



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."



Civil Service Department

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.



Civil Service Department

SECTION I. REQUESTING DEPARTMENT COMPLETES THIS SECTION:

DATE OF REQUEST: 8/10/2020

REQUESTING DEPARTMENT: Water

1. **CLASSIFIED POSITION(S)/NUMBER OF POSITIONS:** Water Utility Mechanic – 12, Storekeeper – 1, Stock & Receiving Clerk - 1
2. **REQUISITION NUMBER(S):** N/A
3. **DATE THE NEED AROSE:** 2018 (original request dated 10/5/2018)
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 unclassified status of the positions will afford the Department the flexibility to conclude these at-will assignments at the appropriate time (completion of the project). This is in the best interest of the City when compared to the alternatives of using contractors or non-career employees. The Department's estimate is that it would be an additional \$12M to \$15M for a "turnkey" project in which a contractor is used. Also, the Department's experience with non-career positions shows that about half of them will leave for full-time, permanent positions with benefits before the project is completed. In order to implement this project efficiently, it is imperative that the trained employees (both technical and OSHA safety) are retained. The nature of the work that will be performed is complex and requires up to six months of training. This project requires full-time temporary staff dedicated to the project with the sole purpose of implementing AMI.

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)

Until June 2021

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

On July 27, 2018, the Board of Water Commissioners approved an Advanced Metering Infrastructure (AMI) project that involves exchanging 90,000 water meters throughout the city. AMI is an integrated network of smart meters, communication collectors, and data management systems that allows water meters to be read automatically and uploaded electronically. Automating the meter reading process allows utilities to achieve operational efficiencies and cost savings, and AMI can also allow customers to receive accurate hourly consumption information to help them better understand their usage patterns. The project is expected to last no longer than June 2021.

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

- 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.](#)



Civil Service Department

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

N/A



Civil Service Department

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

Original request approved in 2018 before the project started. This request is for an extension.

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.

This project is already well underway with unclassified staff in place. Not granting the request to extend the use of unclassified staff will require the Department to release trained employees prior to the completion of the project, creating the need for the Department to hire and train new staff and delaying the project.

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

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: **Not applicable due to unclassified classification**

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

☒ No If there is an eligible list, when does it expire? **Not applicable.**

☐ 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.*

☒ NO Are any other departments impacted? If yes, which department(s)? [Click or tap here to enter text.](#)

☒ YES 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.**



Date: September 2, 2020

To: Civil Service Commission

From: Sylvana Tamura, Personnel Analyst

Subject: **COVID-19 REQUEST FOR EXTENSION OF THE USE OF UNCLASSIFIED WATER UTILITY MECHANIC, STOREKEEPER I-II, AND STOCK & RECEIVING CLERK CLASSIFICATIONS ON A TEMPORARY BASIS IN THE WATER DEPARTMENT**

Correspondence was received on August 17, 2020, from Christopher Garner, General Manager of the Water Department, requesting Civil Service Commission's approval to extend the use of twelve (12) unclassified Water Utility Mechanics I-II, one (1) unclassified Storekeeper I-II, and one (1) unclassified Stock & Receiving Clerk 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 July 27, 2018, the Board of Water Commission approved the Advanced Metering Infrastructure (AMI). AMI project enhances the customer experience with the ability to monitor consumption and make decisions to lesson cost through customer web tools. For the City the operational project benefits include, but are not limited to, enhancing the collection of readings, lending itself to remote service assistance and improved billing accuracy.
- On November 14, 2018, the Commission approved the request to utilize unclassified Water Utility Mechanic I-III; Storekeeper I-II and Stock and Receiving Clerk classifications on a temporary basis in the Water Department to assist with oversight of the Advanced Metering Infrastructure (AMI) project. The duration of the AMI project was set to be concluded within two (2) years.
- On March 4, 2020, the City declared a public health emergency due to Covid-19 pandemic. This was followed by departments ceasing services and, in this instance, the Water Department halting temporarily the AMI project. The Water Department has resumed the project and foresees no further delays at this time with a new project deadline of June 30, 2021.
- The Department is requesting an extension to the previously approved two (2) year use of the classifications of Storekeeper I-II, Stock & Receiving Clerk and Water Utility Mechanic I-III in an unclassified status for the duration of the new project deadline of June 30, 2021.

September 2, 2020
Civil Service Commission

- The City of Long Beach Charter, Article XI, Section 1102 (a)(6) states in part, (a) "The unclassified service shall include: (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."
- Per Article VII, Section 115(3), of the Civil Service Rules & Regulations, "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."
- The Water Department requests the approval to complete the AMI project with the use of the previously approved unclassified classifications.

RECOMMENDATION

Civil Service staff has reviewed the supporting documentation from the Water Department for their request to extend the use of the unclassified Water Utility Mechanic I-III, unclassified Storekeeper I-II, and unclassified Stock & Receiving Clerk classifications on a temporary basis, to manage and complete the Advanced Metering Infrastructures project and recommends approval of this request.

The Water Department has been informed that this request is on the Civil Service Commission Agenda this week. A department representative will be present to respond to any questions from the Civil Service Commission.



Long Beach Water


Exceptional Water • Exceptional Service

Christopher J. Garner
General Manager

1800 E. Wardlow Road, Long Beach, CA 90807-4931
562.570.2300 | lbwater.org

Date: August 6, 2020

To: Civil Service Commission

From: Christopher J. Garner, General Manager, Water Department 

Subject: REQUEST FOR EXTENSION OF THE USE OF UNCLASSIFIED WATER UTILITY MECHANIC I – III, STOREKEEPER I – II, AND STOCK AND RECEIVING CLERK ON A TEMPORARY BASIS IN THE LONG BEACH WATER DEPARTMENT UNTIL JUNE 30, 2021

The Long Beach Water Department respectfully requests that the Commission grant approval to extend the use of twelve (12) unclassified Water Utility Mechanics I – III, one (1) unclassified Storekeeper I - II, and one (1) unclassified Stock and Receiving Clerk 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.

On November 14, 2018, the Civil Service Commission approved the request to use these unclassified positions on a temporary basis (two years) in connection with the Department's Advanced Metering Infrastructure (AMI) project. See attached correspondence to the Civil Service Commission dated October 5, 2018, and approval from the Civil Service Commission dated November 14, 2018.

The project began in 2018 with a budget of approximately \$28M and a schedule of two years. However, operations were temporarily halted due to COVID-19 and have since resumed. Due to this and other unforeseen challenges encountered during the project, an extension is being requested to keep these positions for the life of the project.

The Department is requesting to continue using these positions on a temporary basis until the project is completed, which will be no later than June 30, 2021.

Thank you for your consideration of this request. If you have any questions or if additional information is needed, please contact Ken Bott, Director of Administration, at extension 8-2364.

Attachments

cc: B. Anatole Falagan, Assistant General Manager, Water Department
Tai Tseng, Assistant General Manager, Water Department
Ken Bott, Director of Administration, Water Department

Human Resources Approval



08/19/2020


Director or Designee

Date



Long Beach Water
Exceptional Water • Exceptional Service

1800 E. Wardlow Road, Long Beach, CA 90807-4931
562. 570.2300 | lbwater.org

Date: October 5, 2018
To: Civil Service Commission
From: Christopher J. Garner, General Manager, Water Department 
Subject: REQUEST FOR UNCLASSIFIED WATER UTILITY MECHANIC I – III, STOREKEEPER I – II, AND STOCK AND RECEIVING CLERK ON A TEMPORARY BASIS IN THE LONG BEACH WATER DEPARTMENT

The Long Beach Water Department respectfully requests that the Commission grant approval to recruit for and hire twelve (12) unclassified Water Utility Mechanics I – III, one (1) unclassified Storekeeper I - II, and one (1) unclassified Stock and Receiving Clerk 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.

On July 27, 2018, the Board of Water Commissioners approved an Advanced Metering Infrastructure (AMI) project that involves exchanging 90,000 water meters throughout the city. AMI is an integrated network of smart meters, communication collectors, and data management systems that allows water meters to be read automatically and uploaded electronically. Automating the meter reading process allows utilities to achieve operational efficiencies and cost savings, and AMI can also allow customers to receive accurate hourly consumption information to help them better understand their usage patterns.

The project is expected to begin immediately and last up to two (2) years with a budget of approximately \$28M. In order to manage installations and the extra inventory of meters and related parts, additional positions are needed for the life of the project. This project requires full-time temporary staff dedicated to the project with the sole purpose of implementing AMI. The additional positions being requested are unbudgeted.

The Department has researched various alternatives to implement the AMI project. Other agencies have used contractors at a significantly higher cost. The Department's estimate is that it would be an additional \$12M to \$15M for a "turnkey" project in which a contractor is used. Also, the Department's experience with non-career positions shows that about half of them will leave for full-time, permanent positions with benefits before the project is completed. In order to implement this project efficiently, it is imperative that the trained employees (both technical and OSHA safety) are retained. The nature of the work that will be performed is complex and requires up to six months of training.



Civil Service Commission
October 5, 2018
Page 2 of 2

The Department is requesting these positions on a temporary basis until the project is completed. The unclassified status of the positions will afford the Department the flexibility to conclude these at-will assignments at the appropriate time.

Thank you for your consideration of this request. If you have any questions or if additional information is needed, please contact Ken Bott, Director of Administration, at extension 8-2364.

cc: B. Anatole Falagan, Assistant General Manager, Water Department
Tai Tseng, Assistant General Manager, Water Department
Ken Bott, Director of Administration, Water Department





Date: November 14, 2018

To: Christopher J. Garner, General Manager, Water Department

From: Civil Service Commission

Subject: **REQUEST FOR UNCLASSIFIED WATER UTILITY MECHANICS I-III,
STOREKEEPER I-II, AND STOCK AND RECEIVING CLERK ON A TEMPORARY
BASIS (TWO YEARS), IN THE LONG BEACH WATER DEPARTMENT**

At its regular meeting of Wednesday, November 14, 2018, the Civil Service Commission approved your request to utilize unclassified positions on a temporary basis (two years), in the Water Department, 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.

If we can be of further assistance, please feel free to call this office.

LONG BEACH CIVIL SERVICE COMMISSION
Phyllis O. Arias, President

DAVID P. HONEY
Interim Executive Director and Secretary

DPH:rmk