

## ARTICLE I

### STATEMENT OF PURPOSE, CATEGORIES OF EMPLOYMENT, NONDISCRIMINATION STATEMENT AND DEFINITIONS

#### STATEMENT OF PURPOSE

**Sec. 1.** These rules and regulations are prescribed for the purpose of carrying out the mandates of Article XI of the Charter of the City of Long Beach, to assure City employees of fair and impartial treatment at all times, and, unless specifically stated otherwise, shall apply to all classified employees, classifications, positions, assignments, and the transactions which affect them. Pursuant to the City Charter, the Civil Service Commission may enforce and remedy violations of these rules and regulations.

#### NON-DISCRIMINATION

**Sec. 2.** Pursuant to Section 1104 of the City Charter, no person employed by or applying for employment with the City shall be hired, promoted, demoted, dismissed, or in any way favored or discriminated against for any reason, including but not limited to: age, sex, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, sexual orientation, or political affiliation except where such factor is a bona fide occupational qualification or where the law compels or provides for such action. The Commission may request applicants for Civil Service examinations to provide voluntary information regarding age, sex, race, religious creed, color, national origin, ancestry, physical or mental disability, and/or other related data for statistical purposes; however, this data shall neither be used to determine an applicant's admittance to an examination, nor as a factor in the selection process. In addition, the Civil Service Commission adopts and subscribes to the City's Policy on Affirmative Action listed at the beginning of these rules.

Rev. July 20, 1993

#### CATEGORIES OF EMPLOYMENT

**Sec. 3.** The Civil Service of the City is hereby divided into the unclassified and the 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 in the City Manager's Department;

- (4) The City Clerk and all employees in the City Clerk's Department;
- (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 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.

## **DEFINITIONS**

**Sec. 4.** As used in these rules and regulations, the following terms shall be defined as indicated:

### **(1) ACTIVE SERVICE**

"POLICE AND FIRE CLASSIFICATIONS ONLY" The total time an employee is carried on the payroll in a position from which a promotional opportunity is available, any time served as a provisional employee in a position sought, and any time served in a promotional position in the unclassified service in the same department. If the employee entered the United States Armed Forces after receiving permanent appointment, and he/she had completed his/her probationary period before filing an application to take a promotional examination, the "Active Service" computation shall include all time served in the Armed Forces during war, or national emergency proclaimed by the President, or the United States Congress, or an Act of the Congress providing for peacetime induction or conscription.

### **(2) ALLIED CLASSIFICATIONS**

Classifications with closely related duties and responsibilities, which correlate in both degree of difficulty and level of responsibility.

**(3) APPLICANT**

Any person who has filed an application for employment with the City.

**(4) APPOINTING AUTHORITY**

A City officer, board, or commission having the authority to make appointments to positions in the Civil Service of the City of Long Beach.

**(5) APPOINTMENT**

The appointing authority's hiring of an individual to fill a vacant position in the Civil Service of the City.

**(6) ASSIGNMENT**

The specific job tasks and/or responsibilities either delegated or allotted to an employee for which the employee is then accountable.

**(7) BAND-ORDER**

The order in which candidates, whose open-competitive examination scores have been placed in the same score band, shall be certified to City requisitions.

**(8) CITY**

The City of Long Beach, a municipal corporation.

**(9) CIVIL SERVICE STATUS**

The degree of permanence of an employee in a position, i.e., provisional, probationary, or permanent.

**(10) CLASSIFICATION**

A group of positions sufficiently similar in duties and responsibilities so that each position in the group can be assigned the same classification title, minimum requirements, and initial salary range; and can be filled by using the same selection procedure.

**(11) COMMISSION**

The City of Long Beach Civil Service Commission.

**(12) DAYS**

Civil Service Department business days, excluding weekends and holidays unless specifically indicated otherwise in these rules and regulations.

**(13) DEMOTION**

The movement of an employee from one classification, grade, and/or salary step within a salary range to another classification, grade, or salary step resulting in a lower rate of pay.

**(14) DISMISSAL**

The permanent removal of an employee from City service.

**(15) DURESS**

Any threat or act of coercion which causes a person to consent to a transaction through fear.

**(16) ELIGIBLE LIST**

A list of names of qualified candidates established for the purpose of filling vacancies in the classified service of the City.

**(17) EMPLOYEE**

A person occupying a position of employment with the City.

**(17a) EMPLOYEE STATUS**

Employee status refers to the standing of an individual appointed to a particular position in the classified service. One of three types of employee status is assigned.

Probationary Employee – A person appointed to fill a permanent position in the classified service must satisfactorily complete a probationary period of six months of employment (one year for a Police Officer, Fire Recruit, Marine Safety Officer or Communications Dispatcher) before attaining permanent employee status. Probation must be successfully completed in order to remain in the City service.

Permanent Employee – A person attains permanent employee status upon satisfactory completion of probation, except for a permanent assignment approved by the Commission, pursuant to Section 67(1) of these rules. Upon accepting a promotion or an appointment to a different classification, an employee must serve another probationary period in the new classification before obtaining permanent employee status in that classification.

Provisional Employee – An appointment on a provisional basis is made only if there is no eligible or priority list available for the particular classification and the department has an immediate need to fill a vacancy. This appointment may last only until an eligible list is created, but no longer than 150 days. A provisional appointee has no rights under the Civil Service System. Civil Service Commission approval is required.

**(18) EMPLOYEE REPRESENTATIVE**

The individual chosen by an employee as an intermediary when the employee appears before the Commission.

**(19) EXAMINATION**

Methods, procedures, or devices used to measure the relative capability of an applicant or applicants to perform the duties of the job for which they have applied. Examinations may be:

(a) Open - an examination for which all interested members of the public may apply. Open examinations may be:

- (1) "Competitive" an examination, which evaluates individual candidates parametrically, using established criteria of required knowledge, skills and abilities.
- (2) "Non-Competitive" an examination which evaluates individual candidates on a non-parametric basis using ratings or ranking of training, experience, education and/or review of certificates or licenses submitted by the applicant.
- (3) "Continuous" a test that is open to all qualified candidates on a continuous basis without restrictions on dates of filing until such time as all position(s) are filled.

(b) Promotional - an examination for a particular classification for which only employees of the City may apply, excluding non-career employees.

**(20) EXECUTIVE DIRECTOR**

The director of the Civil Service Department and Chief Executive Officer of the Civil Service Commission.

**(21) FRAUD**

A misrepresentation of fact which perverts the truth and/or misleads the City or a person, to his/her detriment, through deceit.

**(22) IN THE BEST INTEREST OF THE CITY**

Whatever aids and promotes the effective operation of the City's affairs in rendering service to the people of the City of Long Beach and shall embrace consideration of the needs of city management, the employee involved and the citizens of the City.

**(23) JOB FAMILY**

Jobs grouped by occupational designation based upon the general nature of the work performed, e.g. unskilled labor, skilled trades, clerical, professional, etc.

**(24) JOB SPECIALTY**

A specific field of work within a job family, e.g. carpentry, personnel, fire, etc.

**(25) POSITION**

A set of duties and responsibilities designed to require the full-time or parttime employment of one employee. A position may be occupied or vacant and may be filled either temporarily or permanently. Positions may be of the following types:

- (a) CAREER POSITION - A full or part-time position in which duties are not expected to terminate at any given time.
- (b) NON-CAREER POSITION- An unclassified position in which duties are of a temporary or as-needed nature, and does not exceed 1600 hours within a twelve month period.
- (c) TEMPORARY POSITION - A non-recurrent classified or unclassified position in which the duties shall be discontinued within nine months from the date they are first commenced.
- (d) AS NEEDED POSITION - Recurrent classified or unclassified positions which are filled periodically on an "on-call" basis either daily, weekly, monthly, or seasonally and in which employment does not exceed 1600 paid hours in any 12-month period.

**(26) POSITION ALLOCATION**

The assignment of a position to its proper classification, according to the duties performed.

**(27) PRIORITY LIST**

A list of names of classified employees, ranked by seniority, who have been laid off or who have been reverted to a former classification in lieu of layoff, and who retain the right to reinstatement to their former classification as provided in these rules.

**(28) PROBATIONARY PERIOD**

The final phase of the selection procedure during which a classified employee is required to demonstrate his/her fitness by actual performance of the duties of the classification before gaining permanent status.

**(29) PROMOTION**

The movement of an employee from one classification, grade, and/or salary step within a salary range to another classification, grade, or salary step resulting in a rate of pay higher than his/her immediate classification, grade and/or salary step.

**(30) PROVISIONAL APPOINTMENT**

A Commission-approved temporary appointment made when it is beneficial that immediate action be taken to fill a vacant position and no active priority list or eligible list is available.

**(31) REAPPOINTMENT**

The probationary appointment, without further participation in a selection process, of a resigned or retired employee to a classification in which probation had been completed.

**(32) RECLASSIFICATION**

The allocation of a position from one classification to another classification.

**(33) SELECTION PROCEDURE**

The implementation of any device and/or methods used to establish an eligible list, including, but not limited to, application screening, written tests, oral interviews, performance tests, departmental evaluations, background investigations, and psychological or physical exams.

**(34) SUSPENSION**

The temporary removal of an employee from City service for a specified period.

**(35) TEMPORARY ASSIGNMENT**

The Commission-approved temporary assignment of an employee to a different classification for training or rehabilitation or to fill a vacant position when no active eligible or priority list is available. Any employee so assigned shall lose no acquired status in his/her permanent position.

**(36) TIME OF WAR**

The periods of December 7, 1941 through December 31, 1946; June 27, 1950 through July 27, 1953; August 5, 1964 through May 7, 1975, August 2, 1990 through January 2, 1992, and any other periods of expedition of the Armed Forces of the United States which may be specified as being encompassed by this definition by the City Council.

**(37) MEDICAL EXAMINATION**

Examination conducted by a licensed physician from the Department of Health and Human Services or designee, to determine a job candidate's or employee's fitness to perform the essential tasks/duties of a specific classification.