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OFFICE OF THE CITY CLERK
OAKLAND

2019 FEB -7 PM 2: 35

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ian Appleyard
HRM Director

SUBJECT: Amendment to Ordinance No. 12187
C.M.S. (The Salary Ordinance) for
Various Classifications

DATE: January 28, 2019

City Administrator Approval

Date:

2/5/19

RECOMMENDATION

Staff Recommends that the City Council Adopt: (1) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Manager, Real Property Asset From The Operation Of Civil Service; (2) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Manager, Housing Development From The Operation Of Civil Service; (3) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Full-time Classification of Inspector General; To Add the Part-time Equivalent Classification of Urban Search and Rescue (US&R) Warehouse & Logistics Specialist, PT; To Amend The Title of Deputy Director, Public Ethics Commission to Enforcement Chief, Public Ethics Commission; And To Amend The Title Of Real Estate Services Manager To Manager, Real Property Asset And Amend The Representation Unit From UM2 To UM1.

EXECUTIVE SUMMARY

Adoption of the resolutions recommending exemption of the Manager, Real Property and Manager, Housing Development classifications from the Civil Service Board and adoption of the proposed ordinance will ensure accuracy of the City's classification plan and Salary Schedule. This ordinance includes a variety of routine actions such as the creation of new classifications, modifications to existing classification titles that have already been approved by the Civil Service Board, and deletion of outdated classifications. The proposed items are related to classifications that are allocated in the following departments: Economic & Workforce Development, Housing & Community Development, City Administrator's Office, and Oakland Fire Department.

If City Council does not take the recommended action, a variety of necessary classifications will not be created or amended and could hinder the City's ability to effectively recruit for certain positions.

Item: _____
Finance & Management Committee
February 19, 2019

BACKGROUND/LEGISLATIVE HISTORY

The Salary Ordinance (Ordinance No. 12187 C.M.S.) establishes salaries as well as other terms and conditions of City employment including the classification titles and bargaining unit designation of positions. The Ordinance is amended from time to time to accommodate the City's evolving classification needs. Pursuant to the Personnel Manual (Civil Service Rules), Section 3.04, components of the City's Classification Plan shall be administered and maintained by the Personnel Director with the approval of the Civil Service Board.

As applicable regulations or departmental operations change, staff in Human Resources Management (HRM) periodically consults with departments regarding classification needs. Many such changes require HRM to initiate an amendment to the Salary Ordinance to add, amend, or delete certain classifications. The proposed Salary Ordinance Amendment accompanying this report is comprised of various routine actions to update the salary schedule.

ANALYSIS AND POLICY ALTERNATIVES

As stated above, the proposed action is recommended to update the Salary Schedule of the Salary Ordinance to align it with other actions that have taken place including the creation of new classifications and modifications to existing classification titles that have been approved by the Civil Service Board. In cases in which union involvement was required, the appropriate notification and/or discussions occurred with the applicable unions (new classifications, creation of equivalent classifications, title changes, bargaining unit modifications, and deletion of classifications).

Existing Classifications That Will Be Exempted From Civil Service – Two existing classifications are being proposed for exemption from the operation of the civil services. Manager, Real Property Asset (formerly titled Real Estate Services Manager) and Manager, Housing Development were previously treated as exempt despite never having been formally exempted from civil service. In an agreement with the International Federation of Professional & Technical Engineers (IFPTE, Local 21) several years ago, the Real Estate Services Manager was deemed civil service and the Manager, Housing Development was inactivated. Any changes beyond the status at that time would be subject to future mandatory bargaining obligations.

The Manager, Real Property Asset classification specification is in the process of being revised. The classification will be responsible for: planning, organizing, managing and directing activities in the Real Estate Asset Management Division involving properties owned and leased by the City of Oakland and the Oakland Redevelopment Successor Agency (ORSA); managing leasing, acquisition and disposition of real property; managing all real estate appraisal and valuation services; managing real property negotiations and contract administration; managing all property and asset management functions and property inventory; and training and supervising assigned staff.

The Manager, Housing Development classification specification is also in the process of being revised. The classification will be responsible for planning, organizing, managing, and directing

the work of the Housing Development Services Division and training and supervising assigned staff. Applicable program areas include affordable housing development, finance (new construction and acquisition/rehabilitation), and asset management of the City's existing affordable housing loan portfolio.

Staff met with Local 21 regarding the proposals to exempt and revise both classifications. Union and City representatives met on multiple occasions in late 2018 to discuss the proposals. The union confirmed via email on October 25, 2018 (regarding Manager, Housing Development) and January 18, 2019 (regarding Manager, Real Property Asset) that there are no objections to the proposals.

The job descriptions will be brought to the Civil Service Board for review of their alignment within the City's overall classification plan and approval of the requests to exempt them from the competitive civil service; it is anticipated that both will be placed on the Civil Service agenda for the March 21, 2019, Civil Service Board meeting. The exemption resolutions will be included as part of those agenda items.

New Full-time Classification – One new classification is being proposed as an amendment to the City's Classification Plan. The Inspector General shall conduct any audit or review of the Oakland Police Department necessary to assess the Oakland Police Department's performance and adherence to constitutional policing practices. The Inspector General shall also conduct any audit or review of the Oakland Police Department's policies and procedures, including any pattern of non-compliance with the foregoing, as necessary or helpful for the Police Commission to fulfill its duties under the City Charter. The incumbent shall be responsible for the day-to-day operations of the Office of the Inspector General (OIG), including but not limited to the supervision and direction of all OIG staff. The Inspector General is a management level civilian classification. The Police Commission prioritizes the functions and duties of the OIG.

The Confidential Management Employees Association (CMEA) was notified of the proposal to create this new classification. CMEA reviewed the proposal and responded with an email stating there were no objections to the proposal. The Civil Service Board is expected to approve the new Inspector General classification at the February 21, 2019 meeting.

Equivalent Part-time Classification – One new classification equivalent is being proposed at the part-time (PT) level as an amendment to the City's Classification Plan; the Urban Search and Rescue (US&R) Warehouse & Logistics Specialist classification already exists at the full-time and permanent part-time levels. The PT position will be in addition to the current full-time staffing allocation in the Oakland Fire Department (OFD). Due to the high number of emergency and disaster response deployments, OFD has a growing need to more regularly supplement the existing staff who assist with the urban search and rescue program. As OFD experiences multiple deployments over a short period of time, this classification is responsible for maintaining the readiness of OFD's equipment and vehicles. Upon return from each deployment, there is a lot of work that needs to be done in a relatively short period of time. A PT staff person would be a considerable help with the workload but would only be needed for small spans of time and at unpredictable intervals. The anticipated hours per year will not exceed 960 hours and the need would be seasonal in nature.

The Service Employees International Union (SEIU, Local 1021) was notified of the City's intent to establish this new part-time equivalent. Discussions have been on-going. Union members have provided input to the union that recognize the seasonal, part-time nature of the part-time position. The union does not object to the creation of the new equivalent classification. The City remains committed to addressing any residual concerns over potential impacts the union may identify, which may be created by establishing the PT equivalent. Civil Service Board approval was not necessary because changes to the existing classification specification were not proposed as part of this action.

Classification Title Changes – Two classifications require title changes, which will ensure that the classifications accurately convey the requirements of the positions as needed by the City in its current configuration. The title changes are as follows: (1) Real Estate Services Manager is being re-titled to Manager, Real Property Asset; and (2) Deputy Director, Public Ethics Commission is being re-titled to Enforcement Chief, Public Ethics Commission. In each case, the outdated titles are being replaced by titles that are more reflective of current trends in the related industries and better align with the City's organizational structure.

Discussions regarding the proposed revised Real Estate Services Manager classification took place in meetings between City staff and union representatives from Local 21 in late 2018. After those discussions concluded, the union confirmed that there were no objections to the proposed title change. The Civil Service Board is expected to approve the revisions to the classification specification and corresponding title at the March 21, 2019.

Regarding the title change to the Deputy Director, Public Ethics Commission classification, CMEA was notified of the intent to re-title the classification. CMEA provided confirmation that there are no objections to the title change. Staff already obtained approval of the revision of this classification, including the title change, at the Civil Service Board meeting on January 17, 2019.

Bargaining Unit Representation Change – One classification requires a modification to the bargaining unit. Manager, Real Property Asset is being reallocated from the bargaining unit of UM2, which is represented by Local 21, to unit UM1, which is also represented by Local 21. This action is consistent with the City's Employee-Employer Relations Resolution No. 55881 C.M.S. (EERR) under the authority of the Employee Relations Officer. The duties more appropriately align with classifications in the UM1 bargaining unit due to a shared community of interest including scope and breadth of authority, supervisory/reporting relationships, wages, hours, and working conditions. This position plays a significant role in the leasing, acquisition, disposition, appraisal and valuation, and negotiation and contract administration of City owned and operated real property in addition to handling asset management; therefore, it is necessary for this position to be grouped with other similarly situated high level management positions that are subject to substantial consequence of error.

Local 21 was notified of the City's determination to reallocate the bargaining unit. The union did not oppose the determination.

FISCAL IMPACT

Adoption of the proposed Salary Ordinance Amendment requires changes to two position allocations; the other two actions are budget neutral. For the Inspector General and US&R Warehouse & Logistics Specialist, PT, positions, funding is set aside in the appropriate accounts but has not been converted to positions in the budget yet; positions will need to be added during this fiscal year. For the Enforcement Chief, Public Ethics Commission and Manager, Real Property Asset positions, the proposed changes are budget neutral and both positions already exist as part of the Adopted FY 2017-2019 Budget.

PUBLIC OUTREACH/INTEREST

No public outreach was required other than the required posting on the City's website.

COORDINATION

HRM coordinated with each of the departments regarding the proposed modifications. When necessary, Employee Relations was also involved. Representative unions were formally notified of the proposed legislation, as applicable, because many of the related actions are mandatory subjects of bargaining. Discussions took place and there were no objections raised by the representative unions, as applicable.

Public notices regarding the Civil Service Board actions to approve classification specifications are posted pursuant to the provisions of the California Brown Act and City of Oakland Sunshine Ordinance.

Additionally, the preparation of this report was coordinated with HRM, City Attorney's Office, Finance Department Budget Bureau, and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: There are no social equity opportunities associated with this report.

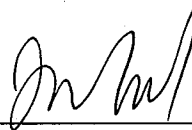
ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council Adopt: (1) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Manager, Real Property Asset From The Operation Of Civil Service; (2) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Manager, Housing Development From The Operation Of

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For questions regarding this report, please contact Jaime Pritchett, Principal Human Resource Analyst, at (510) 238-4735.

Respectfully submitted,



IAN APPLEYARD

Director, Human Resources Management

Reviewed by: Greg Preece
Human Resources Manager
Recruitment, Classification & Benefits Division

Prepared by: Jaime Pritchett
Principal Human Resource Analyst
Recruitment, Classification & Benefits Division

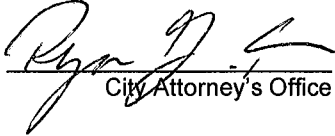
Attachment (3):

- A: 2 Resolutions
- B: Ordinance

FILED
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OAKLAND

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD THE EXEMPTION OF THE CLASSIFICATION OF MANAGER, REAL PROPERTY ASSET FROM THE OPERATION OF CIVIL SERVICE

WHEREAS, the Oakland City Charter Section 902(f) requires that City Council recommend positions for exemption from Civil Service prior to Civil Service Board approval of such exemption; and

WHEREAS, the Manager, Real Property Asset (formerly titled Real Estate Services Manager) is recommended for exemption from Civil Service due to its placement in the organization, lines of authority, reporting relationships within the department, as well as the position's duties, pay grade and independence of action; and

WHEREAS, the Manager, Real Property Asset is an expert level classification responsible for approving policies and ensuring compliance while governing multiple program areas (leasing, acquisition, disposition, appraisal and valuations, negotiation, contract administration, and asset management) having major impact on the attainment of the goals of the City; and

WHEREAS, the Manager, Real Property Asset is a management classification with overall responsibility for daily operations in a division of the Economic & Workforce Development's Department and is required to utilize a high degree of independence in carrying out the goals and objectives of the City Administrator and City Council; the scope of responsibilities is broad and complex, and the individual in the classification must deal with challenging, sensitive, and confidential matters; and

WHEREAS, the incumbent in the Manager, Real Property Asset position is expected to exercise considerable discretion in carrying out the City's mission for with there is a high consequence of error; now, therefore, be it

RESOLVED, the City Council of Oakland hereby recommends to the Civil Service Board that the classification of Manager, Real Property Asset be exempted from the requirements of civil service; and be it

FURTHER RESOLVED, that the Civil Service Board is hereby requested to approve such exemption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California