



FILED
OF THE CITY CLERK
OAKLAND

AGENDA REPORT

CITY OF OAKLAND NOV 28 PM 12:12

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: ANDREA R. GOURDINE
DHRM Director

SUBJECT: Exemption from Civil Service

DATE: November 19, 2012

City Administrator
Approval

Date

11/27/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that Council Adopt a Resolution recommending to the Civil Service Board that the classifications of Engineer, Civil Principal; Performance Audit Manager; Manager, Crime Laboratory; and Controller be exempted from the requirements of civil service.

OUTCOME

The proposed resolution is presented to confirm or establish the civil service exemption status of certain classifications and to finalize actions related to a side letter agreement with the International Federation of Professional and Technical Engineers, Local 21. The Civil Service Board at its October 11, 2012 meeting approved the classifications of Engineer, Civil Principal; Performance Audit Manager; and Manager, Crime Laboratory for exemption, but formal Council action is also necessary to complete the exemptions. The proposed resolution also requests Council recommendation that the classification of Controller be exempt from the provisions of Civil Service. If the resolution is approved as presented, the Controller classification 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. A lack of clarity in the past has created confusion related to managing employees in the classifications, the definitions of roles and responsibilities, recruitment efforts, and bargaining agreements. If City Council does not approve the proposed resolution, the civil service status of the classifications will remain unclear.

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 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 have been historically treated as exempt – that is, incumbents have been appointed without competing and released without cause – but

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there is no record that the classifications were ever formally exempted from the provisions of Civil Service. 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 UMI. 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 final side letter agreement between Local 21 and the City was signed regarding the Civil Service Status of the classifications in the UMI bargaining unit. The three classifications of Engineer, Civil Principal; Performance Audit Manager; and Manager, Crime Laboratory were resolved in the side letter but have not been brought to Council for recommendation of their exemption.

The classification of Controller is an unrepresented classification assigned to bargaining unit UK2 and has broad, citywide responsibilities and influences the City's fiscal policies. Staff could not find a record of the classification having been reconunended for exemption from the provisions of civil service. 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. A lack of clarity in the past has created unnecessary confusion that may be overcome by taking the appropriate action.

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 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. The Civil Service Board approved the exemption of the classifications of Engineer, Civil Principal; Performance Audit Manager; and Manager, Crime Laboratory at its October 11, 2012 meeting. Following the Council action proposed in this report, DHRM will present the Civil Service Board with the recommendation to exempt the classification of Controller.

COST SUMMARY/IMPLICATIONS

The proposed resolution has no fiscal impact.

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SUSTAINABLE OPPORTUNITIES

Economic – not applicable.

Environmental – not applicable.

Social Equity – not applicable.

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

Respectfully submitted,



ANDREA R. GOURDINE

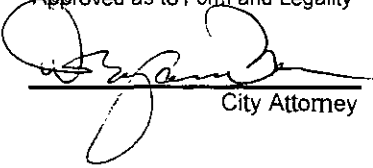
Director, Dept. of Human Resources Management

Prepared by:

Kip Walsh, Recruitment & Classification Manager

Attachments

- I) Resolution: *Resolution Recommending to the Civil Service Board that the Classifications of Engineer, Civil Principal; Performance Audit Manager; Manager, Crime Laboratory; and Controller be Exempted from the Requirements of Civil Service*


City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2012 NOV 28 PM 12:12

RESOLUTION No. _____ C.M.S.

RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD THE EXEMPTION OF THE FOLLOWING CLASSIFICATIONS FROM THE OPERATION OF THE CIVIL SERVICE: ENGINEER, CIVIL PRINCIPAL; PERFORMANCE AUDIT MANAGER; MANAGER, CRIME LABORATORY; AND CONTROLLER

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, positions in the Engineer, Civil Principal; Performance Audit Manager; Manager, Crime Laboratory; and Controller classifications are recommended for exemption from Civil Service due to their placement in the organization, lines of authority, reporting relationships within departments, as well as their duties, pay grade and independence of action; and

WHEREAS, the current level of City services requires these positions to be responsible for approving policies that govern one or more program areas having major impact on the attainment of the goals of the City; and

WHEREAS, incumbents in these positions are expected to exercise considerable discretion in carrying out a department'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 Engineer, Civil Principal; Performance Audit Manager; Manager, Crime Laboratory; and Controller be exempted from the requirements of civil service; and be it

FURTHER RESOLVED: that the Civil Service Board is hereby requested to approve such exemptions.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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