairly, objectively, and equitably pursuant to established Commission policy and procedures

#### GRADING OF EXAMINATIONS Sec. 13.

The passing grade in examinations shall be 70 or above. Any applicant whose score in any examination part or section is less than the minimum level established by the Commission and these Rules shall be disqualified and prohibited from further participation in the examination process or placement on the eligible list. Each applicant's final score on an examination shall be used to determine placement in the rank or band order of applicants on an eligible list, except as indicated below: (1) where preference is given to veterans as provided by Section 1105 of the City Charter; (2) in promotional examinations where seniority credits are made a part of the final grade; (3) in non-competitive examinations where strict ranking of applicants is not required pursuant to Commission policy and procedures.

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#### **CREDIT FOR SENIORITY Sec. 14.**

On promotional examinations, the points to be allowed for seniority shall be based upon length of employment, subject to Section 102 of these rules, in all classified classifications designated on the examination announcement as qualifying classifications, and shall be computed using the following scale: One-half point for each completed year of classified City employment up to and including the tenth year. Seniority credits shall be computed on a whole month basis. (1) In calculating seniority points, length of employment shall include all time during which the employee is carried on the payroll after permanent appointment to classifications which are designated on the examination announcement as qualifying, and shall encompass all time the employee is absent from duty and drawing disability compensation as a result of sickness or injury suffered or sustained during the course of employment, and all times during which the employee is serving in the Armed Forces of the United States during war or national emergency proclaimed by the President, or the Congress of CREDIT FOR SENIORITY Sec. 14 (Continued).

The United States, or an Act of Congress providing for peacetime induction or conscription; but shall not include the times that the employee is absent from duty on leave of absence, laid off, or suspended. (2) Applicants for promotion in the Police Department and Fire Department shall be allowed the same credit for seniority as listed above, except that the applicant's total time of employment in the City's subordinate level Police or Fire classifications shall be added together to determine seniority credit. A maximum credit for seniority shall be five points (10 years of service).

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### TIES IN OPEN EXAMINATIONS Sec. 18.

When two or more applicants competing in an open examination achieve the same final score, rank order on the eligible list shall be determined by the order in which their applications were filed, with the exception of those applicants covered by Section 1105 of the City Charter. Applicants with a tie in final scores shall be certified to requisitions together.

### TIES IN PROMOTIONAL EXAMINATIONS Sec. 19.

When two or more employees achieve the same final score in a promotional examination, a higher rank order on the eligible list shall be given to the employee having the greatest seniority under Section 14 of these Rules. If both employees' final score and seniority are the same, preference shall be determined by the order in which their applications were filed. Employees with a tie in final scores shall be certified to requisitions together.



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#### **PROTEST OF EXAMINATIONS Sec. 20.**

Examination materials including all testing instruments shall not be subject to review by the public. The Commission shall not consider any claims against the judgment or expertise of the raters in assigning scores for tests. Following each examination component, there shall be a two-business day protest period during which the candidate may submit a written protest against the conduct of his/her test to the Executive Director. Candidates shall submit written protest(s) on forms provided by the Commission. Civil Service staff will review written protests received during this protest period, and make a determination within three business days. Upon notification of staff's determination, where there is a disagreement with staff's disposition, candidates may appeal in writing to the Commission within five days for final determination. After the Commission has approved the final examination results and final scores have been transmitted to all candidates, there shall be a period of five business days during which a candidate may submit a written notice to the Executive Director requesting that their final examination computations be checked for accuracy. Civil Service staff shall review the candidate's computation of final scores and make a determination within three business days. Upon notification of staff's determination, where there is a disagreement with staff's computation of the candidates' final scores, candidates may appeal in writing to the Commission within five days for final determination.