



Civil Service Department

Request for Exception to Civil Service Rules & Regulations Form: Temporary Use of Classified Positions in the Unclassified Service

PURPOSE:

To establish a process for the review and authorization of Exceptions to Civil Service Rules and Regulations regarding requests to temporarily use Classified positions in the Unclassified service.

RELEVANT RULES AND REGULATIONS/POLICY:

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."



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PROCESS:

1. All Exception to Civil Service Rules requests shall be sent to the Civil Service Deputy Director 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 Exceptions to Rules Request Form shall be emailed to the Civil Service Department Executive Assistant and will be assigned to Civil Service staff.
4. After a thorough review by Civil Service staff, Exception to Civil Service Rules Requests will be placed on the Civil Service Commission agenda for a future Civil Service Commission meeting. Civil Service staff will provide a recommendation to approve the request, deny the request, or provide no recommendation.
5. Civil Service Staff will evaluate departmental requests to determine whether the requested exception 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 efficient business operations of the requesting department
 - How will exception facilitate completion of mission-critical functions?
 - How will exception improve efficiency, productivity, or safety of operations?
 - Fiscal impact
 - Cost of unclassified position(s) compared with alternative solutions
 - Cost/savings in relation to department budget
 - Lost revenue from not filling the position (if supports revenue-generating operations)
 - If position(s) is/are needed for a specific project
 - Description of the project and its criticality to department/City operations
 - City-wide project and/or a project that has been approved by the City Manager, City Council, or Board/Commission?
 - Title and number of position(s) needed for the project?
 - Criticality of requested position(s) to the project.
 - If position(s) is/are needed to fill temporary vacancy(ies)
 - Reason for temporary vacancy (extended leave, work-related injury leave or other circumstances)
 - Number of employees available to do the work during the temporary, extended vacancy period?
 - Safety, productivity, and/or fiscal impacts of not filling the position(s).
 - 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
6. At the Civil Service Commission meeting, a representative from the requesting department shall present the need for an 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.



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SECTION I. REQUESTING DEPARTMENT COMPLETES THIS SECTION:

DATE OF REQUEST: 3/12/20 **REQUESTING DEPARTMENT:** Health

1. **CLASSIFIED POSITION(S)/NUMBER OF POSITIONS:** Public Health Nurse III, Registered Nurse II, and Microbiologist II
2. **REQUISITION NUMBER(S):** HE20-081, HE20-082, and HE20-083
3. **DATE THE NEED AROSE:** 3/9/20

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.

The request for these unclassified, part-time, temporary positions is in support of the City's response to COVID-19, otherwise known as Coronavirus 2019, as immediate temporary staffing is needed to meet operational needs associated with epidemiological surveillance and case management of confirmed and suspected cases and exposed contacts, increases in nursing services and microbiological testing, and additional support for standing duties provided year-round to the City, partner agencies, and the public by the Health Department.

5. **PROPOSED LENGTH OF TIME REQUEST WILL BE IN EFFECT IF IMPLEMENTED:**

(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)

As response efforts currently stand, these appointments are requested for 6-month assignments, but the Department may request appointment extensions from the Civil Service Commission if temporary support is still needed upon the end of the 6-month term.

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

Yes, this request is in support of the City's response to COVID-19, otherwise known as Coronavirus 2019

7. **Is the request due to a temporary vacancy or temporary vacancies? If so, please provide the following.**

- a) The cause of the vacancy Click or tap here to enter text.
- b) How long the position has been vacant Click or tap here to enter text.
- c) How the work has been getting done 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 getting done, 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

No



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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

Current staffing levels are unsustainable for proper public health emergency management and standard Department operations considering the anticipated increase in the number of cases and associated levels of case management. The Department is also currently exploring and working to utilize additional means of securing temporary support, including both contracted nursing and microbiological services and utilization of non-career staffing.

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.

Inability to effectively manage epidemiological surveillance and case management of confirmed and suspected cases and exposed contacts, nursing services and microbiological testing, and standing duties provided year-round to the City, partner agencies, and the public by the Health Department. This arrangement would likely have broad public health consequences, including additional outbreaks of COVID-19 in City limits, including the possibility of COVID-19 related deaths in the community.

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

N/A

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:** HE20-081, HE20-082, and HE20-083 (requisitions submitted 03.12.20)

☒ YES ☐ NO **Is there an existing promotional, priority or eligible list for this classification?**

Registered Nurse has two eligible lists that have been certified to the department.

☒ **If there is an eligible list, when does it expire?** 04.02.20 /05.23.20

☒ **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)?** N/A

☒ **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.**



City of Long Beach

Working Together to Serve

Memorandum

Date: March 13, 2020

To: Civil Service Commission

From: Christina Pizarro Winting, Executive Director

Subject: REQUEST FOR A TEMPORARY TRANSFER OF PUBLIC HEALTH NURSE, REGISTERED NURSE AND MICROBIOLOGIST CLASSIFICATIONS TO THE UNCLASSIFIED SERVICE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Correspondence was received on March 12, 2020, from Kelly Colopy, Director of Health and Human Services, requesting Civil Service Commission's approval to recruit and hire two (2) unclassified Public Health Nurses, six (6) unclassified Registered Nurses, and one (1) unclassified Microbiologist on a temporary basis 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.

The following information is presented for consideration:

- On March 4, 2020, the City declared a local health emergency due to the potential outbreak of coronavirus 2019 (COVID-19).
- On March 9, 2020, the City announced its first confirmed cases of COVID-19, prompting a need for additional staffing levels to meet operational needs which include the following: management of confirmed and suspected cases and exposed contacts; increases in nursing services and microbiological testing; and additional support for standing duties provided year-round to the City, partner agencies, and the public by the Health Department as the Health Department responds to the local COVID-19 health emergency.
- Current staffing levels are unsustainable for proper public health emergency management and standard Department operations considering the anticipated increase in the number of cases and associated levels of case management.
- Given the emerging nature of COVID-19, the Health Department is unable to predict the degree of temporary support required. As response efforts currently stand, these appointments are requested for 6-month assignments, but the Department may request appointment extensions from the Civil Service Commission if temporary support is still needed upon the end of the 6-month term due to the continuation of the local COVID-19 health emergency.
- In addition, the Health Department is currently researching additional staffing support alternatives such as the use of temporary support, including both

contracted nursing and microbiological services and the utilization of non-career staffing.

- Article XI, Section 1102(a)(6) of the Long Beach City Charter divides and defines classified and unclassified service, stating 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 I, Section 3(6) of the Long Beach Civil Service Rules and Regulations provides that: The Civil Service of the City is hereby divided into the unclassified and the classified service. The unclassified service shall include: Any classification, which at the discretion of the Commission, is of such a nature as to require unique and special flexibility for administration.

For these reasons, the Department is requesting Commission's approval to recruit and hire two (2) unclassified Public Health Nurses, six (6) unclassified Registered Nurses, and one (1) unclassified Microbiologist on a temporary basis. Civil Service staff recommends approval for this request, in accordance with the City Charter Article XI, Section 1102(a)(6) and Civil Service Rules and Regulations Article 1, Section 3(6).

A representative from the Department of Health and Human Services will be available to respond to questions from the Commission.



Date: March 11, 2020
To: Civil Service Commission
From: Kelly Colopy, Director of Health and Human Services

EC

Subject: REQUEST TO UTILIZE UNCLASSIFIED, PART-TIME, TEMPORARY POSITIONS TO SUPPORT THE CITY'S COVID-19 RESPONSE

The Department of Health and Human Services respectfully requests that the Civil Service Commission grant approval to recruit and hire two (2) unclassified, part-time, temporary Public Health Nurse III positions, six (6) unclassified, part-time, temporary Registered Nurse II positions, and one (1) unclassified, part-time, temporary Microbiologist II position 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.

On March 9, 2020 the City announced its first confirmed cases of COVID-19, otherwise known as coronavirus 2019, prompting staffing ramp-up efforts to meet operational needs associated with epidemiological surveillance and case management of confirmed and suspected cases and exposed contacts, increases in nursing services and microbiological testing, and additional support for standing duties provided year-round to the City, partner agencies, and the public by the Health Department. Current staffing levels are unsustainable for proper public health emergency management and standard Department operations considering the anticipated increase in the number of cases and associated levels of case management.

Given the emerging nature of COVID-19, the Department is unable to predict the degree of temporary support required and its associated fiscal impact. As response efforts currently stand, these appointments are requested for 6-month assignments, but the Department may request appointment extensions from the Civil Service Commission if temporary support is still needed upon the end of the 6-month term.

In addition, the Department is currently exploring and working to utilize additional means of securing temporary support, including both contracted nursing and microbiological services and utilization of non-career staffing.

Thank you for your consideration of this request. If you have any questions or need for additional information, please contact me at extension 8-4016.