



CITY OF LONG BEACH

R-21

CIVIL SERVICE DEPARTMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6202 FAX (562) 570-7490

April 21, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Approve an amendment to Civil Service Rules and Regulations, Section 115 –
Exceptions to Rules May Be Authorized.

DISCUSSION:

At the request of the City Manager, in order to increase the flexibility in hiring City employees and reduce the City workforce during these fiscal challenges, the Civil Service Commission has approved an amendment to Civil Service Rules and Regulations, Section 115. The intent of the amendment is to broaden the Commission's authority to make exceptions to the Civil Service Rules and Regulations in order to address such requests. The City Charter requires City Council approval for any amendment to the Civil Service Rules and Regulations.

SUMMARY:

On March 11, 2009, the City Manager requested the Civil Service Commission to suspend Civil Service Rules and Regulations, Section 27 – Certification of Eligibility List in order to provide greater flexibility in the hiring of City employees to critical positions while attempting to reduce the City's workforce.

On March 18, 2009, the City Attorney advised the Civil Service Commission that it could not suspend any of its Rules and Regulations. However, the City Attorney informed the Civil Service Commission that Civil Service Rules and Regulations, Section 115 provides for exceptions to the Civil Service Rules and Regulations under very limited circumstances.

On April 1 and 8, 2009, the Civil Service Commission considered two options to amendments to Civil Service Rules and Regulations, Section 27 and Section 115. At that time the City Manager indicated a preference to an amendment to Section 115. The City Attorney's Office provided the Civil Service Commission with proposed language for consideration for each of the sections.

April 21, 2009
Page #2

On April 8, 2009, the Civil Service Commission approved an amendment to Civil Service Rules and Regulations, Section 115, and directed staff to seek City Council approval.

The proposed amendment to Section 115 broadens the Civil Service Commission's authority to make exceptions to the Civil Service Rules and Regulations. The Civil Service Commission retains its authority to consider individual requests and to take action in the best interest of the City. Further, the amendment includes a six-month sunset clause, which may be extended by the Commission.

The Civil Service Commission believes the proposed amendment to Civil Service Rules and Regulations, Section 115 addresses the City Manager's request to seek greater flexibility in hiring City employees while attempting to reduce the workforce, and it does not compromise the principles of the merit system.

Attached is the copy of the current language and proposed amendments to Civil Service Rules and Regulations, Section 115. The City Attorney's Office assisted staff with the preparation of the proposed amendment.

Civil Service Department staff has been in constant communication with the affected employee associations regarding this matter.

TIME CONSIDERATION

City Council action on this request is critical.

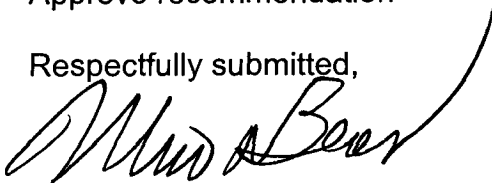
FISCAL IMPACT

Potential cost savings by a reduction in the workforce.

SUGGESTED ACTION

Approve recommendation

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mario R. Beas", with a large, sweeping flourish extending from the end of the signature.

MARIO R. BEAS
Executive Director, Civil Service

Attachment

CURRENT

EXCEPTIONS TO RULES MAY BE AUTHORIZED

Sec. 115. At the request of an appointing authority, the Commission may authorize exceptions to its Rules when required to implement the terms of a proposed settlement of claims brought before a court of competent jurisdiction or other agency of government charged with protecting the employee or applicant against discrimination if, in the opinion of the Commission, the best interests of the City would be served by doing so. At the request of the City Council, the Commission shall authorize whatever exception to its rules as may be required to implement the settlement of claims authorized by the City Council.

PROPOSED

EXCEPTIONS TO RULES MAY BE AUTHORIZED

Sec. 115. Exceptions to the Civil Service Rules and Regulations may be made as follows:

- (1) At the request of an appointing authority, the Commission may authorize exceptions to its Rules when required to implement the terms of a proposed settlement of claims brought before a court of competent jurisdiction or other agency of government charged with protecting the employee or applicant against discrimination if, in the opinion of the Commission, the best interests of the City would be served by doing so.
- (2) At the request of the City Council, the Commission shall authorize whatever exception to its rules as may be required to implement the settlement of claims authorized by the City Council.
- (3) 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. This subsection shall expire six months after the date City Council adopts this rule unless extended by Commission action.