

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2013 AUG 29 AM 10:33

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Katano Kasaine
City Treasurer/Acting HR Director

SUBJECT: Exemption from Civil Service

DATE: August 19, 2013

City Administrator
Approval

Date

8/28/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff Recommends that Council:

- 1) Adopt an Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to Retitle the Classification of Support Services Administrator to Manager, Support Services and Change the Salary Range to a Lower Pay Grade; and
- 2) Approve a Resolution to Exempt From Civil Service the Classifications of Manager, Support Services and Manager, Human Resources

OUTCOME

The Salary Ordinance amendment and the resolution to exempt the classification of Manager, Support Services are proposed to implement actions related to a side letter agreement with the International Federation of Professional and Technical Engineers, Local 21 that was finalized June 30, 2013. The classification of Manager, Human Resources is also recommended to be exempt from the provisions of Civil Service as part of an overall effort to clarify records related to the exempt status of management classifications. If the exemption resolution is approved as presented, both classifications will be presented to the Civil Service Board for final approval of exemption.

Over the past two years, staff has been working to confirm records and take the necessary steps to provide clarity regarding the civil service status of all of the City's classifications. Some of those efforts were related to a sideletter agreement with Local 21 regarding bargaining unit assignments for units UM1 and UM2. Additionally, establishing clear records related to the exempt status of classifications provides the needed insitutional record of actions taken. If City Council does not approve the proposed resolution, the civil service status of the classifications will remain unclearly documented.

BACKGROUND/LEGISLATIVE HISTORY

The City Charter, under Title IX Personnel Administration, section 902, lays out the conditions under which positions may be exempt from Civil Service. Certain offices are specifically

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exempted (elected officials, City Administrator, etc.), but section 902(f) provides that other positions may be exempted if recommended by City Council and approved by the Civil Service Board. There are several classifications in the City that were historically treated as exempt – that is, incumbents were appointed without competing and released without cause – but staff could not find records that the classifications were ever formally exempted from the provisions of Civil Service. Therefore, it is necessary to make and document determinations as to the civil service status of these positions now. Many of those classifications are represented by the International Federation of Professional and Technical Engineers, Local 21.

Management met with Local 21 to come to an agreement on which classifications would be recommended for exemption and assigned to bargaining unit UM1 the final sideletter related to those agreements was completed on July 30, 2013. In determining which classifications to consider for exemption, City management and the union reviewed the scope and nature of the responsibilities of each classification. In May 2011, a side letter agreement between Local 21 and the City was signed regarding the Civil Service Status of the classifications in the UM1 bargaining unit and identified the steps to be taken to complete the analysis and implementation. Since then, the Department of Human Resources Management (DHRM) has been working to close out the agreement, which required classification studies of several incumbents. In May 2013 the last of the studies was completed and incumbents were notified in June of their new classification assignments, where applicable. One incumbent was agreed to be assigned to a classification that required amendment. The existing Support Services Administrator was recommended to be retitled to Support Services Manager with a new classification specification developed to reflect the duties of the incumbent.

Additionally, the classification of Manager, Human Resources is an unrepresented classification assigned to bargaining unit UK2. Incumbents of the classification oversee a functional unit of human resources related activities. The classification is used for confidential management employees as described in the Employer Employee Relations Resolution (Reso. No. 55881 C.M.S.). Incumbents of the Human Resources Manager classification are required to utilize a high degree of independence in carrying out the City's goals and objectives; the scope of responsibilities are broad and complex, the incumbents must deal with the most challenging, sensitive and confidential matters; and represent management in complex labor-related activities. Formally following the process outlined in Charter section 902(f) to confirm the classification's exemption from civil service is recommended.

ANALYSIS

The action being proposed is recommended as part of an effort to clarify the record and provide confirmation of the civil service status of certain positions. Establishing clear records related to the exempt status of classifications provides the needed institutional record of actions taken.

PUBLIC OUTREACH

No public outreach was required.

COORDINATION

Employee Relations provided the lead coordination in resolving the dispute regarding the civil service status of classifications in the UMI bargaining unit. The Department of Human Resources Management (DHRM) coordinated with Employee Relations, the City Administrator's office, and the Civil Service Board to implement prior actions related to the side letter agreements with Local 21 and to identify other classifications that may have been treated as exempt but for which there were not records of formal exemption. Following the Council action proposed in this report, DHRM will present the Civil Service Board with the recommendation to exempt the classifications of Manager, Support Services and Manager, Human Resources.

COST SUMMARY/IMPLICATIONS

The proposed resolution has no fiscal impact.

SUSTAINABLE OPPORTUNITIES

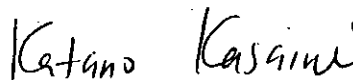
Economic: There are no economic opportunities associated with this report.

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

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

For questions regarding this report, please contact Kip Walsh, Recruitment & Classification Manager, at (510) 238-7334.

Respectfully submitted,



KATANO KASAINE
Acting Director, DHRM

Prepared by:
Kip Walsh, Recruitment & Classification Manager

Attachments

- 1) Ordinance Amending the Salary Schedule of Ordinance No. I2I87 C.M.S. ("Salary Ordinance") to Retitle the Classification of Support Services Administrator to Manager, Support Services and Change the Salary Range to a Lower Pay Grade
- 2) Resolution to Exempt From Civil Service the Classifications of Manager, Support Services and Manager, Human Resources

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CITY ATTORNEY

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OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO CHANGE THE TITLE OF SUPPORT SERVICES ADMINISTRATOR TO MANAGER, SUPPORT SERVICES AND TO LOWER THE PAY GRADE ASSOCIATED WITH THE CLASSIFICATION

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 12187 C.M.S. "The Salary Ordinance" is hereby amended as set forth below. Additions are indicated by underscoring and deletions are indicated by strike-through type; portions of ordinances not cited or not shown in underscoring or strike-through type are not changed.

Section 2. Effective upon passage, the following classification is revised in Ordinance No. 12187 C.M.S. in the Unit UMI.75.019 024 Pay Grade Table to read as follows:

Classification Title	Class No.	Pay Range	
<u>Manager, Support Services</u>	MA140	Min	10714.66 8394.91
Support Services Administrator		Max	13156.22 10308.19

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2013

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

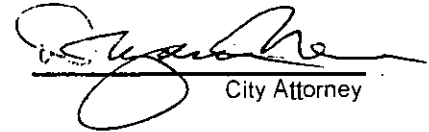
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AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO CHANGE THE TITLE OF SUPPORT SERVICES ADMINISTRATOR TO MANAGER, SUPPORT SERVICES AND TO LOWER THE PAY GRADE ASSOCIATED WITH THE CLASSIFICATION

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DIGEST

Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to Change the Title of Support Services Administrator to Manager, Support Services and to Lower The Pay Grade Associated with the Classification


City Attorney

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RESOLUTION No. _____ C.M.S.

RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD THE EXEMPTION OF THE CLASSIFICATIONS OF MANAGER, SUPPORT SERVICES AND MANAGER, HUMAN RESOURCES FROM THE OPERATION OF THE CIVIL SERVICE

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

WHEREAS, the Manager, Support Services classification 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 duties, pay grade and independence of action; and

WHEREAS, the Manager, Human Resources classification is recommended for exemption from Civil Service because it is required to utilize a high degree of independence in carrying out the City's goals and objectives; the scope of responsibilities are broad and complex, the incumbent must deal with the most challenging, sensitive and confidential matters; and the position represents management in complex labor-related activities; and

WHEREAS, incumbents in the Manager, Support Services and Manager, Human Resources positions are expected to exercise considerable discretion in carrying out the City's mission for which there is a high consequence of error; now, therefore be it

RESOLVED: That the City Council of the City of Oakland hereby recommends to the Civil Service Board that the classifications of Manager, Support Services and Manager, Human Resources 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, _____, 2013

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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