

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 FEB 26 AM 10: 01

TO: Office of the City Manager
ATTN: Deborah Edgerly, City Manager
FROM: Finance and Management Agency
DATE: March 9, 2004
RE: A RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD THAT
THE CLASSIFICATION OF CITIZENS' POLICE REVIEW BOARD EXECUTIVE
DIRECTOR BE EXEMPTED FROM THE OPERATION OF THE CIVIL SERVICE

SUMMARY

A resolution has been prepared for consideration by the City Council recommending to the Civil Service Board that the classification of Citizens' Police Review Board Executive Director be exempted from the operation of the Civil Service.

FISCAL IMPACTS

There are no fiscal impacts associated with this recommended action.

BACKGROUND

Oakland City Charter Section 902(f) authorizes the City Council to recommend for Civil Service Board approval, the exemption of classifications from the requirements and tenure of Civil Service. Management positions are typically exempt from Civil Service allowing the City Manager to have greater flexibility in the appointment of staff and the opportunity to respond quickly to Mayor and City Council priorities.

KEY ISSUES AND IMPACTS

The nature and scope of responsibilities in management classifications are broad and individuals in these positions must deal with the most challenging and complex policy issues. Management level positions are responsible for sensitive and confidential matters that require substantial tact, discretion, and diplomacy. Such positions receive a high level of compensation based upon their technical and programmatic expertise. Incumbents also have the authority to speak on behalf of the City on matters requiring trust and confidence in staff; the public perceives the authority and responsibility of these positions to be influential.

SUSTAINABLE OPPORTUNITIES

None.

DISABILITY AND SENIOR CITIZEN ACCESS

None.

RECOMMENDATION AND RATIONALE

Article IX, Section 902 of the Charter of the City of Oakland authorizes the Council to recommend job classifications for exemption from the Classified Service. Appointing authorities in the City require the flexibility to appoint management staff and hold them accountable for attaining the goals of the Mayor and City Council. The goals and priorities of Council and other elected officials may change and require rapid accommodation and the appointing authorities need to have the fullest ability to select staff whose skills, experiences and knowledge closely mirror the requirements of the Mayor, City Council, and citizens of Oakland. Therefore, we respectfully recommend the exemption of the classification of Citizens' Police Review Board Executive Director based upon the description and rationale provided below.

Citizen's Police Review Board Executive Director: plans, organizes and coordinates the activities of the Citizens' Police Review Board (CPRB) including the conduct of a variety of full-scale investigations relating to charges and complaints of police officer misconduct; prepares full reports of investigations for presentation to the Citizens' Police Review Board; develops and implements procedures; and represents the City Manager at community meetings and conferences.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution recommending to the Civil Service Board that the afore-mentioned classification and its equivalent permanent part-time classification be exempted from Civil Service.

Respectfully submitted,



William E. Noland,
Interim Director,
Finance & Management Agency

Prepared by:
Daryl Look, Principal HR Analyst
Personnel Division

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



OFFICE OF THE CITY MANAGER

Item # 5
March 9, 2004

Finance and Management Committee

OAKLAND CITY COUNCIL

2004 FEB 25 AM 10:06

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

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RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD THAT THE CLASSIFICATION OF CITIZENS' POLICE REVIEW BOARD EXECUTIVE DIRECTOR BE EXEMPTED FROM THE OPERATION OF CIVIL SERVICE

WHEREAS, department heads by tradition select their own management-level staff to ensure maximum ability to fulfill the mandate upon which project funding may be available; and

WHEREAS, the nature and scope of classifications within the Manager level pose substantial confidentiality and liability risks to the City and the City must take immediate action to protect its interests; and

WHEREAS, the City must maintain the fullest ability to select staff as to guarantee that the skills, experiences and knowledge of the staff meet the requirements of special projects authorized by the Mayor, City Council, and Citizens of Oakland; therefore, be it

RESOLVED: that it is recommended that the Civil Service Board exempt the classification of Citizens' Police Review Board Executive Director, and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, March 16, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, CHANG, NADEL, REID, WAN
AND PRESIDENT DE LA FUENTE

NOES-

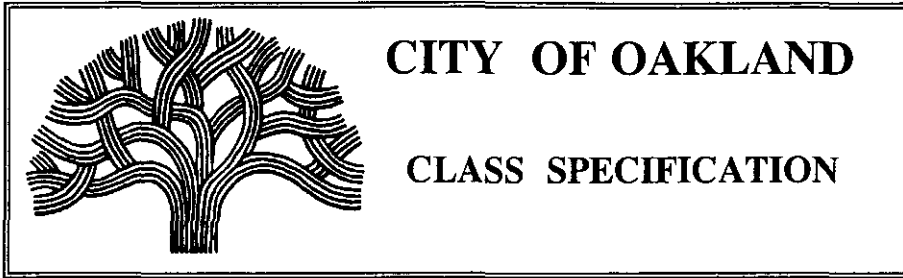
ABSENT-

ABSTENTION-

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FINANCE & MANAGEMENT CMTE.
MAR 9 2004

ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California



Class Code:

Rep. Unit:

CSB Status:

*** DRAFT ***

CITIZENS' POLICE REVIEW BOARD EXECUTIVE DIRECTOR

DEFINITION

Under policy direction from the City Manager, plans, organizes and coordinates the activities of the Citizens' Police Review Board (CPRB); represents the City Manager as directed; and performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This executive level, single incumbent position has overall responsibility for policy development, program planning, administration and operations of the Citizens' Police Review Board. The incumbent is responsible for accomplishing departmental goals and objectives within general policy guidelines for major functional area assigned and for special programs and projects.

The incumbent receives direction from the City Manager and exercises direction over supervisory, professional, technical and other assigned staff.

EXAMPLES OF DUTIES - *Duties may include, but are not limited to, the following:*

Manage the conduct of a variety of full-scale investigations relating to charges and complaints relating to citizen complaints of police officer misconduct.

Coordinate policies and procedures relating to the activities of the CPRB; develop methods and procedures relative to the work of the CPRB; manages, evaluate and provide training for subordinate staff.

Determine jurisdiction of complaint; assign case to Complaint Investigator.

Review and approve the preliminary casework assembled by the Complaint Investigator.

Prepare full report of investigations for presentation to the Citizens' Police Review Board.

Provide direction to the Policy Analyst who shall draft the Annual Report and engage in community outreach.

Provide direction to the Administrative Hearing Officer.

Represent the City Manager at a variety of community meetings and conferences.

CITIZENS' POLICE REVIEW BOARD EXECUTIVE DIRECTOR

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Supervise, train and evaluate subordinate staff.

Meet with the Police Chief and his designees on policy issues and disciplinary matters.

Act as the City Manager's representative in the meet and confer process in matters related to the CPRB under the memorandum of understanding with the Oakland Police Officers' Association.

Monitor developments related to the work of the Citizens' Police Review Board; evaluate their impact on City operations and implements policy and procedure improvements.

Review legislation, court cases and legal opinions relevant to the work of the Citizens' Police Review Board; may be required to prepare reports in regard to litigation and present testimony during court proceedings.

Coordinate the preparation of a wide variety of reports or presentations for City management or outside agencies.

Secure and maintain highly confidential records and files as supporting documentation.

QUALIFICATIONS

Extensive knowledge of principles, practices and procedures related to conducting investigations and administrative hearings including rules of evidence and due process.

Extensive knowledge of legal principles and statutory law with regard to employer-employee hearings and administrative procedures.

Considerable knowledge of police administration and organization, and the rules, laws and regulations thereof.

Considerable knowledge of the civil rights of citizens and police officers.

Considerable knowledge of organizational and management practices and methods, including goal setting, program development and implementation, and employee supervision.

Considerable knowledge of organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs of City departments.

Considerable knowledge of personnel management, employee relations, team building, budget development, and financial management.

Ability to develop and implement goals, objectives, policies, procedures, work standards and internal controls.

Ability to make or recommend decisions on the basis of thorough consideration of all pertinent facts, laws, ordinances, court cases, city and departmental policies and regulations and relevant precedents.

Ability to identify possible alternative methods of solutions as well as to foresee the likely advantages and disadvantages of such alternatives and to advise the City Council or CPRB on such.

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Ability to develop and maintain positive relationships with community leaders and organizations, businesses and staff; coordinate a variety of projects and activities inter-departmentally and with outside agencies; plan, organize, direct and coordinate a variety of functional specialties with overlapping work areas.

Ability to supervise and direct subordinate professional and support staff; interpret and enforce administrative/operational policies, practices and procedures; analyze and solve problems of a complex nature; maintain departmental and state safety standards.

Ability to analyze complex technical and administrative information; evaluate alternative solutions and recommend or adopt effective courses of action.

Ability to facilitate dialogue around a variety of issues with good consensus building skills.

Ability to maintain and exhibit discretion and integrity when handling sensitive information.

Ability to communicate effectively and persuasively in both oral and written format; speak in large and small group settings; prepare and analyze comprehensive reports; conduct staff meetings.

Ability to exercise sound independent judgment within general policy guidelines.

Ability to establish and maintain effective work relationships with those contacted in the performance of required duties.

EDUCATION AND EXPERIENCE

Any combination of education and experience that would demonstrate possession of the required knowledge and abilities. A typical way to obtain the knowledge and abilities would be:

Education:

A Master's degree from an accredited college or university in a field directly related to public administration or law enforcement. A Juris Doctorate degree is highly desirable.

Experience:

Five years of progressively responsible investigative experience including three years supervisory experience. Public sector experience is highly desirable.

LICENSE OR CERTIFICATION

An incumbent in this position is expected to operate automotive vehicles in the performance of assigned duties. Due to the nature of the assignment and the hours worked, public transportation may not be an efficient method for traveling to required locations. An individual appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

TF
Civil Service Board #:
Date Approved/ Exempt:
Date Revised:

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FINANCE & MANAGEMENT CMTE.

MAR 9 2004