

**City of Culver City, California
Agenda Item Report**

Meeting Date: 07/08/13		Item Number: A-1	
CITY COUNCIL AGENDA ITEM: Introduction of an Ordinance Amending Sections 3.05.015.D and 3.05.015.F of the Culver City Municipal Code Relating to Exemptions to the Classified Service as Recommended by the Civil Service Commission			
Contact Person/Dept.: Serena Wright		Phone Number: (310) 253-5640	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: (E-Mail) Agenda and Meetings – City Council (07/02/13); Culver City Management Group (07/02/13); Culver City Employees Association (07/02/13); Culver City Police Management Group (07/02/13); Culver City Fire Management Group (07/02/13); Culver City Police Officers' Association (07/02/13); Culver City Firefighters' Association (07/02/13)			
Department Approval: Serena Wright (07/01/13)		City Attorney Approval: Carol Schwab (by H. Baker) (07/01/13)	
Chief Financial Officer Approval: Jeff Muir (07/02/13)		City Manager Approval: John M. Nachbar (07/02/13)	

RECOMMENDATION:

Staff recommends the City Council introduce an ordinance amending Sections 3.05.015.D and 3.05.015.F of the Culver City Municipal Code of the Culver City Municipal Code relating to exemptions to the classified service as recommended by the Civil Service Commission (Commission).

BACKGROUND:

The Culver City Municipal Code (CCMC) delegates authority to the Commission to oversee the administration of the civil service system. Specifically, §3.03.100.A provides the Commission with the power to “[a]ct in an advisory capacity to the City Council on matters pertaining to the Civil Service System.”

At its regular meeting on February 6, 2013 the Commission held a discussion regarding the applicability of the civil service system as it relates to certain job classifications.

The pertinent authority regarding civil service (also sometimes referred to as “classified service”) is set forth in CCMC §3.05.015, which states:

“The Civil Service System shall be applicable to all departments, offices, positions and employments and all persons employed by the City except the following:

A. Elective offices;

City of Culver City, California
Agenda Item Report

- B. Members of appointive boards, commissions and committees;
- C. Persons engaged under contract to supply expert professional or technical services for a definite and limited period of time;
- D. Assistant City Managers, Assistants to the City Manager, the Personnel and Employee Relations Director, Public Works Director/City Engineer and such **staff assistants** to any of said employees as the City Council may authorize (**emphasis added**);
- E. Volunteer personnel, crossing guards, or other employees holding seasonal, limited or temporary appointments of limited duration, or serving on a part-time basis;
- F. **Staff assistants** to the head of a department or division as may be authorized by the City Council (**emphasis added**).
- G. Professional and technical employees in the field of information technology, who perform design, development, documentation, analysis, acquisition, installation, creation, technical support, testing or modification of computer systems or programs."

In addition, the Culver City electorate significantly amended the City Charter in 2006. Following are sections of the Charter related to civil service:

SECTION 1200. MERIT PRINCIPLE

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

The Civil Service System adopted by the City Council pursuant to State law and in effect prior to the effective date of this Charter, shall continue in full force and effect unless changed by ordinance of the City Council or by amendment to the rules and regulations approved by the City Council. As provided in the State enabling act referred to above, the City Council shall not have the authority to withdraw any departments or employees, including Department Heads, placed in Classified Service, from the operation of such system, either by outright repeal of the Civil Service ordinance or otherwise, unless and until its withdrawal shall have been submitted to the voters of the City at a regular or special municipal election held in the City and shall have been approved by majority vote at a City election.

SECTION 1201. CLASSIFICATION.

All Department Heads shall be in the Unclassified Service.

The City Manager, City Attorney, City Clerk and City Treasurer shall be in the Unclassified Service.

SECTION 1202. APPOINTMENTS FROM CIVIL SERVICE POSITIONS.

In the event an employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and within two years is removed or resigns from that position, the employee shall revert to his or her former position in the Classified Service upon the same terms and conditions as if he or she had continuously remained in that position.

City of Culver City, California
Agenda Item Report

SECTION 1203. PROHIBITIONS.

No person shall willfully make any false statements, certificate, mark, rating or report in regard to any application, test certification or appointment held or made under the Civil Service System or in any manner commit or attempt any fraud preventing the impartial execution of such Civil Service System or its rules and regulations.

DISCUSSION:

It has been the City's custom and practice to apply CCMC §§ 3.05.015.D and 3.05.015.F when making the determination to exempt from the civil service certain management positions that report directly to a department or division head.

Although the language in subsections D and F of CCMC § 3.05.015 ("as the City Council may authorize" and "as may be authorized by the City Council") is not entirely clear, a reasonable interpretation that historically has been applied by staff in the creation of new classifications is that these exemptions apply to any department or division head and any management position reporting directly to a department or division head, which has been authorized by the City Council through the allocation of funding for those positions through the budget process.

In an effort to clarify the language of the CCMC, ensure that it is aligned with the City Charter and is consistently applied, staff is proposing, and the Civil Service Commission concurred at its February 6, 2013 Commission meeting, that City Council consider the following revised language to CCMC §§ 3.05.015.D and F.

D. Department Heads, Assistant and Deputy Department Heads, and Division Heads;

F. Management staff positions that report directly to the head of a department or division.

The recommended language in subsection D is consistent with the City Charter ensuring that all department heads are in the unclassified service. The revised language in subsection F clarifies that any management position directly supporting a division or department head would also be exempt from the classified service. This would encompass Management Analysts, Senior Management Analysts, and various other management positions throughout the organization. It should be noted, in accordance with the City Charter, these changes would continue to be applied prospectively and not affect any current employee, position or job classification.

City of Culver City, California
Agenda Item Report

FISCAL ANALYSIS:

Introduction of the proposed Ordinance does not create a fiscal impact to the City.

ATTACHMENTS:

1. Proposed Ordinance
2. Excerpt of minutes from the February 6, 2013 Civil Service Commission meeting.

MOTION:

That the City Council:

Introduce an Ordinance amending Sections 3.05.015.D and 3.05.015.F of the Culver City Municipal Code relating to exemptions to the classified service as recommended by the Civil Service Commission.