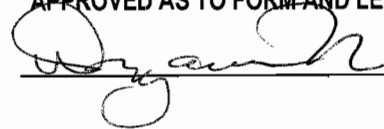


INTRODUCED BY COUNCIL MEMBER 12 APR 18 PM 2:24


City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 13119 C.M.S.

ORDINANCE OF THE CITY OF OAKLAND TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF OAKLAND AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) TO PROVIDE NEW CITY OF OAKLAND AND PORT OF OAKLAND MISCELLANEOUS MEMBERS DIFFERENT LEVEL OF BENEFITS (CALIFORNIA GOVERNMENT CODE SECTION 20475), 2.5% AT 55 FULL FORMULA (CALIFORNIA GOVERNMENT CODE SECTION 21354.4) AND THREE-YEAR FINAL COMPENSATION (CALIFORNIA GOVERNMENT CODE SECTION 20037) APPLICABLE TO LOCAL MISCELLANEOUS MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE MISCELLANEOUS CLASSIFICATION AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT

WHEREAS, on July 26, 2011, the City Council approved Memoranda of Understanding between the City of Oakland and the labor organizations representing all of the Miscellaneous Employee labor organizations, Service Employees International Union, Local 1021; International Federation of Professional and Technical Employees, Local 21; Deputy City Attorney I-IV Unit International Federation of Professional and Technical Employees; Deputy City Attorney V and Special Counsel; Confidential Management Employees Association, CMEA; and International Brotherhood of Electrical Workers, Local 1245 to implement changes to the retirement plans; and

WHEREAS, on February 1, 2012 and February 8, 2012 respectively, the City of Oakland and the Port of Oakland approved agreements between the Port of Oakland and Service Employees International Union (SEIU), Local 1021, Port Chapter and Western Council of Engineers, to include the second tier retirement benefit and three year final compensation provisions to their Memoranda of Understanding.; and

WHEREAS, the majority of the Port's employees are represented by SEIU Local 1021 and Western Council of Engineers; and

WHEREAS, the City invited the International Federation of Professional and Technical Engineers (IFPTE), Local 21 to meet and confer on the amendment to the CalPERS contract to add a second tier retirement benefit, IFPTE agreed only to meet informally, met with the City informally in December 2011, and did not respond to City's subsequent requests to meet and

confer; and

WHEREAS, the current International Federation of Professional and Technical Engineers (IFPTE), Local 21 Port Chapter, Memorandum of Understanding states that the Port will provide current benefits in accordance with the requirements of PERS and further states that the parties agree that in the event the Port negotiates a different Retirement Plan with other bargaining units covering a majority of the Port's employees, such Retirement Plan will also apply to this MOU; and

WHEREAS, the International Brotherhood of Electrical Workers Union Local 1245 (IBEW) was extended an opportunity to meet and confer on the amendment to the CalPERS contract to add a second tier retirement benefit and has refused to meet except as part of the current negotiations over a successor MOU, thereby waiving the right to meet and confer on the matter; and

WHEREAS, current City of Oakland and Port of Oakland miscellaneous employees receive a retirement benefit of 2.7% at age 55 and final compensation based on the highest annual salary during one year of employment; and

WHEREAS, Memoranda of Understanding between the City of Oakland and the labor organizations representing miscellaneous employees, Service Employees International Union, Local 1021; International Federation of Professional and Technical Employees, Local 21; Deputy City Attorney I-IV Unit; International Federation of Professional and Technical Employees; Deputy City Attorney V and Special Counsel; Confidential Management Employees Association, CMEA; and International Brotherhood of Electrical Workers, Local 1245 provide that the City shall amend its contract with CalPERS to provide Different Level of Benefits (California Government Code Section 20475), 2.5% at 55 full formula (California Government Code Section 21354.4), for each bargaining unit member hired ninety (90) days after the adoption of the MOUs and unit members shall be subject to final compensation based on Government Code Section 20037, three consecutive years immediately preceding the effective date of retirement; and

WHEREAS, the City of Oakland and the Port of Oakland have reached agreement with both SEIU and WCE, IFPTE Local 21 MOU permits the City to move into a different retirement plan if unions representing the majority of other employees agree, and IBEW waived their right to meet and confer by refusing to meet with the City; and

WHEREAS, pursuant to the Miscellaneous employee MOUs, the City of Oakland desires to create a new retirement tier for newly hired miscellaneous employees in which they will receive a retirement benefit of 2.5% at age 55 and final compensation based three consecutive years immediately preceding the effective date of retirement; and

WHEREAS, implementation of the agreements made between the City of Oakland, Port of Oakland and the various labor organizations to implement Different Level of Benefits (California

Government Code Section 20475), three years final compensation in accordance with Government Code Section 20037, requires an amendment to the contract between the City of Oakland and the Board of Administration of the California Public Employees' Retirement System;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. That an amendment to the contract between the City of Oakland and the Board of Administration of the California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit 1, and by such reference made a part hereof as though herein set out in full.

Section 2. The President of the Council is hereby authorized, empowered and directed to execute said amendment for and on behalf of the City of Oakland.

Section 3. The effective date of this Ordinance shall be immediate if at least six Council Members vote in favor of the Ordinance, otherwise, it will take effect on the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 5 2012

PASSED BY THE FOLLOWING VOTE:

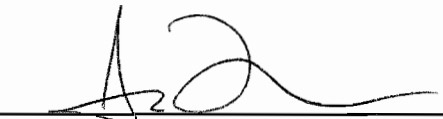
AYES- ~~BRUNNER~~, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, BROOKS, KAPLAN and ~~PRESIDENT~~
~~REID~~ - 6

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Reid, Brunner - 2

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

DATE OF ATTESTATION: June 8, 2012

Introduction Date **APR 30 2012**

NOTICE AND DIGEST

ORDINANCE OF THE CITY OF OAKLAND TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF OAKLAND AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) TO PROVIDE NEW CITY OF OAKLAND AND PORT OF OAKLAND MISCELLANEOUS MEMBERS DIFFERENT LEVEL OF BENEFITS (CALIFORNIA GOVERNMENT CODE SECTION 20475), 2.5% AT 55 FULL FORMULA (CALIFORNIA GOVERNMENT CODE SECTION 21354.4) AND THREE-YEAR FINAL COMPENSATION (CALIFORNIA GOVERNMENT CODE SECTION 20037) APPLICABLE TO LOCAL MISCELLANEOUS MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE MISCELLANEOUS CLASSIFICATION AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT

This Ordinance will authorize the City Administrator to amend the contract between the City of Oakland and the California Public Employees' Retirement System (CalPERS) to implement two new benefits authorized by the Council in the current Memoranda of Understanding between the City and the labor organizations representing miscellaneous City of Oakland and Port of Oakland employees, Service Employees International Union, Local 1021; International Federation of Professional and Technical Employees, Local 21; Deputy City Attorney I-IV Unit, International Federation of Professional and Technical Employees (IFPTE); Deputy City Attorney V and Special Counsel, IFPTE; Confidential Management Employees Association, CMEA; International Brotherhood of Electrical Workers, Local 1245; Service Employees International Union Local 1021 (SEIU) Port chapter; Western Council of Engineers (WCE); International Federation of Professional and Technical Engineers Local 21 (IFPTE), Port Chapter; and International Brotherhood of Electrical Workers Union Local 1245 (IBEW).

The amendment will authorize the City and Port to provide a different level of benefits in accord with California Government Code Section 20475 (2.5% @ 55 Full Formula) and Section 20037 (Three-Year Final Compensation) to City of Oakland and Port of Oakland Local Miscellaneous Members entering membership for the first time in the miscellaneous classification after the effective date of this Amendment to the CalPERS contract.