


Date: March 29, 2024

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager 

Subject: **Update on Charter Amendment Meet and Confer**

On March 22, 2024, City staff concluded the meet and confer negotiation process for all employee organizations regarding the Civil Service Charter Amendment process. Completion of this step facilitates the recommendation to the City Council for the proposed Charter Amendment change and referral to the Charter Amendment Committee, which will occur on May 7, 2024.

During the meet and confer negotiation process, the City agreed to a number of items via Letter of Agreement (LOA) to conclude the meet and confer negotiation process and address issues and concerns raised by our labor partners. Notable terms included are as follows:

- If the Charter Amendment is approved by the voters, the City and employee organizations shall meet and confer regarding the reasonable foreseeable impacts of the Charter Amendment after November 2024 and there shall be no changes to the current civil service system until after the meet and confer process regarding impacts is exhausted.
- Employees in the Civil Service Department in November 2024 may opt not to work in the Human Resources Department at the time of implementation. Represented non-management employees shall be allowed to transfer to another City Department without loss of pay, seniority, or benefits.
- The newly-constituted Civil Service Employee Rights and Appeals Commission (Commission) shall continue to have jurisdiction to hear and determine employee appeals or challenges to alleged violations of rules and regulations regarding the hiring practice, including allegations of discriminatory practices.
- Classified employees represented by the Firefighters Association shall have their disciplinary appeals heard by a hearing officer. Classified employees represented by the Police Officers Association or Lifeguard Association shall have the option to have their disciplinary appeals heard by a hearing officer. In all instances, the hearing officer's decision shall be final relative to an employee's obligation to exhaust administrative remedies.
- A standardized process should the City wish to transition a classification to the Unclassified Service: The Human Resources Department shall submit requests to change classified positions into unclassified positions to the Commission for initial determination. Either Party can appeal the Commission's determination to the City Council. The City shall meet and confer with IAM before submitting a request to change

a position from classified to unclassified. In addition, the City will meet and confer with IAM regarding whether newly created classifications are classified or unclassified.

- The City will meet and confer with IAM before presenting recommendations to the Council regarding any amendment to the Civil Service Rules and Regulations.
- The appeals of determinations under the following Civil Service Rules and Regulations remain under the jurisdiction of the Commission:
 - Section 3. Categories of Employment
 - Section 14. Credit for Seniority
 - Section 20. Protest of Examinations
 - Section 41. Probationary Periods
 - Section 49. Extension of Appointments Provisional and Non-Career
 - Section 50. Allegations of Improper Certification or Non-Receipt of Interview
 - Section 51. Employee Evaluations
 - Section 61. Duties of Classification
 - Section 62. Duties of Employee
 - Section 63. Temporary Reassignments
 - Section 65. Division of Classification
 - Section 66. Consolidation of Classifications
 - Section 67. Permanent Assignments
 - Section 68. Transfer from Classified to Unclassified
 - Section 69. Transfer from Unclassified to Classified
- The Human Resources Department shall administer Civil Service Rules and Regulations Sections 92-100, but any action, issue, topic, or change falling under or covered by these Sections shall first be submitted to the Commission for determination before being implemented. Either Party can appeal the Commission's determination to the City Council. Rules 92-100 describe the process for any potential reduction in force, order of layoff, noticing, seniority, and the objection/appeal procedures for layoff decisions.
- Should the City Council direct the City Manager to conduct independent investigations concerning the enforcement of this Article, it shall retain an outside independent investigator who shall be retained by the City Attorney's Office. Once the investigation has been completed, the information will be reported back to the City Council for final determination.
- The Commission will be assisted by a designated staff member within the independently elected City Attorney's Office who shall be assigned the following duties: track and monitor requests for appeals of discipline and IDRs (Industrial Disability Retirement); send cases out to OAH (Office of Administrative Hearings); coordinate/schedule appeal hearings; schedule court reporter; order transcripts from court reporter when needed; take oaths at hearings; log exhibits received during hearings and maintain custody of them prepare final judgements and minutes for Commission; schedule Commission

meetings/prepare agenda; and coordinate investigation of complaints initiated by the Commission.

- Agreement that the Civil Service system is intended to provide the City with the best workforce based on merit and that each candidate for employment is selected on the basis of their qualifications and shall be in compliance with the City's administrative regulation regarding the employment of family and relatives.

As required by law, the City Council will host two public hearings on this topic on June 11, 2024, and July 16, 2024, at which time the Council may take public comment on the proposed Charter Amendment. The last day that City Council can adopt a resolution to add Charter amendments to the November 2024 ballot is August 6, 2024.

Completing this meet and confer process required both City staff and each labor group to work under a tight timeline in order to meet state-imposed deadlines for charter amendments. Within these constraints, City staff maximized the schedule to the fullest extent possible to allow for the maximum amount of time to meet and address concerns. City staff would like to thank all labor partners for their collaboration and cooperation in concluding this meet and confer process.

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