

City of Garden Grove
INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal
From: John D.R. Clark
Dept: City Manager
Dept: Human Resources
Subj: DESIGNATION OF AT-WILL POSITIONS
Date: May 22, 2012

BACKGROUND

Section 2.44.050 of the Municipal Code just revised contemplates the designation of persons who are exempt from the City's "Competitive Service" (i.e., "Civil Service"). In addition to commissioners, volunteers, contractors, and temporary employees, subsection (5) exempts "[p]ersons appointed to a position in a class that is designated by City Council Resolution as an 'at-will' class." This resolution, if approved, accomplishes the requirement to so designate exempt employees.

DISCUSSION

Other sections of the Municipal Code, notably § 2.44.090 (B) and § 2.08.100, indicate that "department and division heads" and the "primary assistants in the Office of the City Manager" will be appointed by him and not be subject to other ordinances (i.e., exempt from civil service). While it is usually straightforward as to who is and is not a department head, it is less clear on the definition of division head. Accordingly, it is normal practice to designate, by classification title, those positions that are at-will.

At-will employees may be terminated for any reason by the appointing authority (either the city manager or the relevant department head), and are thus not afforded the formal rights and protections of civil service employees. Note that the Fire Chief has special protections under the "Firefighters' Procedural Bill of Rights," Government Code § 3254 (c).

FINANCIAL IMPACT

None.

RESOLUTION DESIGNATING "AT-WILL" CLASSIFICATIONS
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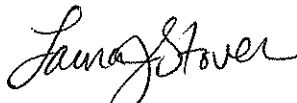
RECOMMENDED ACTION

- Adopt the attached Resolution designating the classifications in the City service that are "at-will."



JOHN D.R. CLARK
Human Resources Director/City Treasurer

By:



LAURA J. STOVER
Human Resources Manager

attachment: Resolution

Recommended for Approval



Matthew Fertal
City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DESIGNATING THE CLASSIFICATIONS THAT ARE "AT-WILL"

WHEREAS, under Garden Grove Municipal Code Section 2.44.040, definitions have been provided relevant to Human Resources Policies and Procedures, and specifically Section 2.44.040(5) states that "At-Will Class" means those classes designated by Resolution of the City Council as having an employment relationship in which the City has the absolute discretion and authority to terminate the relationship for any reason or no reason at all;

WHEREAS, under Garden Grove Municipal Code Section 2.44.050(5), the City provides that persons appointed to a position in a class that is designated by City Council Resolution as an "At-Will" class are excluded from the competitive service; and

WHEREAS, under Garden Grove Municipal Code Section 2.08.100, the City Manager is authorized to appoint, remove, promote, and demote any and all officers and employees of the City, subject to all applicable Human Resources Ordinances, rules, and regulations, with these powers particularly applying to all department and division heads and the primary assistants in the office of the City Manager.

NOW, THEREFORE, the City Council of the City of Garden Grove hereby resolves as follows:

Section 1. The following classifications shall be considered "At-Will" class and any occupant in said listed classification is employed at the pleasure of the City:

Assistant City Manager
Budget Services Manager
Building Official
City Clerk
City Engineer
City Manager
Community Development Director
Community Services Director
Deputy City Manager
Deputy Director
Division Manager
Economic Development Director
Economic Development Manager
Employee Development Director
Environmental Services Manager
Finance Director
Finance Manager
Human Resources Director

Human Resources Manager
Information Systems Manager
Information Technology Director
Planning Services Manager
Police Chief
Police Captain
Police Lieutenant
Public Works Director
Purchasing Agent
Real Property Manager
Revenue Manager
Water Services Manager

Section 2. A person in the classification of Fire Chief is statutorily afforded special protections under the "Firefighters Procedural Bill of Rights," Government Code § 3254 (c), and may not have his employment terminated without written notice stating the reason for removal and an opportunity for an administrative appeal. The administrative appeal must conform to standards set forth in the Administrative Procedures Act ("APA"), Government Code § 11500 et seq. The Firefighter Procedural Bill of Rights includes, but is not limited to, the following reasons for which a Fire Chief may be removed: 1) incompatibility of management styles, or 2) a change of administration.

Section 3. Any subsequent classifications added to the classification list or revised or re-titled classifications that fall within the scope of department head or division head responsibilities shall be considered "At-Will."