



Employee Relations **BULLETIN**

October 17, 2023
(Supersedes ER Bulletin dated March 6, 2008)

**To: Heads of All Departments (excluding Proprietary Departments)
Departmental Personnel Directors**

Subject: IN-LIEU EMPLOYMENT AUTHORITY

The Departmental Personnel Ordinances (DPOs) adopted by the City Council and approved by the Mayor each fiscal year contain authority for the use of in-lieu employment by Council-controlled departments and Bureaus (collectively, departments). Section 3 of the DPOs delineates two types of in-lieu employment: (1) within a related occupational classification series and (2) not within a related occupational classification series.

Accordingly, Departments may hire employees in classifications and pay grades in lieu of vacant positions within a related occupational class series (“in-class series in-lieu”), upon the approval of department management. Employees in classifications and pay grades may only be hired in lieu of vacant positions not within a related occupational classification series (“out-of-class series in-lieu”) with prior approval of the City Administrative Officer (CAO) and the Personnel Department’s Classification Division. The method of determining whether a classification is within a related occupational classification series is provided in Attachment 1.

Regardless of whether the in-lieu hire is within or not within a related occupational classification series, the vacant position into which an employee is to be hired on an in-lieu basis must have a salary or salary range equal to or higher than the salary or salary range for the classification and pay grade in which the person is to be employed.

Additionally, regardless of whether the in-lieu hire is within or not within a related occupational classification series, all in-lieu employment in classifications with pay grades where the proposed employment is at a level above the lowest budgeted level pay grade shall be submitted to the Employee Relations Division (ERD) of the Office of the CAO for review in determining the appropriate pay grade level. For example, if a department is filling a vacant Chief Management Analyst position with a Senior Management Analyst I, no pay grade review is required, as the Senior Management Analyst I is the lowest budgeted level of the Senior Management Analyst classification. However, if the department is seeking to fill the same Chief Management Analyst position with a Senior Management Analyst II, this action will require a pay grade determination by ERD to ensure the position’s duties are consistent with the II pay

grade level. As an additional example, if a department is filling a vacant Civil Engineer position with a Civil Engineering Associate II, no pay grade determination is required, as the Civil Engineering Associate II is the lowest budgeted level in the Civil Engineering Associate classification series.

Note that in-lieu employment pursuant to the DPOs is limited to classifications specified in Schedule "A" of Los Angeles Administrative Code Section 4.61. As some sworn classifications are not included in Schedule "A," some sworn classifications are not authorized to be hired on an in-lieu basis. In addition, individual DPOs may have specific provisions for authorizing in-lieu employment.

Approval Procedures for Out-of-Class Series In-Lieu Hires

If a department wants to pursue filling a vacant position with an out-of-class series in lieu, then advance approval is required from the CAO and Personnel Department prior to initiating the hiring process.

A department requesting to fill a vacant position with an out-of-class series in-lieu hire must provide the CAO with (1) a Position Description, (2) an annotated Organization Chart, (3) a written justification for the requested in-lieu authority, and (4) the Workday position number of the authorized vacant position proposed to be filled on an in-lieu basis. These documents and information must be transmitted via email to the department's assigned liaison CAO budget analyst and their supervisor. The classification to be hired on an in-lieu basis must have the same or lower salary than the authorized vacant position. If the CAO approves the department's request, the aforementioned documents will be transmitted to the Personnel Department for review. A department's request is deemed approved only after both the CAO and the Personnel Department have made affirmative findings.

If both the CAO and the Personnel Department agree that the out-of-class series in-lieu hire is appropriate, and the in-lieu employment is in a classification with pay grades where the proposed employment is at a level above the lowest budgeted level, the CAO budget analyst will provide the position description and the annotated organizational chart to the ERD for pay grade determination.

After receipt of the pay grade determination from ERD (if applicable), the CAO will submit a transmittal memo to the Controller's Office, with a copy to the requesting department and the Personnel Department, authorizing the filling of the vacant position with a classification in an out-of-class occupational class series. Upon approval of the out-of-class series in-lieu hire, the Personnel Department may require that the in-lieu classification be allocated by the Civil Service Commission before it can be filled if the in-lieu authority is anticipated to last longer than six months.

The approval by the CAO and the Personnel Department of an out-of-class series in-lieu hire is specific to the singular position requested. Approval of one out-of-class series in-

lieu hire does not constitute approval for all similar current or future out-of-class series in-lieu hires; each out-of-class series in-lieu hire must be requested and submitted individually.

In-lieu authorities expire at the end of the fiscal year, unless noted to expire earlier on the CAO's transmittal memo to the Controller's Office. Therefore, out-of-class series in-lieu hires must be re-requested to continue beyond the end of the fiscal year (June 30) in which they were authorized. In the event an out-of-class series in-lieu authority is approved for continuation, a new pay grade determination is not required as long as the job duties remain the same as the original determination.

In-Lieu Employment Processing in Workday

The City's human resources system, Workday, routes various transactions for approval to the appropriate entity. Workday is programmed with a list of common in-class series in-lieu hires. "Change Job" and "Hire" transactions are routed to the CAO for approval only when in-lieu employment is proposed that is not included in the list of common in-class series in-lieu hires. Therefore, all out-of-class series in-lieu hires route to the CAO for approval, as well as some in-class series in-lieu hires that have not yet been programmed in Workday. The CAO and the Personnel Department continually are working to update the list of in-class series in-lieu hires within Workday to refine the "Hire" and "Change Job" approval routing.

For out-of-class series in-lieu hires, when the "Change Job" or "Hire" transaction is processed, the department must attach the CAO's transmittal memo to the Controller's Office approving the in-lieu hire to the Workday transaction. An out-of-class series in-lieu hire without the required attached CAO transmittal memo will be sent back to the department to resubmit with the required document.

Any questions regarding this matter should be directed to the Employee Relations Division at (213) 978-7676 or via email at cao.erd@lacity.org.

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Attachment

Related Occupational Classification Series Determination

Departments may hire employees in classifications and pay grades in lieu of vacant positions within a related occupational class series (in-class series in-lieu hire) upon the approval of department management. Employees in classifications and pay grades may only be hired in lieu of vacant positions not within a related occupational classification series (out-of-class series in-lieu hire) with approval of the CAO and the Personnel Department.

To be considered an in-class series in-lieu hire, the classification of the employee must be able to promote directly into the classification of the vacant position within which they will be employed. The promotional ladder can best be determined by reviewing the most recent examination bulletin for the vacant position. If the classification of the employee is listed in the "Requirements/Minimum Qualifications" section of the most recent examination bulletin as qualifying experience to take the examination for the classification of the vacant position, then it is considered an in-class series in-lieu hire.

Examples of in-class series in-lieu hires, which may be approved by department management and do not require CAO and Personnel Department approval, include:

- The Trainee > Assistant > Targeted Civil Service classification career ladder for Targeted Local Hire and the On-the-Job Training > Probationary > and final Civil Service classification of Bridge-to-Jobs classifications.
- Lower level pay grades in the same classification, such as a Programmer/Analyst III in lieu of a Programmer/Analyst V.
- Professional "Assistant" classifications hired in lieu of their related Analyst or Associate level positions, such as Management Assistant in lieu of Management Analyst or Planning Assistant in lieu of City Planning Associate.
- Classifications with direct promotional senior level classifications, such as Personnel Analyst in lieu of Senior Personnel Analyst, Administrative Clerk in lieu of Senior Administrative Clerk, or Accountant in lieu of Senior Accountant.

Examples of out-of-class series in-lieu hires, which must be approved by the CAO and the Personnel Department, include:

- Not directly related clerical series, such as Administrative Clerk in lieu of Accounting Clerk.
- Not directly promotional classifications, even if they are in a similar functional area, such as Systems Analyst in lieu of Programmer/Analyst.
- Engineering or inspector classifications that require different licensing, such as Fire Sprinkler Inspector in lieu of Heating and Refrigeration Inspector.
- Classifications that cannot directly promote to a higher level classification, even if they are in the same promotional ladder, such as Management Assistant in lieu of Senior Management Analyst.

Notwithstanding any of the above information, the vacant position into which the employee is to be hired on an in-lieu basis must have a salary or salary range equal to or higher than the salary or salary range for the classification and pay grade in which the person is to be employed.

Regardless of whether the in lieu is within or not within a related occupational classification series, all in-lieu employment in classifications that have pay grades where the proposed employment is at a level above the lowest budgeted level pay grade shall be submitted to the ERD of the CAO for review in determining the appropriate pay grade level.

For assistance in determining whether a potential in-lieu hire is an out- of- class series or an in-class series, departments may reach out to their liaison analyst within the Personnel Department's Classification Division and/or the Office of the CAO. If the Personnel Department and/or the CAO indicate the proposed in-lieu hire is out-of-class series, the department must obtain a copy of the formal approval transmittal memo from the CAO to the Controller's Office prior to submitting the request in Workday.