

**CITY OF OAKLAND
AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 OCT 14 PM 1:13

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Finance and Management Agency
DATE: October 26, 2004

RE: RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OAKLAND AND THE DEPUTY ATTORNEY V AND SPECIAL COUNSEL ASSOCIATION, REPRESENTING EMPLOYEES IN REPRESENTATION UNIT U41 COVERING THE PERIOD OF JULY 1, 2003 THROUGH JUNE 30, 2005.

SUMMARY

The City of Oakland has reached a tentative agreement on wages and other terms and conditions of employment with the Deputy City Attorney V and Special Counsel Association. Key provisions include increases to salaries and a three year agreement term, effective July 1, 2003 through June 30, 2005.

FISCAL IMPACT

The proposed three-year contract (retroactive to July 1, 2002 and through June 30, 2005) would cost the City an estimated \$59,890 for FY 2002-03, \$31,741 for FY 2003-04 (on top of the "baseline" amount for FY 2002-03), and another \$16,488 for FY 2004-05 (beyond the cumulative baseline for the prior years). Overall, the "baseline" payment for FY 2004-05 is estimated at \$108,119 (i.e., total of the three years' incremental increases), while retroactive payments for FY 2002-03 and FY 2003-04 are costed to be \$59,890 and \$91,631, respectively. Details are provided in the chart below:

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RESOLUTION APPROVING MOU BETWEEN THE CITY OF OAKLAND AND THE DEPUTY
ATTORNEY V AND SPECIAL COUNSEL ASSOCIATION

Description	FY 2002-03	FY 2003-04	FY 2004-05
Annual Salary Increases	6.0%	3.0%	1.0%
2.7% @ 55 Retirement Plan	N/A	N/A	Effective July 1, 2004
Employee Retirement Pickup	3% retirement costs paid by employees for all three years. Savings from FY 2002-03 and FY 2003-04 are "banked" to help with FY 2004-05 increase in cost (one-time use of savings)		
Annual Incremental Impacts			
Cost due to salary increases	59,890	31,741	10,898
Savings due to 3% retirement contributions (all "banked" and used in FY 2004-05)			(90,665)
Increased retirement cost due to new plan			96,255
Net Incremental Impact	59,890	31,741	16,488
Annual Incremental Cost to General Purpose Fund (GPF)	27,549	14,601	7,585
Annual Incremental Cost to non-GPF funds	32,340	17,140	8,904

Note: The annual amounts provided above are not cumulative, and reflect an increase from the prior year "baseline" amount.

There are budgeted appropriations to cover the cost of the MOU increases detailed above for FY 2004-05 (estimated at \$108,119). Retroactive increases for FY 2002-03 and FY 2003-04 (estimated at \$59,890 and \$91,631, respectively) will need to be paid within the FY 2004-05 budget baseline.

There are sufficient appropriations to cover the costs of Memorandum of Understanding (MOU) salary increases detailed above for FY 2002-2005. Retroactive salaries will be absorbed within the existing Departmental budget. The costs identified above also account for changes to the original employee retirement contribution (3% pick up) and the change to the retirement formula for FY 04-05.

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RESOLUTION APPROVING MOU BETWEEN THE CITY OF OAKLAND AND THE DEPUTY ATTORNEY V AND SPECIAL COUNSEL ASSOCIATION

BACKGROUND

This labor agreement represents the culmination of negotiations that began in the Fall 2003 with representatives of the Deputy Attorney V and Special Counsel Association representing seven employees in the Office of the City Attorney. Negotiations were conducted from the Fall 2003 through Summer 2004. This is the first agreement for the Association. Items of significance include salary increases of 6 percent retroactive to July 6, 2002, 3 percent effective June 21, 2003, and 1 percent effective July 3, 2004.

KEY ISSUE AND IMPACTS

This tentative agreement brings the salary increases of Deputy City Attorney V's and Special Counsel in line with those of other full-time professional personnel in the City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

There are no environmental opportunities or impacts associated with approval of this resolution.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no impact on residents with disabilities and/or senior citizens relative to accessibility.

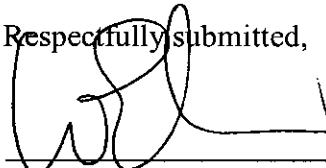
RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council approve the tentative agreements negotiated with the Deputy Attorney V and Special Counsel Association. The tentative agreements meet many of the interests of both parties, and represent a fair and reasonable settlement given the circumstances.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

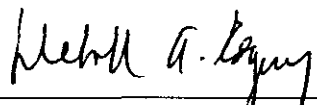


William E. Noland
Director, Finance and Management Agency

Prepared by:
Tim Loney, Principal HR Analyst
Office of Personnel Resource Management

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:

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Office of the City Administrator

Judy Chin

APPROVED AS TO FORM AND LEGALITY

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OAKLAND AND THE DEPUTY ATTORNEY V AND SPECIAL COUNSEL ASSOCIATION, REPRESENTING EMPLOYEES IN REPRESENTATION UNIT U41 COVERING THE PERIOD OF JULY 1, 2003 THROUGH JUNE 30, 2005.

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

RESOLVED: that said agreements be, and is, hereby approved; and, be it

FURTHER RESOLVED: that the provisions of said Memorandum of Understanding are effective as of July 1, 2003.

AYES- BRUNNER, BROOKS, CHANG, NADEL, QUAN, REID, WAN
AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California