

Agenda item #9

**CITY OF SAN ANTONIO
HUMAN RESOURCES DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Sharon De La Garza, Director, Human Resources Department

SUBJECT: Exceptions of Municipal Civil Service Coverage

DATE: November 3, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the City Manager to expand the exceptions to Municipal Civil Service Coverage as authorized by Article VI, Section 69 of the City Charter to include all current and future employees in managerial classifications, effective December 1, 2005, as designated under the City's Pay Plan annually.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

Article VI, Section 69 of the City Charter establishes a classified civil service which includes "all appointive offices and employments in the administrative service and in other agencies and offices of the City, and all persons receiving compensation from the City for personal services, except the following:

- (a) Members of the Council;
- (b) Persons who are appointed or elected by the Council pursuant to this Charter;
- (c) The City Manager, Deputy City Manager, the Assistant City Managers and Assistants to the City Manager, if any; and the secretary to the City Manager;
- (d) The directors of departments;
- (e) All assistant directors of departments;
- (f) All executive secretaries;
- (g) Architects, attorneys, assistant auditors, dentists, doctors, engineers, psychologists and veterinarians employed by the City;
- (h) Any other managerial or professional employees as designated by the City Manager and approved by the City Council;
- (i) Part-time, temporary and seasonal employees; and
- (j) Persons, firms, corporations, associations, foundations or other organizations whose services may be specifically engaged for professional, investigative, consultative, or other special services and all employees or agents performing such services for such person, firm, corporation, association, foundation or of organization so specially engaged."

The proposed recommendation expands the exceptions to Municipal Civil Service coverage as allowed in Article VI, Section 69, (h). The City's current pay plan includes approximately 800 civilian job titles which are each assigned to one of eight Equal Employment Opportunity (EEO) Job Categories:

1. Officials/Administrators
2. Professionals
3. Technicians
4. Protective Services
5. Para-professionals
6. Office/Clerical
7. Skilled Craft
8. Service/Maintenance

The Officials/Administrators EEO category is further divided into sub-categories, of which titles assigned to Directors (01A), Assistant Directors (01B) and Judges (01E) are exempt from the City's Municipal Civil Service, as per Article VI, Section 69. These titles reflect the highest-level positions in the City's organization. Positions that usually report to this level are also included in the Officials/Administrators EEO sub-category of Division & Kindred Managers (01C), which includes 165 job titles covering 291 employees – however, these jobs are not currently exempt from the Municipal Civil Service.

Employees in these managerial jobs are assigned oversight of departmental staff and operations, to include operational, administrative and strategic responsibilities, and typically report directly to executive-level positions. These employees are often entrusted with making significant staffing and operational decisions including, but not limited to: coordination of important contracts and selection of major vendors; creation of programs and operational initiatives to streamline cost and improve service; provision of expert recommendations and advice to executive-level staff; preparation and presentation of major proposals to Council and outside entities; and management and fiscal responsibility for significant administrative, budgetary and direct service/operational programs.

In a continuing effort to increase the City's management accountability, it is essential that civilian titles assigned to the only remaining sub-category of the Officials/Administrators EEO category – Division and Kindred Managers (01C) – be included as exempt from Municipal Civil Service (positions assigned to Assistant Directors – Protective Services (01D) are not civilian positions and are therefore exempt from Municipal Civil Service). These managerial employees are responsible for the work of employees assigned to them, most of whom are Civil Service classified employees. Currently, should these managers not follow practices and procedures to ensure the accountability of their classified employees or themselves, they are afforded the same Municipal Civil Service appeal system that can make their removal a difficult and lengthy process. If this manager's wrong-doing or misconduct results in a dysfunctional workplace environment, a lengthy removal process only prolongs a non-productive situation. Appeal processes in this case can also delay efforts to take immediate corrective action, either via removal or reassignment, and restore a productive and responsive work environment.

This issue of managerial suitability also arises in the selection process for these positions. Where private sector employers and public institutions with at-will service can utilize recruitment techniques and assessment methods to quickly fill important managerial vacancies, the City must comply with Municipal Civil Service requirements whose central purpose is ensure a fair application process, even if that process does not result in the selection of the most qualified candidate available (not just the most qualified candidate who applied for the job). For example, current Municipal Civil Service rules require individuals to separately apply for each position for which they wish to be considered. Therefore, a department is unable to consider a qualified individual for a position he/she may not have applied for individually, unless the department chooses to re-advertise and re-interview for the second position – and ask that candidate to apply for this subsequent position. Such a direction can take several additional months to complete, and could ultimately be deemed not feasible to pursue in spite of the existence of a more suitable candidate.

An added benefit to this proposal is a flexible system whereby managerial employees are assigned to multiple areas throughout the course of their careers, spanning multiple departments, depending on the needs of the organization and the individual's interest. Currently, a manager must apply and undergo a formal Civil Service selection process for such an opportunity – this option would provide flexibility to the Management Team in identifying exceptional managerial talent and utilizing those employees in ways that best benefit the City's operational and strategic initiatives. Managerial employees, in turn, can serve in positions that allow them to utilize proficient management skills while obtaining valuable department or mission-specific job knowledge. This serves two important purposes – it creates an internal succession management initiative whereby managerial employees increase their marketability for possible higher level executive-level positions within the organization, and increases the overall institutional knowledge vital to the City's continued efforts in promoting efficiency and effectiveness.

The City already employs more flexible recruitment, selection and retention techniques for employees in positions that are not subject to Municipal Civil Service, such as directors and assistant directors. These changes would allow for the City to extend this flexibility to the selection, staffing and maintenance of these important managerial positions, creating increased opportunities for the sourcing, selection, retention and utilization of qualified managerial talent and ultimately furthering the City's goals and objectives.

POLICY ANALYSIS

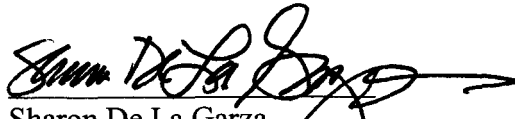
Approval of this ordinance would continue the City's commitment to provide more accountable and efficient City government.

FISCAL IMPACT

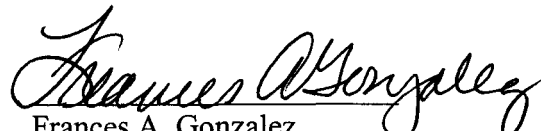
There is no anticipated financial impact with this item.

COORDINATION


The proposed ordinance has been coordinated with the City Attorney's Office.



Sharon De La Garza
Human Resources Director



Frances A. Gonzalez
Assistant City Manager



J. Rolando Bono
City Manager