



## Legislation Text

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**File #:** RES 18-0032, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Teresia Zadroga-Haase, Human Resources Director

**SUBJECT:**

Resolution No. 18-0032 Amending the City of Manhattan Beach Personnel Rules Classified Service List (Human Resources Director Zadroga-Haase).

**ADOPT RESOLUTION NO. 18-0032**

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**RECOMMENDATION:**

Staff recommends that City Council adopt by Resolution the amendment to the Personnel Rules Classified Service List (Attachment 2). The City Council adoption will authorize the City Manager to take appropriate actions necessary to amend Attachment "C" of the Personnel Rules.

**FISCAL IMPLICATIONS:**

There are currently nine (9) unrepresented employees in classified positions. The total annualized cost of the deferred compensation benefit provided to at-will employees will range from between zero and \$14,500, depending upon how many of the nine (9) unrepresented, classified employees elect to become at-will.

On February 6, 2018, City Council adopted the Memorandum of Understanding (MOU) between the City and the Manhattan Beach Mid-Management Employees' Association (MBMEA), which provided for currently classified employees to become at-will, and for future employees in currently classified positions to be hired as at-will. A more detailed discussion on fiscal impacts for this group can be found in the staff report from the [February 6, 2018 City Council Meeting](https://manhattanbeach.legistar.com/LegislationDetail.aspx?ID=3331534&GUID=05ADE507-6AA4-4A9C-8F05-0AA7F891199D&FullText=1) [<https://manhattanbeach.legistar.com/LegislationDetail.aspx?ID=3331534&GUID=05ADE507-6AA4-4A9C-8F05-0AA7F891199D&FullText=1>](https://manhattanbeach.legistar.com/LegislationDetail.aspx?ID=3331534&GUID=05ADE507-6AA4-4A9C-8F05-0AA7F891199D&FullText=1). The proposed updates to the Classified Service List reflect the actions taken by City Council on [February 6, 2018](http://manhattanbeach.granicus.com/MediaPlayer.php?view_id=4&clip_id=2906) [<http://manhattanbeach.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=2906>](http://manhattanbeach.granicus.com/MediaPlayer.php?view_id=4&clip_id=2906).

**BACKGROUND:**

California's Labor Code contains a presumption that employees are employed at will, which means that either the employer or the employee may terminate employment at any time, with or without cause or prior notice. One of the exceptions to the "at will" status are public-sector employees who are covered by civil service laws (usually adopted by the legislative body). In our case, Municipal Code Chapter 2.08 defines our Civil Service System.

Exemption from at will employment status under the Municipal Code is defined as “Classified” status. Classified employees may not be terminated without the employee being provided due process, which consists of prior notice, a hearing and the employee’s right to appeal a termination. The City bears the burden of proof of misconduct or “just cause.”

Typically, management or confidential level positions where an incumbent exercises authority or influences policy development and/or collective bargaining are designated as at will.

**DISCUSSION:**

Subsequent to the negotiations and adoption of the MOU with MBMEA on February 6, 2018, members of the confidential group of employees who are currently unrepresented and, therefore, have no collective bargaining agreement with the City, requested the opportunity to elect to change their employment status from classified to at will. Employees designated as at will receive a benefit of 2% of their base pay contributed to a deferred compensation account. This benefit is in lieu of the due process rights afforded classified employees.

**PUBLIC OUTREACH/INTEREST:**

After analysis, staff determined that public outreach was not required for this issue.

**LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**Attachments:**

1. Resolution No. 18-0032
2. Personnel Rules Attachment “C” - Classified Service