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THE CITY CLERK
OAKLAND

13 JUL 22 PM 1:48

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Katano Kasaine
Acting DHRM Director

SUBJECT: Amendment to Ordinance No. 12187 C.M.S. DATE: July 18, 2013

City Administrator
Approval

Date

7/21/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff Recommends that Council Adopt an Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to Provide a 2% Cost of Living Adjustment Increase to Miscellaneous Employees' Salaries for Fiscal Year 2013-2014 and to Provide a 1% Cost of Living Adjustment Increase to Miscellaneous Employees' Salaries for Fiscal Year 2014-2015 Pursuant to the Memoranda of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21, Including the Deputy City Attorney I-IV Unit; the Service Employees International Union, Local 1021, Including the Part-Time Unit; the International Brotherhood of Electrical Workers, Local 1245; the Confidential Management Employees Association; the Deputy City Attorney V and Special Counsel Association; and Providing the Same 2% Cost of Living Adjustment Increase to Employees' Salaries for Fiscal Year 2013-2014 and a 1% Cost of Living Adjustment Increase to Employees' Salaries for Fiscal Year 2014-2015 for Unrepresented Employees

OUTCOME

The proposed amendment to the Salary Ordinance has been prepared to provide a 2% Cost of Living Adjustment (COLA) increasing the salaries of the City's miscellaneous employee groups in Fiscal Year 2013-2014 for both represented and unrepresented employees and a 1% Cost of Living Adjustment (COLA) increasing the salaries of the City's miscellaneous employees groups in Fiscal Year 2014-2015 for both represented and unrepresented employees.

BACKGROUND/LEGISLATIVE HISTORY

The Salary Ordinance (Ordinance No. 12187 C.M.S.) establishes salaries and other terms and conditions of City employment. An Amendment to the Salary Schedule of the Salary Ordinance is required any time there is a change in the list of classifications, the titles of those classifications, or the salaries associated with the classifications.

As of this writing, tentative agreement has been reached with International Federation of Professional and Technical Engineers, Local 21 (Local 21); the Local 21 Deputy City Attorney I-IV Unit; the Service Employees International Union, Local 1021 (SEIU); the SEIU, Local 1021

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Part-Time Unit; the International Brotherhood of Electrical Workers, Local 1245 (IBEW); the Confidential Management Employees Association (CMEA); and the Deputy City Attorney V and Special Counsel Association to finalize the Memoranda of Understanding (MOUs) between the City and each of the bargaining groups, each of which includes a provision for a 2% Cost Of Living Adjustment to employee salaries in Fiscal Year 2013-2014 and a 1% Cost of Living Adjustment in Fiscal Year 2014-2015. Approval of the MOUs is scheduled for discussion at the July 30, 2013 City Council meeting and it is anticipated that the MOUs will be approved at that time.

In accordance with Ordinance No. 12187 C.M.S., “the Salary Ordinance,” provides at section 2.20 that the City Administrator, by Administrative Instruction, may define the unrepresented employees, if any, to whom the terms and conditions of employment specified in MOUs may also apply. Ordinance No. 12903 C.M.S. further clarifies the City’s policy with regard to compensation for unrepresented employees, “Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs...” Pursuant to the Oakland City Charter Section 202, the City Council “shall fix the compensation of all City employees, officers and officials except as otherwise provided by this Charter.” Amending the Salary Schedule of the Salary Ordinance is the mechanism through which Council sets employee salaries.

ANALYSIS

Approval of the proposed amendment to the Salary Ordinance is necessary to implement agreements reached with the City’s miscellaneous employee groups. The MOUs are scheduled to be discussed at the July 30, 2013 City Council meeting. Because a Salary Ordinance amendment requires two readings, it is being presented for its first reading July 25, 2013 so that it may be completed on August 2, 2013, provided that the MOU’s are adopted on July 30, 2013.

PUBLIC OUTREACH

No public outreach was required.

COORDINATION

Preparation of this report was coordinated with the Office of the City Attorney and the Budget Office.

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COST SUMMARY/IMPLICATIONS

A portion of the funding to support the Cost of Living Adjustment salary increases proposed in the attached Salary Ordinance amendment is included in the Adopted Policy Budget for Fiscal Years 2013-2015. Staff will return to Council with additional information regarding the source of funding for the identified gap.

COLA	FY2013-14	FY 2014-15	
2.00%	\$4,416,000	\$4,416,000	\$8,832,000
1.00%		\$2,230,080	\$2,230,080
Sub-Total:	\$4,416,000	\$6,646,080	\$11,062,080
Other Funds	(\$350,189)	(\$527,034)	(\$877,223)
Total:	\$4,065,811	\$6,119,046	\$10,184,857
Council Authorized Amount			(\$8,000,000)
(Additional Funding Required)		GAP:	\$2,184,857

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

Respectfully submitted,

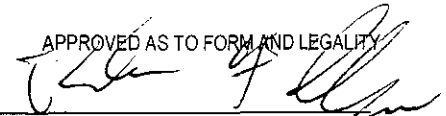


Katano Kasaine
Acting Director, DHRM

Prepared by:
Kip Walsh, Recruitment & Classification Manager

Attachments: Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. (“Salary Ordinance”) to Provide a 2% Cost of Living Adjustment Increase to Miscellaneous Employees’ Salaries for Fiscal Year 2013-2014 and to Provide a 1% Cost of Living Adjustment Increase to Miscellaneous Employees’ Salaries for Fiscal Year 2014-2015 Pursuant to the Memoranda of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21, Including the Deputy City Attorney I-IV Unit; the Service Employees International Union, Local 1021, Including the Part-Time Unit; the International Brotherhood of Electrical Workers, Local 1245; the Confidential Management Employees Association; the Deputy City Attorney V and Special Counsel Association; and Providing the Same 2% Cost of Living Adjustment Increase to Employees’ Salaries for Fiscal Year 2013-2014 and a 1% Cost of Living Adjustment Increase to Employees’ Salaries for Fiscal Year 2014-2015 for Unrepresented Employees

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CITY ATTORNEY

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OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO PROVIDE A 2% COST OF LIVING ADJUSTMENT INCREASE TO MISCELLANEOUS EMPLOYEES' SALARIES FOR FISCAL YEAR 2013-2014 AND TO PROVIDE A 1% COST OF LIVING ADJUSTMENT INCREASE TO MISCELLANEOUS EMPLOYEES' SALARIES FOR FISCAL YEAR 2014-2015 PURSUANT TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF OAKLAND AND THE INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 21, INCLUDING THE DEPUTY CITY ATTORNEY I-IV UNIT; THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021 INCLUDING THE PART-TIME UNIT; THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1245; THE CONFIDENTIAL MANAGEMENT EMPLOYEES ASSOCIATION; THE DEPUTY CITY ATTORNEY V AND SPECIAL COUNSEL ASSOCIATION; AND PROVIDING THE SAME 2% COST OF LIVING ADJUSTMENT INCREASE TO EMPLOYEES' SALARIES FOR FISCAL YEAR 2013-2014 AND A 1% COST OF LIVING ADJUSTMENT INCREASE TO EMPLOYEES' SALARIES FOR FISCAL YEAR 2014-2015 FOR UNREPRESENTED EMPLOYEES

WHEREAS, the Memorandum of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21 has been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the Memorandum of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21, Deputy City Attorney I-IV Unit has been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the Memorandum of Understanding between the City of Oakland and the Service Employees International Union, Local 1021 has been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the Memorandum of Understanding between the City of Oakland and the Service Employees International Union, Local 1021, Part-Time Unit, has been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the Memorandum of Understanding between the City of Oakland and the International Brotherhood of Electrical Workers, Local 1245 has been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the Memorandum of Understanding between the City of Oakland and the Confidential Management Employees Association has been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, the Memorandum of Understanding between the City of Oakland and the Deputy City Attorney V and Special Counsel Association has been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, said agreements are approved and include increases to salaries of 2% for Fiscal Year 2013-2014 and 1% for Fiscal Year 2014-2015 for employees represented by the International Federation of Professional and Technical Engineers, Local 21 (Local 21); the Local 21 Deputy City Attorney I-IV Unit; the Service Employees international Union, Local 1021 (SEIU); the SEIU Local 1021 Part Time Unit; the International Brotherhood of Electrical Workers, Local 1245; the Confidential Management Employees Association; and the Deputy City Attorney V and Special Counsel Association; and

WHEREAS, Oakland City Charter Section 202 allows the City Council to set the salaries for all employees; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Effective July 1, 2013, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21 are increased by 2%.

Section 2. Effective July 1, 2013, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21 Deputy City Attorney I-IV Unit are increased by 2%.

Section 3. Effective July 1, 2013, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Service Employees International Union, Local 1021 are increased by 2%.

Section 4. Effective July 1, 2013, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Service Employees International Union, Local 1021, Part-Time Unit, are increased by 2%.

Section 5. Effective July 1, 2013, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Brotherhood of Electrical Workers, Local 1245 are increased by 2%.

Section 6. Effective July 1, 2013, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Confidential Management Employees Association are increased by 2%.

Section 7. Effective July 1, 2013, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Deputy City Attorney V and Special Counsel Association, are increased by 2%.

Section 8. Effective July 1, 2013, the classifications and associated salaries of unrepresented miscellaneous employees are increased by 2%.

Section 9. Effective July 1, 2014, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21 are increased by 1%.

Section 10. Effective July 1, 2014, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21 Deputy City Attorney I-IV Unit are increased by 1%.

Section 11. Effective July 1, 2014, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Service Employees International Union, Local 1021 are increased by 1%.

Section 12. Effective July 1, 2014, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Service Employees International Union, Local 1021, Part-Time Unit, are increased by 1%.

Section 13. Effective July 1, 2014, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Brotherhood of Electrical Workers, Local 1245 are increased by 1%.

Section 14. Effective July 1, 2014, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Confidential Management Employees Association are increased by 1%.

Section 15. Effective July 1, 2014, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Deputy City Attorney V and Special Counsel Association, are increased by 1%.

Section 16. Effective July 1, 2014, the classifications and associated salaries of unrepresented miscellaneous employees are increased by 1%.

Section 17. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

Section 18. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2013

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

DATE OF ATTESTATION: _____

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO PROVIDE A 2% COST OF LIVING ADJUSTMENT INCREASE TO MISCELLANEOUS EMPLOYEES' SALARIES FOR FISCAL YEAR 2013-2014 AND TO PROVIDE A 1% COST OF LIVING ADJUSTMENT INCREASE TO MISCELLANEOUS EMPLOYEES' SALARIES FOR FISCAL YEAR 2014-2015 PURSUANT TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF OAKLAND AND THE INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 21, INCLUDING THE DEPUTY CITY ATTORNEY I-IV UNIT; THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021; THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1245; THE CONFIDENTIAL MANAGEMENT EMPLOYEES ASSOCIATION; THE DEPUTY CITY ATTORNEY V AND SPECIAL COUNSEL ASSOCIATION; AND PROVIDING THE SAME 2% COST OF LIVING ADJUSTMENT INCREASE TO EMPLOYEES' SALARIES FOR FISCAL YEAR 2013-2014 AND A 1% COST OF LIVING ADJUSTMENT INCREASE TO EMPLOYEES' SALARIES FOR FISCAL YEAR 2014-2015 FOR UNREPRESENTED EMPLOYEES

THIS ORDINANCE WOULD PROVIDE FOR SALARY INCREASES OF 2% IN FISCAL YEAR 2013-2014 AND 1% ON FISCAL YEAR 2014-2015 FOR THE LISTED REPRESENTED AND UNREPRESENTED EMPLOYEES

DIGEST

Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to Provide a 2% Cost of Living Adjustment Increase to Miscellaneous Employees' Salaries for Fiscal Year 2013-2014 and to Provide a 1% Cost of Living Adjustment Increase to Miscellaneous Employees' Salaries for Fiscal Year 2014-2015 Pursuant to the Memoranda of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21, Including the Deputy City Attorney I-IV Unit; the Service Employees International Union, Local 1021; the International Brotherhood of Electrical Workers, Local 1245; the Confidential Management Employees Association; the Deputy City Attorney V and Special Counsel Association; and Providing the Same 2% Cost of Living Adjustment Increase to Employees' Salaries for Fiscal Year 2013-2014 and a 1% Cost of Living Adjustment Increase to Employees' Salaries for Fiscal Year 2014-2015 for Unrepresented Employees
