

C. TERMS OF CONTINUED EMPLOYMENT

Civil Service employees participate in a competitive examination process and retain a property interest in their jobs after successful completion of their probationary periods.

However, the length of continuous service with the City does not change a part-time, temporary, and/or non-Civil Service employee's at-will employment status with the City.

Part-time, temporary, and full-time non-Civil Service employees serve at the will of the appointing authority.

Part-time, temporary, and full-time non-Civil Service employees may be entitled to certain additional benefits after a period of continuous service.

No City employees may serve on a City Commission or Committee.

The City Council is the appointing authority for the City Attorney, City Clerk, City Treasurer, and the City Administrator. The City Administrator is the appointing authority for all remaining positions.

Part-time employees hired after June 1, 1987, are limited to a maximum employment period of five years. Part-time employees hired after June 1, 1987, will be granted a

department review hearing up to six months prior to their scheduled termination date to determine whether any special circumstances merit an employment extension of one year on an annual basis for any of the following reasons: The classification requires highly specialized skills; great difficulty occurs in filling the vacancy for the position; or employee is completing his/her college education toward a college degree, for a maximum one year employment extension for this reason.

the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

No reclassification of a position shall be made without the prior knowledge of the employee in the position.

8. NON-CIVIL SERVICE CLASSIFICATIONS:

The following job positions are non-Civil Service positions. The employees in these positions serve at the will of the City Administrator, and they do not have property interest in their jobs.

- a. Temporary Employees: Employees not exempt from the Fair Labor Standards Act who are hired only for a specified, limited period of time. There is a six month employment period limit for all temporary appointments. However, with written justification from the appointing department and City Administrator approval, an extension of no more than six months may be granted. In no event shall a temporary employee be allowed to work more than twelve (12) continuous months in the same classification. This limitation of the term

of employment also applies to dual classifications. These employees are eligible for overtime but are not eligible for any other benefits not required by law.

- b. Part-Time Employee: Employees who work an average of 32.0 hours or less per week based on the fiscal year average. These employees are eligible for overtime, sick leave, personal leave, vacation leave, and tuition reimbursement.
- c. Full-Time Non-Civil Service: Employees who work at least 37.5 hours per week and who do not retain property interests in their jobs. These employees are entitled to full benefits from the City. Non-Civil Service employees serve at the pleasure of the appointing authority and have no property interests in their positions.

A full-time non-Civil Service classification is created when it is determined by the City Administrator that the City requires a classification to perform top level administrative, managerial, professional and/or confidential functions with direct

accountability to the appointing authority. Upon reasonable notice to affected employees, the City Administrator may create other full-time non-Civil Service positions. No changes in the Classification Plan will be made without the approval of the City Council.

9. CATEGORIES OF CLASSIFICATIONS:

The following director and assistant director positions and above are the established full-time non-Civil Service classifications of the City of Commerce:

CITY ADMINISTRATOR/EXECUTIVE DIRECTOR  
ASSISTANT CITY ADMINISTRATOR  
ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT  
ASSISTANT DIRECTOR OF REDEVELOPMENT AGENCY  
ASSISTANT DIRECTOR OF FINANCE  
ASSISTANT DIRECTOR OF HUMAN RESOURCES  
ASSISTANT DIRECTOR OF LIBRARY SERVICES  
ASSISTANT DIRECTOR OF PARKS AND RECREATION  
ASSISTANT DIRECTOR OF PUBLIC WORKS  
CITY ATTORNEY  
CITY CLERK  
CITY TREASURER  
DEPUTY EXECUTIVE DIRECTOR OF RDA AGENCY

DIRECTOR OF COMMUNITY DEVELOPMENT  
DIRECTOR OF COMMUNITY SERVICES  
DIRECTOR OF FINANCE  
DIRECTOR OF HUMAN RESOURCES  
DIRECTOR OF LIBRARY SERVICES  
DIRECTOR OF PARKS AND RECREATION  
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER  
DIRECTOR OF PUBLIC SERVICES  
DIRECTOR OF TRANSPORTATION

- a. The remaining full-time positions are Civil Service positions. These employees work at least 37.5 hours per week and are entitled to full benefits from the City. Civil Service employees have a property interest in their positions once they have satisfactorily completed their probationary periods.

10. EXEMPTION FROM THE FAIR LABOR STANDARDS ACT:

Exempt employees are not entitled to overtime. Nonexempt employees are entitled to overtime. Federal law, the Fair Labor Standards Act of 1938 ("FLSA"), exempts three

types of City employees from the requirement that they be paid overtime.

An employee designated as exempt from F.L.S.A. shall not have his/her salary reduced in any manner for absences of less than one day when he/she does not have sufficient accrued time on the books to cover the absence. The difference between the employee's accrued time on the books and his/her daily work period shall be adjusted by means of a "negative leave balance", whereby future leave accruals are advanced to the employee to cover the absence."

THE THREE TYPES OF EMPLOYEES ARE:

- a. EXECUTIVE
- b. ADMINISTRATIVE
- c. PROFESSIONAL

The following positions have been designated by the City as exempt from the Fair Labor Standards Act:

<u>Position</u>	<u>Exemption</u>
City Administrator	Executive
Assistant City Administrator	Executive
City Clerk	Executive
Public Information Officer	Professional
Director of Human Resources	Executive
Asst. Director of Human Resources	Executive
Director of Finance	Executive
Assistant Director of Finance	Executive
City Treasurer	Executive



Purchasing Agent	Professional
Director of Community Development	Executive
Asst. Dir. of Community Development	Executive
Deputy Executive Director RDA	Executive
Senior Planner	Professional
Director of Community Services	Executive
Social Services Manager	Administrative
Public Safety Manager	Administrative
Dir. of Public Works/City Engineer	Executive
Director of Public Services	Executive
Director of Library Services	Executive
Asst. Director of Library Services	Executive
Senior Librarian	Professional
Children's Library Services Coord.	Professional
Children's Librarian	Professional
Literacy Coordinator	Professional
Director of Transportation	Executive
Transportation Superintendent	Administrative
Director of Parks and Recreation	Executive
Asst. Dir. of Parks and Recreation	Executive
Parks Superintendent	Administrative

Camp Supervisor	Executive
Senior Civil Engineer	Professional
Environmental Services Coordinator	Professional
Librarian I	Professional

EXECUTIVE EMPLOYEES:

The Department of Labor has two tests for executive employees, depending upon the weekly salary of an employee. The two tests are as follows:

- a. "STREAMLINED TEST" (\$250/WEEK OR MORE)
  - (1) Executive's primary duty consists of the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof.
  - (2) Executive's duty includes the customary and regular direction of the work of two or more other employees in the establishment or department.

OR

b. REGULAR TEST

- (1) Executive's primary duty consists of the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof.
- (2) Executive's duty includes the customary and regular direction of the work of two or more other employees in the establishment or department.
- (3) Executive has authority to hire or fire or make recommendations as to employees.
- (4) Executive exercises discretionary powers.
- (5) Executive is paid at least \$155/week.
- (6) Executive [with certain exceptions] does not devote more than 20 percent of the hours worked in a workweek to activities which are not directly and closely related to the performance of exempt work.

ADMINISTRATIVE EMPLOYEES

c. "STREAMLINED" TEST (\$250/WEEK OR MORE)

- (1) Primary duty is the performance of office or non-manual work directly related to the management policies or general business operations of his/her employer.
- (2) Duty includes work requiring the exercise of discretion and independent judgment.

OR

d. REGULAR TEST

- (1) Primary duty is the performance of office or nonmanual work directly related to the management policies or general business operations of his/her employer.
- (2) Duty includes work requiring the exercise of discretion and independent judgment.
- (3) The employee either (a) assists an executive or administrative employee, (b) performs work requiring special training, experience, or knowledge, or (c) executes special assignments or tasks.
- (4) The employee is paid at least \$155/week.

- (5) The employee does not do more than 20 percent nonadministrative work in a workweek.

PROFESSIONAL EMPLOYEES

e. "STREAMLINED TEST" (\$250/WEEK OR MORE)

- (1) Primary duty consists of the performance of work either: (a) requiring knowledge of an advanced type in a field of science or learning, or (b) in a recognized field of artistic endeavor, including work that requires invention, imagination, or talent.

OR

f. REGULAR TEST

- (1) Primary duty consists of the performance of work either: (a) requiring knowledge of an advanced type in a field of science or learning, or (b) in a recognized field of artistic endeavor, including work that requires invention, imagination, or talent.
- (2) The work requires the consistent exercise of discretion and judgment.

- (3) The work must be predominantly intellectual and varied in character.
- (4) The professional is paid at least \$155/week.
- (5) The professional does not do more than 20 percent nonprofessional work in a work-week.