



**Date:** April 3, 2019

**To:** Civil Service Commission

**From:** Phyllis O. Arias, President, Civil Service Commission  
Heather Morrison, Civil Service Commissioner

**Subject:** Discussion of Draft Civil Service Commission Policy to Address Requests to Temporarily Use Classified Positions in the Unclassified Service

*PFA*

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At the November 7, 2018 Civil Service Commission meeting, President Arias requested that Civil Service staff develop a report to provide guidance to the Commission for evaluating requests from departments to temporarily use classified positions in the unclassified service. Civil Service staff drafted recommendations with input from City departments and Interim Executive Director David Honey presented these recommendations to the Commission at the January 23, 2019 meeting. At this meeting, the Commission recommended the establishment of a subcommittee, comprised of President Arias and Commissioner Morrison, to review the draft documents and develop a Civil Service Commission Policy.

The Subcommittee members and Interim Executive Director have met on two occasions to provide further recommendations and develop the attached Policy, and accompanying guidelines and form, for departments to use when requesting such exceptions. The Policy requires departments to fully explain the situation requiring an exception to the Rules and Regulations allowing them to temporarily use classified positions in the unclassified service, including: impact on operations, fiscal impact, and a thorough explanation of what other options were considered and why those exceptions do not meet their operational needs. The accompanying form outlines the process for departments to follow when submitting their requests to the Commission and shall be utilized by departments to provide the required information.

The Subcommittee requests the Commission's review of the attached Policy and form for discussion at the April 3, 2019 Commission meeting.

## CIVIL SERVICE COMMISSION POLICY

<b>SUBJECT:</b> Requests to Temporarily Use Classified Positions in the Unclassified Service	<b>FILED UNDER:</b> Civil Service Commission Policies	<b>ITEM NO:</b> 1.81 <b>PAGE</b> 1 of 2
<b>APPROVED BY:</b> <div style="border-top: 1px solid black; text-align: center; margin-top: 10px;"> <b>AUTHORIZED SIGNATURE</b> </div>		<b>EFFECTIVE DATE:</b>
<b>NOTES:</b>		

Pursuant to Section 115, subsection (3) of the Civil Service Rules and Regulations, “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.”

**PURPOSE:**

To establish guidelines for the review and authorization of requests to temporarily use Classified position(s) in the Unclassified service via an Exception to the Civil Service Rules and Regulations.

**POLICY:**

Prior to approving such a request, the Civil Service Commission shall require the requesting department to demonstrate that the exception would be in the best interest of the City by providing the following information on the approved Civil Service request form:

- A statement indicating a clear and immediate operational necessity to temporarily utilize a classified position in the unclassified service.
- If the position(s) is/are needed for a specific project, a description of the project and its criticality to department/City operations. The requesting department shall indicate whether it is a City-wide project and/or a project that has been approved by the City Manager, City Council, or a Board or Commission of the City of Long Beach.
- If the department is requesting to fill a temporary vacancy, the reason why a temporary vacancy exists and how long the position has been vacant. The department shall also indicate the number of employees available to do the work during the temporary, extended vacancy period and detail any safety, productivity, and/or fiscal impacts if the request is not approved.
- A description of the impact the exception will have on the requesting department's operations. The impact statement shall address how the exception will facilitate completion of mission-critical functions.
- A statement outlining the fiscal impact of the request. This shall include an analysis of the cost of the unclassified position(s) compared with alternative solutions explored and any lost revenue opportunities if the request is not approved.

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- A thorough explanation of what other options were considered and why they would be impractical or inferior. Particular attention shall be given to explaining why hiring a classified employee, whether temporary or permanent, is not feasible.

If an exception to temporarily utilize a classified position in the unclassified service is granted, the duration of the assignment shall be specified in the Civil Service Commission action and recorded in the minutes. The employment of an individual hired under this policy shall not exceed the duration of the assignment approved by the Commission and recorded in the minutes.

Extensions of employment under this policy may be approved by the Civil Service Commission, provided that the department requests an extension prior to the initial expiration of the assignment and the Commission deems such an extension to be in the best interests of the City.



## Civil Service Department

# Request for Temporary Use of Classified Position(s) in the Unclassified Service Form:

### PURPOSE:

To establish a process for the review and authorization of requests to temporarily use Classified position(s) in the Unclassified service via an Exception to the Civil Service Rules and Regulations.

### RELEVANT RULES AND REGULATIONS:

#### 1. Civil Service Rules and Regulations Article I, Sec. 3

The Civil Service of the City is hereby divided into the unclassified and classified service. The unclassified service shall include:

- (1) All officers elected by the people and all employees of such elected officers;
- (2) Members of all appointive commissions;
- (3) The City Manager and all employees of the City Manager's Department;
- (4) The City Clerk and all employees of the City Clerk;
- (5) Department heads, one assistant department head in each department, bureau heads, division heads, and one clerical position for each;
- (6) Any classification which, at the discretion of the Commission, is of such a nature as to require unique and special flexibility for efficient administration.
- (7) The Executive Secretary of the Board of Harbor Commissioners and Harbor Department Sales, Traffic and Promotion personnel, the Chief Wharfinger and all personnel intermittently employed in handling cargo and freight.
- (8) All personnel serving in non-career positions, as defined by the Civil Service Rules and Regulations.

The classified service shall comprise all positions not specifically included in the Charter as being in the unclassified service.

NOTE: See Section 1102 of the Charter of the City of Long Beach.

#### 2. Civil Service Rules and Regulations Article VIII, Sec. 115

Exceptions to the Civil Service Rules and Regulations may be made as follows:

- 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.

### PROCESS:



## Civil Service Department

1. All requests shall be sent to the Civil Service Deputy Director or designee for a preliminary review and discussion of the request and alternatives explored. *(Electronic version is acceptable)*
2. The requesting department shall complete Section I of this form. *(City Manager departments require Human Resources approval prior to submittal to Civil Service.)*
3. Completed forms shall be emailed to the Civil Service Executive Assistant and will be assigned to Civil Service staff.
4. Civil Service Staff will review submitted requests and assess whether the request is consistent with the mandate of Article XI of the City Charter and whether the best interest of the City would be served, based on the following factors:
  - Impact to operations of the requesting department
  - Fiscal impact
  - If position(s) is/are needed for a specific project
  - If position(s) is/are needed to fill temporary vacancy(ies)
  - Estimated length of time until a valid eligible list will be available, if no list exists
  - What other options were considered and why they would be impractical
5. After a thorough review by Civil Service staff, requests will be placed on the Civil Service Commission agenda for a future Civil Service Commission meeting. Based on the above assessment, Civil Service staff will provide a recommendation to approve the request, deny the request, or provide no recommendation.
6. At the Civil Service Commission meeting, a representative from the requesting department shall present the need to utilize Classified position(s) in the Unclassified service via Exception to Civil Service Rules and Regulations, including outlining the reasons/circumstances for the request.
7. The Civil Service Commission shall approve or deny the request. *(If an exception to temporarily use a classified classification in the unclassified service is granted, the duration of the assignment shall be specified in the action and recorded in the minutes.)*
8. If the request is granted, the requesting Department shall provide a subsequent update to the Civil Service Commission regarding the positive and negative impacts of the exception. The timeline for the update will be determined by the Civil Service Commission relative to the duration of the exception.
9. All requests to extend exceptions must be approved by the Civil Service Commission.



## Civil Service Department

### SECTION I. REQUESTING DEPARTMENT COMPLETES THIS SECTION:

**DATE OF REQUEST:** Click or tap here to enter text.

**REQUESTING DEPARTMENT:** Choose an item.

1. **CLASSIFIED POSITION(S)/NUMBER OF POSITIONS:** Click or tap here to enter text.

2. **REQUISITION NUMBER(S) (If Applicable):** Click or tap here to enter text.

3. **DATE THE NEED AROSE:** Click or tap here to enter text.

4. **CIRCUMSTANCES SURROUNDING REQUEST/NEED:**

In the space below, include an explanation of a clear operational need for the Exception. Be sure to address the following:

- a) Why the situation requires unique and special flexibility for efficient administration.
- b) Why the exception would be in the best interest of the City.

Click or tap here to enter text.

5. **PROPOSED DURATION OF REQUEST:**

(Note: For requests to use Classified positions in the Unclassified service on a Temporary basis, a maximum length of time must be specified in the request)

Click or tap here to enter text.

5. **IMPACT TO OPERATIONS OF THE REQUESTING DEPARTMENT:**

- a) How the requested exception will facilitate completion of mission-critical functions.
- b) How the requested exception will improve efficiency, productivity, and/or safety of operations.
- c) How the requested exception will impact existing personnel.

Click or tap here to enter text.

6. **FISCAL IMPACT OF REQUEST:**

- a) Cost of unclassified position(s) compared with alternative solutions
- b) Cost/savings in relation to department's budget
- c) Lost revenue from not filling the position (if supports revenue-generating operations)

Click or tap here to enter text.

6. Is the request due to a special project requiring additional staffing? If so please describe below. Make sure to address the following:

- a) Nature of the project
- b) Criticality of the project
  - o Approved by City Council, City Manager, and/or Board/Commission?
  - o Required by Local, State, Federal legislation?
  - o Duration of the project

Click or tap here to enter text.



## Civil Service Department

**7. Is the request due to a temporary vacancy(ies)? If so, please provide the following.**

- a) The cause of the vacancy(ies) [Click or tap here to enter text.](#)
- b) How long the position(s) has/have been vacant [Click or tap here to enter text.](#)
- c) How the work is currently being covered [Click or tap here to enter text.](#)
- d) How many other employees perform similar duties [Click or tap here to enter text.](#)
- e) Why the current means of covering the vacancy is not sustainable or practical [Click or tap here to enter text.](#)
- f) If work has not been covered, what are the impacts? Be sure to:
  - o Indicate mission critical functions not being completed
  - o Quantify loss of revenue (e.g., increased costs, overtime)
  - o Describe any safety-related concerns

[Click or tap here to enter text.](#)

**8. What steps have been taken to attempt to address the need/circumstance? Be sure to address the following if applicable.**

- a) Indicate mission critical functions not being completed
- b) Quantify loss of revenue (e.g., increased costs, overtime)
- c) Describe any safety-related concerns

[Click or tap here to enter text.](#)

**9. Describe detriments to the City that may occur if the request is not granted, such as a clear and substantial loss of revenue, a substantial curtailment of City services, or creation of a City hazard.**

[Click or tap here to enter text.](#)

**10. Explain, in detail, what other options were considered and why they would be impractical or inferior.**

- d) Specifically, explain why hiring a classified employee, whether temporary or permanent, is not feasible
- e) Explain all other alternatives considered, such as provisional appointment, and why they were rejected

[Click or tap here to enter text.](#)

**11. Please provide any other information you would like the Commission and Civil Service Department staff to take into consideration in evaluating this request.**

[Click or tap here to enter text.](#)



## Civil Service Department

### SECTION II. CIVIL SERVICE COMPLETES THIS SECTION:

- ☐ YES ☐ NO A valid requisition was received by the Civil Service Department for the classification in question.
- ☐ Include requisition number and date received by Civil Service: [Click or tap here to enter text.](#)
- ☐ YES ☐ NO Is there an existing promotional, priority or eligible list for this classification?
- ☐ If there is an eligible list, when does it expire? [Click or tap here to enter text.](#)
- ☐ If a valid eligible list exists, Civil Service is able to provide the eligible list to the department to be used as a resource in their unclassified recruitment process.\*
- ☐ Are any other departments impacted? If yes, which department(s)? [Click or tap here to enter text.](#)
- ☐ Provide notice to requesting department to attend Civil Service Commission Meeting.

**\*Note:** Civil Service eligible lists are to be used solely as a resource for the Exception to Rule. Departments cannot certify this list for other unclassified purposes.