



Memorandum

Date: March 15, 2023

To: Civil Service Commission

From: Maria Cano, Personnel Analyst

Subject: **COVID-19 RELATED: REQUEST FOR EXTENSION OF TEMPORARY REASSIGNMENT FOR TRAINING REHABILITATION AND TRANSFER- TODD MALLOY**

On March 2, 2023, the Civil Service Department received a request from the Harbor Department Requesting an Extension of the Temporary Reassignment for Training, Rehabilitation, and Transfer for Mr. Todd Malloy, from Commercial Diver to Garage Services Attendant II, in accordance with Article 6, Section 63(3) and (5) of the Civil Service Rules and Regulations and Department Policy 1.20.

Facts for Consideration

- Mr. Malloy was initially hired as a Special Services Officer III-Armed on April 25, 2011, with the Harbor Department. On July 25, 2015, Mr. Malloy transitioned to the Commercial Diver classification, for the Harbor Department Marine, Maintenance Division where he maintains permanent, full-time status in the classified service.
- On August 17, 2018, Mr. Malloy requested FMLA/CFRA job-protected leave for a non-industrial surgical procedure. Mr. Malloy qualified for eligibility and the department approved his medical leave.
- In accordance with the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act, the Department engaged in the Interactive Process with Mr. Malloy, to seek alternative opportunities to accommodate his medical restrictions.
- From August 17, 2018, through August 11, 2020, Mr. Malloy was on FMLA/CFRA, medical leave of absence, or transitional duty assignments.



- On August 25, 2020, the Harbor Department reached out to the City Attorney's office and submitted the medical questionnaire result. The doctor advised that Mr. Malloy could return to full duty with no restrictions by November 1, 2020. This did not occur. Mr. Malloy engaged in the Interactive Process in November 2020 where he stated that he did not believe he would be able to perform the essential functions of the job as a commercial diver.
- On March 8, 2021, the treating physician did not release Mr. Malloy to full duty without restrictions that could reasonably be accommodated to perform the essential functions of a Commercial Diver. Mr. Malloy maintains the same restrictions and is unable to perform the essential functions of a Commercial Diver.
- The Harbor Department identified the position of Garage Service Attendant II, in the Harbor Department, Maintenance Division, as a position in which Mr. Malloy could be successful, following retraining.
- Mr. Malloy was scheduled to complete a twelve 12-month training program, the Training Plan Outline was submitted by the Harbor Department and approved at the Civil Service Commission meeting of 4/28/21.
- Mr. Malloy's training was expected to conclude in March 2022, however, due to the limited availability of the required in-person training courses and Covid-19 requirements his training was not completed at the one-year mark. Additionally, due to changes in department staffing, a request to extend his training period was not requested until March 2023, after the new Manager of Employee Relations reviewed the file.
- This request for an Extension of Temporary Reassignment for Training Rehabilitation and Transfer continues to be a temporary assignment and does not guarantee permanent placement as a Garage Service Attendant II for the Harbor Department, Maintenance Division.
- Mr. Malloy has been advised that this is a temporary assignment that does not guarantee placement as a Garage Service Attendant II. Furthermore, the temporary reassignment would not allow him to accrue any status in the Garage Service Attendant classification, and his salary will remain that of his current classification of Commercial Diver while in the temporary reassignment.



- Upon satisfactory completion of the training program, the Department will seek Civil Service Commission approval of Mr. Malloy's permanent appointment to the position of Garage Service Attendant II.
- In accordance with Article VI, Sections 63(3) and (5) of the Civil Service Rules and Regulations, and Department Policy 1.20, Civil Service staff recommends approval of the Harbor Department's Request for Temporary Reassignment for Training, Rehabilitation, and Transfer for Todd Malloy.
- The Harbor Department has been advised that this item is on today's agenda. A representative from the Department will be present to respond to any questions posed by the Civil Service Commission.





Memorandum

Date: March 2, 2023

To: Civil Service Commission

From: Sandy Witz, Director of Human Resources Division, Harbor Department

Subject: **REQUEST FOR EXTENSION OF TEMPORARY REASSIGNMENT FOR TRAINING AND TRANSFER – TODD MALLOY**

In accordance with Article 6, Section 63(3) and 64 of the Civil Service Rules and Regulations and Policy 1.20 of the Civil Service Commission Policies and Procedures, the Harbor Department is requesting a one-year term extension of temporary reassignment for rehabilitation and transfer of Todd Malloy, Commercial Diver, Maintenance Division, to the position as Garage Service Attendant II, Harbor Department, Maintenance Division.

On April 28, 2021, the Civil Service Commission approved the Harbor Department's Request for Temporary Reassignment for Todd Malloy. The approved request included a training matrix outlining the necessary training to ensure Mr. Malloy's successful transition during the reassignment for rehabilitation period.

A majority of the training has been completed, but several automotive courses are needed that require in person and virtual vocational instruction. Mr. Malloy has been provided an opportunity to complete the required in person and virtual instruction. However, due to scheduling conflicts and COVID-19 requirements for attendance, completion of the required courses have been delayed.

Mr. Malloy is currently Long Beach City College to complete coursework. The courses are necessary to the both the approved training matrix and requirements for the Garage Service Attendant II classification.

Thank you for your consideration of this request. Please contact me at (562) 283-7500, should you have any questions or require additional information.

Attachments: Updated Training Matrix
April 28, 2021, Request For Temporary Reassignment



Memorandum

Date: January 9, 2023
To: Todd Malloy, Commercial Diver
From: Fred Greco, Director of Maintenance
Subject: **REQUEST FOR TEMPORARY REASSIGNMENT FOR TRAINING – GARAGE SERVICES ATTENDANT II**

On April 28, 2021, the Civil Service Commission approved a Request for Temporary Reassignment for Training to support your transition into the Garage Service Attendant ("GSA") classification. The request approved by the Commission anticipated a twelve (12) month training period. A training matrix was provided to you and the Civil Service Commission outlining necessary on-the-job training and coursework to ensure a successful transition during your reassignment for rehabilitation period.

As of today, you have not completed a portion of the training matrix that requires automotive coursework at a local community college or training center. You are required to register as a student with Long Beach City College by completing an on-line application at <https://www.lbcc.edu/get-started>, and sign up for courses no later than **Friday, January 13, 2023**. AUTO 200 Introduction to Automotive Technology is an introduction course that must be completed in Spring 2023, prior to the other courses. Below are courses identified to complete the training.

- AUTO 200 Introduction to Automotive Technology, 3.0 units; (Schedule Attached)
- AUTO 203 Automotive Brake Inspection, 1.0 unit; (Schedule Attached)
- AUTO 215 Automotive Brake Systems, 3.0 units; (Anticipated Summer or Fall 2023)
- AUTO 216 Automotive Electrical System, 3.0 units; (Anticipated Summer or Fall 2023)
- AUTO 270 Intro to Hybrid and Electric Vehicles, 3.0 units. (Anticipated Summer or Fall 2023)


Socorro Gallardo, Garage Services Supervisor, and/or David Espinoza, Manager of Human Resources, can assist you with registration. Please provide them with the invoice for registration fees, course materials/books, parking pass, and any other fees associated with the courses.

When possible, you are required to register for coursework and labs that occur during your normal work shift of, Monday-Friday 7am – 4:30 pm. Any coursework or labs outside your normal work shift, must be approved by Supervisor Gallardo. In addition, you are required to report any absences to Supervisor Gallardo.

If you have any questions, please direct them to Supervisor Gallardo or Manager Espinoza.

Employee's Acknowledgment

"I acknowledge receiving a copy of this memorandum and understand that failing to comply may result in disciplinary action, and/or may impact the ability to successfully complete the Request for Temporary Reassignment to the Garage Services Attendant classification."


 Todd Malloy, Commercial Diver


 Date

cc: Jermaine Woodall, Manager of Utilities and Fleet Services
Sandy Witz, Director of Human Resources
Khristina Jason, Assistant Director of Human Resources

Attachments

CIVIL SERVICE DEPARTMENT
REQUEST FOR CIVIL SERVICE COMMISSION ACTION GUIDELINES

REQUEST FOR TEMPORARY REASSIGNMENT FOR TRAINING

Civil Service Rules and Regulations Section 63 (3)
Civil Service Commission Policy Section 1.20

Form to be completed by: **Kymberly Clay/Admin. Analyst III/Harbor Department** Date **3-25-2021**
Name/Title/Department

Section 1: To be completed by department.

To be completed
by department

Civil Service Dept.
Verification

A requisition is required. The requisition number is: **#HD 21-005**

Has the requisition been received in the Civil Service Department?

Yes No

ER

A request for transfer must be included in the request to Commission if the appointee will move between departments. Is a transfer necessary?

~~Yes~~ **No**

ER

Have all required documents been submitted to the Civil Service Department?

- Completed Training Program Outline
- Employee Consent Form and Employee Statement of Qualifications. Copies of any documents included as part of the training plan and required on the last job bulletin such as proof of license, education, certificate, etc. (Note: many employees will NOT possess all documents at the beginning of the training program.)
- Copy of most recent job opportunity bulletin.

Yes No

ER

Yes No
Yes No

ER
N/A

Section 2: Points to be addressed in request:

Formal name and current classification title of employee. **Todd Malloy (Commercial Diver)**

Yes

ER

Summary of employee's work history, specifying all classification titles and dates, including date(s) permanent status was attained in each classification. **See memo**

Yes

ER

Summary of training program, intent of program, goals, objectives, methods, time and criteria.

Yes

ER

Length of training requested.
(For training longer than 1 year, the initial request should indicate the overall estimated length of program. A new request and plan must be resubmitted each year for evaluation and Commission approval.)

Yes
12 months

ER

Confirmation that employee will meet minimum qualifications upon successful completion of training program.

Yes

ER

Employee was contacted about salary, status, and requirement to apply and compete in examination process.

Yes No

N/A

Recruitment efforts to find a candidate for training program.

Yes

N/A

The following should be in attendance at the Civil Service Commission meeting:

- Requesting department.
- Any other impacted departments.
- Not required for the employee.

Yes

ER

CIVIL SERVICE DEPARTMENT
REQUEST FOR CIVIL SERVICE COMMISSION ACTION GUIDELINES

Notes:

Please see Civil Service Memo

SUGGESTED ACTION:

In accordance with Article VI, Sections 63(3)(5) of the Civil Service Rules and Regulations, Civil Service staff recommends approval of the Harbor Department's Request for Temporary Reassignment for Rehabilitation and/or Training for Todd Malloy.



Date: April 28, 2021
To: Civil Service Commission
From: Elsa Ramos, Personnel Analyst
Subject: **Recommendation for Temporary Reassignment for Rehabilitation and/or Retraining for Todd Malloy**

Correspondence has been received from the Harbor Department, requesting the Temporary Reassignment for Training for Todd Malloy, in accordance with Article VI, Section 63(5) of the Civil Service Rules and Regulations and Civil Service Policy and Procedures Section 1.20.

Facts for Consideration:

- Mr. Malloy was initially hired as a Special Services Officer III-Armed on April 25, 2011 with the Harbor Department. On July 25, 2015, Mr. Malloy transitioned to the Commercial Diver classification, for the Harbor Department Marine, Maintenance Division where he maintains permanent, full-time status in the classified service.
- On August 17, 2018, Mr. Malloy requested FMLA/CFRA job-protected leave for a non-industrial surgical procedure. Mr. Malloy qualified for eligibility and the department approved his medical leave.
- In accordance with the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act/ Amendments, the Department engaged in the Interactive Process with Mr. Malloy, to seek alternative opportunities that could possibly accommodate his medical restrictions.
- From August 17, 2018 through August 11, 2020, Mr. Malloy was on FMLA/CFRA, medical leave of absence or transitional duty assignments.
- On August 25, 2020, the Harbor Department reached out to the City Attorney's office and submitted the medical questionnaire result. The doctor advised that it was believed Mr. Malloy could return full duty with no restrictions by November 1, 2020. This did not occur. Mr. Malloy engaged in the Interactive Process in November 2020 where he stated that he did not believe he would be able to perform the essential functions of the job as a commercial diver.
- On March 8, 2021, the treating physician did not release Mr. Malloy to full-duty with/without restrictions that could reasonably be accommodated to perform the essential functions as a Commercial Diver. Mr. Malloy maintained the same restrictions and is unable to perform the essential functions as a Commercial Diver.
- Mr. Malloy's inability to perform the essential functions as a Commercial Diver for the last 2 years has had an adverse impact to the commercial dive team which poses a safety threat to the team.
- The ADA and EEOC acknowledges that an employer is not obligated to provide an unlimited leave of absence or temporary restrictions as a viable accommodation when

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it creates an undue hardship or the individualized assessment shows it is not effective.

- The Department has identified the position of Garage Service Attendant II, Harbor Department, Maintenance Division, as a position in which Mr. Malloy could be successful in, following retraining.
- Mr. Malloy will complete a twelve (12) month training program, which has been outlined in the Training Plan Outline submitted by the Harbor Department which describes the goals and objectives, training method and criteria necessary to measure the satisfactory completion of the employee's assignment.
- This is a temporary assignment and does not guarantee permanent placement as a Garage Service Attendant II for the Harbor Department, Maintenance Division.
- Mr. Malloy has been advised that the temporary reassignment would not allow him to accrue any status in the Garage Service Attendant classification and that his salary will remain that of his current classification of Commercial Diver while in the temporary reassignment.
- Upon satisfactory completion of the training program, the Department will seek Civil Service Commission approval of Mr. Malloy's permanent appointment to the position of Garage Service Attendant II.

Recommendation:

- In accordance with Article VI, Sections 63(5) of the Civil Service Rules and Regulations, Civil Service staff recommends approval of the Harbor Department's Request for Temporary Reassignment for Rehabilitation and/or Retraining for Todd Malloy.
- Mr. Malloy has been notified of the conditions of the temporary reassignment for rehabilitation and/or retraining, and that this request will be an item on the Commission agenda for April 28, 2021.
- The Harbor Department has been advised that this item is on today's agenda. Representatives from the Department will be present to respond to any questions posed by the Civil Service Commission.



Memorandum

Date: April 13, 2021
To: Civil Service Commission
From: Stacey Lewis, CHRO/Director of Human Resources

Subject: **REQUEST FOR TEMPORARY REASSIGNMENT FOR REHABILITATION OF TODD MALLOY, COMMERCIAL DIVER, HARBOR DEPARTMENT**

REQUEST:

The Harbor Department is requesting a temporary reassignment for rehabilitation and transfer of Todd Malloy, Commercial Diver, Maintenance Division, to the position as Garage Service Attendant II, Harbor Department, Maintenance Division. This is for the purpose of training and development, in accordance with **Article VI, Section 63(5) and 64 of the Civil Service Rules and Regulations.**

EMPLOYMENT HISTORY:

Mr. Todd Malloy was hired on April 25, 2011, Harbor Department, as a Special Services Officer III-Armed. On July 25, 2015, Mr. Malloy changed career path and he was hired as a Commercial Diver, Harbor Marine, Maintenance Division. He maintains a permanent, full-time status in this classification.

TEMPORARY WORK RESTRICTIONS

On August 17, 2018, Mr. Malloy requested FMLA/CFRA job-protected leave for a non-industrial surgical procedure. Mr. Malloy qualified for eligibility and the department approved his medical leave.

The physical demands of a commercial diver are: ***Frequent walking, standing, stooping, kneeling, stretching, twisting, and may involve lifting 50 lbs. May involve climbing stairs and ladder per the Position Description.***

From August 17, 2018 through August 11, 2020, Mr. Malloy was on FMLA/CFRA, medical leave of absence or transitional duty assignments, when a job assignment could be accommodated.

On August 25, 2020, the department reached out to City Attorney's office, Gary Andersen, and submitted the medical questionnaire result. The doctor advised that it was believed Mr. Malloy would return full duty with no restrictions by November 1, 2020.

On October 25, 2020, the treating physician provided medical certification to the contrary. Mr. Malloy continued work restrictions/limitation that could not be supported as a Commercial Diver

- **No kneeling or squatting**
- **No climbing stairs or ladders**
- **No lifting/pushing/pulling over 25 lbs.**
- **Limited walking**

During the Interactive Process on November 10, 2020, Mr. Malloy advised he would be having another surgery in January, 2021. He further advised that he does not believe he will be able to perform the

REQUEST FOR TEMPORARY REASSIGNMENT FOR REHABILITATION AND/OR TRAINING – TODD MALLOY

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essential functions of the job as a commercial diver. He has either worsened or stayed the same with his work restrictions for the last 2 years. The impact to the commercial dive team was huge from a safety threat and direct threat to the employee.

On December 3, 2020, City Attorney, Gary Andersen, advised the department that we had sufficient reason to conduct a reassignment for rehabilitation for the employee

On January 7, 2021, Mr. Malloy had surgery and he still has the same work restrictions/limitations:

- **No kneeling or squatting**
- **No climbing stairs or ladders**
- **No lifting/pushing/pulling over 25 lbs.**
- **Limited walking**

On March 8, 2021, the doctor still did not release him to full-duty with/without restrictions that could reasonably be accommodated to perform the essential functions as a Commercial Diver.

As of this date, Mr. Malloy still has restrictions, he is not eligible for a fitness for duty and he is unable to perform the essential functions as a Commercial Diver

FEHA and ADA – MEDICAL CERTIFICATION

- **The ADA and EEOC acknowledges that an employer is not obligated to provide an unlimited leave of absence or temporary restrictions as a viable accommodation when it creates an undue hardship or the individualized assessment shows it is not effective.**

REQUEST FOR REASSIGNMENT FOR TRAINING AND/OR REHABILITATION

The Harbor Department has identified a vacant position as a Garage Service Attendant II (Requisition HD21-005) and the packet is enclosed. Mr. Malloy has been advised the following:

This is a temporary assignment and does not guarantee permanent placement as a Garage Service Attendant II, Harbor Department, Maintenance Division.

- Mr. Malloy will have to participate in a twelve (12) month training program.
- Mr. Malloy will not accrue any status as a Garage Service Attendant.
- Mr. Malloy's salary will remain that of his current classification as a Commercial Diver

Upon satisfactory completion of the twelve (12) month training period, Harbor Department-Maintenance Division will seek Civil Service Commission approval of Mr. Malloy's appointment to the position as Garage Service Attendant II. Upon approval by the Commission, Mr. Malloy will be reclassified as a Garage Service Attendant. Mr. Malloy has been made aware that the change in classification will create a reduction in salary and initiate a new probationary period

If you have questions, please contact me at (562) 283-7500.

Attachments: Reassignment for Rehabilitation Program –Plan Outline
Employee Consent Form & Employee Statement of Qualifications
Request for Temporary Reassignment for Rehabilitation

cc: Claudia Chilin, Citywide Return to Work Coordinator
Michelle Hamilton, Human Resources – HR Officer Benefits & Return to Work
Ayisha Thompson, HR Officer – Occupational Health Services
Fred Greco, Director, Maintenance Division – Harbor Department
Personnel Medical File



Long Beach Civil Service Commission

REASSIGNMENT FOR TRAINING PROGRAM

Training Plan Outline

NAME OF PARTICIPANT: <u>TODD MALLOY</u>	DATE: <u>2-25-21</u>
SOCIAL SECURITY NUMBER: <u>XXX-XX-XXXX</u>	
DESIRED BEGINNING DATE: _____	
TITLE OF TRAINING CLASSIFICATION: _____	

1. Goals and Objectives (must encompass the most substantive duties, attach additional sheets if necessary) See attached GSA Training Matrix.

2. Training Methods Online, in person and piratical exercises to demonstrate competences.

3. Criteria to Measure Satisfactory Completion of Training Plan
Pass/ Fail

4. Projected term of training assignment: One Year from start of assignment date.

5. Signature of Trainee: Todd M. Malloy Date: 2-25-21
By my signature, I have read this Training Plan and understand it.

Assignment successfully completed? YES ☐ NO ☐

Assignment terminated? YES ☐ NO ☐ If "yes" please explain below.

Immediate Supervisor

Bureau/Division Manager



Long Beach Civil Service Commission

REASSIGNMENT FOR TRAINING PROGRAM

Employee Consent Form

I, the undersigned, am aware that the POLB Maintenance Department is requesting authorization from the Long Beach Civil Service Commission to temporarily assign me to perform the duties of the Garage Service Attendant classification. I understand the proposed reassignment, pursuant to Civil Service Rules and Regulations, Section 63(3), is for training and development purposes only, and will, if approved, be effective for a period of no more than one year.

I further understand that:

1. Completion of the proposed training will not, by itself, be considered sufficient justification for my transfer into the subject classification, nor will it insure that I pass the Civil Service examination, or be appointed to the classification.
2. During the period of reassignment for training purposes, I will neither gain nor accrue Civil Service seniority in the subject classification. Seniority will continue to accrue in my permanent classification.
3. During the period of reassignment, I will continue to be compensated within the salary range of my permanent classification.

Having read and understood the above, I do hereby give my consent to be temporarily reassigned for training purposes to perform the duties of the classification.

Jadd M. Mang
Signature

2-25-21
Date



Long Beach Civil Service Commission

REASSIGNMENT FOR TRAINING PROGRAM

Statement of Qualifications

NAME OF PARTICIPANT: <u>Todd Malloy</u>	DATE: _____
PRESENT JOB TITLE: <u>Commercial Diver</u>	
SOCIAL SECURITY NUMBER: _____	
REASSIGNMENT FOR TRAINING TO THE DUTIES OF: _____	

INSTRUCTIONS: The information you provide will be used to insure that you will meet the minimum requirements for the job when you complete your training assignment. Please answer the questions below as fully as possible, showing all experience or education you have had which will help you to meet the minimum requirements shown on the attached sheet (attach additional sheets if necessary.)

1. Please list any courses, degrees or training programs completed which have prepared you for the job in which to train. Be sure to include the name of the school or organization, dates and duration, as appropriate.

See attached.

2. Please list any experience you have had which has prepared you for the job in which you wish to train. Be sure to include employer, dates employed and number of months or years employed.