



Date: March 27, 2020
To: Civil Service Commission
From: Christina Pizarro Winting, Executive Director

Subject: USE OF THE UNCLASSIFIED SERVICE IN THE HARBOR DEPARTMENT

Civil Service staff has been in conversation with Human Resources staff from the Harbor Department at the Port of Long Beach regarding the creation of positions in the unclassified service. This conversation has led to extensive research into the provisions of the Long Beach City Charter and the Civil Service Rules and Regulations.

The following information is presented for discussion:

- On March 10, 2020, the Civil Service Department received an HR-1 requesting approval to promote a current employee into the position of Business Development Analyst from a classified position.
- Staff followed procedures to process the form but realized Civil Service did not have a classified position titled, Business Development Analyst. Upon further review, the form had the position identified as unclassified.
- The Executive Director followed up with Stacey Lewis, Director of Human Resources Services for the Port of Long Beach to discuss the classification and explain that there was no record of the position coming before the Civil Service Commission requesting it be created and moved from the classified to the unclassified service.
- Ms. Lewis stated that the Business Development Analyst position was created as an unclassified position per the City of Long Beach Charter. An unclassified recruitment was conducted by the Port of Long Beach and a current classified employee was selected through a competitive process.
- Further research was done to review both the Long Beach City Charter and the Civil Service Rules and regulations. Relevant sections from both are listed below.
- CIVIL SERVICE RULES AND REGULATIONS
ARTICLE I
Statement of Purpose, Categories of Employment, Nondiscrimination Statement and Definitions

CATEGORIES OF EMPLOYMENT

Sec. 3. The Civil Service of the City is hereby divided into the unclassified and the 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 in the City Manager's Department;
- (4) The City Clerk and all employees in the City Clerk's Department;
- (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 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.

- CITY CHARTER

Article XI.

CIVIL SERVICE

Section 1102 Categories of Employment

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

(a) 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 in the City Manager's Department;
- (4) The City Clerk and all employees in the City Clerk's Department;
- (5) Department heads, one assistant department head in each department, bureau heads, division heads, and one clerical position for each;

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(6) Any classification which, at the discretion of the Commission, is of such a nature as to require unique and special flexibility for 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.

(b) The classified service shall compromise all positions not specifically included in this Charter in the unclassified service.

- As staff began conversation with the Harbor Department to inquire about the Business Development Analyst it was the view of the Harbor Department that the classification was specific to the Harbor Department due to the duties in the classification. It was further pointed out that the Harbor Department created the classification based on both the Civil Service Rules and Regulations and the City Charter item:
 - (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. The Business Development Analyst falls under the Harbor Department Sales area.
- The Harbor Department clarified that they are only creating unclassified positions if they fall under the following areas as determined by the Charter and Civil Service Rules and Regulations:
 - The Executive Secretary
 - Harbor Department Sales, Traffic and Promotion
 - Wharfinger
 - Personnel intermittently employed in handling cargo and freight.
- Further the Harbor Department has agreed to work with Civil Service when creating unclassified classifications to ensure that both departments agree that the position falls in line with the four categories outlined in the Civil Service Rules and Regulations and the City Charter. If the position does not meet the criteria, then a classified position will be created through the Civil Service process.

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In conclusion, Civil Service staff has appreciated the forthright discussion with the Harbor Department due to the review of the Business Development Analyst classification. It has engendered a more collaborative approach in the development of classifications and sharing of information. It has allowed both departments to acknowledge and follow their respective rules and regulations and preserve the Civil Service merit system while allowing the Harbor to recruit for their more specific Harbor related positions through the unclassified service.

Stacey Lewis will be present to respond to any questions which may occur during the discussion of this item.