



Date: August 16, 2019
To: Civil Service Commission
From: Shellie I. Goings, Personnel Analyst
Subject: **REQUEST TO EXTEND PROVISIONAL APPOINTMENTS – NATHANIEL BUCK, FERNANDO GALLEGOS, RUBEN GARCIA, SEWARD KHEM, AND BRADLEY SMITH**

On August 13, 2019, correspondence was received from the Long Beach Fire Department requesting approval from the Civil Service Commission to extend the provisional appointment periods for five (5) provisional Fire Engineers: Nathaniel Buck, Fernando Gallegos, Ruben Garcia, Seward Khem, and Bradley Smith. This request is in accordance with Article V, Section 49 of the Civil Service Rules and Regulations and Section 1.02 of the Civil Service Policies and Procedures. The facts are presented below for your consideration.

Facts for Consideration:

- On January 9, 2019, the Civil Service Commission approved the Department of Human Resources' request for the Fire Engineer provisional appointments of Nathaniel Buck, Fernando Gallegos, Ruben Garcia, Seward Khem, and Bradley Smith.
- Nathaniel Buck, Fernando Gallegos, Ruben Garcia, Seward Khem, and Bradley Smith's provisional appointment are scheduled to conclude on August 22, 2019.
- The Long Beach Fire Department is requesting an extension be granted for an additional 31 days for these provisional appointments, ending on October 5, 2019.
 - The provisional Engineers drive our fire apparatus, insuring that our personnel and equipment arrive to emergency situations in a timely, efficient, and safe manner.
 - The Department continues to have more than ten vacancies due to attrition, promotions, and leave of absences due to injury/illness.

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- Civil Service Rules and Regulations Article V, Section 49 states that the termination dates of provisional appointees and of appointees of non-career positions may be extended at the discretion of the Commission if the extensions are deemed necessary for the appointing department to function and/or provided that permanent appointments to those positions which are, in fact, permanent, are being actively pursued.
- Civil Service Policies and Procedures Section 1.02 states that an extension of provisional appointments may be approved by the Civil Service Commission if an eligible list has not been established after the allotted 150 days.
- The examination process for Fire Engineer is currently in the final phase. The Performance Exam for Fire Engineer is scheduled for the week of August 19, 2019.
- The eligible list is anticipated to be available to the Department by early September 2019.

Recommendation:

- Staff recommends approval to extend the provisional appointment periods for Nathaniel Buck, Fernando Gallegos, Ruben Garcia, Seward Khem, and Bradley Smith.

SG: REQUEST TO EXTEND PROVISIONAL APPOINTMENT – FIRE ENGINEERS



City of Long Beach
Working Together to Serve

Memorandum

Date: May 2, 2019

To: Civil Service Commission

From: Meg Rau, Administrative Officer

Subject: REQUEST TO EXTEND PROVISIONAL APPOINTMENTS – NATE BUCK, FERNANDO GALLEGOS, RUBEN GARCIA, SEWARD KHEM, BRAD SMITH

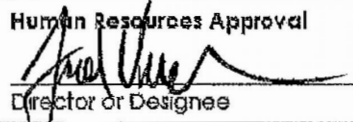
The Fire Department respectfully requests that the Civil Service Commission grant extensions to the provisional appointment periods for the following five (5) provisional Fire Engineers: Nathaniel Buck, Fernando Gallegos, Ruben Garcia, Seward Khem, and Bradley Smith. This request is in accordance with Section 49 of the Civil Service Rules and Regulations and Section 1.02 of the Civil Service Policies and Procedures.

The provisional Engineers drive our fire apparatus, insuring that our personnel and equipment arrive to emergency situations in a timely, efficient, and safe manner. The Department continues to have more than ten vacancies due to attrition, promotions, and leave of absences due to injury/illness.

The Civil Service Commission approved the provisional appointments of these individuals on January 9, 2019 and the Department promoted them effective January 19, 2019. The Department has worked closely with Shellie Goings, Personnel Analyst, to coordinate the Fire Engineer recruitment. The Fire Engineer Academy is now part of the recruitment/selection process and is scheduled for July 15 - August 16, 2019. The performance exam will take place on August 19, 2019. Based on these dates, Ms. Goings estimates that the promotional list will be established on Thursday, September 5, 2019.

In accordance with Section 43 of the Civil Service Rules and Regulations, provisional appointments are for a 150-day period and the provisional appointments for all five of these individuals will expire on August 21, 2019. The Department is requesting an extension of 31 business days (through October 4, 2019) to conduct interviews and process promotion paperwork for personnel on the eligible list.

cc: Alex Basquez, Director, Human Resources

Human Resources Approval	
	8/14/19
Director or Designee	Date



Civil Service Department

Request for Provisional Appointment Form

PURPOSE:

To establish a process for the review and authorization of provisional appointments to classified positions.

RELEVANT RULES AND REGULATIONS/POLICY:

Civil Service Rules and Regulations Section 43 and Civil Service Policy Section 1.02:

"When no priority or eligible list exists for a classification, which has been requisitioned and should no priority or eligible lists exist for comparable or allied classifications suitable for alternate list certification, the Commission may, after review, certify the names of individuals it considers to be qualified for provisional appointment to the classification. All provisional appointments shall be temporary and shall be valid only until a priority or eligible list becomes available for certification for the classification and is forwarded to the user department. However, no provisional appointment shall be valid beyond a 150 day period unless approved by the Commission." (*Civil Service Rules and Regulations Section 43*)

"Extensions of provisional appointments may be approved by the Civil Service Commission, if an eligible list has not been established after the allotted 150 days. When an eligible list for the classification, in which the provisional employee is serving, is established the provisional appointee shall be removed from provisional status within a thirty day period." (*Civil Service Policy Section 1.02*)

PROCESS:

- Requesting department should contact Civil Service Deputy Director (Crystal Slaten: Crystal.Slaten@longbeach.gov) to determine if the request is needed.
- Requesting department completes Provisional Request Form.
 - Electronic version of the form is submitted to Human Resources for initial approval.
 - The requesting department completes Section I of this form. Civil Service completes Section II of this form.
- Provisional Request Form emailed to Civil Service Department Executive Assistant (Rose Katsuki: Rose.Katsuki@longbeach.gov).
- Provisional Request will be placed on the agenda for the upcoming Commission meeting.
- At Commission meeting, department presents the need for a provisional appointment including: the recruitment bulletin/job flyer and recruitment plan.
- Commission Approves/Denies request.
- If approved, department conducts provisional recruitment as planned.
 - Provisional recruitments must be completed through Neogov (bulletin posting, job application, supplemental questions, and/or required proofs or certifications).
 - In creating your provisional bulletin, please reference past exam's recruitment bulletins and include the provisional disclaimer language* below.
- **ONCE PROVISIONAL IS SELECTED, DEPARTMENT MUST CONTACT CIVIL SERVICE ANALYST AND SUBMIT THE FOLLOWING BELOW FOR ANALYST TO VERIFY MINIMUM QUALIFICATIONS ARE MET:**
 - Provisional appointee's application, a signed Provisional Appointment Statement of Conditions (hyperlink option), and any required documents i.e. proof of license, education, certificate, etc.
- Civil Service will notify the candidate of the conditions of the provisional appointment.
- Once provisional appointee is hired, department completes HR1.
- Once HR1 is received by Civil Service, the provisional item will be placed on the Consent Calendar for approval.

SECTION I. REQUESTING DEPARTMENT COMPLETES THIS SECTION:

DATE: August 27, 2018

DEPARTMENT: Fire Department

POSITION: Fire Engineer **REQUISITION NUMBER:** 18-031

TYPE OF PROVISIONAL REQUEST: Provisional Appointment - Promotional

NUMBER OF VACANCIES: The Fire Department currently has 9 vacancies in the Fire Engineer classification. An additional two vacancies were recently filled using (and exhausting) the most recent eligible list.

In the space below, please include an explanation of a clear operational necessity to fill the position or a clear detriment to the City if the position is not filled quickly.

In addition to the 9 vacancies, there are 6 Fire Engineers who are out on leave of absences due to injury/illness. This represents approximately 18% of our Fire Engineers who are assigned to the stations. The Civil Service Department recently ran the Fire Engineer recruitment for us but, unfortunately, only 2 individuals passed all components of the exam and were placed on the eligible list. Those individuals were promoted and the eligible list is now exhausted.

The overtime during the months of June and July over the last 3 years shows the number of voluntary fire callbacks and the number of mandatory holds for the Fire Engineer rank has increased. For June 1 to July 31, 2016, Fire Engineers worked 10,833 hours of overtime with 86% being voluntary and 14% being mandatory. For the same period in 2017, that changed to 14,009 hours of overtime with 48% being voluntary and 52% being mandatory. During those two months in 2018 the total overtime increased to 14,973 hours with 44% being voluntary and 56% being mandatory.

RECRUITMENT PLAN/STRATEGY

☐ Are you recruiting: ☒ Internal Candidates ☐ External Candidates ☐ Both

☐ How are you advertising for the position? (i.e. job flyers, governmentjobs.com, etc.)

This is a promotional opportunity, and as such, will be advertised to all Fire Personnel via memo to the Department. The memo, which is attached, outlines the application process and details regarding the "Provisional Fire Engineer Class" that the Department will be hosting and fully compensating personnel to attend.

☐ What is the length of your recruitment?

The recruitment will be two weeks. We anticipate e-mailing the attached memo to Department personnel after Civil Service Commission approval on September 19, 2018, and no later than Friday, September 21, 2018, with an application due date of October 5, 2018.

☐ What exam process will be administered? (i.e. interview or other testing)

Please see attached memo which will be sent Department-wide regarding the provisional opportunities and the "Provisional Fire Engineer class."

☐ Did you include a provisional language disclaimer* on your provisional recruitment bulletin?

(Disclaimer language to include in the beginning of your provisional bulletin: "This is a provisional opportunity. All provisional appointments are temporary and valid until a priority or eligible list becomes available for the



Civil Service Department

classification. Provisional appointments are valid for 150 days unless extended and approved by Civil Service Commission. If you want to be considered for this position permanently, you must go through the Civil Service examination process. If you are not selected to fill the position on a permanent basis, your provisional appointment will be terminated. For City Employees: if you hold permanent status in another classification, you will be reinstated back to the position you held before the provisional appointment.”)

In the space below include the Provisional Recruitment bulletin. Include: 1.) Job duties 2.) Minimum qualifications 3.) Provisional supplemental questions 4.) Copy of most recent job bulletin (attachment or copy and paste)

Please see the attached memo which will serve as the recruitment bulletin for this promotional provisional opportunity.

FOR PROVISIONAL APPOINTMENT – PROMOTIONAL

NOTE: Employees in the "feeder" classifications for the promotional opportunity should be given equal and fair opportunity to demonstrate their abilities to function in the promotional position.

Does a promotional list exist? ☐ YES ☒ NO

The date the vacancy occurred and circumstances surrounding vacancy. There are 9 vacancies which has occurred due to promotion and attrition.

How the position, if left unfilled, would create a clear and substantial loss of revenue, a substantial curtailment of City services or create a City hazard. The need to place qualified individuals into the position to perform the important duties of a Fire Engineer is unquestionable. The Fire Engineer position is a crucial part of our operations and is responsible for the safety and effectiveness of the entire crew. Back to back mandatory shifts and the impact that has on the well-being of our Engineers has played a major part in the Department's decision to move forward with provisional appointments.

Were other alternatives used for filling the vacancy? (For example: rotation, use of higher class pay, etc.) The Department has been operating at a deficit for several years and has been relying on voluntary and mandatory overtime to fill staffing voids. The use of higher class pay is not incentive enough for personnel to take on the additional duties of the position.

SECTION II. CIVIL SERVICE COMPLETES THIS SECTION:

- ☒ **A valid requisition to fill the subject vacancy was received by the Civil Service Department for the classification in question.** ☒ YES ☐ NO
- ☒ **Include requisition number and date received by Civil Service:** FD18-031, September 4, 2018
- ☒ **No existing promotional, priority or eligible list exists for this classification. No existing promotional list. All candidates that were on the list was automatically hired based on need.**
- ☒ **If there is an eligible list, when does it expire?** N/A. All candidates were hired.
- ☒ **Is any other department impacted? If yes, which department?** None, position only in the Fire Department.

- ☒ Provide notice to requesting department to attend Civil Service Commission Meeting. Department will be in attendance at the September 19, 2018 Civil Service Commission Meeting.

Once the provisional appointee has been identified by the department, Civil Service will:

- ☒ Verify that the provisional appointee meets the minimum qualifications by reviewing the following items: provisional appointee's application; a signed Provisional Appointment Statement of Conditions; proof of license, education, certificate, etc. DATE COMPLETED: January 4, 2019
- ☒ Provide notice to the employee that the request is scheduled to be on the Civil Service Commission agenda. Notify the candidate of attendance options and of the terms and conditions of the provisional appointment. DATE COMPLETED: January 4, 2019
- ☒ Provide notice to the department that the request is scheduled to be on the Civil Service Commission agenda.

COMMENTS:

Civil Service approves the recommendation of the provisional request from the Fire Department for the following individuals: Nate Buck, Fernando Gallegos, Ruben Garcia, Seward Khem, Brad Smith.

Human Resources Approval

Director or Designee

Date