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INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

  
City Attorney

**ORDINANCE NO. 12918 C.M.S.**

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**An Ordinance (1) Amending the Salary Ordinance to Provide that the City Council Must Approve Terms and Compensation in Hiring Agreements for Department and Agency Heads Other Than (a) Initial Salary Up to the Midpoint of the Salary Range, (b) Severance Pay Authorized by Ordinance No. 12187 C.M.S., (c) Executive Leave and Bonus Vacation Authorized by Ordinance No. 12903 C.M.S., with Certain Amendments, and (d) Terms and Conditions Provided in the Memoranda of Understanding between the City and its Recognized Miscellaneous Employee Organizations and (2) Supplementing and Amending Ordinance Nos. 12187 C.M.S. and 12903 C.M.S.**

**WHEREAS**, Oakland City Charter section 207 charges the City Council with fixing the compensation of all City employees, officers and officials unless otherwise provided by the Charter; and

**WHEREAS**, the Council has established salary ranges for employees and adopted salary ordinances, namely Ordinance Nos. 12187 and 12903 C.M. S., that grant the appointing authority the discretion to (1) set the initial salary of employees who they hire at any point in the salary range for the classification in question, if there has been unusual difficulty in recruiting and (2) grant severance pay, as a hiring incentive to employees who are exempt from Civil Service and must be terminated through no fault of the employee, equivalent to 3 months of salary if the employee has completed less than 10 years of service and up to six months of salary if the employee has completed ten years of service; and (3) grant certain Executive Leave and bonus vacation days at the time of hiring employees who are exempt from Civil Service; and

**WHEREAS**, during these challenging economic times that have resulted in significant budget deficits and layoffs of employees, the Council desires to further limit the discretion of appointing authorities with respect to setting initial salary and providing other terms and forms of compensation to department and agency heads; now therefore

**The City Council of the City of Oakland does ordain as follows:**

**Sec. 1.00 Purpose.** This ordinance further limits the authority and discretion of the appointing authority solely with respect to fixing compensation and other terms and conditions of employment in hiring agreements for department heads and agency directors.

**Sec. 1.10 Initial Salary and other Compensation for Agency and Department Heads.**

Notwithstanding any other provision of this Ordinance, Ordinance No. 12187, Ordinance No. 12903 or any other Ordinance, the initial salary of an agency or department head in the City shall be the salary attached to the lowest rate of the salary schedule established for the classification to which he/she is appointed; provided however, that the appointing authority may appoint a new agency or department head at any point in the applicable salary schedule for the classification involved, up to the midpoint of the salary range, if there has been unusual difficulty in recruiting competent employees at the lowest rate of the applicable salary schedule and the higher rate is commensurate with the education and experience of the appointee. Any initial salary higher than the midpoint in the salary range for the classification in question must be approved by the City Council.

The City Council must approve any hiring agreement that provides terms or compensation for department or agency heads other than those provided in the memoranda of understanding between the City and its recognized miscellaneous employee organizations, with the following exceptions: the appointing authority may offer new department and agency heads the severance payments authorized under section 2.10 of Ordinance No. 12187 C.M.S. and the Executive Vacation Leave and the bonus vacation days authorized by Ordinance No. 12903 C.M.S. The Executive Vacation Leave authorized by Ordinance No. 12903 C.M.S. may be granted only at the time an employee is hired for one time only and only for one year and that Executive Leave may be carried over for a maximum of two years.

**Sec. 1.20 Conflicts.** If there is any conflict between the provisions of this Ordinance and Ordinance Nos. 12187 or 12903 which this Ordinance supplements and amends, this Ordinance's provisions shall govern.

**Sec. 1.30 Amendments.** Amendments to any provision of this ordinance shall hereinafter be entitled "Amendments to the Salary Ordinance".

IN COUNCIL, OAKLAND, CALIFORNIA MAR 3 2009

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, - 7

~~REAR~~

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST

  
LATONDA SIMMONS

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

Date of Attestation 3/23/09