

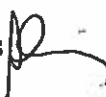


Port of  
**LONG BEACH**  
The Green Port

## Memorandum

**Date:** November 2, 2018

**To:** Civil Service Commission

**From:** Stacey Lewis, Director of Human Resources 

**Subject:** **REQUEST TO UTILIZE THE COMMERCIAL DIVER CLASSIFICATION IN THE UNCLASSIFIED SERVICE ON A TEMPORARY BASIS IN THE HARBOR DEPARTMENT**

The Harbor Department, Maintenance Division is requesting Civil Service Commission approval to use the Commercial Diver classification to hire two unclassified Commercial Divers on a temporary basis, in accordance with Article XI, Section 1102(a)(6) of the Long Beach City Charter and Article VIII, Section(3) of the Civil Service Rules and Regulations.

Currently, there is a need for two temporary Commercial Divers. One employees has been on leave and/or restrictive duty since September of 2016, and the other employee has been on leave and/or restrictive duty since April of 2018. In addition, the vacant Supervisor, Commercial Diving position is currently assigned to a Commercial Diver II serving in an acting supervisor role until the recruitment process is completed.

The absence of the three Commercial Divers has created an unsustainable and unsafe strain on the current Commercial Diving staff. The Harbor Department has adopted a practice that requires a minimum of five divers to perform a dive. With the reoccurring absences of two Commercial Divers due to protected leave status and/or injury, as well as a third Commercial Diver II in an acting supervisor role, the department is unable to conduct dive operations or rotate dive responsibilities at a frequency that supports the rest and recovery needed to sustain a consistent dive operation workload. As a result, the Dive Team must postpone planned dives. The resulting impact has reached a critical state within the Maintenance division's diving operations and security protection of Port operations.

To address this critical staffing issue, the Department is requesting the Commission to direct staff to provide the current Commercial Diver eligible list as a resources to hire two temporary, unclassified Commercial Divers for a period not to exceed six months from the date of hire.

If you have any questions, please contact Sandy Witz at (562) 283-7500

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**Date:** November 7, 2018  
**To:** Civil Service Commission  
**From:** Carmelita Underwood, Administrative Analyst II, NC  
**Subject:** **REQUEST TO UTILIZE THE COMMERCIAL DIVER CLASSIFICATION IN THE UNCLASSIFIED SERVICE ON A TEMPORARY BASIS IN THE HARBOR DEPARTMENT**

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The Commission's approval is requested to utilize the Commercial Diver classification in the unclassified service in the Harbor Department, Maintenance Division in accordance with Article XI, Section 1102(a)(6) of the Long Beach City Charter and Article VIII, Section 115(3) of the Civil Service Rules and Regulations. Correspondence was received on October 15, 2018, from Stacey Lewis, Director of Human Resources of the Harbor Department, requesting approval to utilize the Commercial Diver classification in the unclassified service on a temporary basis.

**The following information is presented for consideration:**

- The Department is requesting to temporarily hire two (2) Commercial Divers in the Harbor Department, Maintenance Division, as unclassified positions.
- There are two classified Commercial Divers on injury leave. One employee has been on leave or modified duty since September 2016, and the second employee has been on leave since April 2018.
- A third diver is currently assigned to an acting supervisor role as a Supervisor, Commercial Diving.
- The Department's adopted practice requires a minimum of five divers and a supervisor to operate safely and efficiently.
- As a result, the Division has relied heavily on the current diving staff to meet operational needs.
- The absence of three Commercial Divers has created a significant impact on productivity. The Department is unable to conduct dive operations or rotate dive responsibilities at a frequency that supports the rest and recovery needed to sustain a consistent dive operations workload. The resulting impact has reached a critical stage within the Maintenance Division's diving operations and security protection of Port operations.

- The approval of this request will assist the Department by providing sufficient staff to perform a consistent dive operation workload and planned dives.
- Article XI, Section 1102(a)(6) of the Long Beach City Charter divides and defines Classified and Unclassified service and particularly describes that unclassified service could be any classification which, at the discretion of the Commission, is of such a nature as to require unique and special flexibility for efficient administration.
- Article VIII Section 115 of the Civil Service Rules and Regulations allows the Commission to authorize exceptions to its Rules. More specifically, on April 21, 2009, the City Council expanded Article VIII Section 115(3) by including a sunset clause, which states:

"Further, the Commission may authorize an exception to its rules, if such exception is consistent with the mandate of Article XI of the City Charter and if, in the opinion of the Commission, the best interest of the City would be served. This subsection shall expire six months after the date City Council adopts this rule unless extended by Commission action."

- Subsequently, the Commission approved a series of six month extensions, on October 14, 2009; April 14, 2010; April 4, 2011; a one-year extension on April 18, 2012; and a retroactive one-year extension in April of 2014. Extensions were further granted on April 1, 2015, May 4, 2016, April 19, 2017, and April 25, 2018 to modify the rules without seeking council approval. The Commission has approved exceptions to the Rules on several occasions.

For these reasons, the Department is requesting to temporarily utilize the Commercial Diver classification for a period of six months. Civil Service Staff has no recommendation for this request. Representatives from the Harbor Department will be available to respond to questions from the Commission.