

From: Erik Frost Hollins <Erik.FrostHollins@longbeach.gov>
Sent: Tuesday, July 16, 2024 2:05 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: Public Comment for Charter Amendment Committee

Dear City Clerk,

Please consider the attached memos from the Civil Service Commission as Public Comment, as it appears these have not been previously shared with the Council. These concerns all remain valid as no positive changes have been made to the **actual** charter amendment language.

Thank you,
Erik Frost Hollins



Memorandum

Date: March 1, 2024

To: Mayor Richardson, City Manager Modica, City Councilmembers, City Attorney, City Prosecutor, City Auditor, City Clerk, Harbor Commission, Utility Commission, Charter Amendment Committee, and Employee Representatives

From: Erik Frost Hollins, President

Subject: **LETTER OF CONCERN: Proposed Charter Amendment**

On Wednesday, February 28, 2024, the Civil Service Commission met in open session and unanimously directed that our initial concerns regarding the proposed charter amendment be documented in this letter. The basis of these concerns is the redlined charter language provided to the Civil Service Commission on Wednesday, February 14, 2024. While little time was given to evaluate the full effects of this proposed amendment, we did hold public meetings in the intervening two weeks to hear presentations and gather responses from management and staff. We will meet again in public session on February, March 6, 2024, to provide further opportunity for discussion and allow development of additional response to the proposed amendment.

Please see below three initial areas of concern regarding preferences, disciplinary and industrial retirement appeals, and complaints related to the hiring process.

Preferences

Amendment language claims to add local residency, local higher education attendance, internal hire, and internship/apprenticeship preferences to existing veteran, disabled veteran, and surviving spouse preferences.

In reality, this amendment would render all new preferences meaningless, and weaken if not eliminate the value of the existing veteran-related preferences.

Reasoning: Preferences are implemented in the charter through the assignment of points, presuming that those with higher points will be considered for employment first. The city manager and several department heads under direction from the city manager have openly and publicly stated hostility toward Civil Service ranked consideration or "banding" requirements, ranked consideration and banding being the literal and logical extension of a fair and transparent point



system. Under this amendment, the city manager or his surrogates in Human Resources would have the power to eliminate ranked consideration and banding from the hire process as a universal exception, allowing managers to choose at will whom to consider and hire from the entire list in every search – eliminating any benefit of a fair and transparent point system.

Disciplinary and industrial retirement appeals

Amendment language claims to maintain independent authority for disciplinary and industrial retirement appeals investigations and decisions through the newly formed Civil Service Employee Rights and Appeals Commission.

In reality, this amendment ensures that these appeals will take place under full city manager control.

Reasoning: All independent staff, including the executive director, have been eliminated in this proposal, depriving the commission of any independent information and advice. The successor commission would need to rely on investigatory information, expert guidance, and process support from an entity under the general authority of the city manager, such as Human Resources, or another appointing authority with possible vested interests. The city manager is the listed complainant on a majority of employee appeals, is in fact the individual whose decision is being appealed, and it would defy all due process to allow a person under control of the city manager to take part in any hearings and deliberations as an advisor.

Complaints related to the hiring process

Amendment language claims to maintain independent authority to receive and resolve complaints relative to the hiring process through the newly formed Civil Service Employee Rights and Appeals Commission.

In reality, this amendment renders the successor commission powerless and ineffectual in taking any step to correct abuses.

Reasoning: Powers related to recommending changes to rules and regulations, setting employee classifications, and maintaining eligibility lists are removed from the successor commission and delegated to Human Resources, which serves under the authority of the city manager. Human Resources has also stated its intent to assume all authority over non-career hour extensions, provisional appointments, and extensions of probationary periods. Powers related to investigations are all delegated to the city manager via referral from the City Council. These are titled "independent" but in fact the city manager would be given authority to oversee any investigation into his own practices and those of his departments.

As stated previously, the successor commission would have no staff. Further, no language in this charter amendment suggests that the commission has any ability to direct any entity or individual to "resolve" anything. The only oversight mechanism given to the successor commission is an annual report on hiring.



Conclusion

As presented in the redlined language provided to the Civil Service Commission on Wednesday, February 14, 2024, this proposed charter amendment gives vast unchecked power to the city manager either directly or through his authority over Human Resources. Further, any functions remaining to the Civil Service Employee Rights and Appeals Commission are corrupted or falsely stated. With no power of information gathering, no ability to seek independent advice, and no agency to act independently, the Civil Service Employee Rights and Appeals Commission will serve as nothing more than a fig leaf. The false illusion of a merit system with independent oversight could lead employees to assume recourse is available where none exists, putting themselves at risk for discrimination, harassment, and retaliation for exercising their perceived employee rights.

On behalf of the Civil Service Commission,



ERIK FROST HOLLINS
President

CC: Department Heads





Memorandum

Date: March 8, 2024

To: Mayor Richardson, City Councilmembers, City Attorney, City Prosecutor, City Auditor, City Clerk, Harbor Commission, Utility Commission, Charter Amendment Committee, and Employee Representatives

From: Erik Frost Hollins, President

Subject: **LETTER OF OPPOSITION: Proposed Charter Amendment**

The International Association of Machinists and Aerospace Engineers along with the Long Beach Association of Engineering Employees, representing some 60 percent of City of Long Beach workers, have both indicated opposition to the charter amendment language as presented by the City Manager on Wednesday, February 14, 2024. It is not difficult to see why they stand opposed, and why we as the Civil Service Commission unanimously join with our labor partners in opposition.

The proposed charter amendment eliminates the delicate internal mechanisms of checks and balances that can preserve a merit system. This amendment will make the City of Long Beach less friendly to the classified service and more likely to follow the trend toward a cheap, disposable, and exploitable U.S. labor force with declining worker rights and protections. This is contrary to our views as a progressive and pro-worker community.

The objective of this proposed charter amendment is control, not solutions. The amendment concentrates vast power in the hands of the City Manager, creating a dynamic where every job classification, posting, search, hire, and promotion becomes nearly the sole province of his authority. The point-based "banding" system that allows for veteran-related preferences and is being suggested as the vehicle for new local preferences, would be subject to management's whim – essentially rendering preferences meaningless. Investigatory powers are stripped from the successor Commission and any remaining independence in severely limited areas of appeal would be cast into doubt.

The City Manager's top-down, go-alone approach to seizing control has been evident. Information and consultation were withheld from the Commission by the City Manager and his direct reports. Unresolved issues were later used as bludgeons to justify the need for the amendment. This was readily apparent in nearly 100 pages of materials documenting management complaints that the City Manager provided to the Commission **after** putting forward the amendment.



It was clear that this case was being built over years, across multiple councils and mayoral administrations, without engaging the very group that had the ability to take corrective action.

It is also our belief that many of the claimed challenges are a product of failed communication, which is an indication of a broader management failure. Addressing one of management's primary complaints, the Commission recently invited departments to challenge some 67 eligible list extensions. After only four challenges were received, three were resolved when the context was provided, and one list was removed from the extension motion with mutual agreement of the Civil Service Department and the Police Department. This experiment suggests that management complaints related to list extensions may be grossly overstated and rather easily resolved through simple conversation.

The City of Long Beach should not proceed to undertake reactionary restructuring of its merit system on a foundation of bad faith, falsehoods, unverified claims, and miscommunication. The base of facts is in dispute and no good-faith effort has been taken to establish the truth. No good-faith effort has been taken to identify solutions with the Commission. No good-faith effort has been attempted in meet-and-confer, where labor partners have been jammed with an arbitrary city-imposed deadline. Further, city leadership has gone so far as to misrepresent the views of labor leaders in public propaganda.

The hostile actions of the City Manager should not be a surprise. As the person behind the failed Measure GG (2010), Thomas B. Modica is continuing his push to eliminate Civil Service – this time with better branding through the veneer of adopting local preferences. The elimination of Civil Service is a mission for him based on his belief system, one he has imparted to his direct reports, not a representation of best practice, careful consideration, or due consultation.

We have invited the City Manager to have real dialogue with the Commission. He instead chose to inform us that he would only be open to grammatical or “clarifying” suggestions. We invited the City Manager to address low rates of employee pay relative to surrounding jurisdictions and what solutions might be available there. He was silent on that issue. We informed the City Manager of our concerns related to the amendment effects. He responded with more disputed claims, misrepresented the role of Civil Service staff, and made assertions in direct contradiction to the plain-text reading of the amendment.

The City Manager has presented us with a binary choice: support or oppose.

We oppose. The Civil Service Commission takes pride in our monikers as the People's Commission and the Worker's Commission. This proposed charter amendment is a sad reflection on the management of the City of Long Beach we all love and serve. Therefore, we stand united in our opposition to the proposed charter amendment as presented.

It is our hope that the City Council abandons the City Manager's top-down, go-alone power grab and instead seeks real solutions through inclusive dialogue.



On behalf of the Civil Service Commission,



ERIK FROST HOLLINS
President

CC: City Manager
Department Heads

