

2019 DEC -5 PM 3:11

Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87972 C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY  
TO SETTLE DISPUTE REGARDING HOLIDAY PAY CALCULATIONS  
FOR POLICE MEMBERS OF THE OAKLAND POLICE AND FIRE  
RETIREMENT SYSTEM CLASSIFIED AT THE RANK OF CAPTAIN  
AND DEPUTY CHIEF**

**WHEREAS**, pursuant to Article XXVI of City of Oakland Charter, retirees of the Oakland Police Department who are members of the Oakland Police and Fire Retirement System (“PFRS”) are entitled to receive a retirement allowance that is based on “compensation attached to the average rank held” during the three years immediately preceding retirement; and

**WHEREAS**, “compensation attached to rank” for Covered Retirees currently includes, but is not limited to, holiday pay; and

**WHEREAS**, in November 2018, the PFRS Board passed Resolution No. 7030, which changed the method for calculating the amount of holiday pay to be credited police retirees and beneficiaries of police retirees who held the rank of captain or deputy chief during the three years immediately preceding retirement; and

**WHEREAS**, under the new calculation method set forth in Resolution No. 7030, the amount of holiday pay credited to police retirees and beneficiaries of police retirees who held the rank of captain or deputy chief decreased from 144 hours per year to 17.67 hours per year for fiscal year 2018-2019; and

**WHEREAS**, PFRS currently credits police retirees and beneficiaries of police retirees who held the rank of captain with 26.8 hours of holiday pay per year; and

**WHEREAS**, PFRS currently credits police retirees and beneficiaries of police retirees who held the rank of deputy chief with 24 hours of holiday pay per year; and

**WHEREAS**, on May 21, 2019, counsel for the Retired Oakland Police Officers Association (“ROPOA”) submitted a letter to the PFRS Board objecting to and challenging the new calculation method and the reduction in holiday pay being credited to police retirees and beneficiaries of police retirees who held the rank of captain or deputy chief; and

**WHEREAS**, the May 21, 2019 letter also invited PFRS and the City to participate in settlement discussion to attempt to resolve this dispute regarding holiday pay calculations for police retirees and beneficiaries of police retirees who held the rank of captain or deputy chief and stated that if the dispute could not be resolved informally, ROPOA may be forced to take action in court to protect the interests of the retirees; and

**WHEREAS**, the City, the PFRS Board and the ROPOA wish to compromise, resolve and settle the dispute over holiday pay calculations for police retirees and beneficiaries of police retirees who held the rank of captain or deputy chief pursuant to the terms set forth in the Settlement Agreement attached hereto as **Exhibit A**; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the dispute over holiday pay calculations for police retirees and beneficiaries of police retirees who held the rank of captain or deputy chief, pursuant to the terms set forth in the Settlement Agreement attached hereto as **Exhibit A**; and be it

**FURTHER RESOLVED:** That the City is authorized and directed to take whatever steps as may be necessary to effect said settlement.

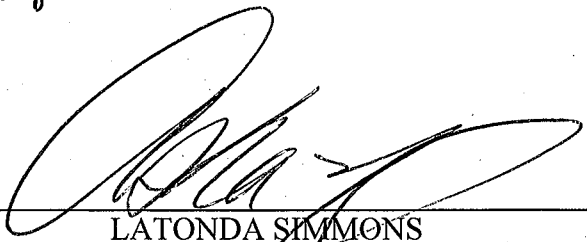
IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 1 0 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,  
THAO AND PRESIDENT KAPLAN - 8

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

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