

DATE: January 4, 2017

TO: Civil Service Commission

FROM: Lourdes Ferrer, Personnel Analyst

**SUBJECT: REQUEST TO PARTICIPATE IN EXAMINATION – SUPERVISOR-
WASTE OPERATIONS**

Correspondence has been received from Mr. Thomas Marshall, requesting the Civil Service Commission's approval to participate in the Supervisor – Waste Operators examination.

Facts for Consideration:

- As background, on October 5, 2016, the Civil Service Commission approved the promotional job opportunity bulletin for Supervisor – Waste Operations (see attachment). The bulletin was posted October 7, 2016 through October 28, 2016. All completed applications were due via online submittal by 4:30 p.m., October 28, 2016.
- During the filing period 5 applications were filed for Supervisor – Waste Operations, including Mr. Marshall's application. Of that number, 3 candidates were accepted into the process and placed on the eligibility list.
- On November 3, 2016, Mr. Marshall was sent notification via e-mail that his application was not accepted because he did not meet the Requirements to File, as stated in the job opportunity bulletin.
- On November 3, 2016, Mr. Marshall contacted staff via e-mail to inquire as to why his application was not accepted and to contest his application not being accepted.
- On November 4, 2016, staff responded to Mr. Marshall's inquiry via e-mail to inform him that based on a review of his work experience with the City of Long Beach, it was determined that he did not meet the Requirements to File as outlined in the job opportunity bulletin regarding work experience. Specifically, the job opportunity

1 bulletin lists the Requirements to File as follows: "Two years of seniority in any of
2 the following classifications with the City of Long Beach: Building Services
3 Supervisor, General Maintenance Supervisor, Park Maintenance Supervisor,
4 Parking Control Supervisor, Refuse Field Investigator, Refuse Supervisor, Street
5 Landscaping Supervisor, Street Maintenance Supervisor or any combination of
6 these classifications."

- 7 • Currently, Mr. Marshall's qualifying work experience (13 months) equals less than
8 the two-year experience requirement set as minimum qualifications for this
9 Supervisor – Waste Operations classification.
- 10 • In addition, since Mr. Marshall indicated that he was contesting the status of his
11 application, staff moved forward to have additional analysts review his application
12 to offer 2nd and 3rd assessments; staff concurred with the initial assessment that
13 Mr. Marshall failed to meet the Requirement to File. Staff also advised Mr.
14 Marshall that should he wish to pursue the matter further, staff could refer the
15 matter to management.
- 16 • On November 14, 2016, Mr. Marshall contacted staff via e-mail to indicate that he
17 wished to pursue the matter with Civil Service management. He stated that his
18 additional experience as "acting Refuse Supervisor" was overlooked. Mr. Marshall
19 also questioned why a Refuse Field Investigator, which is not a supervisory
20 position, was listed as a possible classification in the Requirements to File.
- 21 • On December 6, 2016, Civil Service Department management staff sent Mr.
22 Marshall e-mail communication, which included the following information
23 addressing his two concerns:
 - 24 ○ Any time spent in an "acting" capacity in classifications is not counted as
25 qualifying experience because no seniority was earned in the necessary
classification. Therefore his experience as "Acting Refuse Supervisor" was

not counted;

- In discussion with the Public Works Department, it was made clear that the Refuse Field Investigator classification performs in a lead capacity, and may serve as Supervisors as needed. Based on that information, the scope of their duties are sufficient enough to serve as a feeder classification for the Supervisor – Waste Operations promotional opportunity.

- On December 9, 2016, Mr. Marshall sent e-mail communication that he would continue to formally contest his application not being accepted and had additional concerns regarding the promotional process for Supervisor – Waste Operations.
- On December 19, 2016, the Civil Service Department advised him that further action could only be taken at the direction of the Civil Service Commission.
- Civil Service Rules and Regulations Article II, Section 6 (2) of the Civil Service Commission Rules & Regulations states the following: "The Commission may refuse to examine, or after an examination, may remove from any eligible list, disqualify, and/or refuse to certify any person who: (2) does not meet the minimum requirements to file as stated in applicable examination announcements."
- Civil Service Rules and Regulations Article II, Section 7 of the Civil Service Commission Rules & Regulations states the following: "The Commission shall establish and display Job Announcements, publish the qualifications and minimum requirements needed to compete in examinations for classified employment, notify employees in advance of any changes in such minimum requirements or qualifications prior to job announcement approval, and may limit participation in promotional examinations to employees who are serving or who have served for the time specified on the Job Announcement, in certain classifications, departments, bureaus or divisions of the City."

The Commission shall make every effort to provide promotional examinations for

1 those City employees in classifications wherein the skills needed for advancement
2 are easily acquired. In all matters regarding qualification or disqualification of
3 applicants, the decision of the Commission shall be final."
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5 Based on the Civil Service Rules and facts stated above, Staff recommends denial of
6 Mr. Marshall's request because he does not meet the minimum requirements to file for
7 the Supervisor – Waste Operations classification. Experience in an "acting" capacity
8 was not listed in the Requirements to File of the job bulletin and is not considered as
9 qualifying experience based on Civil Service past practices. Furthermore, promotional
10 opportunities can be limited to classifications, departments, bureaus or divisions of the
11 City.
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13 Mr. Marshall has been informed that this request is on today's agenda and the
14 possibility of his participation in the examination process will be pending Commission's
15 approval. The Public Works Department has also been made aware of this request.
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17 LF-REQUEST TO PARTICIPATE IN EXAMINATION (MARSHALL-SWO)
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City of Long Beach

Promotional Opportunity

SUPERVISOR – WASTE OPERATIONS

SALARY RANGE:

\$2,200.24 to \$2,990.72 Biweekly

\$4,784.00 to \$6, 502.00 Monthly

Accepting online applications only. Apply online 24 hours a day, beginning on October 7, 2016 through 4:30 p.m., October 21, 2016.

PROMOTIONAL OPPORTUNITY: This is a promotional job opportunity as defined in the Civil Service Rules and Regulations (Sections 4(19)(b) and 7). This job opportunity is limited to current, permanent, classified City of Long Beach employees. Qualifying time, as noted in the requirements to file, must be obtained in the classified service with the City of Long Beach. Unclassified employees, including non-career employees, are not eligible for this job opportunity. In accordance with Article III, Section 14 of the Civil Service Rules and Regulations, Seniority Credit will be added to the final total scores of those who successfully qualify in all phases of the examination. For examination purposes, seniority credit will be based upon whole months of classified service completed as of the last day of filing.

REQUIREMENTS TO FILE: Applicants must meet the following minimum requirements by close of filing, October 21, 2016:

Two years of seniority in any of the following classifications with the City of Long Beach: Building Services Supervisor, General Maintenance Supervisor, Park Maintenance Supervisor, Parking Control Supervisor, Refuse Field Investigator, Refuse Supervisor, Street Landscaping Supervisor, Street Maintenance Supervisor or any combination of these classifications.

Knowledge of City rubbish collection equipment, practices, procedures, standards and records.

Willingness to work nights, weekends, holidays and emergency standby, as required.

A current DMV driving record and current Medical Examiner's Certificate must be submitted to the hiring department at time of selection interview.

A valid Class B driver's license must be attained prior to passing probation.

EXAMPLES OF DUTIES: Under direction, assists in the planning, coordination, and direction of activities and personnel involved in City-wide rubbish collection; plans, schedules, and assigns trash collection routes for all rubbish collection districts in the City; maintains records regarding costs and billing rates for rubbish collection and disposal operations; selects, trains, assigns, and supervises subordinates; investigates and resolves more difficult complaints regarding rubbish collection; surveys all rubbish collection districts for service level, collection costs, and standards of public health and sanitation, as affected by the frequency of rubbish collection; evaluates work performed regarding community standards of service and appearance and proposes revised procedures; enforces Municipal Code sections regarding sanitation and rubbish collection; assists in the preparation and monitoring of division budget; maintains records and prepares reports; acts in the absence of the Superintendent of Refuse Collection; and performs other related duties as required.

EXAMINATION WEIGHTS:

Application Packet	Qualifying
Appraisal Interview	100%

Based on the number of applications accepted, the selection procedure may be changed. In the event a revision is necessary, the affected persons will be notified.

If you have not received notification October 28, 2016, contact the Civil Service Department at (562) 570-6202.

This information is available in an alternative format by request to (562) 570-6202.

In support of the City's Language Access Policy, bilingual skills (Spanish, Khmer and/or Tagalog) are desirable for some positions interacting with the public.

JOB J87NN-17 S-WO-LF

10/05/16

Apply to:

City of Long Beach
Civil Service Commission
333 W. Ocean Blvd., 7th Floor
Long Beach, CA 90802
Phone: (562) 570-6202

Apply online: www.longbeach.gov/civilservice

For recorded announcement of other jobs available,
Call (562) 570-6201
TDD (562) 570-6638 (for hearing impaired)
An Equal Opportunity Employer



If a special accommodation is desired, please contact the Civil Service Department two (2) business days prior to the test at (562) 570-6202.

Thomas Marshall
477 E. 44th Circle
Long Beach, CA 90807
December 28, 2016

Civil Service Commission
City of Long Beach
333 West Ocean Blvd., 7th Floor
Long Beach, CA 90802

Dear Civil Service Commission:

This letter is in regards to denial of my submitted application for Waste Operations Supervisor. I have two issues with this process.

1. My three years of acting Refuse Supervisor not being allowed to qualify me as a candidate.
2. The classification of Refuse Field Investigator allowed to apply.

I have been in contact with Ms. Lourdes Ferrer and Crystal Slaten regarding these matters and have not received any clear answers.

Ms. Lourdes stated that in the discussion with The Public Works Dept. it was made clear that an RFI:

- A. Performs in a lead capacity.
- B. May serve a supervisors as needed.

This is what I have been told by Ms. Crystal Slaten that in regards to allowing Refuse Field Investigator as a feeder classification: "In discussion with the Public Works Department, it was made clear that the Refuse Field Investigator classification performs in a lead capacity, and may serve as Supervisors as needed. Based on that information, the scope of their duties are sufficient enough to serve as a feeder classification for the Supervisor – Waste Operations promotional opportunity".

I have asked to have these two terms defined and clarified 1. Lead capacity and 2. Serve as, also seen in the RFI classification specifications as assumes duties of the Refuse Supervisor in his absence. Would those duties not be considered as acting, or would (Serve as) and (Performs) be considered something else? According to the current MOU, Section V-Higher Classification Pay

states that when one serves as, performs or assumes duties of a higher-level classification it in essence is acting. Is this the scope of duties referred to be sufficient enough to meet the requirements for the RFI to qualify? How is this allowed to qualify and my years of acting as a Refuse Supervisor dismissed?

It appears that an RFI can make the leap above a Refuse Supervisor and qualify for the Waste Operations Supervisor which is the Refuse Supervisors Boss. This is very puzzling to me. I am seeking that my application be accepted based on my three years of acting experience as a Refuse Supervisor along with my 13 months as a Refuse Supervisor. If acting as a Refuse Supervisor is accepted for an RFI to qualify, then my three years of acting as a Refuse Supervisor while in the classification as a Motor Sweeper Operator in combination with my 13 months of holding the position of Refuse Supervisor should be accepted as well.

Sincerely,

Thomas Marshall