

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: January 19, 2024

To: The Honorable Members of the Ad Hoc Committee on City Governance Reform

From: DANA H. BROWN, General Manager
Personnel Department



Subject: **COUNCIL FILE 23-1027 PERSONNEL DEPARTMENT CITY CHARTER REFORM RECOMMENDATIONS**

RECOMMENDATION

That the City Council address the sections of the City of Los Angeles City Charter noted in this report to modernize and enhance the City of Los Angeles employment practices.

DISCUSSION

On November 30, 2023, the Ad Hoc Committee on City Governance Reform requested the Personnel Department make recommendations identifying and prioritizing sections of the City Charter (Charter) to modernize the City's organizational structure and/or support strategic citywide policies.

Article X Employment Provisions of the Charter defines various areas of civil service, parts of which were last updated in 2011. During the pandemic and major social change movements focusing on diversity, equity, and inclusion, the City struggled to fill vacancies within the constraints of the current civil service process as defined by the Charter. As such, the following Charter provisions should be reviewed and discussed with labor, as appropriate, for revisions.

1) Charter Section 1001 - Expansion of Exemptions

Proposed Change - Expand exemptions from civil service to include more positions that are not suitable for examinations, are on a per-project basis, and facilitate hiring based on equity hiring pipelines (1001(a-d)). For example:

- All, instead of 2 positions, in the classes of Assistant General Manager, Deputy Director, Assistant Director, and Deputy Controller (1001(a))
- All Traffic Managers for the Harbor Department (1001(a))
- Increase 150 persons limit for management, professional, scientific or expert roles (1001(b))
- Increase the maximum number of exempt positions from 1% of the regular authorized positions in the City workforce (1001(b)(4))
- Add a section to streamline equity hiring pipelines that lead to civil service status

Reason - Allows for more flexibility in filling vacancies, including creating special equity hiring programs or hiring for special circumstances, such as emergencies or the Olympics.

2) Charter Section 1001 - Seniority Accrual Limitation for Exempt Employees

Proposed Change - For civil service employees moving to exempt positions, limit accrual of seniority credit to those who have passed probation (1001(e)).

Reason - Provides a fairer way to earn layoff seniority.

3) Charter Section 1004 - Civil Service Rules

Proposed Change - Change method of posting notices to change the Civil Service Rules from a daily newspaper to the Personnel Department's website and social media.

Reason - Changes will more likely be seen on the department website and social media.

4) Charter Section 1006 - Military Service Credit

Proposed Change - Update the percentage of military service credit from 5% and qualifying military service time to current standards.

Reason - Multiple Council Files ([CF 14-0250](#) and [CF 14-0250-S1](#)) have tried to address these outdated numbers.

5) Charter Section 1007 - Examination Bulletins Notice

Proposed Change - Remove the requirement that the Personnel Department general manager gives the exam bulletin notices.

Reason - Expedites the approval and posting processes for exam bulletins.

6) Charter Section 1009 - Promotion

Proposed Change - Update this section as a whole to change the concept of promotional exams, which doesn't support lateral movement in the City without starting over at entry level positions. Main updates would include:

- Allowing all City employees, including exempt, to take promotional exams even when not of "lower rank" if they are making a lateral transition
- Eliminating non-merit based scoring, i.e. seniority credit, which allows qualified candidates to demonstrate their experience and competence in the exam process
- For open and promotional exams, combine the open and promotional lists that provides access to the best scoring candidates
- Allow for the extension of promotional only lists for an additional two years, saving time for new exams for lists with few vacancies
- Further define "practicable" for determining the decision for making an exam promotional, such as operational need, total number of vacancies and technical knowledge required
- Change "appointing authority" to "departments" to allow for multiple department certifications

Reason - Modernizes the exam process to allow for merit based ranking of candidates based on best scores, broadening the pool of qualified candidates, and creating more opportunities for lateral movement in the City.

7) Charter Section 1010 - Certification

Proposed Change - Change all references to the certification request of "appointing authority" and "department" to the plural references of "appointing authority(ies)" and "department(s)."

Reason - Allows for multiple department certifications.

8) Charter Section 1011 - Probation

Proposed Change - Ability to extend a probation period to 12 months for all civilian positions.

Reason - Allows supervisors more time to evaluate employees' ability to perform the job if necessary. Current language forces supervisors to terminate probation even if they believe the employee could be successful with a little additional time.

9) Charter Section 1013 - Emergency Appointments

Proposed Change - Increase the length of emergency appointments from 1 year to until an eligible list is established, but no longer than 2 years.

Reason - Allows more flexibility when eligible lists are not available because of exam backlogs.

10) Charter Section 1015 - Layoffs

Proposed Change - Streamline layoff process by combining layoff and displacement seniority to become continuous time in the City since original regular appointment.

Reason - Confines layoffs and resulting displacement to the department in question (total time in a class as opposed to time in a class in the displaced department) and makes the layoff process more clear.

In addition to the provisions of Article X, there are other employment related sections that should be considered for amendment. Likewise, there are provisions that should be considered for addition to the Charter.

1) Charter Section 233 - Mayor's Authority to Transfer Employees

Proposed Change - Extend the time for reassignment to another department from 120 to 365 days.

Reason - Provides staffing to departments that need it.

2) Charter Section 1164 - Employing Retirees

Proposed Change - Extend retirees employment services from 120 to 240 days (1164(b)).

Reason - Allows departments to benefit from the expertise and experience of retirees without increasing pension expenses.

3) State of Emergency Language

Proposed Change - Add a section that provides for suspension of the civil service sections in whole or in part when the City declares a state of emergency.

Reason - Even with the recommended changes, the City cannot cover all possible situations that may require expedited employment actions. Therefore, a suspension section should be included for such times.

4) Maintaining a Responsive Civil Service Process

Proposed Change - Move the civil service sections from Article X Employment Provisions in the Charter to the Civil Service Rules.

Reason - The City must have the ability to maintain a modern civil service process when conventional hiring and employment practices have changed without waiting years to put such updates on a ballot. Further, changes to civil service processes should be decided by the Board of Civil Service Commissioners with input from the Personnel Department, City Attorney, City employees, and labor unions who have experience with and understanding of the concept of civil service, which is not common knowledge in the private sector.