


REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

---

Date: January 16, 2014  
To: The Personnel and Animal Welfare Committee  
From: Miguel A. Santana, City Administrative Officer   
Reference: Personnel and Animal Welfare Committee request for report  
Subject: **REVIEW OF DEPARTMENTAL REQUESTS FOR AUTHORITY TO EMPLOY IN  
SUBSTITUTE POSITIONS**

---

CAO File No. 0111-31292-0000  
Council File No.  
Council District: All

### SUMMARY

On January 7, 2014, the Personnel and Animal Welfare (PAW) Committee requested the Office of the City Administrative Officer (CAO) to report at its next meeting with responses to the following questions on departmental requests for substitute positions:

- The criteria used by the CAO to evaluate a request for substitute position and the reason for approval or denial of such a request;
- The total number of requests for substitute positions thus far this fiscal year;
- The number of requests for substitute positions forwarded to Council with a recommendation;
- The number of CAO recommendations approving or disapproving a request for substitute positions;
- The number of requests for substitute positions currently under review by the CAO; and,
- The number of requests for substitute positions that have been approved by Council but have not yet been processed by the CAO.

These subject areas are addressed below.

### BACKGROUND

As part of the 2013-14 Budget deliberations, the Council adopted a policy, effective July 1, 2013, wherein authorization of substitute positions, other than for layoff avoidance, shall require Council approval (C.F. No. 13-0600). Prior to Fiscal Year 2013-14, the filling of substitute positions was primarily authorized by the CAO. This Office will continue to perform its usual review and analysis of requests for substitute positions under this new policy, and provide the Council with an independent analysis and recommendation of departmental requests.

**CRITERIA FOR REVIEWING REQUESTS FOR SUBSTITUTE POSITIONS**

Substitute positions are positions for which financing is not provided in the budget. Aside from layoff avoidance, the purpose of granting substitute positions is to enable a department or the City to resolve a temporary staffing problem such as: 1) To provide replacements for persons while on extensive sick leave with pay; 2) To meet peak workload situations which may or may not be anticipated; 3) To reduce a backlog in workload; 4) To provide proper classification of a vacated position, the skill requirements of which have changed, provided an increase in salary is not involved, and provided that it cannot be resolved through use of an "in-lieu" authority; 5) To provide temporary additional authority in entering level classes during specific periods of the year when recruitment potential is greatest.

In addition to the above, the CAO considers the following criteria when reviewing requests for substitute positions: 1) The length of time that the requested position is required to be filled. Authority may not extend beyond the end of the fiscal year; 2) The employment level of the department or bureau shall not exceed the total regular position authority in the budget; 3) Sufficient funds are available to finance the position; 4) A regular position shall be held vacant for the period the substitute position is to be filled in order to finance the substitute position.

Requests for substitute positions will not be considered for the following purposes: 1) Where the "in-lieu" authority provisions of a department's personnel ordinance can be used; 2) To permit the reclassification upward of a position upon the qualification of its incumbent for advancement; 3) To provide additional employment authority of a continuing nature; 4) To launch a new program; 5) To provide blanket additional employment authority to be administered by the department.

While these criteria guide the recommendations of this Office, it is important to note that where unusual circumstances exist, exceptions may be made. As such, requests for substitute positions are reviewed and determined on case-by-case basis.

**REQUESTS FOR SUBSTITUTE POSITIONS IN FISCAL YEAR 2013-14**

On August 27, 2013, the City Council approved those substitute positions needed to fulfill the intent of the Council action on the 2013-14 Budget (C.F. No. 13-0600-S141). Since that Council action, the CAO has received 18 departmental requests for substitute positions. The chart below illustrates the type of requests received and current status:

Total Number of Requests Received	Approved by CAO for Layoff Avoidance	Withdrawn by Department	Forwarded to Council	Pending in PAW Committee	Pending CAO Review	Pending in CAO for Processing
18	9	2	1	3	3	0

Of the four requests requiring Council approval (one forwarded to Council and three pending in PAW Committee), the chart below summarizes the department submitting the request, the number of positions requested and classification title, the CAO recommendation, the basis for the departmental request, and the action taken by the Council:

Department	Positions	CAO Recommendation	Basis for Request	Council Action
Planning	1 Deputy Director of Planning	Deny	Recruit and select replacement for retiring Deputy Director of Planning; provide time for training and transition of duties	Approve
Personnel	1 Assistant General Manager (AGM)	Approve	Recruit and select replacement for retiring AGM; provide time for training and transition of duties	Pending
Finance	6 Tax Compliance Officer I's	Approve	Reallocation of existing authorities to new class (phase out of old class) until reallocation is completed by Personnel Department	Pending
Sanitation	1 Senior Systems Analyst I; 1 Systems Programmer II	Approve	Reallocation of positions until change can be reflected in the Departmental Personnel Ordinance (DPO)	Pending

Historically, the CAO has not approved departmental requests for substitute positions at the executive level. Such authority may result in additional employment authority of a continuing nature that may considerably impact a department's salary account. For example, the Planning Department requested a substitute position of Deputy Director of Planning for eight months to enable the incumbent to provide training prior to retirement. Had this position been authorized, the Department would have employed two Deputy Directors at a cost of roughly \$27,000 per month (\$13,500 per employee) for each month that both Deputy Director positions were filled. Subsequent to Council approval of this request, the substitute position was authorized for about one month to complete training and a transition of duties. The substitute authority will end upon the date of the incumbent's retirement.

**RECOMMENDATION**

That this report be noted and filed as it is provided for informational purposes.

**FISCAL IMPACT STATEMENT**

There is no fiscal impact to the recommendation provided in this report.

MAS:JMY:11140027h