

**CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2005 JUN 30 PM 6:19

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Finance and Management Agency  
DATE: July 12, 2005

RE: AN ORDINANCE AMENDING ORDINANCE NO. 12635 C.M.S. TO ADJUST THE WAGES OF EMPLOYEES IN JOB CLASSIFICATIONS REPRESENTED BY THE DEPUTY CITY ATTORNEY V AND SPECIAL COUNSEL ASSOCIATION PURSUANT TO THE CURRENT MEMORANDUM OF UNDERSTANDING

---

**SUMMARY**

An Ordinance has been prepared for consideration by the City Council that amends the Salary Schedule of Ordinance No. 12635 C.M.S. to modify the salaries of employees in job classifications represented by the Deputy City Attorney V and Special Counsel Association.

**FISCAL IMPACT**

The negotiated wage increase of four percent (4%) effective July 2, 2005 is part of a one-year contract for the Deputy City Attorney V and Special Council Association. The proposed wage increase of four percent (4%) would cost the City's General Fund an estimated \$175,145.41 in increased wages and retirement for FY 2005-06.

Details are provided below:

Description	FY 2005-06
Negotiated Salary Increases	4.0%
Incremental cost to General Purpose Fund (GPF)	\$175,145.41

The four percent (4%) wage increase for FY 2005-06 has been included the City's FY 2005-07 Baseline Budget.

The current Memorandum of Understanding between the Deputy City Attorney V and Special Counsel and the City of Oakland expires June 30, 2006.

Item # 3  
City Council Special Meeting  
July 12, 2005

---

## **BACKGROUND**

The labor agreement, that contains these salary increases, represents the culmination of negotiations that began in the Spring of 2005, with representatives of the Deputy City Attorney V and Special Counsel Association. The Deputy City Attorney V and Special Counsel Association represent approximately 8 employees of the City Attorney Office.

Ordinance No. 12635 C.M.S. establishes salary/wage steps for these classifications. Amendments to the Ordinance, including changes to the salary schedule, are required periodically to maintain the Salary Ordinance. This proposed ordinance would amend the salary schedule of Ordinance No. 12635 to revise the salaries pursuant to the negotiated wage adjustment.

## **KEY ISSUES AND IMPACTS**

This pay increase for the Deputy City Attorney V and Special Counsel is part of the implementation process of the Memorandum of Understanding between the City of Oakland and the Deputy City Attorney V and Special Counsel Association that mandates a wage increase of four percent (4%) effective July 2, 2005. The applicable section of the MOU is attached as Exhibit 1.

## **SUSTAINABLE OPPORTUNITIES**

None.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

None.

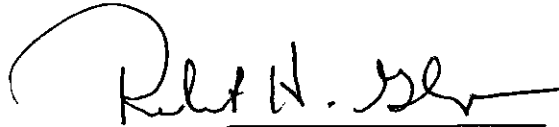
## **RECOMMENDATION AND RATIONALE**

Staff recommends that Council approve the Ordinance providing for a wage adjustment of four percent (4%) effective July 2, 2005 to the employees represented by Deputy City Attorney V and Special Counsel Association.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that Council approve the Ordinance providing for a wage adjustment of four percent (4%) effective July 2, 2005 to the employees represented by Deputy City Attorney V and Special Counsel Association.

Respectfully submitted,



*for* William E. Noland  
Director, Finance and Management Agency

Reviewed by:  
Marcia Meyers, Director OPRM

Prepared by:  
Claire Iandoli, (Acting) Senior Supervising Human  
Resource Analyst  
Office of Personnel Resource Management

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
Office of the City Administrator

## ARTICLE 5: COMPENSATION

### 5.1 Salary Schedule

As described in Section 5.3, represented employees shall be compensated on the salary schedule established for the classification to which the represented employee is appointed.

Wages for represented employees covered by this Agreement shall be increased by four percent (4.0%), effective July 2, 2005. This increase is reflected in the salary schedules attached and incorporated into this Agreement as Appendix A, Salary Ordinance/Schedule.

### 5.2 Salary Deductions

#### 5.2.1 Adjustments For Underpayment

Upon verification that a represented employee was underpaid by the City, regardless of fault, the City will within thirty (30) calendar days of discovery adjust the employee's wages in an amount equal to the underpayment.

#### 5.2.2 Adjustments For Overpayments

In the event the City erroneously overpays a represented employee, regardless of fault, the City shall recover overpayment as described in Section 5.2.2.1 or 5.2.2.2.

5.2.2.1 If the City notifies the represented employee of the overpayment before the end of the pay period following the overpayment and gives the employee a correct paycheck, the employee shall, within five (5) calendar days of receiving the notice of overpayment and the correct paycheck, return to the City the full amount of the overpayment.

5.2.2.2 If the City notifies the represented employee of the overpayment after the end of the pay period following the overpayment, the City shall recover the overpayment by deducting from that employee's regular pay check either the full amount of the overpayment or ten percent (10%) of the employee's gross salary, whichever is lesser, and continue said deductions for as many consecutive pay periods as is necessary until full overpayment is recovered. The City shall not begin recovering overpayment by payroll deductions until written notification, including all the details of the overpayment, the amount of overpayment and the schedule of repayment, has been given to the employee at least ten (10) working days in advance.

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

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF THE CITY CLERK  
CITY ATTORNEY

2005 JUN 30 PM 6:20

ORDINANCE NO. \_\_\_\_\_ C.M.S.

AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12635 C.M.S. (THE SALARY ORDINANCE) TO ADJUST THE WAGES OF EMPLOYEES IN THE JOB CLASSIFICATIONS REPRESENTED BY THE DEPUTY CITY ATTORNEY V AND THE SPECIAL COUNSEL ASSOCIATION PURSUANT TO THE CURRENT MEMORANDUM OF UNDERSTANDING.

SECTION 1. Ordinance No.12635 C.M.S. is hereby amended, to include a four percent (4%) wage increase, effective July 2, 2005, pursuant to the current Memorandum of Understanding. Pay Grade Tables for Unit U41 should read as follows:

<u>Classification Name</u>	<u>Class No.</u>	<u>Paygrade</u>
Deputy City Attorney V	EM136	25
Special Counsel	MA147	26

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

3  
SPECIAL  
COUNCIL

JUL 12 2005

ATTEST: \_\_\_\_\_

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

AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12635 C.M.S. (THE SALARY ORDINANCE) TO ADJUST THE WAGES OF EMPLOYEES IN THE JOB CLASSIFICATIONS REPRESENTED BY THE DEPUTY CITY ATTORNEY V AND THE SPECIAL COUNSEL ASSOCIATION PURSUANT TO THE CURRENT MEMORANDUM OF UNDERSTANDING.

**Digest**

An Ordinance amending the salary schedule of Ordinance No. 12635 C.M.S. (the Salary Ordinance) to adjust the wages of employees in the job classifications represented by the Deputy City Attorney V and Special Counsel Association pursuant to the current Memorandum of Understanding.

3

RECEIVED  
CITY OF CHICAGO

JUL 12 2005