

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN -5 PM 6:19

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Finance and Management Agency
DATE: June 17, 2008

RE: **Resolution Approving the Addition of Rule 5.03 -- Continuous Testing With Rule Of The List for Certain Entry Level Classifications -- to the Personnel Manual of the Civil Service Board in Accordance with Municipal Code Section 2.08.030**

SUMMARY

The Civil Service Board has amended and approved revisions to its Personnel Manual as of April 10, 2008. At that meeting, the City proposed the addition of Rule 5.03 -- Continuous Testing With Rule of the List for Entry Level Classifications. Under the Rule, candidates in enumerated entry-level classifications would be tested on a continuous walk-in basis. Those who receive passing scores on entrance examinations would immediately be placed on an eligible list. All candidates on the eligible list would be certified to the appointing authority (rule of the list), allowing the appointing authority discretion to interview candidates and make final selection decisions. This, in effect, allows for continuous testing and fresh eligible lists for entry level classifications where volume and service delivery needs require expedited hiring.

The Board was unable to agree on this proposed change to the Personnel Manual, with two members voting in favor and two opposed. According to Municipal Code section 2.08.030 (Ordinance No. 8979 C.M.S.), the City Council has jurisdiction to accept or approve the City Administrator's proposed change. In particular, Section 2.08.030 provides that the Civil Service Board has the authority "to review and approve changes in the Personnel Manual, excepting those which are administrative in nature, proposed by the City Administrator, *provided that changes in which the Board does not concur may be made with the approval of Council.*"

FISCAL IMPACT

There are no fiscal impact issues.

Item: _____
City Council
June 17, 2008

KEY ISSUES AND IMPACTS

As set out in the accompanying report, the City and unions representing miscellaneous City employees have concluded a lengthy meet and confer process to revise the Personnel Manual of the Civil Service Board (a.k.a. Civil Service Rules). All issues on which the parties agree have been adopted by the Civil Service Board. The parties then appeared before the Board again to present arguments on the outstanding issues in contention. With this single exception, the Board has adopted changes acceptable to the City Administrator on those disputed issues. At the April 10, 2008 meeting, the Board heard arguments from the parties but did not agree to the addition of Rule 5.03; two members voted against and two members voted in favor of accepting the proposed rule change.

Currently, Rule 5.02 -- Procedure for Certification to Fill Vacancies in the Competitive Civil Service-- allows the City to certify the four top ranks for the first vacancy and the next two ranks for each additional vacancy. City departments may request the certification of additional ranks if the Department rejects the ranks initially certified. While this rule is adequate for filling most jobs, OPRM believes it is prudent and urgently needed to institute continuous testing for certain entry level jobs. Continuous testing has many advantages to the City. In high-demand jobs that are difficult to fill, such as police dispatcher, it allows the City to locate candidates, test them and have them on the job in short order. In jobs where competition is strong, merely placing applicants on a list means, as a practical matter, that by the time they are reached, they often have other jobs. Moreover, continuous testing with final selection based on a rule of the list offers a highly efficient employment strategy for specific employment situations where turnover is high, and where highly qualified candidates are needed immediately and on an ongoing basis. This will be critical in meeting the City's hiring needs into the future in a manner that is responsive to available resources and professionally sound personnel assessment methods.

Continuous testing is used by many public employers. It has been used in testing programs for nursing, clerical, laborers, and janitorial classifications, to name a few.

Continuous testing relies on several principles. First, as these programs are utilized in the public sector, they incorporate merit principles. Specifically, that means testing is competitive and the qualified candidates are immediately available for employment. It is actually more of a merit program than most, as it allows a larger number to candidates to be tested on an ongoing basis—as opposed to tested in arbitrary time periods driven by closed end recruitments—and to become eligible for immediate employment. Traditional personnel programs offer testing opportunities at very limited intervals, and may require long delays before employment is offered.

Below is the text of the proposed Rule:

The below classifications are designated entry-level classifications.

- *Administrative Assistant I*
- *Public Service Representative*
- *Office Assistant II*

Item: _____
City Council
June 17, 2008

- *Library Aide*
- *Parking Control Technician*
- *Microcomputer Systems Specialist I*
- *Police Services Technician I*
- *Account Clerk I*
- *Payroll Personnel Clerk I*
- *Police Communications Dispatcher*
- *Fire Communications Dispatcher*

The Personnel Director may continuously recruit and examine for these classifications. Candidates who receive passing scores on such entrance examinations shall be placed on an eligible list. All eligibles on the eligible list shall be certified to the appointing authority (rule of the list).

The above classifications were identified because of the high numbers of positions, vacancies and applicants. These classifications also feed promotional classifications in the series. For example, Account Clerk I and Payroll Personnel Clerk I feed into level II and III of their respective classifications.

Why Not Use Separate Test Lists?

Under current Rules, tests results and examination lists are developed and used sequentially based on the date or time of test administration. The lowest scoring successful candidates must be considered before a new exam is run. While this may not represent a problem for a testing which is only conducted every year or two, it defeats one of the key objectives of continuous testing – to have a ready supply of the best qualified candidates, and the ability to select the best qualified. Because subsequent applicants with an interest in working for the City may wait years to test, potential highly qualified candidates are lost while less qualified candidates at the end of the eligible list may be hired. Sequential lists require that the lowest scoring successful candidate from an older test must be considered before the highest scoring candidate from the newest examination. While it is theoretically possible to merge eligible lists from multiple examinations, doing so will not result in a valid examination process when the content or conditions of testing vary. In continuous testing programs it is necessary to vary the test content due to security and related administrative issues, but, nonetheless the testing process is operationally feasible and very maintainable.

Why Not Use a Rule of Four?

The continuous nature of the tests, the need to occasionally modify tests for security and administrative purposes, and the principle of test/retest reliability suggest that restrictive consideration of candidates in precise rank order is not the optimum hiring strategy. Greater flexibility is required for tests which are given continuously, and which can produce new candidates on a daily basis. One of the best solutions is to offer a more accommodating hiring rule. This can be done consistent with merit and psychometric testing principles and standards.

Furthermore, the rule of the list is utilized in many public agencies and comparability data supports its use in the City of Oakland. Attachment A presents the results of a survey of Civil Service Rules in comparable Bay Area jurisdictions. Each of these jurisdictions utilizes a certification rule that is broader than the rule currently used in Oakland. A few authorize more than four names for certification, but most use the rule of the list. The City's proposed rule reflects the common practice and prepares the city to respond to the demands of a rapidly changing employee workforce.

PROGRAM DESCRIPTION

The City's proposed change to the Personnel Manual would enable the City to conduct continuous recruitment and merit-based testing for specific entry level classifications where the need to fill vacancies is ongoing. Approving Rule 5.03 of the Civil Service Rules will result in a significant reduction in the current delays experienced filling positions in the listed classifications, while continuing to ensure that applicants are fully qualified.

SUSTAINABLE OPPORTUNITIES

No sustainable opportunities have been identified.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no Americans with Disabilities Act (ADA) or senior citizen access issues contained in this report.

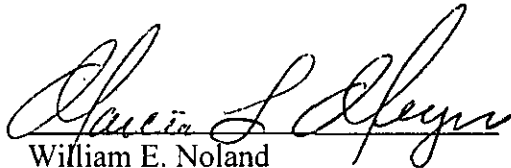
RECOMMENDATION AND RATIONALE

Staff recommends that Council approve the addition of Rule 5.03 - Continuous Testing With Rule of the List for Entry Level Classifications. The addition of this Rule will enable the City to efficiently meet future staffing demands for entry-level positions.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

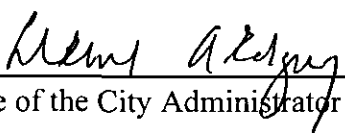
Respectfully submitted,

for 
William E. Noland
Director, Finance and Management Agency

Reviewed by:
Marcia L. Meyers, Director OPRM

Prepared by:
Jonathan Holtzman, Outside Counsel
and
Ian Appleyard, Principal Human Resource
Analyst, Office of Personnel Resource
Management

APPROVED AND FORWARDED TO THE
CITY COUNCIL:


Office of the City Administrator

Item: _____
City Council
June 17, 2008

Attachment A
Regional Civil Service Rules Survey Results

Regional Jurisdictions	Supplemental Questionnaire as sole assessment tool to create eligible list	Under what rule/authority	Certification Rule	Other
County of Alameda	YES	Recruitments must have oral unless approved by the Commission.	Top of 5 scores, plus 1 for additional vacancy.	Sup Q assessment performed by SMEs.
City of Berkeley	YES	City has discretion. No rule or guidelines.	Rule of the list	Sup Q assessment performed by SMEs and/or the HR Analyst. Included in announcement.
City of Fremont	YES	City has discretion. No rule or guidelines.	Rule of the list	Sup Qs screened before hiring interview. Included in announcement.
City of Hayward	Rarely	City has discretion. No rule or guidelines.	Rule of the list	Sup Qs may be used for entry level classifications (e.g., laborer, water meter reader, etc.). Included in announcement.
City of Richmond	YES	City has discretion. No rule or guidelines.	Groups of ranks (A, B or C) for open. Rule of list for promo.	Authority implicit in developing selection mechanisms. Included in announcement.
City and County of San Francisco	YES	City has discretion. No rule or guidelines.	Rule of list for certain classes, top 3 scores for others	Authority implicit in developing selection mechanisms. Included in announcement.
City of San Jose	YES	City has discretion. No rule or guidelines.	Rule of list	
City of Santa Rosa	YES	City has discretion. No rule or guidelines.	Departments request a reasonable number of candidates	Sup Qs are used often. Assessors are HR Analysts and SMEs. Include notice in announcement.
County of San Mateo	YES	County has discretion. No rule or guidelines.	Top 7 names, plus 1 for additional vacancy	
City of Santa Clara	YES	Commission determines examination weights.	Top 10 scores for open exam. Top 5 for promo.	The Commission must approve changes in examination weights.

[INCLUDING EXHIBIT A]

OFFICE OF THE CITY CLERK
OAKLAND
2008 JUN -5 PM 6:09

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING THE ADDITION OF RULE 5.03 – CONTINUOUS TESTING WITH THE RULE OF THE LIST FOR ENTRY LEVEL CLASSIFICATIONS TO THE PERSONNEL MANUAL OF THE CIVIL SERVICE BOARD IN ACCORDANCE WITH MUNICIPAL CODE 2.08.030 (ORDINANCE NO. 8979 C.M.S.)

WHEREAS, additions to the Personnel Manual of the Civil Service Board (“Board”) may be made by City Council if the Board does not concur on a Rule change; and

WHEREAS, the Board was unable to concur on the proposed Rule 5.03 - Continuous Testing With Rule of the List for Entry Level Classifications; and

WHEREAS, the addition of Rule 5.03 - Continuous Testing With Rule of the List for Entry Level Classifications is in the best interests of the City, now, therefore; be it

RESOLVED: that Rule 5.03 - Continuous Testing With Rule of the List for Entry Level Classifications, as set forth in the form attached hereto as Exhibit A, be, and is, hereby approved; and, be it

FURTHER RESOLVED: that Rule 5.03 - Continuous Testing With Rule of the List for Entry Level Classifications is added to the Personnel Manual of the Civil Service Board.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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

Exhibit A

to OAKLAND CITY COUNCIL Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING THE ADDITION OF RULE 5.03 – CONTINUOUS TESTING WITH THE RULE OF THE LIST FOR ENTRY LEVEL CLASSIFICATIONS TO THE PERSONNEL MANUAL OF THE CIVIL SERVICE BOARD IN ACCORDANCE WITH MUNICIPAL CODE 2.08.030 (ORDINANCE NO. 8979 C.M.S.)

Proposed text of Rule 5.03

The below classifications are designated entry-level classifications.

- Administrative Assistant I
- Public Service Representative
- Office Assistant II
- Library Aide
- Parking Control Technician
- Microcomputer Systems Specialist I
- Police Services Technician I
- Account Clerk I
- Payroll Personnel Clerk I
- Police Communications Dispatcher
- Fire Communications Dispatcher

The Personnel Director may continuously recruit and examine for these classifications. Candidates who receive passing scores on such entrance examinations shall be placed on an eligible list. All eligibles on the eligible list shall be certified to the appointing authority (rule of the list).