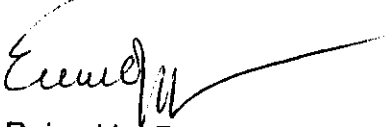


**CITY OF LOS ANGELES**  
DEPARTMENT OF RECREATION AND PARKS

March 7, 2001

TO: BOARD OF RECREATION AND PARK COMMISSIONERS

FROM: ELLEN OPPENHEIM  
General Manager 

SUBJECT: Employment Concerns Raised by Recreation Assistants

At the meeting of the Board of Recreation and Park Commissioners on February 7, 2001, the Board directed Department staff to respond to concerns raised by Recreation Assistants currently serving as negotiating team members of the American Federation of State, County and Municipal Employees (AFSCME), Local 741.

Before addressing those concerns, we would like to provide you with a brief history of the class of Recreation Assistant. This class was created during the Public Administration Survey of 1940 and on July 7, 1957, was exempted from civil service in accordance with the City Charter, which provides that any position requiring the services of an individual for not more than half-time and paying a salary not to exceed three-fourths of the monthly salary for entry level clerical positions may be exempted. This exemption allowed the Department to hire employees directly from the communities we serve rather than through the civil service process, which would require a civil service examination. In general, the duties of a Recreation Assistant are to exercise leadership over children or adults at recreation centers, playgrounds, or camp areas. Much of the work we do is seasonal in nature and we have historically relied upon our part-time staff to meet our peak workloads.

On June 12, 2000, the Los Angeles City Employee Relations Board certified AFSCME as the exclusive representative for the Recreation Assistant Unit. Negotiations began in September and continue, for the most part, on a weekly basis.

The Department notifies all newly hired exempt employees that they are exempt from the civil service provisions of the City Charter and that they may not work more than 1,000 hours within a service year. The 1,000 hour cap is for the purpose of ensuring that the Department does not violate the Charter exemption. As part of every new employee orientation, all part-time employees are given a form entitled "Important Information for Part-Time Employees." The form includes an explanation of an exempt intermittent appointment, including the 1000 hour limit.

Additionally, they are informed that they do not complete a probationary period, that part-time positions are temporary and that work schedules are based upon the needs of the Department, and that they may be terminated at any time without the right of appeal since part-time employees are "at will" employees. As such they do not have a property interest in the job and are not entitled to due process, a right that is reserved for those employees who are appointed from a civil service eligible list and who serve and complete a probationary period. All employees are instructed to read the form prior to an individual discussion of the form with each employee by the supervisor. In addition to being discussed, the employee and the supervisor both initial a checklist indicating that they have discussed each subject on the form.

During the Board meeting of February 7, 2001, it was alleged by one Recreation Assistant that when originally hired as a part-time employee she was not told that she was limited to working 1000 hours in a service year, nor was she aware that she was not entitled to State disability. This employee was given the form that explained her exempt status. Proof that she was informed is noted in her personnel file. Her initials and signature appear on the new employee orientation checklist. This employee and her supervisor initialed and signed the form on January 1, 1999. City employees, whether full or part-time, do not contribute to the State disability system. As a result, they are not entitled to State disability benefits.

Another Recreation Assistant stated that upon announcing her attendance at the Commission meeting (2/7/01), she was promptly relieved of her duties at Crestwood Hills Recreation Center, and the hours that she worked at the district office were reduced. Staff found her statement lacked merit. Her time sheet for that week reflects a total of 25 hours paid for her duties at the district office. She was informed on February 1 that she would no longer be entitled to additional hours at Crestwood Hills Recreation Center but rather would work exclusively at the district office.

The Department is fortunate to have received the benefit of the services provided by our part-time employees, many of whom are college students, teachers, or retired individuals, seeking seasonal employment and/or flexible working schedules. Many part-time employees have successfully taken examinations for regular full-time employment with the City and currently have regular City positions.

Prepared by Patricia Heyne.