

DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL

**Personnel
Directive**

Subject: REQUESTING TEMPORARY
(EMERGENCY) APPOINTMENTS

ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES

June 20, 2007

PERSONNEL DIRECTIVE NO. 20

BACKGROUND

Charter Section 1013 states, in part, that “To prevent the stoppage of public business or to meet extraordinary exigencies, any appointing authority may make temporary appointments to classified positions in accordance with civil service rules that the Board (the Board of Civil Service Commissioners) shall prescribe. The Board shall have power to authorize such temporary appointments for up to 120 days.”

In case the Board of Civil Service Commissioners is unable to establish an eligible list, the Commissioners of that Board may approve an extension of the temporary appointment, which shall not exceed an additional 120 days.

An emergency appointment made in accordance with Charter Section 1013 provisions must be terminated when a regular appointment can be made unless the Board finds that for a specified period, it is necessary that the temporary employee remain to orient or train the new regular appointee.

The Charter uses the term “temporary” appointment; but through practice “emergency” has become more commonly used than “temporary.” For purposes of this Directive, the two words will have the same meaning, and are used interchangeably.

Definition of “Extraordinary Exigencies”

The phrase, “to meet extraordinary exigencies,” used in Charter Section 1013 as a requirement for making temporary appointments, is interpreted by the City Attorney as meaning the need for the appointment must be caused by unusual circumstances calling for immediate action or remedy. Further, the circumstances must be out of the ordinary and exceeding those normally encountered.

The following employment situations qualify for emergency appointments:

1. If there exists a threat of a stoppage of public business or an “extraordinary exigency,” as defined previously.
2. Where there is no current employee or group of employees either performing the work or able and available to perform the work.

3. When an exemption of a position from Civil Service provisions has been requested and is pending.
4. If the class is one for which no eligible list is available or will be established in the near future.

PROCEDURES

I. Operating Bureau or Office Submits Request For Emergency Appointments:

- A. The operating Bureau or Office shall first attempt to fill the position through regular appointment by submitting a completed Certification Request Form, PDAS 15, to the Personnel Department.
- B. If the operating Bureau or Office is informed that a regular appointment cannot be made, the Bureau or Office shall determine if the employment situation qualifies for an emergency appointment by reviewing previously stated provisions relating to qualifications for such an appointment. If the situation qualifies, the Bureau or Office shall then:
 1. Interview prospective nominees for a possible emergency appointment(s) and make the necessary selection(s).
 2. Have the applicant(s) complete Form PDR-1 (Application for Employment). The application must be complete, as it will be filed by the Personnel Department when the examination is open for filing.
 3. Prepare a memorandum, which must include justification for the need of an emergency appointment and how this need qualifies for such an appointment under Charter Section 1013. Include a request that a civil service examination pertaining to the civil service classification in question will be prepared by the Personnel Department.
 4. Refer the nominee with his/her Application for Employment and justification memorandum to the Office of Management-Employee Services.
 5. After preparing Form Gen. 76 (Nomination for Emergency Appointment), the Office of Management-Employee Services will forward that form, the nominee's application form, and a justification memorandum, prepared by the operating Bureau or Office, to the General Manager of the Personnel Department.
 6. The Personnel Department, Classification Division, will review the Bureau or Office's request for an emergency appointment and all documents accompanying the request and assign a control number to the Form Gen. 76.
 - a. During this review time, a check is made to determine if there is an existing eligible list and that the emergency nominee meets the minimum requirements for the class, as stated in the last examination bulletin or class specification, whichever is most recent. If the person(s) nominated for emergency appointment(s) does not meet the requirements, the appointment may still be approved if qualified persons are in short supply and an immediate need exists.

b. Emergency appointments generally cannot be made when:

- There is a full-time assistant available to perform the essential duties of a vacant supervisory position.
- The essential duties of a position can otherwise be performed by others on a temporary basis.
- A position has been vacant for more than 30 days, and the appointing authority cannot provide a reason for the extended vacancy or cannot demonstrate that a backlog of work has developed.
- The person nominated comes from within the same Department, and no action is planned to backfill the position.
- An examination is in progress and interviews have not been held.
- A City employee who has been discharged after completing a probationary period is nominated for any emergency appointment except by approval of the Civil Service Commission.

C. The Personnel Department will make the final decision on the request and will then inform the Office of Management-Employee Services.

D. The Office of Management-Employee Services shall inform the operating Bureau or Office of this final decision.

1. If the request is disapproved, the operating Bureau or Office may either submit the name of another nominee, or may request the Director of the Office of Management-Employee Services to protest the denial to the Personnel Department.
2. If the request is approved, the Office of Management-Employee Services will arrange for an effective date of appointment with the operating Bureau or Office and the nominee. All additional appointing documents will then be prepared by the Office of Management-Employee Services with copies provided to the operating Bureau or Office.

Note: No person shall begin work on the job as an emergency appointee until the above requirements have been met, the approval has been granted, the proper appointing documents have been completed and the attached Emergency Appointment Information Sheet has been handed to the employee.

Reference: Sections 7.1 – Personnel Department Policies
Section 1013 Charter – City of Los Angeles
Division 4, Chapter 1, Article 4 – Administrative Code, City of Los Angeles
Civil Service Commission Rules 1.5(a); and 5.27-5.28.
Personnel Department's Memo as of May 26, 2005

Attachment: see next page

EMERGENCY APPOINTMENT INFORMATION SHEET (Attachment)

Prior to accepting an emergency appointment you should be aware of the following information.

An emergency appointment is not a regular appointment. It is a temporary appointment, which does not require that you successfully compete in the Civil Service Examination process. The initial appointment may not exceed 120 days and must be terminated immediately when a regular appointment can be made from an eligible list. If no appointment can be made by the end of the 120 days, it is possible that your appointment can be extended for an additional 120 days. No emergency appointment can exceed 240 days (City Charter Section 1013).

In order to receive an emergency appointment you must submit a completed, signed City application form which will be provided to the Personnel Department along with the Emergency Nomination Form completed by the employing department. If you meet the minimum qualifications for the examination for the class to which you have been nominated for an emergency appointment, you will be automatically scheduled for the next administration of that examination. If you do not meet the minimum requirements, your appointment will be processed as “emergency only”. You will not be automatically eligible to take the examination. You will be required to complete and submit a new application to the Personnel Department, which will be used to determine if you meet the minimum requirements to take the examination. In either case, it is your responsibility to update your application and contact information with the employing department and the Personnel Department as needed.

If you are a City employee (received a regular appointment) and you accept an emergency appointment within your current department, you will automatically be on “protective” leave. This means you may automatically return to your former position at the end of the emergency appointment.

If you accept an emergency appointment with another department, your initial employing department must notify you in writing within 10 calendar days that they either will or will not grant you protective leave to the former position. They must also indicate if they will or will not extend the protective leave to subsequent covered appointments. If protective leave is denied and you wish to return to your former position, you will then have 15 calendar days from the initial new appointment to notify the General Manager of the Personnel Department and your initial employing department that you wish to return to your former position (CSC Rule 7.7). If protective leave to another City department is denied and you are unsuccessful in obtaining another City appointment prior to the expiration of your emergency appointment, you will not be able to exercise protective leave rights and may be terminated from City employment.

If you are not currently a regular employee of the City of Los Angeles when you accept the emergency appointment, and you cannot be appointed from an eligible list at the termination of your emergency appointment (240 days or establishment of an eligible list, which ever comes first) you will be terminated from City employment.