

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

CIVIL SERVICE DEPARTMENT
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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-4686</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.

Judd 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.

Statement of Qualification

Todd Malloy – Reassignment for Rehabilitation

Garage Service Attendant

- **List of all courses, training, degrees which has prepared me to do the job:**
 - College of Oceaneering – taught rigging and ships husbandry – where you teach how to maintain the vessel of a ship. Specifically, diesel mechanics of how the engine works. I taught how they work and to repair them. This was a paid teaching assignment which was done five years. Located 272 Fry Avenue, Wilmington California.
 - Transitional Duty assignment (90 day assignment)with Harbor – Garage Section. Specifically, Preventive Maintenance mechanics on City vehicle, AC, reinstalled steel brushes, tune-ups, battery changes, fueling, braking systems preventive,
 - As a Commercial Divers – worked on air compressors, gas and diesel engines, pneumatic and hydraulics, and more – This was a paid job that has been done for over 30 years.
- List experience you have had to prepare you - Employer, dates employed, years/months
 - a. City of Long Beach – Classification as Commercial Diver – automotive repairs and repairs to equipment
 - i. Year – April 2011
 - b. College of Oceaneering – Teacher of the Class
 - i. Year – April 2006

POLB Fleet Section GSA Training Matrix

rev.1

Training Item	Trainer Name	Employee Name	Start Date	Date Completed	Pass or Fail
Receive Garage Safe Work Practices (for employee review)	Socorro Gallardo	Todd Malloy	4/28/2021		
Yard Evaluation and Shop Tour	Socorro Gallardo	Todd Malloy	4/28/2021		
Jump Starting a Vehicle	Socorro Gallardo	Todd Malloy	4/28/2021		
TIA Training (200 Level)	Socorro Gallardo	Todd Malloy	4/28/2021		
PM Training	Socorro Gallardo	Todd Malloy	4/28/2021		
Floor Scrubber Operation	Socorro Gallardo		4/28/2021		
Lock out/ Tag out	Steve Choi/Cheryl knowles	Todd Malloy	TBD		
Wheel Chocks Training	Socorro Gallardo	Todd Malloy	4/28/2021		
Jack Stand Training	Socorro Gallardo	Todd Malloy	4/28/2021		
A/C refrigerant handling, (certificate 609 required)	Online course https://www.osha.gov/laws-regs/standardinterpretations/2014-11-19	Todd Malloy	TBD		
Hytorc Tire Impact Gun	Socorro Gallardo	Todd Malloy	TBD		
Pneumatic Tool Training	Socorro Gallardo	Todd Malloy	TBD		
Class B License	Comercial license study book, along with in-house behind the wheel	Todd Malloy	TBD		
Brake Replacement Procedures	Socorro Gallardo	Todd Malloy	TBD		
Basic, 12 volt D/C Automotive Electrical	Online Trainig	Todd Malloy	TBD		
Hybrid Safety Training	Online Training	Todd Malloy	TBD		
Rotary Lift (Cars)	Socorro Gallardo	Todd malloy	TBD		
Vehicle Lift (Heavy line)	Socorro Gallardo	Todd Malloy	TBD		
Garage Safe Work Practices (Acknowledgement signature by employee) Turn into Supervisor	Socorro Gallardo	Todd Malloy	N/A		