



AGENDA REPORT

TO: Steven Falk
City Administrator

FROM: Ian Appleyard
HRM Director

SUBJECT: Amendment to Ordinance No. 12187
C.M.S. (The Salary Ordinance) for
Director of Workplace and
Employment Standards

DATE: April 14, 2020

City Administrator Approval

Date: 4-29-2020

RECOMMENDATION

STAFF RECOMMENDS THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. (“SALARY ORDINANCE”) TO ADD THE FULL-TIME CLASSIFICATION OF DIRECTOR OF WORKPLACE AND EMPLOYMENT STANDARDS.

EXECUTIVE SUMMARY

The proposed amendment to the Salary Schedule is recommended to implement upcoming changes to the Oakland Municipal Code (O.M.C.) Section 2.29, “City Departments and Offices,” which describes the approved organizational structure of the City.

BACKGROUND/LEGISLATIVE HISTORY

The Salary Ordinance (Ordinance No. 12187 C.M.S.) establishes salaries as well as other terms and conditions of City employment including the classification titles and bargaining unit designation of positions. The Ordinance is amended from time to time to accommodate the City’s evolving classification needs. Pursuant to the Personnel Manual (Civil Service Rules), Section 3.04, components of the City’s Classification Plan shall be administered and maintained by the Personnel Director with the approval of the Civil Service Board.

Section 2.29 of the O.M.C. – “City Departments and Offices,” is periodically amended to reflect the organizational structure of the City as approved by the City Council as part of the budget process. City Council is scheduled to approve structure changes in the City organization as part of mid-year adjustments to the fiscal year (FY) 2019-2021 Adopted Policy Budget. Further, the ordinance to formally establish the new Department of Workplace and Employment Standards is being routed in conjunction with this salary ordinance amendment.

City Council
May 5, 2020

Staff from the Human Resources Management Department (HRM) anticipates that the classification of Director of Workplace and Employment Standards will be presented to the Civil Service Board for approval at an upcoming meeting on May 21, 2020 or June 18, 2020.

ANALYSIS AND POLICY ALTERNATIVES

As stated above, the proposed action is recommended to update the Salary Schedule of the Salary Ordinance to align it with other actions that have already taken place. In this case, no union involvement was required because the classification is for a department head title and the position is unrepresented. The new position will oversee operations in the newly forming Department of Workplace and Employment Standards. As an exempt department head level position, it is not governed by the provisions of civil service [per Charter section 902(b)] and requires no approval from the Civil Service Board. However, the job description will be brought to the Civil Service Board for review of its alignment within the City's overall classification plan; it is anticipated to be on the agenda for an upcoming meeting in May or June 2020.

The salary rate recommended for the Director of Workplace and Employment Standards is commensurate with the rate established for Director positions in other departments. The new position is similarly situated in that it serves a citywide function and is deeply involved in policy development and compliance.

The new classification of Director of Workplace and Employment Standards is being proposed as an amendment to the City's Classification Plan. The Director of Workplace and Employment Standards will be responsible for enforcing City of Oakland labor ordinances, resolutions, programs, and policies, including but not limited to the Minimum Wage and Sick Leave Ordinance (Oakland Municipal Code Chapter 5.92) and the Hotel Minimum Wage and Working Conditions Ordinance (Oakland Municipal Code Chapter 5.93). The classification will oversee a centralized department focused on educating workers and employers, providing advocacy and assistance to workers, receiving and processing complaints, investigating compliance, and enforcing remedies of violations related to workplace and employment standards. More specifically, the Director will: plan, organize, direct, and administer the operations of the department through subordinate staff; ensure compliance of operations with relevant policies and procedures; develop, establish, and implement goals, objectives, policies, and procedures; ensure participation among the local business community; and hire, train, evaluate, and supervise assigned staff.

If the City Council does not take the recommended action, the City's classification plan will lack alignment with upcoming changes to Municipal Code 2.29. It is necessary to recognize and establish the new Director of Workplace and Employment Standards classification as part of the City's classification plan and Salary Schedule so that the position can be filled.

An alternative to taking this action would be to adapt the current Director of Contracts and Purchasing classification to become the Director of Workplace and Employment Standards classification, which would mean including all of the existing Contracts and Compliance functions into the new department and eliminating the Contracts and Compliance division as a unit of the City Administrator's Office.

FISCAL IMPACT

A position is being added for the Department of Workplace and Employment Standards at the proposed salary rate as part of Fiscal Year (FY) 2020-21 Midcycle Amendment to the FY 2019-2021 Adopted Policy Budget. The Director of Workplace and Employment Standards position will be funded by new and existing fees with the intent for the position to be self-sustaining in future budget cycles.

PUBLIC OUTREACH/INTEREST

No public outreach was required other than the required posting on the City's website.

COORDINATION

Human Resources Management coordinated with the City Administrator's Office regarding the proposed modification. Representative unions were not involved because the classification is deemed exempt from civil service per the City of Oakland Charter and is not represented by a union.

Public notices regarding the Civil Service Board actions to approve classification specifications are posted pursuant to the provisions of the California Brown Act and City of Oakland Sunshine Ordinance.

Additionally, the preparation of this report was coordinated with HRM, City Attorney's Office, and Finance Department Budget Bureau.

SUSTAINABLE OPPORTUNITIES

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

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

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

Steven Falk, City Administrator

Subject: Amendment to Ordinance No. 12187 C.M.S. (Director of Workplace & Emp. Standards)

Date: May 5, 2020

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ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council Adopt: An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Full-time Classification Of Director of Workplace And Employment Standards.

For questions regarding this report, please contact Ian Appleyard at (510) 238-6450.

Respectfully submitted,

Ian Appleyard

IAN APPLEYARD

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