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OAKLAND  
2013 OCT 10 PM 2:51

# AGENDA REPORT

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Katano Kasaine  
City Treasurer/Interim HR Director

**SUBJECT:** Ending of the Hiring Freeze

**DATE:** October 7, 2013

City Administrator  
Approval

Date

10-8-13

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Staff recommends that Council Approve a Resolution Rescinding Resolution No. 82502 C.M.S., Passed in January 2010, Which Imposed a Hiring Freeze on All Positions Funded by the General Fund, and Rescinding Resolution No. 82532, Passed in February 2010, Which Established Criteria for Exempting Positions and Exempted Certain Critical Positions from the Hiring Freeze.

## OUTCOME

City Council imposed a hiring freeze on positions funded in the General Fund by Resolution No. 82502 C.M.S. on January 19, 2010 and adopted additional restrictions and conditions for hiring by Resolution No. 82532 C.M.S. on February 16, 2010. Staff recommends that City Council adopt a resolution ending the hiring freeze to facilitate prompt hiring actions for positions newly created in the Adopted Policy Budget for FY13/15 and other budgeted vacancies.

If City Council approves the resolution ending the hiring freeze, highly restrictive administrative controls may be lifted and hiring processes may proceed more efficiently.

## BACKGROUND/LEGISLATIVE HISTORY

City Council imposed a hiring freeze on positions funded in the General Fund by Resolution No. 82502 C.M.S. on January 19, 2010 and adopted additional restrictions and conditions for hiring by Resolution No. 82532 C.M.S. on February 16, 2010. The restrictions were imposed at a time when the City was facing significant budget deficits and the restrictive administrative controls were part of an overall strategy to control costs and increase budgetary accountability.

Additionally, there is language in the Memoranda of Understanding (MOUs) for the Service Employees International Union, Local 1021; and the International Federation of Professional and Technical Engineers, Local 21 that requires, "In the event the City declares a hiring freeze while any Civil Service eligible list is active, the duration of the eligible list shall be extended for a period equivalent to the length of the hiring freeze." Eligible lists governed by this clause

Item: \_\_\_\_\_  
Finance & Management Committee  
October 22, 2013

include open lists, promotional lists, restricted lists (City employees only), and reinstatement lists.

### ANALYSIS

The action being proposed is recommended so that highly restrictive administrative controls may be lifted and hiring processes may proceed more efficiently. The restrictions and related processes required by the Council's Hiring Freeze had the effect of slowing the hiring process at a time when extremely careful consideration had to be made before the City committed its resources to filling staff positions. At the same time, the MOU language that kept eligible lists active during the freeze meant that departments were required to consider candidates who had competed sometimes as much as six years earlier. Surveying old eligible lists to determine candidate availability sometimes took several weeks to finalize and added more delays to the hiring process.

Ending the Hiring Freeze will allow the City Administrator to delegate the personnel requisition process back to City departments under the approval of the Budget Office and the Department of Human Resources Management. Departments may return to a routine routing process that allows for more efficient processing of requisition requests. Additionally, pursuant to the Civil Service Rules, DHRM may return to standard processes for the retention and management of all newly established eligible lists so that departments may consider only candidates who have successfully competed recently.

Some older eligible lists and some reinstatement lists will remain in effect, depending on the date the list was established and the impact of the hiring freeze on the viability of the list. According to the Civil Service Rules, normal durations of eligible lists are: one year for open lists, two years each for restricted or promotional lists, and three years for reinstatement lists. Due to the language in the SEIU/1021 and Local 21 MOUs, the length of the hiring freeze acts as an interruption to the normal list timeline. Any name on an eligible list as of the date the freeze is lifted will have the end date of their eligibility on the reinstatement list extended to ensure that they receive the full benefit of the potential to be considered for vacant positions or to be reinstated. If Council adopts the proposed resolution at its October 29, 2013 meeting, several existing eligible lists will be extended. Any *reinstatement* lists that were established while the hiring freeze was active will be extended for an additional three years, until October 28, 2016. Eligible lists and reinstatement lists that had a period of eligibility before the freeze will have that time deducted and end dates will vary accordingly.

Lifting the Hiring Freeze enacted in 2010 will support more efficient hiring processes for filling positions created in the Adopted Policy Budget for FY13/15 and other budgeted vacancies.

### PUBLIC OUTREACH

No public outreach was required.

**COORDINATION**

The Department of Human Resources Management (DHRM) coordinated with the City Administrator's Office to create this report.

**COST SUMMARY/IMPLICATIONS**

The proposed resolution has no fiscal impact.

**SUSTAINABLE OPPORTUNITIES**

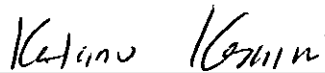
*Economic:* There are no economic opportunities associated with this report.

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

*Social Equity:* There are no social equity opportunities associated with this report.

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

Respectfully submitted,



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KATANO KASAINÉ  
City Treasurer/Interim Director, DHRM

Prepared by:  
Kip Walsh, Recruitment & Classification Manager

**Attachments**

- 1) Resolution No. 82502 C.M.S., January 19, 2010
- 2) Resolution No. 82532 C.M.S., February 16, 2010
- 3) Resolution Rescinding Resolution No. 82502 C.M.S., Passed in January 2010, Which Imposed a Hiring Freeze on All Positions Funded by the General Fund, and Rescinding Resolution No. 82532, Passed in February 2010, Which Established Criteria for Exempting Positions and Exempted Certain Critical Positions from the Hiring Freeze

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APPROVED FOR FORM AND LEGALITY

  
CITY ATTORNEY

OAKLAND CITY COUNCIL

82502

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**Adopt a Resolution Implementing an Immediate Hiring Freeze on all Positions Funded by the General Fund and Requiring that the City Administrator and other Appointing Authorities obtain City Council Authorization/Approval to Fill Any Positions Funded by the General Fund**

WHEREAS, the FY 2009-10 the projected General Purpose Fund shortfall creates a fiscal emergency for the City; and

WHEREAS, there are a significant number of vacant positions within the City of Oakland; and

WHEREAS, the maintenance of a significant number of vacant positions will result in cost savings for the City which will positively contribute to its fiscal solvency; now therefore be it

RESOLVED, That the City Council directs the City Administrator to implement an immediate hiring freeze on all positions funded by the General Fund; and be it

FURTHER RESOLVED, That the City Administrator and other Appointing Authorities shall be required to obtain City Council Authorization/Approval to Fill Any Positions Funded by the General Fund.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 19 2010, 20    

PASSED BY THE FOLLOWING VOTE:

AYES- KERNIGHAN, NADEL, QUAN, DE LA FUENTE, BROOKS, ~~REID~~, KAPLAN,  
AND PRESIDENT BRUNNER - 7

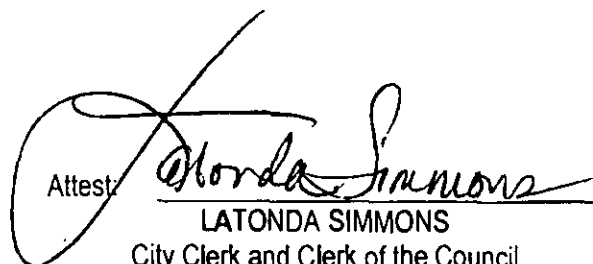
NOES-  $\phi$

ABSENT-  $\phi$

ABSTENTION-  $\phi$

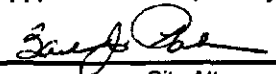
Excused - Reid - 1

Attest:

  
LATONDA SIMMONS

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
City Attorney

# OAKLAND CITY COUNCIL

2010 MAR 11 PM 2:07

RESOLUTION NO. 82532 C.M.S.

Resolution (1) Establishing Criteria for Exemption of Positions from the Hiring Freeze That The City Council Implemented on January 19, 2010; and (2) Exempting Certain Critical Positions Funded By The General Fund From The Hiring Freeze

**WHEREAS**, on January 19, 2010 the City Council passed Resolution No. 82502 C.M.S., a resolution that required an immediate hiring freeze, freezing all appropriations for all vacant positions funded by the General Fund; and

**WHEREAS**, Resolution No. 82502 also provides that the City Administrator and other Appointing Authorities shall obtain City Council authorization/approval before filling any vacant positions funded by the General Fund; and

**WHEREAS**, the City Council declared that the freeze on appropriations for vacant positions funded by the General Fund is not intended to apply to promotions and transfers of employees within the City to vacant positions; and

**WHEREAS**, at its February 2, 2010 meeting, the City Council considered a report and resolution including an Exhibit A setting forth positions that the City Administrator needs to exempt from the freeze on General Fund appropriations for vacant positions; and

**WHEREAS**, at its February 2, 2010 meeting, the City Council made an urgency finding, due to the budget deficit, to include on the February 9, 2010 Finance and Management Committee agenda a discussion of criteria for exempting vacancies from the freeze on all appropriations for vacant positions funded by the General Fund; and

**WHEREAS**, the City Administrator has developed such criteria; now therefore be it

**RESOLVED:** that the following criteria shall be used to exempt General Fund positions that are subject to the January 19, 2010 freeze on all appropriations for vacant positions funded by the General Fund:

1. the position is required to comply with federal, state or local mandates,
2. the position is necessary to ensure the provision of critical City services and operations, as outlined in the City's current budget,
3. the position is part of a program or activity that is revenue-generating and fully cost recovering,
4. the position is necessary to carry out programs supported by stimulus funding or grants; and be it

**FURTHER RESOLVED:** that based on the above criteria, the City Council hereby exempts from the freeze on appropriations for vacant positions funded by the General Fund the positions listed on Attachment A attached hereto, which may be amended at the Council meeting; and be it

**FURTHER RESOLVED:** that the City Council exempts from the freeze on appropriations for vacant positions funded by the General Fund, additional vacancies that meet the criteria established by this resolution; and be it

**FURTHER RESOLVED:** that the City Administrator shall provide to the Finance and Management Committee on a quarterly basis, as part of the Quarterly Vacancy Report, an informational report showing the vacancies filled based on the criteria established in this resolution

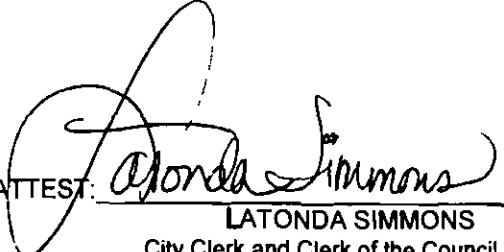
IN COUNCIL, OAKLAND, CALIFORNIA, FEB 16 2010, 2010  
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER -- 7

NOES- De la Fuente - 1

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**DRAFT**

City Attorney

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# OAKLAND CITY COUNCIL

2013 OCT 10 PM 2:51

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION RESCINDING RESOLUTION NO. 82502 C.M.S., PASSED IN JANUARY 2010, WHICH IMPOSED A HIRING FREEZE ON ALL POSITIONS FUNDED BY THE GENERAL FUND, AND RESCINDING RESOLUTION NO. 82532, PASSED IN FEBRUARY 2010, WHICH ESTABLISHED CRITERIA FOR EXEMPTING POSITIONS AND EXEMPTED CERTAIN CRITICAL POSITIONS FROM THE HIRING FREEZE**

WHEREAS, as one of several actions taken at the time to control costs and restrict spending, the Oakland City Council implemented a hiring freeze on all positions in the General Fund and required the City Administrator and other appointing authorities to obtain Council approval to fill any such positions (Resolution No. 82502 C.M.S., passed January 19, 2010); and

WHEREAS, in a subsequent action, the Oakland City Council established criteria for exempting certain positions from and exempted certain critical positions from the hiring freeze (Resolution No. 82532 C.M.S., passed February 16, 2010); and

WHEREAS, the hiring freeze required the implementation of restrictive and time-consuming administrative processes to fill vacant positions for City departments; and

WHEREAS, ending the hiring freeze will facilitate prompt hiring actions for positions newly created in the Adopted Policy Budget for FY13/15 and other budgeted vacancies; now, therefore be it

**RESOLVED:** That the City Council of the City of Oakland wishes to lift the hiring freeze imposed in 2010 and hereby rescinds Resolution No. 82502 C.M.S. and Resolution No. 82532.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

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