



City of Commerce, California
Human Resources Policy and Procedure Manual

SUBJECT: CHAIN OF COMMAND

PURPOSE:

In accordance with the City of Commerce Municipal Code, Section 2.04.110, which defines the authority and power in the organization, the goal of enforcement of this policy is corrective, rather than punitive, and a progressive approach to curing violations shall be employed, beginning with informal methods and proceeding to more formal methods as necessary in order to ensure a fluid and effective system of communication, performance and accountability. Employees and officials at all levels of the City are to follow the chain of command as set out in this policy.

POLICY:

This policy consists of rules intended to advance the City's goal of providing efficient and high quality services to its residents and providing a safe and productive work environment for all employees. Instructions flow downward along the chain of command and accountability flows upward. Adhering to the chain of command will result in a more effective decision-making process and greater efficiency in the City.

This policy addresses communication and delegation aspects for the governance of the City and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials and employees. These include, among others, the California Constitution, provisions of the California Government Code (including the Brown Act and Political Reform Act), California Labor Code, federal laws prohibiting discrimination, harassment and retaliation, and provisions of the City's Municipal Code.

City staff is organized in a hierarchical structure, and work under the direction and control of several layers of supervision and management culminating with the City Administrator who reports directly to the City Council. When an elected official or employee attempts to direct another employee not within their chain of command, the management structure is undermined. In some cases, such actions have the potential to cause financial and/or legal liability to the City. It is expected that all employees and policy makers will communicate their concerns and requests in a manner consistent with the chain of command and act within the bounds of their authority. This may be accomplished by adherence to the following rules:

1. Councilmembers, City Commissioners, and appointed officials on City committees shall communicate administrative services solely through the City Administrator and/or

the City Administrator's designee.

2. Councilmembers, City Commissioners, officials appointed to City committees, executives, and employees shall not attempt to reorganize another employee's priorities outside their chain of command or influence the manner by which City staff performs their assigned functions or duties, except in case of emergency or an urgent safety concern. City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities, or decision-making processes can cause misuse or inefficient use of employee time and/or City resources. It also places the employee in the difficult position of either disregarding his or her assigned work or appearing to disrespect the official or other co-worker's request. Employees that receive assignments or direction from a supervisor outside of his/her chain of command must report the assignment or direction to his/her immediate supervisor.

3. Requests for work or research from a Councilmember, City Commissioners, or official appointed to a City committee should be directed to the City Administrator. Occasionally, a Councilmember, City Commissioner, or official appointed to a City committee may believe that an issue must be looked into immediately, and may request that an employee to focus on that issue as a priority. However, Councilmembers, City Commissioners, and officials appointed to City committees must communicate his/her concerns to the City Administrator.

4. No Councilmember, City Commissioner, or official appointed to a City committee shall retaliate or threaten to retaliate against any employee as a result of disagreements over policy recommendations. It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in the dedication and creativity of its employees, and maintaining a workplace culture that is receptive to new and innovative ideas; creativity is fostered by an open and nonjudgmental atmosphere where candor is not penalized. City employees are hired to provide professional judgments in the workplace, and disagreements must not extend to threats or generate fear of reprisal.

5. If a Councilmember, City Commissioner, or official appointed to a City committee has a concern relating to the performance of a City employee, that concern must be expressed privately to the City Administrator. Employee performance issues can then be addressed in accordance with the City's personnel policies and procedures, in a manner that protects the employee's rights and protects the City's authority to properly direct and/or discipline its employees.

6. If a City employee has any concern regarding the performance, behavior, or other personnel-related matter related to another City employee, he/she is to report the concern directly to his/her immediate supervisor. Should a supervisor be the concern of the employee, the employee should report his/her concern to the next person directly above his/her supervisor in the chain of command. If there is no person in the chain of command to report to, the employee should report the concern to Human Resources.

7. Councilmembers, City Commissioners, and officials appointed to City committees are

not authorized to directly give work assignments to employees. An official may ask a routine question of staff; beyond that, concerns about work assignments should be addressed to the City Administrator.

8. Employees should not take direction or work assignments from Councilmembers, City Commissioners, or officials appointed to City committees, but shall not face discipline for doing so unless the conduct is otherwise prohibited by law or City policies. Any employee that receives a request for work or research directly from a Councilmember, City Commissioner, or official appointed to a City committee must communicate the request to his/her immediate supervisor within his/her chain of command.

9. Department Directors, managers, and supervisors are discouraged from giving direction to employees in other departments, except in case of emergency or urgent safety concern. When giving direction to subordinate employees, Department Directors, managers, and supervisors are encouraged to utilize his/her chain of command. Directors and supervisors should also make every effort to include subordinate supervisors in communications when giving direction to subordinate staff within his/her chain of command, as failing to include supervisors in communications may place subordinate staff in the position of receiving conflicting assignments from multiple levels of management.

10. As an employee, Councilmember, City Commissioner, or official appointed to a City committee may be required to speak before other public bodies, neighborhood groups, or to community organizations, he/she should always be cognizant that he/she is presenting information authorized by and on behalf of the City, and that he/she is expected to professionally communicate the information directed by the City without interjecting his/her own personal opinion or beliefs regarding its content. Employees, Councilmembers, City Commissioners, and officials appointed to City Committees are expected to refer all calls from the media or news outlets to the City Administrator. The City Administrator will communicate with Councilmembers and appropriate Department Directors to determine an appropriate spokesperson.

11. In accordance with Commerce Municipal Code, Section 2.04.110, the City Council and its members shall deal with the administrative services of the City only through the City Administrator, except for the purpose of inquiry. The City Council, Councilmembers, City Commissioners, and officials appointed to City committees shall not give orders to any subordinates of the City Administrator. In addition, Councilmembers, City Commissioners, and officials appointed to City committees do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.

12. The Municipal Code sets forth the subject area jurisdiction of the City's Commissions. The City Council establishes the duties of its advisory boards. These subsidiary bodies are limited to acting and/or making recommendations within the area of their jurisdiction, and in accordance with by-laws approved by the City Council.

Complaints alleging a violation of this policy must be directed to the City Administrator or a Department Director. Upon receipt of a complaint, the City Administrator or

Department Director shall determine the appropriate course of action to resolve the issue, and will take steps such as verbal or written counseling or documentation to prevent future incidents, if applicable.

The City of Commerce is committed to maintaining a safe, healthy, professional, and ethical workplace that demonstrates best management practices. To that end, every employee and City official is expected to observe the foregoing policy and rules when engaged in City business. Nothing in this policy shall prevent an employee from going outside the chain of command to report unsafe working conditions, unlawful activity or harassment.