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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2011.OCT 20 PM 2:30

TO: Office of the City Administrator
ATTN: Deanna Santana
FROM: Department of Human Resources Management
DATE: November 1, 2011

RE: **Resolution Approving Memorandum of Understanding between the City of Oakland and the Deputy City Attorney V and Special Counsel Association, Representing Employees in Representation Unit U41 Covering the Period of July 1, 2011 to June 30, 2013**

SUMMARY

The City of Oakland has reached a tentative successor agreement on wages and other terms and conditions of employment with the Deputy City Attorney V and Special Counsel Association. Key provisions include 12 mandatory closure days, an additional ten (10) floating unpaid days in fiscal years 2011-13 and two-tier retirement.

FISCAL IMPACT

It is estimated that the proposed two year contract would capture \$185,922 in savings for FY 2011-12 and FY 2012-13 in all funds, totaling \$371,844. This will be actualized by employees being subject to mandatory closure days and an additional ten floating days.

BACKGROUND

The current Memorandum of Understanding between the City of Oakland and the Deputy City Attorney V and Special Counsel Association (DCAVSCA) expired June 30, 2011. This labor agreement represents the culmination of negotiations that began in the spring of 2011 with representatives of DCAVSCA, who represent approximately eight (8) employees in the City Attorney's Office. Items of significance include twelve (12) closure days for the two fiscal years, including a December shut-down; a two-tiered retirement system (newly hired employees receive the 2.5% at 55 retirement benefit); represented employees taking additional ten unpaid days off; increase the annual amount of sick leave sell-back from six (6) days to seven (7); increase vacation sell-back from 15 to 20 days; and the elimination of billable hours requirement.

KEY ISSUES AND IMPACTS

Discussed below are core economic issues, other economic matters and other significant tentative agreements.

ECONOMIC ISSUES

This tentative agreement represents an average of nine percent (9%) concessions for FY 2011-12 and

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FY 2012-13. This is accomplished by continuing the 12 closure days in FY 2011-12 and FY 2012-13, totaling five percent (5%) concession, and employees taking an additional ten unpaid days off, totaling an additional four percent (4%) concession. The parties also tentatively agreed to a two-tier retirement system.

Closure days – Article 16

The tentative agreement has a total of 12 closure days for FY 2011-12 and FY 2012-13, totaling a 5% concession. During the closure days, represented employees will not be able to use accrued leave nor will they accrue leave during those days. There will be three (3) closure days in December 2011 and four (4) days in December 2012 as listed below:

- December 2011: 27, 28, and 29
- December 2012: 26, 27, 28, and 31

The remaining closure days, nine (9) in FY 2011-12 and eight (8) in FY 2012-13, will be determined by the City. Additionally, the City will exercise its discretion to determine which represented employees are required to work on closure days, generally limited to emergency and revenue-generating functions. These employees will be required to take an equivalent amount of days off at another time to foster equity in the bargaining unit.

Represented employees taking additional unpaid days off

The parties tentatively agreed that represented employees will take additional unpaid days off through the two-year term of the MOU. The unpaid days will be “floating” and employees will be required to use ten days in FY 2011-12 and ten days in FY 2012-13.

Two-tier Retirement – Article 6

The parties agreed to reduce the retirement benefit for employees newly hired ninety (90) days after the MOU is adopted by the City Council. The retirement benefit will be 2.5% at 55 for these employees. While there will not be immediate savings, there will be considerable savings will be actualized over time. In addition to the lower benefit, newly hired employees will have their final wage calculated based on the highest average annual compensation during the three consecutive years of employment immediately preceding the effective date of their retirement. This will also render significant savings over time.

SUSTAINABLE OPPORTUNITIES

No sustainable opportunities have been identified.

DISABILITY AND SENIOR CITIZEN ACCESS

The agreement contains a “non-discrimination” provision, which states that the City will make reasonable accommodations to the extent the law permits at the time the accommodation is implemented. There are no changes to this provision. There are no senior citizen access issues contained in this report.

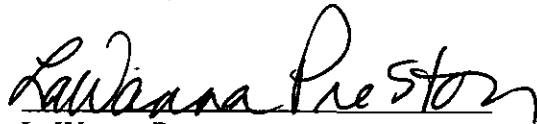
RECOMMENDATION AND RATIONALE

Staff recommends Council approve the tentative agreement negotiated with the Deputy City Attorney V Special Counsel Association (DCAVSCA). Represented employees from the DCAVSCA have ratified this agreement through a vote of the association's membership. The tentative agreement meets the interests of both parties and represents a fair and reasonable settlement.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



LaWanna Preston

Agency Administrative Director
Department of Human Resources
Management

Prepared by:
Ian Appleyard, Principal Human Resource Analyst
Department of Human Resources Management

APPROVED AND FORWARDED TO THE
CITY COUNCIL:


OFFICE OF THE CITY ADMINISTRATOR

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2011 OCT 20 PM 2:30
RESOLUTION No. _____ C.M.S.
introduced by Councilmember _____

RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPUTY CITY ATTORNEY V AND SPECIALL COUNSEL ASSOCIATION, REPRESENTING EMPLOYEES IN REPRESENTATION UNIT U41, COVERING THE PERIOD FROM JULY 1, 2011, THROUGH JUNE 30, 2013.

WHEREAS, the Memorandum of Understanding to be entered into between the City of Oakland and the Deputy City Attorney V and Special Counsel Association has been presented to the City Council for determination pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the key provisions of the Memorandum of Understanding are described in the Report from the City Administrator dated November 1, 2011; and

WHEREAS, the terms and conditions contained in said Memorandum of Understanding are in the best interests of the City; now, therefore, be it

RESOLVED: That said agreement be, and is, hereby approved; and, be it

FURTHER RESOLVED: that the provisions of said Memorandum of Understanding are effective as of July 1, 2011.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California