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CITY OF OAKLAND  
AGENDA REPORT

2010 MAR 11 PM 3:57

**TO:** Office of the City Administrator  
**ATTN:** Dan Lindheim  
**FROM:** Department of Human Resources Management  
**DATE:** March 23, 2010

**RE: Supplement Report Responding to the City Auditor's Hiring Practices Performance Audit Report, Including Information On 1) The Use of Temporary Contract Service Employees, 2) Role of the Human Resources Department in Police and Fire Recruitment and increasing Oakland resident hiring, 3) Desk Audits, and 4) The Recruitment Process for Exempt Positions**

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**SUMMARY**

The purpose of this report is to provide updates on the following four subject areas addressed in the 2009 Hiring Practices Audit: 1) the use of temporary contract service employees (TCSEs); 2) the role of the Human Resources Department in the Police and Fire Departments' recruitment processes including efforts to diversify the applicant pool and ensure Oakland residents are represented; 3) the use of desk audits and the criteria for assigning out of class work, and 4) the City's efforts to ensure that the recruitment process for exempt positions is transparent and results in hiring of most qualified individuals. In addition, staff was directed to provide the Committee with monthly copies of the Civil Service Board minutes and quarterly reports on outstanding and pending desk audits.

**FISCAL IMPACT**

This is an informational report. There are no fiscal impacts at this time. However, the Department is reviewing the feasibility of upgrading the current applicant tracking and testing system, which will include an on-line personnel requisition process. The additional annual cost is estimated at approximately \$15,000, and several departments have indicated a willingness to consider sharing the cost. There is also a one-time installation cost that is estimated at \$16,750.00.

**BACKGROUND**

On December 10, 2009 Sjoberg Evanshenk Consulting Inc. presented the results of the Hiring Practices Audit. Staff at the same meeting presented brief comments regarding the audit. The Rules Committee directed staff to present any detailed follow-up reports to the Finance and Management Committee.

Item: \_\_\_\_\_  
Finance and Management Committee  
March 23, 2010

Staff was directed to address four areas: 1) the use of temporary contract service employees (TCSEs); 2) role of the Human Resources Department in the Police and Fire Departments' recruitment processes including efforts to diversify the applicant pool and ensure Oakland residents are represented; 3) the use of desk audits and criteria for assigning out of class work; 4) the City's efforts to ensure that the recruitment process for exempt positions is transparent and results in hiring of most qualified individuals.

Additionally, at the January 26, 2010 Finance Committee discussion regarding the Race and Gender Disparity Study, staff recommended conducting a Survey of Best Practices regarding Police and Fire recruitment in order to assess the role and involvement of the Human Resources Department in the process, and efforts made to increase local hiring. Departments of Human Resources Management, Police and Fire are still reviewing the results of the survey. Full results and staff's recommendations on short-term and long-term strategies will be presented in the April 13, 2010 report to the Finance Committee on the Race and Gender Disparity Study.

Lastly, at the February 9, 2010 meeting, the Committee directed staff to 1) provide the Committee with a regular report from the Civil Service Board that tracked outstanding desk audits, including the timelines for them to be performed, and 2) develop a clear policy for filling vacant positions that ensures employees are given the opportunity to compete for the vacant position. City Council members will be placed on the Civil Service Board's subscriber list, and will begin receiving minutes from the Civil Service Board's monthly meetings beginning in April, along with a quarterly report of pending desk audits. City policy regarding out of class work is contained in the Civil Service Rules and Memoranda of Understanding (MOU's) with the City's various unions, and is discussed later in this report.

## DISCUSSION

### **(1) Monitoring and Managing the Use of Temporary Contract Services Employees (TCSE) and Exempt Limited Duration Employee (ELDE)**

City departments may utilize Temporary Contract Employees (TCSEs) for short-term projects or Exempt Limited Duration Employees (ELDE) to perform duties that have not yet been classified. TCSEs may serve for a maximum of 960 hours per fiscal year and may be placed in one of two types of assignments: employees may be assigned to a division or a project on a regular basis for up to a maximum of 960 hours or may be assigned on an occasional or short-term (less than 30 days) basis. TCSEs can not be used on a long-term basis.

ELDEs were established in order to meet the City's need to fill positions with: a) limited funding cycles of one year or less; b) projects longer than 6 months in duration, yet still short-term; and c) positions where the duties and responsibilities have not yet been fully defined. ELDEs may not exceed one year in duration, and if appointed for six months or longer will be enrolled in the

PERS retirement plan and become eligible for the same health and fringe benefits as regular appointees.

Currently, there are a total of 148 ELDE and TCSE employees (125 TCSE and 23 ELDE) in the City. Of the total number:

- 46 are properly utilized for *temporary assignments*;
- 31 are for non-permanent projects that are *grant-funded*;
- 32 support programs that are *revenue generating*;
- 32 are retirees working part-time (*annuitants*); and
- 7 have *special circumstances* not fitting in any of the above categories

What has impeded the City's ability to eliminate long-term use of some TCSEs is the absence of classifications that reflect their job duties and contemplated use. DHRM has developed a strategy that will be utilized to place temporary employees into one of the appropriate categories through creation of additional classifications. DHRM anticipates completion of this process by late July 2010.

Furthermore, DHRM and the City Attorney's Office conducted an intensive review of use of ELDEs/TCSEs, to ensure that no TCSE/ELDE was performing work that employees who had been laid off were qualified to perform. In only two instances were TCSEs/ELDEs performing work that could possibly have been performed by laid off bargaining unit members, and those TCSEs/ELDEs will be terminated by April 2, 2010. Any employees subject to future layoffs who are qualified to perform work performed by TCSEs and ELDEs will be notified and offered the opportunity to perform that work.

Below is the discussion of TCSE/ELDE cases by category, including a plan to address each type of cases.

#### ***A. Temporary Assignments***

There are currently 46 temporary employees who have been identified as TCSEs or ELDEs. Their placements will be monitored, and DHRM will advise departments when employees are projected to reach the maximum allowable hours. In addition, any employees subject to future layoffs who are qualified to perform work performed by these TCSEs and ELDEs will be notified and offered the opportunity to perform that work.

#### ***B. Grant Funded TCSEs/ELDEs***

DHRM has identified a total of 31 grant funded temporary employees. The Personnel Director may appoint grant funded limited duration employees to meet the City's need to fill classified positions that are funded by grants lasting up to three (3) years. Grant funded limited duration

appointments come from an appropriate eligible list, and should not exceed three (3) years. The acceptance or rejection by an eligible of this type of appointment does not affect her/his standing on the eligible list.

Upon completion of a probationary period, grant funded limited duration appointments attain permanent status, with the following exception: in the event of a layoff or the conclusion of the grant, a grant funded limited duration employee has no right of appointment to any classified position.

The following process will be used to appoint grant funded employees:

- For all current ELDEs performing work that matches that of existing reinstatement or eligible lists, the department will offer the "Grant Funded Limited Duration Appointment" to those employees. This process should be completed by April 2010.
- For all ELDEs in classifications that exist but for which there is no existing reinstatement or eligible list, DHRM will conduct a recruitment. Departments may appoint provisionally for no longer than 120 days until the recruitment has been completed. This process should be completed by July 2010.
- For all ELDEs with a matching classification BUT who require selective certification recruitment, DHRM will conduct a recruitment, and advertise the selective certification. This process should be completed by July 2010.
- All ELDEs performing work that does not match that of existing classifications would remain as ELDEs but fill out Position Description Questionnaire Forms so that DHRM can conduct accelerated audits of their work and determine what class would need to be created to capture the work performed. The ELDE would need to participate in the recruitment process once the classification was created in order to be eligible for appointment as a Grant Funded Limited Duration Employee. This will required DHRM to meet and confer with the unions and seek approval from the Civil Service Board and Salary Ordinance approval from City Council. This process should be completed by December 2010.

### ***C. Revenue Generating TCSEs/ELDEs***

The 32 Revenue Generating temporary employees are in the Parks and Recreation Department. They perform the duties of instructors. DHRM will need to establish classifications that reflect their duties and the need to continue to have the work performed. This will provide the Parks and Recreation Department with a more appropriate designation for the type of work these employees perform. This will require DHRM to meet and confer with the unions and seek

approval from the Civil Service Board and City Council. The above process should be completed, with appropriated classifications established and employees placed in them by July 2010.

***D. Annuitants***

DHRM has identified 32 TCSEs who are annuitants. In order to monitor these annuitants, and comply with California Public Employees Retirement System (CalPERS) rules, DHRM will develop a Temporary Annuitant Appointment. This will require DHRM to meet and confer with the unions and propose revisions to the Civil Service Rules. The above process should be completed, with the appropriated status established and employees placed in them by October 2010.

***E. Special Circumstances***

There are a total of 7 TCSEs who perform highly specialized work. The City has historically experienced difficulty recruiting for them, and has needed to use part-time or on-call individuals. DHRM recommends the addition of a part-time equivalent classification for Veterinarian and conduct salary surveys for certain classes in order to determine the appropriate market compensation. This will require DHRM to meet and confer with the unions and seek approval Salary Ordinance approval from City Council. The above process should be completed, with appropriated classifications and salaries established and employees placed in them by September 2010.

**(2) Roles of the Human Resources Department in Police and Fire Recruitments and Increasing Local Hiring**

DHRM recently conducted an extensive survey to learn more about how other public agencies recruit, test, and hire sworn police and fire entry-level staff. The goal was to identify the "best practices" in this specialized area and determine if the City could improve in its outreach efforts and in hiring the most qualified individuals from a diverse applicant pool.

Survey respondents were asked the following questions:

- 1) What effective methods has your organization utilized to attract and retain a qualified, diverse, candidate pool for entry level police officers and firefighters?
- 2) Are special efforts made to attract local residents as applicants for police officer and firefighter positions? Please explain.
- 3) Which department(s) or agency (ies) is responsible for recruiting and developing / administering employment examinations for police officers and firefighters? If this is a

shared responsibility, please explain the roles and responsibilities from advertising and recruiting to screening and testing applicants.

4) If an eligibility list is established, how are candidates made available to be considered for hiring by the fire or police departments? (Is there a Rule of 4, Rule of List, no rankings, score banding, etc?)

5) Please describe the background check process for your agency when hiring police officers and firefighters?

**A. Summary of Survey Responses**

The survey was sent to twenty (23) public agencies throughout the State of California. These California agencies directly hire their own police and/or fire staff and have population levels exceeding 250,000. Nineteen (19) of the surveyed agencies responded, providing information about their police/fire recruitment and testing activities.

**Agencies Surveyed with Responses (19)**

Agency	Police	Fire
Anaheim	X	X
Bakersfield	X	X
Berkeley	X	X
Fremont	X	X
Fresno	X	X
Hayward	X	X
Long Beach	X	X
Los Angeles	X	X
Richmond	X	X
Riverside	X	X
Sacramento	X	X
San Diego	NA	NA
San Francisco	X	X
San Jose	X	X
Santa Ana	X	X
Santa Clara	X	X
Santa Rosa	NA	NA
Stockton	X	X
Sunnyvale	NA	NA
Alameda County	X	X
Contra Costa County	X	X
San Mateo County	X	X
Santa Clara County	X	NA

Overall, Oakland's recruitment and testing processes for entry-level sworn positions is very similar to those of the agencies that participated in the survey. There are several slightly different variations to a general process that is followed by almost all these cities and counties. Most agencies administer a written examination, oral panel interview, physical ability test, and background and / or psychiatric evaluation for these positions. We found that agencies use several different police and fire written examinations. Most are standardized multiple choice exams such as those purchased or rented from test development companies including Cooperative Personnel Services (CPS) and Ergometrics, or from the Commission on Peace Officer Standards and Training (POST). POST was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement.

**B. Best Practices Utilized by Oakland Identified in Survey**

In addition to discovering several practices that the City does not currently utilize which will be discussed in the next section, the survey results indicated that many of the City's existing practices are considered good practices by other agencies. A number of such practices in the chart below are currently in place or have been used in the recent past by the City's , and were found to be a part of other agencies' strategies as well.

Practice	Description
P.O.S.T written test	No rental fee; standard test used by many cities, police departments
Community Outreach	Local high schools and colleges (and specific programs such as criminal justice and fire science), churches, non profit groups, CBOs, officer recruiters, youth and teen groups, mentorship program, professional associations, women's organizations, seminars and workshops open to the public, women, etc.
Advertising: Traditional and non-traditional	Bus stops, billboards, libraries, career centers, variety of job fairs, radio ads, local newspapers, City website, cable TV, P.O.S.T. and public safety-related websites, local gyms, members of trades, etc.
HR / Dept Partnership	HR and police and fire departments collaborate to cover all aspects of recruiting, test development and administration, background checks, etc.
Cadet Program for Police	Such programs expose young adults or youth to explore the possibility of a career in public safety. These individuals are groomed to become potential candidates when they become adults and meet the minimum qualifications for the job.
Incentives	Longevity pay incentives, referral programs

### ***C. Possible Best Practices to Adopt***

This comprehensive survey confirmed that many other public agencies with public safety functions face similar issues to those of Oakland. With the current labor market and economic pressures, agencies are continuing to look for more efficient ways to staff their law enforcement and fire departments with a diverse workforce. Many of the practices and strategies implemented in Oakland are also used in most of the agencies surveyed.

However, we can take advantage of the information collected at this time and consider several strategies found in the survey data as future City police and fire academies are funded. This may include, but not be limited to an expansion and further development of cadet programs, recognition of outside physical ability tracking test certifications, and a technology investment / upgrade of applicant and testing systems.

#### “Grow Your Own”

Several agencies have developed internal programs directed at attracting youth or young adults to pursue a career in public safety. It is clear that such programs can encourage young people who live in the surrounding community to become interested in the employer who sponsors the program and possibly pursue a career with that employer. Although the OPD does have a cadet program, there may be opportunities to expand and enhance that program to create a constant source of potential applicants and add to the diversity of the pool.

More recently in a meeting with Police Department staff, we identified a gap in the development of potential local candidates for the Police Cadet and Academy. While outreach beginning at the grade and middle school level is an effective way to introduce youth to a career in law enforcement, Police Department staff identified youth between the ages of 15 1/2 and 17 1/2 tend to “dropout” of the process because of the lack of employment as a means to keep them attached to the Police Department. One suggestion is to partner with the Boys and Girls Clubs and their Career Launch Programs to provide meaningful employment opportunities at local Boys and Girls Clubs for youth during this period of time, and further their leadership and career development through the clubs. Staff is exploring a proposal to seek funding for employment for youth who are interested in a career in law enforcement, but need employment or other opportunities to keep them engaged until they are eligible for the Police Cadet program.

#### Use of Standardized Tests

The City’s current processes generally reflect those of almost all other agencies surveyed. However, the survey results indicate that some agencies are now considering using standardized physically ability tests and / or test scores submitted by entry fire fighter applicants. If the physical ability test can be shown to be valid and job related to the City’s environment, it could save the Fire Department a substantial amount of money in physical



ability test administration as the City may not have to administer the examination to some of it's applicants who may have passed the examination through another organization.

The most common of such products appears to be the Candidate Physical Ability Test (CPAT) which was developed by the International Association of Fire Fighters / International Association of Fire Chiefs Fire Service Joint Labor Management Wellness-Fitness Task Force. This is an area that may deserve additional consideration before the City embarks on future large scale recruitment efforts.

#### Expanded Use of Technology

The large volume of applicants who apply for police and fire entry level jobs appeared to be on the minds of several of the survey participants. For example, one agency cited nearly 11,000 applicants for a firefighter examination of which they tested approximately 6,200 (written exam stage). Others cited the burden that such large applicant pools have placed on their agencies and described ways to handle such overwhelming responses to job postings including limited application filing periods, submission of applications in person only, etc. However, the item that stood out the most was the willingness of several agencies to invest in newer technology for applicant tracking and test administration of prospective employees.

Agencies such as the cities of Berkeley, Sacramento, Alameda County, and Contra Costa County have utilized a more advanced, robust, system (NeoGov) than what is currently used in Oakland. Coincidentally, Department staff had been researching these types of products over the past several months in an effort to improve current business processes. The system the City currently utilizes is in need of an upgrade (the newer version of NeoGov) and the Department has been reviewing potential funding sources to accomplish this. The current version of the applicant system is not user friendly and does not utilize an effective on-line application process. The system tracking also does not take advantage of the technology available to electronically send information to hiring managers and to certify electronically approved hiring lists to the users, perpetuating a manual, labor intensive process.

#### Screening of applicants

Staff will present the results of the survey as an additional supplemental report to the Committee at the February 23, 2010 meeting. In addition, meetings are scheduled with the Police and Fire Chiefs and their staff, to work out the policies regarding the Police and Fire recruitment and hiring process. We anticipate providing the Committee with recommendations for their approval at the April 13, 2010 Committee meeting.

#### Role of the Human Resources Department

The following efforts were made to enhance and expedite recruitment of police officers to meet the staffing goals related to Measure Y (We will be discussing these strategies with the Fire Department to determine their applicability to the Fire Department and/or if similar programs or approaches exist in the Fire Department): a) offering a pre-academy physical

fitness enrichment program; b) developing a Grow the Cadet Program; and c) implementing the OPD Internship Program. Strategic recruitment of women for the police and fire departments, will also focus on “best practices” identified by the National Institute for Women in Trades, Technology & Science, and include workshops that focus on issues around non-traditional career choices for women, mentoring programs for women, and will include current women in the police and fire departments in the further development of outreach and recruitment strategies.

Following our meetings with the Police and Fire Departments we will propose that the respective departments and the Department of Human Resources Management jointly launch these programs in the spring of 2010. The role of the Department of Human Resources Management would be to **facilitate** establishment of these programs based upon the feasibility and cooperation of the respective departments, and to **monitor** the success of the programs in attracting, retaining, and promoting women throughout the Police and Fire Departments.

### **(3) Overview of the Classification Plan and Desk Audits**

Staff provides the Civil Service Board with quarterly reports regarding the status of outstanding desk audit requests. Currently, staff is working on seventeen (17) classification studies or desk audits. Beginning in April 2010, the City Council will receive monthly minutes on the Civil Service Board activities, which will include the quarterly report of outstanding desk audit reports.

The Classification Plan is discussed in Civil Service Rule 3 and includes about a description of the classification system, job titles, job families, minimum qualifications, and job descriptions in addition to provisions regarding classification studies. Currently, there are over one thousand (1000) city classifications, including full-time, permanent part-time, and part-time. The goal of the Classification Plan is to ensure that all employees are placed in the correct classification.

Employees who believe they are working out-of-class can request a classification study, referred to as a desk audit. They must fill out a Position Description Questionnaire (PDQ) Form, which outlines the duties they are performing, the knowledge, skills, and abilities that are required, their working conditions, equipment used, and scope of authority. The PDQ is reviewed by the direct supervisor and then submitted to DHRM.

Classification study requests are reviewed to ensure they are complete and that the incumbent has been performing the alleged higher class duties for a minimum of 12 months. A Human Resources Analyst reviews the PDQ and schedules a meeting with the employee. A meeting is also scheduled with the Supervisor and/or Manager. The HR Analyst reviews the incumbent's

work and clarifies questions that may arise from the information submitted in the PDQ. The HR Analyst analyzes and drafts preliminary findings.

These initial findings are reviewed by the Classification Supervisor, and additional research may be performed. The final report and findings are then issued to the department and the employee. If the DHRM determines the position should be reallocated or reclassified at a higher level, the reclassification takes effect at least two calendar weeks after the findings are issued. Employees have the right to appeal the outcome of a classification study, a change to the Civil Service Rules incorporated in the revisions adopted in April 2008.

There are several possible outcomes of classification studies. An employee may be reclassified to a similar or higher classification if the current duties merit such a change, a result that has occurred in approximately two-thirds of the reviews during the past several years. The employee is typically assigned to the higher class without an examination, provided he or she has performed the work for at least one year prior to the study. Another possible result is that employee is denied reclassification. The denial is subject to appeal to the Civil Service Board. Another result could entail downgrading a position.

#### *A. Timelines*

Classification studies require two or three months, although complex studies may require additional time. Any study involving revisions to class specifications, a change in the pay rate or the creation of a new classification requires several additional months because of the need to confer with the union, and the need to secure Civil Service Board and Council approval.

Only the employee requesting the desk audit and who was performing higher class duties are impacted. The employee's department must then identify additional funds to upgrade the position. Other employees cannot compete for the upgraded position.

Desk audits have not been completed in a timely manner due to competing priorities arising out of layoffs and significant reductions in staff. Staff is being cross-trained to allow all HR Analysts to perform desk audits and classification studies. By cross-training staff, DHRM expects the desk audit process to proceed more efficiently. The Civil Service Board regularly reviews the status of all outstanding requests on a quarterly basis.

DHRM is also developing a comprehensive plan to update and maintain the City's Classification Plan. The Plan includes updating class specifications to reflect more accurately the work that is currently being performed throughout the City, and complying Civil Service Board, and MOU provisions regarding class specifications. The Plan will be presented to the City Administrator and reviewed with Departments in April 2010.

### ***B. Criteria for Assigning Out of Class Work***

The Civil Service Rules allow an employee to be assigned to perform duties of a higher class for training purposes. The Personnel Director must be informed and the training is subject to approval, as the employee is “working out of classification”. The basis for approval is that the both the employee and City benefit from the training, which shall not exceed six months.

### ***C. Acting Pay***

The International Federation of Professional and Technical Engineers (IFPTE) Local 21 and Service Employees International Union (SEIU) Local 1021 have MOU provisions governing Acting Pay. In order for an IFPTE Local 21 employee to receive Acting pay the MOU requires the following: An employee has to be assigned in writing by the department head or designated representative to assume and perform all the ordinary day-to-day duties and responsibilities of a temporarily vacant or permanently vacant budgeted position. The SEIU MOU provision is the same except it does not require the position to be temporarily or permanently vacant. Employees receiving acting pay are compensated for assuming the duties of the higher level position, and the specific rates of acting pay are dictated by the MOU.

### **(4) Recruitment for Exempt Positions**

The IFPTE Local 21 and SEIU Local 1021 MOUs as well as the International Association of Fire Fighters (IAFF) Local 55 and Oakland Police Officers Association (OPOA) MOUs require vacancies to be posted for a minimum period of time to ensure adequate notice to employees. They also require that the examination process be conducted in accordance with Civil Service Rules. More recently, the DHRM has notified departments of the hiring process governing certain “exempt” classifications. A vacant position occurring in some exempt classifications will be posted for a minimum of seven (7) working days to provide an opportunity for represented employees to apply.

### **SUSTAINABLE OPPORTUNITIES**

The recommendations contained in this report do not have any economic, environmental or social equity impacts.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

In compliance with the Americans with Disabilities Act (ADA) and the Older Americans Act, and other applicable laws, Civil Service Board meetings are conducted in accessible facilities.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council accept this informational report concerning the Hiring Practices Audit.

Respectfully submitted,

  
Wendell L. Pryor, Director  
Department of Human Resources Management

Prepared by:  
Veronica Hodge, Human Resources Manager  
Recruitment & Classification Division, DHRM

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE:

  
Office of the City Administrator