

**CITY OF OAKLAND
AGENDA REPORT**

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2005 OCT 27 PM 12:03

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Finance and Management Agency
DATE: November 8, 2005

RE: A RESOLUTION AMENDING RESOLUTION NO. 76836 C.M.S. TO AMEND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE OAKLAND PARK RANGERS ASSOCIATION BY ADDING SELF-IMPROVEMENT COMPENSATION TO THE AGREEMENT

SUMMARY

A Resolution has been prepared for consideration by the City Council to amend the current Memorandum of Understanding (MOU) between the City of Oakland and the Oakland Park Rangers Association (OPRA) to add a section providing for Self-Improvement Compensation. This modification is the result of a prior agreement between OPRA and the City.

FISCAL IMPACT

The proposed amendment to the MOU (retroactive to January 1, 2005) results in a net impact to the General Fund of \$10,500.

This adjustment will be absorbed within the existing FY 2005-06 Police Department budget since the Park Rangers are a unit of the Police Department.

BACKGROUND

The current labor agreement between the City and the OPRA runs from July 1, 2001 through June 30, 2006. Prior to the ratification of the current MOU, Rangers received Self-Improvement Compensation. In December 2002, the two (2) affected Rangers noticed that the City had unilaterally ceased compensating them the Self-Improvement Compensation. The Office of Personnel Resource Management (OPRM) responded that because the Self-Improvement Compensation had not been included in the July 2001 - June 2006 MOU, it was no longer an appropriate compensation for Park Rangers.

KEY ISSUES AND IMPACTS

In December 2002, the OPRA representative filed a formal grievance for reinstatement of the Self-Improvement Compensation citing Oakland Police Department (OPD) General Order B-5, Section IV (B) (2) as the authority for providing for the Self-Improvement Compensation. The Departmental General Order B-5 is attached as Exhibit 1. The grievance proceeded through the grievance process until the OPRA requested arbitration.

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Prior to obtaining a list of arbitrators, the former Interim Employee Relations Manager, met with the union representative for OPRA. The City agreed that the grievance was valid. However, due to the City's economic crisis, both parties agreed that the Self-Improvement Compensation matter would be presented to the City Council in January 2005.

Prior to January 2005, there was a change of the entire Employee Relations staff. It was not until April 2005 that the OPRA representative contacted the current staff in Employee Relations and provided information related to the City and OPRA agreement to provide Self-Improvement Compensation to eligible OPRA employees.

This Resolution is a result of that agreement. Currently, there are three (3) Park Rangers who meet the conditions for receiving additional compensation based on the Self-Improvement Compensation criteria and are eligible for the Self-Improvement Compensation. The proposed amendment to the MOU is attached as Exhibit 2.

POLICY DESCRIPTION

The purpose of this Resolution is to amend the MOU so that the City is in conformance with OPRA and the City's agreement to grant Self-Improvement Compensation to eligible OPRA employees.

Both parties, the City and OPRA, agree that passage of this Resolution will settle the underlying grievance and will provide Self-Improvement Compensation to eligible OPRA employees.

SUSTAINABLE OPPORTUNITIES

None.

DISABILITY AND SENIOR CITIZEN ACCESS

None.

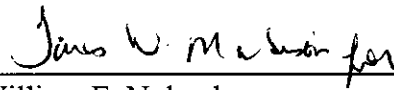
RECOMMENDATION AND RATIONALE

Staff recommends approval of the amendment to the OPRA MOU.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests the Council approve the OPRA MOU amendment.

Respectfully submitted,



William E. Noland
Director, Finance and Management Agency

Reviewed by:
Marcia Meyers
Director, Office of Personnel Resource Management

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

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:


OFFICE OF THE CITY ADMINISTRATOR

Nancy Chisno
 CITY ATTORNEY

OFFICE OF THE CITY CLERK
 OAKLAND

OAKLAND CITY COUNCIL

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Resolution No. _____ C.M.S.

A RESOLUTION AMENDING RESOLUTION NO. 76836 C.M.S. TO AMEND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE OAKLAND PARK RANGERS ASSOCIATION BY ADDING SELF-IMPROVEMENT COMPENSATION TO THE AGREEMENT

WHEREAS, by Resolution No. 76836 C.M.S., the City Council approved the Memorandum of Understanding between the City and the Oakland Park Rangers Association (OPRA); and

WHEREAS, the City and the OPRA desire to amend the MOU by adding a provision that provides Self-Improvement Compensation; and

WHEREAS, this amendment will authorize members of the OPRA to receive compensation upon completion of self-improvement studies in accordance with the following table:

Certificate or Degree	Compensation
Intermediate POST Certificate	0.8% of regular base salary
Advanced POST Certificate	3.2% of regular base salary
Associate Degree	0.8% of regular base salary
Bachelor's Degree	3.2% of regular base salary
Master's Degree	4.0% of regular base salary

now, therefore be it

RESOLVED: That the City Council hereby authorizes the amendment of Resolution No. 76836 C.M.S. to modify the MOU between the City and the OPRA by adding Self-Improvement Compensation to the agreement.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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



DEPARTMENTAL
GENERAL
ORDER

Rev.
19 May 99

Index as:

B-5

Compensation for Education
Education Compensation
Reimbursement, Educational
Self-Improvement Compensation
Training and Self-Improvement Funds
Tuition Reimbursement

Ref: CALEA
Standard 22.2.9

TRAINING AND SELF-IMPROVEMENT FUNDS

The purpose of this order is to set forth procedures for training course approval, tuition reimbursement, and compensation for academic degrees and Intermediate or Advanced POST Certificates.

I. CONDITIONS FOR TUITION REIMBURSEMENT

- A. Members and employees shall obtain advance approval from the Chief of Police prior to the commencement of each course. Prior approval from the City Manager is also required for unrepresented employees when the course tuition exceeds \$300. Courses which are in progress and not approved in advance shall not be considered for tuition reimbursement.
- B. Courses for which reimbursement is sought must be completed while the individual is still employed by the Department.
- C. Members and unrepresented employees shall request tuition reimbursement only for courses which will:
 - 1. Improve skills used in their current positions; and/or
 - 2. Prepare them for advancement on a career path within the Department or City organization.
- D. Represented civilian employees shall request tuition reimbursement only for job-related courses which will improve their skills used in their current positions.

- E. The member or employee may have either probationary or permanent status.
- F. The courses must be taken during off-duty time.
- G. Members and employees shall be reimbursed for tuition for no more than two courses during any given semester or quarter. Reimbursements for employees are also limited to six courses per calendar year. School application fees, books, materials, and other related supplies are not reimbursable.

II. TUITION FEE REIMBURSEMENT AMOUNTS

- A. Represented civilian employees shall be reimbursed according to amounts specified in the current Memorandum of Understanding between the City of Oakland, United Public Employees Local 790, and Professional and Technical Engineers, Local 21.
- B. Members, except the Chief of Police, shall be reimbursed according to amounts specified in the current Memorandum of Understanding between the City of Oakland and Oakland Police Officers' Association.
- C. Unrepresented employees shall be reimbursed according to amounts specified in City Administrative Instruction No. 552.

III. PROCEDURES FOR OBTAINING TUITION REIMBURSEMENT

- A. Applicant
 - 1. Prior to the commencement of each class, the applicant member or employee shall:
 - a. Obtain one three-part Request for Approval of Training Course form (TF-644) from the Personnel Section.
 - b. Complete the first box of the TF-644 and submit the form through his/her unit commander to the Personnel Section.

2. *The applicant shall contact the Personnel Section to determine whether or not each reimbursement request has been approved before he/she registers for the course. A lead time of 5-7 working days is needed to process request forms.*
3. *After successfully completing a training course, the member or employee shall for each course:*
 - a. *Obtain the partially completed form TF-644 from the Personnel Section, complete the fourth box of the form and resubmit it to the Personnel Section. The reimbursement requested shall be consistent with the amounts set forth in the appropriate Memorandum of Understanding or City Administrative Instruction No. 552.*
 - b. *Provide the Personnel Section with three copies of proof of tuition payment. The evidence may be in the form of a canceled check, a receipt from school, or another satisfactory document.*
 - c. *Provide the Personnel Section with three copies of proof of satisfactory completion of each course. The evidence may be in the form of a transcript, a certificate of completion, a post card of final grade sent by the school of the applicant, a diploma, or another satisfactory document.*

B. Personnel Section

1. The Personnel Section commander shall review each initial request for approval to take a training course.
 - a. The Personnel Section commander's signature on TF-644 form shall constitute certification that:
 - 1) The applicant member or employee has not submitted more than one other request for training course approval concurrent with the most recent request.

- 2) The applicant civilian employee has not exceeded the reimbursement limit of six courses per calendar year.
 - b. If the Personnel Section commander approves the request, the TF-644 form shall be forwarded to the Chief of Police
 2. If the Chief of Police approves the initial request, the Personnel Section shall file the TF-644 form pending completion of the course, except when an unrepresented employee's tuition exceeds \$300. In that case, the Personnel Section shall forward the original and yellow copies of the TF-644 form to the City Manager's Office. Requests approved by the City Manager shall be filed in the Personnel Section until the employee completes the course.
 3. When the member or employee completes the course and submits the necessary documentation, the Personnel Section shall:
 - a. Return all three copies of the TF-644 form to the Chief of Police with proof of tuition payment and course completion attached.
 - b. If the Chief of Police approves the final reimbursement request:
 - 1) File the TF-644 pink copy with proof of tuition payment and course completion attached, in the member's or employee's personnel jacket.
 - 2) Forward the original and yellow copies along with proof of tuition payment and course completion to the Accounting Section.
- C. Office of Chief of Police

After initial and final review by the Chief of Police, all training course request forms and documentation shall be returned to the Personnel Section.

D. Accounting Section Procedures

1. Code the original and yellow copies of the TF-644 form endorsed by the Chief of Police.
2. Retain the yellow copy of TF-644 and forward the original, with proof of payment and course completion attached, to the City Accounting Department.
3. Ensure that personnel receive reimbursement warrants returned by the Accounting Department.

IV. COMPENSATION TO MEMBERS FOR COMPLETING SELF-IMPROVEMENT STUDIES

A. *Conditions*

1. Members who have completed their probationary period shall be eligible to receive additional compensation for academic degrees or Intermediate or Advanced POST Certificates.
2. A member who has received more than one POST Certificate or college degree shall be entitled to receive compensation *only for the highest level of benefits for which he/she qualifies.*
3. Members who obtain new or higher level POST Certificates or degrees become eligible for compensation beginning with the first full pay period following submission of verification documents.
4. Members may consult the Training Section for information concerning POST certification requirements.

B. Schedule of Compensation

1. Members of the City Police and Fire Retirement System (P&F) shall receive compensation for completing self-improvement studies in accordance with the following table:

Certificate or Degree	Compensation
Intermediate POST Certificate	1% of regular base salary
Advanced POST Certificate	4% of regular base salary
Associate Degree	1% of regular base salary
Bachelor's Degree	4% of regular base salary
Master's Degree	5% of regular base salary

2. Members of the Public Employees' Retirement system shall receive compensation for the self-improvement studies in accordance with the following table:

Certificate or Degree	Compensation
Intermediate POST Certificate	0.8% of regular base salary
Advanced POST Certificate	3.2% of regular base salary
Associate Degree	0.8% of regular base salary
Bachelor's Degree	3.2% of regular base salary
Master's Degree	4.0% of regular base salary

The reduced percentage rates result from required retirement system contributions for PERS members.

C. Procedures for Obtaining Self-Improvement Compensation

1. Members
 - a. Obtain two copies of the Certificate and Degree Pay application form (TF-597) from the Training Section.
 - b. Complete the two copies and submit them, together with evidence of satisfactory completion of the degree or POST Certificate requirements to the Personnel and Training Division. The evidence may be in the form of a copy of the POST Certificate, diploma or transcript.

2. Personnel and Training Division

- a. The Training Section commander shall review the evidence of completion of the degree or POST Certificate and forward the application to the Personnel and Training Division (P&T) commander with a recommendation for approval or disapproval. The P&T Division Commander shall approve or disapprove the application and shall direct the Training Section commander to inform the applicant regarding the decision.
- b. The Training Section will submit approved original application forms to the Accounting Section for processing.
- c. The Training Section will retain the duplicate copy of the application and forward the evidence of completion of the POST Certificate or degree to the Personnel Section for inclusion in the member's personnel jacket.

3. Accounting Section

The Accounting Section shall ensure that members receive the appropriate level of compensation for completing self-improvement studies in accordance with the schedule set forth in Part IV. B of this order.

By order of

Joseph Samuels, Jr.
Chief of Police

GO42/B-5

EDUCATION INCENTIVE PAY

PROPOSED AMENDMENT TO THE CURRENT MOU BETWEEN THE CITY OF OAKLAND AND OAKLAND PARK RANGERS ASSOCIATION

City and Association recognize the importance and the desirability of creating self-improvement incentives to motivate employees to upgrade their skills and develop their careers throughout the department, resulting in mutual benefits to the employee and to the City. It is agreed by the parties that these objectives can best be met through special training and continuing higher education. To this end, the following incentives are established.

A. Intermediate and Advance Post Certificates. A permanent employee covered by this Memorandum who has obtained the Intermediate Post Certificate shall receive an additional eight-tenths percent (.8%) of his/her regular base salary; a permanent employee covered by this Memorandum who has obtained the Advanced Post Certificate shall receive an additional three and two-tenths percent (3.2%) of his/her regular base salary. Permanent employees who qualify shall be eligible beginning with the first full pay period after submission of verification of eligibility.

B. Associate of Arts Degree. A permanent employee covered by this Memorandum who has obtained an Associate of Arts degree from an accredited college shall receive an additional eight-tenths percent (.8%) of his/her regular base salary. Permanent employees who qualify shall be eligible beginning with the first full pay period after submission of verification of eligibility.

C. Bachelor and Master Degrees. A permanent employee covered by this Memorandum who has obtained a Bachelor's degree from an accredited college or university shall receive an additional three and two-tenths percent (3.2%) of his/her regular base salary; a permanent employee who has obtained a Master's degree from an accredited college or university shall receive an additional four percent (4%) of his/her regular base salary. Those employees who qualify shall be eligible beginning with the first full pay period after submission of verification of eligibility.

D. Single-Benefit Eligibility. An employee shall be entitled to receive only one (1) of the benefits in this Article at any one time. The benefit attaches to the highest certification or degree the employee has earned.