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OFFICE OF THE CITY CLERK
OAKLAND

2019 MAY 23 PM 5:11 **AGENDA REPORT**

TO: Sabrina B. Landreth
City Administrator

FROM: Ian Appleyard
HRM Director

SUBJECT: Amendment to Ordinance No.
12187 C.M.S. Adjustments

DATE: May 13, 2019

City Administrator Approval

Date:

5/23/19

RECOMMENDATION

Staff Recommends that the City Council Adopt:

(1) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Fire Marshal (Sworn) From The Operation Of Civil Service; And

(2) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide A One Percent (1%) Wage Increase To The Salaries Of Employees In Representation Units SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2 and UP1 Effective The First Pay Period After January 1, 2019; And

(1) To Provide A One Percent (1%) Wage Increase To The Salary Schedule Of Unrepresented Units in CON, U51, UG1, TL1 And UJ1 Effective The First Pay Period After January 1, 2019; And

(2) To Provide A Wage Increase To The Salaries Of Certain Unrepresented Employees In Units CON, U51, UG1, TL1, UJ1 UK1, UK2, UP1, and US1 As Follows: Increase Of Two Percent (2%) Effective The First Full Pay Period in July 2019 And An Increase Of Two Percent (2%) Effective The First Full Pay Period In July 2020; And

(3) To Provide A Five Percent (5%) Wage Increase To The Salaries Of The Full-Time Classifications Of Deputy Chief Of Fire Department And Assistant Chief Of Fire Department Effective The First Full Pay Period In July 2019; And

(4) To Provide a Twenty Percent (20%) Wage Increase To The Salary Of The Full-Time Classification Of Executive Assistant To The City Administrator And Amend The Representation Unit From U31 To UP1 Effective The First Full Pay Period In July 2019; And

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(5) To Amend The Title Of The Full-Time Classification Of Equal Employment Opportunities Officer to Equal Employment Opportunity And Civil Rights Director, Change The Representation Unit From UK2 To UK1, And Internally Align The Compensation Range With The Department Of Race And Equity Director Effective The First Full Pay Period In July 2019.

EXECUTIVE SUMMARY

This Resolution and Ordinance include a variety of actions, including a recommendation to exempt a classification from Civil Service, to implement negotiated wage increases, to provide wage increases for unrepresented employees to match two miscellaneous unions, to provide wage increases to ensure internal alignment for select classifications in the Oakland Fire Department and City Administrator's Office that have already been approved by the Civil Service Board.

Adoption of the Resolution recommending exemption of the Fire Marshal (sworn) classification from the Civil Service Board and adoption of the proposed Ordinance will ensure accuracy of the City's classification plan and Salary Schedule.

The City seeks to increase the wages of certain representation units (SB1, SC1, SD1, S11, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2, and UP1) arising out of 2017 successor Memorandum of Understanding (MOU) negotiations with Service Employees International Union (SEIU), Local 1021, International Federation of Professional and Technical Engineers (IFPTE), Local 21, Confidential Management Employees Association (CMEA), International Brotherhood of Electrical Workers (IBEW), Local 1245, International Association of Firefighters (IAFF), Local 55, and certain unrepresented units. During the 2017 negotiations, these unions agreed to a wage increase that was based on certain revenue triggers that have been met.

Additionally, the City has reached full agreement with CMEA and IBEW for successor labor agreements for the period of July 1, 2019 through June 30, 2021. These agreements provided for wage increases as follows: 2% effective the first full pay period in July 2019 and 2% effective the first full pay period in July 2020. Pursuant to City Ordinance No. 12903, the City Administrator has sole discretion to grant unrepresented employees the same or lesser compensation (and other select terms and conditions of employment) as provided to represented employees. Thus, the City Administrator intends to grant a 2% salary increase effective the first full pay period in July 2019 and a 2% wage increase effective the first full pay period in July 2020 to all unrepresented employees in classifications in Units CON, U51, UG1, TL1, UJ1, UK1, UK2, UP1, and US1.

Finally, staff recommends providing equity adjustments for the Deputy Chief of Fire Department, the Assistant Chief of Fire Department and the Executive Assistant to the City Administrator to account for internal alignment issues and to accurately reflect the critical responsibilities of the classifications. The City also seeks to amend the representation unit of the Executive Assistant to the City Administrator from U31 to UP1 and recommends an increase to the salary of the classification of twenty percent (20%). The City also seeks to amend the title of the full-time classification of Equal Employment Opportunities Officer to Employment Opportunity and Civil

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Rights Director and amend the representation unit from UK2 to UK1, and internally align the compensation range with the Department of Race and Equity Director.

BACKGROUND/LEGISLATIVE HISTORY

City Ordinance No. 12903 C.M.S. adopted on November 18, 2008 (**Attachment B**) established the City Council's compensation policies and provisions for City Employees, Officials and Officers. The Ordinance memorializes the authority and discretion the City Council has granted to the City Administrator regarding fixing compensation and supplements City Ordinance No. 12187 C.M.S. (**Attachment C**).

Ordinance 12903, Section 1.20 states, in part, "*Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation that is provided to represented employees in each category or type of compensation.*" City Ordinance No. 12187 C.M.S. (**Attachment C**).

The Salary Ordinance (Ordinance No. 12187 C.M.S.) establishes salaries as well as other terms and conditions of City employment including the classification titles and bargaining unit designation of positions. The Ordinance is amended from time to time to accommodate the City's evolving classification needs. Pursuant to the Personnel Manual (Civil Service Rules), Section 3.04, components of the City's Classification Plan shall be administered and maintained by the Personnel Director with the approval of the Civil Service Board.

As applicable regulations or departmental operations change, staff in Human Resources Management (HRM) periodically consults with departments regarding classification needs. Many such changes require HRM to initiate an amendment to the Salary Ordinance to add, amend, or delete certain classifications. The proposed Salary Ordinance Amendment accompanying this report is comprised of various routine actions to update the salary schedule.

ANALYSIS AND POLICY ALTERNATIVES

Existing Classification That Will Be Exempted From Civil Service – One existing classification is being proposed for exemption from the operation of the civil service. Staff determined that the Fire Marshal (sworn) classification should be exempt from civil service. The classification specification was formally approved by the Civil Service Board on April 17, 2014, and the memo to the Board indicated that legislation to exempt the classification would occur in the near future. However, the resolution to exempt the classification was not executed. This action will resolve this issue. This classification is not represented by a labor organization.

Once City Council recommends exemption from the Civil Service, the Civil Service Board will consider the matter at an upcoming meeting. Any proposed classification revisions will be included with the exemption resolution.

Increases to Wages:

The City seeks to increase the wages of certain representation units by one percent (1%) arising out of 2017 successor Memorandum of Understanding (MOU) negotiations with Service Employees International Union (SEIU), Local 1021; International Federation of Professional and Technical Engineers (IFPTE), Local 21; Confidential Management Employees Association (CMEA); International Brotherhood of Electrical Workers (IBEW), Local 1245; and International Association of Firefighters (IAFF), Local 55. This 1% wage increase applies to the above representation units (SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1 and FQ1) and to representations units not represented by a labor organization (CON, U51, UG1, TL1, UJ1, US1, UR1, UU1, UK1, UK2 and UP1). During the 2017 negotiations, the above unions agreed to a wage increase that was based on a revenue trigger as follows: "Additionally, if FY 2018-19 General Purpose Fund unrestricted local tax revenues, as forecast in the Third Quarter Revenue & Expenditure Report, exceed the General Purpose Fund unrestricted local tax revenues for FY 2018-19 as approved in the FY 2017-19 Adopted Policy Budget by 4.5% or more, bargaining unit members shall receive an additional 1.0% wage increase effective retroactive to the first pay period after January 1, 2019." In May 2019, the City determined that this revenue trigger had been met, and the salaries for the impacted classifications should increase by one percent (1%).

Additionally, the City negotiated a two-year MOU extension with CMEA and IBEW that extends from July 1, 2019 to June 30, 2021. The employees represented by these unions (rep units U31 and IE1) will receive a 2% wage increase effective the first full pay period of July 1, 2019, and a 2% wage increase effective the first full pay period of July 2020. The same increase will be applied to unrepresented employees (CON, U51, UG1, TL1, UJ1 UK1, UK2, UP1, and US1).

Ordinance 12903, Section 1.20 states, in pertinent part, "Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation that is provided to represented employees in each category or type of compensation." Thus, as permitted through City Ordinance No. 12903 C.M.S. adopted on November 18, 2008, the City Administrator will provide the following salary increases to the unrepresented employees in Units CON, U51, UG1, TL1, UJ1 UK1, UK2, UP1, and US1: 2% effective the first full pay period in July 2019 and 2% effective the first full pay period in July 2020.¹

Salary Modifications to Full-time Classifications

Detailed below are recommendations for proposed wage increases and representation unit adjustments for four classifications. The Deputy Chief of Fire Department and Assistant Chief of Fire Department, both of which are unrepresented, need improved alignment with their

¹ The employees in job classifications in Units UU1 and UR1 are also unrepresented, however in February 2019, City Council approved the International Association of Firefighters (IAFF) Local 55 terms and conditions of employment which included the same compensation and other terms and conditions of employment for the unrepresented employees in Units UU1 and UR1. As such, they do not follow the terms of the City's miscellaneous bargaining units.

counterparts in the Police Department. The proposed five percent (5%) increase to the two classifications will improve internal alignment in the compensation plan.

The Executive Assistant to the City Administrator classification is being recognized as performing at a higher level in terms of management, community relations and highly sensitive communications. The proposed twenty percent (20%) increase to the salary will ensure proper compensation for the duties and responsibilities that are expected to be performed.

A salary adjustment is also being proposed for the Equal Employment Opportunity and Civil Rights Director (formerly titled Equal Employment Opportunities Officer). The position has been reviewed as part of the City's organizational structure, and with the added responsibilities related to ensuring compliance with Title VI of the Civil Rights Act, it merits a realignment of this position within the City's structure. The position will now be expected to perform at the Director level, comparable to Directors of small City departments that are responsible for ensuring compliance with federal, state, and local laws and regulations.

Classification Title Change – The proposed title change of Equal Employment Opportunities Officer to Equal Employment Opportunity and Civil Rights Director will ensure the classification accurately conveys reflects industry standards and the City's organizational structure. The added duties include ensuring enforcement of and compliance with Title VI of the Civil Rights Act. This classification is unrepresented and the revised title will be scheduled for an upcoming Civil Service Board meeting. Staff proposes that the compensation be internally aligned with Department Directors of smaller departments (i.e., Department of Race and Equity)

Bargaining Unit Representation Changes – Two classifications require a modification to the bargaining unit. Executive Assistant to the City Administrator is being reallocated from the bargaining unit of U31, which is represented by the Confidential Management Employees Association (CMEA), to unit UP1, which is unrepresented. This action is consistent with the City's Employee-Employer Relations Resolution No. 55881 C.M.S. (EERR) under the authority of the Employee Relations Officer. The duties more appropriately align with classifications in the UP1 bargaining unit due to a shared community of interest including scope and breadth of authority, supervisory/reporting relationships, wages, hours, and working conditions. This position plays a significant role in management, community relations and highly sensitive communication; therefore, it is necessary for this position to be grouped with other similarly situated high level management positions that are subject to substantial consequence of error. CMEA was notified of this change, and appropriate discussions ensued to discuss potential impacts and member concerns.

The Equal Employment Opportunity and Civil Rights Director (formerly titled Equal Employment Opportunities Officer) is being reallocated from the unrepresented representation unit of UK2 to the also unrepresented representation unit of UK1. The added responsibilities related to ensuring compliance with Title VI of the Civil Rights Act merit a realignment of this position within the City's structure. The community of interest is more commensurate with Directors of small City departments that are responsible for ensuring compliance with federal, state, and local laws and regulations.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council Adopt:

(1) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Fire Marshal (Sworn) From The Operation Of Civil Service; And

(2) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide A One Percent (1%) Wage Increase To The Salaries Of Employees In Representation Units SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2 and UP1 Effective The First Pay Period After January 1, 2019; And

(1) To Provide A One Percent (1%) Wage Increase To The Salary Schedule Of Unrepresented Units in CON, U51, UG1, TL1 And UJ1 Effective The First Pay Period After January 1, 2019; And

(2) To Provide A Wage Increase To The Salaries Of Certain Unrepresented Employees In Units CON, U51, UG1, TL1, UJ1 UK1, UK2, UP1, and US1 As Follows: Increase Of Two Percent (2%) Effective The First Full Pay Period in July 2019 And An Increase Of Two Percent (2%) Effective The First Full Pay Period In July 2020; And

(3) To Provide A Five Percent (5%) Wage Increase To The Salaries Of The Full-Time Classifications Of Deputy Chief Of Fire Department And Assistant Chief Of Fire Department Effective The First Full Pay Period In July 2019; And

(4) To Provide a Twenty Percent (20%) Wage Increase To The Salary Of The Full-Time Classification Of Executive Assistant To The City Administrator And Amend The Representation Unit From U31 To UP1 Effective The First Full Pay Period In July 2019; And

Sabrina B. Landreth, City Administrator

Subject: Amendment to Ordinance No. 12187 C.M.S. (Various Salary Adjustments)

Date: May 13, 2019

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(5) To Amend The Title Of The Full-Time Classification Of Equal Employment Opportunities Officer to Equal Employment Opportunity And Civil Rights Director, Change The Representation Unit From UK2 To UK1, And Internally Align The Compensation Range With The Department Of Race And Equity Director Effective The First Full Pay Period In July 2019.

For questions regarding this report, please contact Ian Appleyard at (510) 238-6450.

Respectfully submitted,



IAN APPLEYARD

Director, Human Resources Management

Reviewed by: Greg Preece
Human Resources Manager
Recruitment, Classification & Benefits Division

Attachment (3):

A: List of Classifications

B. City Ordinance No. 12903 C.M.S.

C. City Ordinance No. 12187 C.M.S.

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UNREPRESENTED EMPLOYEES

Units CON, TL1, U51, UJ1, UK1, UK2, UP1, and US1

REP	CLASS NUM	TITLE
CON	AP341	Temp Contract Svcs Employee, PT
TL1	AL013	Paralegal, PT
TL1	AP105	Administrative Analyst I, PT
TL1	AP114	Benefits Representative, PT
TL1	AP121	Cable TV Assistant Producer, PT
TL1	AP141	City Councilmember's Assistant, PT
TL1	AP155	Cultural Arts Specialist, PT
TL1	AP183	Employee Asst Prgm Counselor, PT
TL1	AP193	Graphics Design Coordinator, PT
TL1	AP201	Human Res Analyst, PT
TL1	AP301	Public Information Officer II, PT
TL1	AP361	Program Analyst I, PT
TL1	AP386	Emergency Medical Svcs Instructor, PT
TL1	AP412	Case Manager II, PT
TL1	AP413	Case Manager I, PT
TL1	AP439	Cable TV Stage Manager, PT
TL1	AP440	Hearing Officer, PT
TL1	AP441	Language Interpreter, PT
TL1	AP442	Special Events Coordinator, PT
TL1	AP443	Veterinarian, PT
TL1	EM214	Project Manager III, PT
TL1	EM252	Special Assistant to the Mayor II, PT
TL1	MA131	Management Assistant, PT
TL1	MA155	Special Assistant to the Mayor I, PT
TL1	PP172	Head Start Program Coordinator, PT
TL1	PP173	Senior Services Program Assistant, PT
TL1	SC260	Emergency Planning Coordinator, PT
TL1	SC261	Emergency Planning Coordinator Sr, PT
TL1	SS113	City Council PSE 14, PT
TL1	SS145	Mayor's PSE 14, PT
TL1	SS205	Receptionist to the City Auditor, PT
U51	AP188	Exempt Limited Duration Employee
UG1	AP124	Camp Manager Assistant, PT
UG1	AP133	City Cncl Constituent Liaison PT
UG1	AP137	City Council Policy Analyst, PT
UG1	AP329	Special Clerkship, PT

UNREPRESENTED EMPLOYEES

Units CON, TL1, U51, UJ1, UK1, UK2, UP1, and US1

REP	CLASS NUM	TITLE
UG1	AP362	Program Analyst II, PT
UG1	AP389	Senior Council Policy Analyst, PT
UG1	MA133	Management Intern, PT
UG1	PP105	Camp Director, PT
UG1	PP130	Outreach Worker, PT
UG1	PS161	Police Cadet, PT
UG1	SC109	Camp Food Service Mgr, PT
UG1	SC110	Camp Manager, PT
UG1	SS111	City Council Intern, PT
UG1	SS119	Engineering Intern, PT
UG1	SS164	Planning Intern, PT
UG1	SS195	Student Trainee, PT
UJ1	PP142	Senior Aide, PT
UK1	EM102	Agency Director, Admin Services
UK1	EM103	Director of Finance
UK1	EM104	Agency Director, Econ & Comm Dev
UK1	EM106	Agency Director, Life Enrichment
UK1	EM108	Director of Public Works
UK1	EM126	City Clerk
UK1	EM128	Assistant City Administrator
UK1	EM138	Deputy City Administrator
UK1	EM153	Director of Human Services
UK1	EM154	Director of Housing & Comm Dev
UK1	EM155	Director of Library Services
UK1	EM158	Director of Parks & Recreation
UK1	EM159	Director of Human Resources Mgmt
UK1	EM220	Director of Planning & Building
UK1	EM229	Executive Director CPRA
UK1	EM230	Director of Econ & Workfrce Dev
UK1	EM234	Director of Animal Services
UK1	EM238	Director of Info Technology
UK1	EM239	Director of Contracts & Purchasing
UK1	EM259	Employee Relations Director
UK1	EM261	Exec Dir, Public Ethics Comm
UK1	EM263	Director of Race and Equity
UK1	EM264	Director of Transportation

UNREPRESENTED EMPLOYEES

Units CON, TL1, U51, UJ1, UK1, UK2, UP1, and US1

REP	CLASS NUM	TITLE
UK1	EM266	Chief of Violence Prevention
UK1	ET108	City Administrator
UK2	EM124	City Attorney, Assistant
UK2	EM172	Budget Administrator
UK2	EM186	Human Resources Manager
UK2	EM204	Revenue & Tax Administrator
UK2	EM206	Treasury Administrator
UK2	EM209	Claims & Risk Manager
UK2	EM250	Special Assistant to the Mayor III
UK2	EM258	Equal Emp Opportunities Officer
UK2	EM267	Asst Human Resources Director
UK2	EM268	Manager, Finance
UK2	MA113	Controller
UK2	MA156	Employee Relations Analyst Prin
UP1	EM265	Budget Administrator, Assistant
UP1	EM269	Assistant Director, Plan & Bldg
UP1	MA158	Emp & Labor Relations Analyst, Senior
UP1	MA161	Special Counsel Labor & Employ
UP1	MA163	Budget & Mgmt Analyst, Principal
US1	PS131	Fire Fighter Trainee
US1	PS132	Fire Fighter Trainee
US1	PS199	Fire Fighter Paramedic Trainee

B

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker
CITY ATTORNEY

FILED
OFFICE OF THE CITY CLERK
INTRODUCED BY COUNCIL MEMBER

2008 DEC -3 AM 8:57

ORDINANCE NO. 12903 C.M.S.

AN ORDINANCE (1) AMENDING THE SALARY ORDINANCE, (2) SETTING FORTH THE COUNCIL'S COMPENSATION POLICIES AND PROVISIONS FOR CITY EMPLOYEES, OFFICIALS AND OFFICERS, (3) MEMORIALIZING THE AUTHORITY AND DISCRETION THE COUNCIL HAS GRANTED TO THE CITY ADMINISTRATOR REGARDING FIXING COMPENSATION AND (4) SUPPLEMENTING ORDINANCE NO. 12187 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 determined that it is not clear precisely what authority and discretion the Council has granted to the City Administrator regarding compensation over the years; and

WHEREAS, the City Council desires to memorialize the authority and discretion it has granted to the City Administrator regarding fixing compensation as well as the Council's compensation policies and provisions for City employees, officers and officials, including compensation in the form of fringe benefits such as sick leave, vacation, management leave and automobile allowances; now therefore

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

Sec. 1.00 **Purpose.** This ordinance sets forth the authority and discretion the Council has delegated to the City Administrator regarding fixing compensation as well as the compensation policies and provisions that the Council has authorized for employees, officials and officers.

Sec. 1.10 **Represented Employees.** Compensation for represented employees is set forth in its entirety in the Memoranda of Understanding ("MOU") between the City and the recognized employee organizations.

No additional compensation may be authorized by the City Administrator, any other appointing authority, any Department or Agency head or other employee, officer or official of the City without the City Council's express approval, except as provided in this Ordinance or Ordinance No. 12187 which this Ordinance supplements. Any such approval/authorization must be memorialized in an amendment to this ordinance or the MOU.

Neither the City Administrator, nor any Department or Agency Head or other City employee, official or officer has authority to change the compensation that is provided for represented employees under the MOUs. If the terms and conditions of City employment established by an approved MOU are inconsistent with any provisions of this ordinance, such Memoranda shall control with respect to the represented employees governed thereby.

Sec. 1.20 Unrepresented Employees. Ordinance No. 12187 C.M.S. provides at section 2.20 that the City Administrator, by Administrative Instruction, may define the unrepresented employees, if any, to whom the terms and conditions of employment specified in MOUs may also apply.

Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation that is provided to represented employees in each category or type of compensation. For example, if an MOU grants a cost of living increase to represented employees, the City Administrator may grant unrepresented employees the same increase or the City Administrator could grant unrepresented employees a lower cost of living increase or a one-time "payment" that would not increase the salary range.

The sole and complete authority and discretion that the Council has delegated to the City Administrator and other appointing authorities regarding compensation are set forth in this Ordinance and in Ordinance No. 12187 C.M.S. which this ordinance supplements.

The City Administrator and other appointing authorities have absolutely no additional authority to increase or change compensation by issuing Administrative Instructions, Employee Benefits circulars, General Orders, or any other instruction, order or document; or by signing agreements, including but not limited to side letters, with collective bargaining units that have not been approved or ratified by the Council or otherwise.

Once the City Administrator determines which terms and conditions of employment will apply to unrepresented employees, the City Administrator will submit an annual report to Council at the end of the first quarter of the fiscal year detailing the terms and conditions of employment for unrepresented employees.

Sec. 1.30 Management Leave, Sick Leave, Vacation for Elected Officials. The City Attorney and the City Auditor have received management leave and accrued sick leave and vacation for many years. No other elected officials receive such leave or accrue sick leave or vacation.

No elected official shall receive management leave, nor shall any elected official accrue sick leave or vacation after the effective date of this Ordinance.

Sec. 1.40 Hiring Incentives. In addition to the severance payments that are authorized under Section 2.10 of Ordinance No. 12187 C.M.S., the City Administrator and other appointing authorities have discretion after the effective date of this Ordinance to provide the following as hiring incentives to attract into City service qualified employees whose City services are exempt from the protections of the Civil Service under Article IX of the City Charter: (1) bonus vacation days placed in bank equal to or less than the number of days the employee will accrue during the first year of employment (2) up to two weeks of Executive Vacation Leave. The written hiring incentives must be memorialized in hiring agreements and the agreements will be maintained in the employee's personnel file and summarized in an annual report to the Council. Executive Leave may be granted only at the time an employee is hired.

Executive Leave must be used in the year in which it is awarded or it will be forfeited; the City Administrator and other appointing authorities can allow an employee to carry over Executive Leave if the employee is not able to use Executive Leave due to a determination by the appointing authority that the employee's services are or were needed on a time sensitive or urgent project.

The appointing authority's determination must be in writing and a copy of the determination must be provided to the City Administrator and placed in the employee's personnel file. A separate determination must be made for each employee and for each fiscal year. The City Administrator must provide the Council an annual report identifying the number of employees who were authorized to carry over Executive Leave to a subsequent fiscal year and the total amount of Executive Leave that has been carried over in each City department and the current monetary value of the Executive Leave that has been carried over in each Department.

Sec 1.50 Bonuses. Employee bonuses shall only be given if explicitly budgeted for as part of a bonus program by the Council.

Sec. 1.60 Amendments. Amendments to any provision of this ordinance shall hereinafter be entitled "Amendments to the Salary Ordinance".

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2008

PASSED BY THE FOLLOWING VOTE:

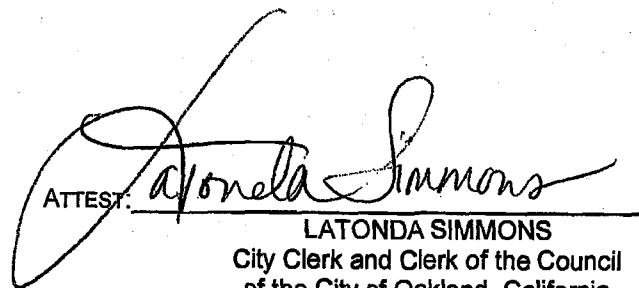
AYES- BROOKS, BRUNNER, CHANG, DE LA FUENTE, KERNIGHAN, NADEL, QUAN, AND ~~REID~~ - 7

NOES- ~~0~~

ABSENT- Reid- 1

ABSTENTION- ~~0~~

ATTEST:


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

cr

APPROVED AS TO FORM AND LEGALITY

Wedy P Reed
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. 12187 C.M.S.

AN ORDINANCE ESTABLISHING EMPLOYMENT CLASSIFICATIONS WITHIN THE CITY OF OAKLAND AND RELATED COMPENSATION MATTERS AND SETTING A SCHEDULE OF THE SALARY FOR EACH ESTABLISHED CLASSIFICATION AND REPEALING ORDINANCE 4727 C.M.S. AND AMENDMENTS THERETO

WHEREAS, the Oakland City Charter charges the City Council with fixing the compensation of all City employees, officers and officials unless otherwise excepted; now therefore

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

- Sec. 1.00 Purpose. This ordinance shall set forth a salary schedule reflecting all classifications of employment within the City including those of city employees and city officers. Said schedule containing such classifications and the salary specified for each classification entitled "Salary Schedule" is attached and made part of this ordinance. The City Manager, or other appointing authority, shall authorize individual positions in classifications herein created, in accordance with budgetary appropriations made by the City Council. Persons holding respective positions and offices in the classifications set forth in the salary schedule shall receive as salary in full for their respective services that amount set forth in the salary schedule specified for such office or determined to be applicable under the provisions of this ordinance.
- Sec. 1.10 Initial Salary. Except as otherwise provided, the initial salary of an employee 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 employee at any step in the applicable salary schedule for the classification involved if there has been unusual difficulty in recruiting competent employees at the lowest rate of said salary schedule and the higher rate is commensurate with the education and experience of the said appointee.
- Sec. 1.20 Salary Increase. Advancement within the salary schedule specified for an employee's classification, where such schedule has specified step increments, shall be on the basis of one year's satisfactory service in each such salary step. A salary step increase for an employee who is entitled to such an increase shall be

effective on the first anniversary date of appointment to such classification, or one year from his/her most recent step increase, whichever is later; provided, however, that an employee who has demonstrated outstanding performance in the public service may receive a step increase other than set forth above upon the recommendation of the department head and approval by the appointing authority. Where a salary schedule for a classification is a range not having specified step increments (indicated herein by the letter R following the salary), the salary for each incumbent shall be established by the appointing authority.

- Sec. 1.30 Minimum Salary Increase When Promoted. Notwithstanding any other provisions of this ordinance, whenever an employee is promoted to a position of higher salary schedule within the same classification series, he/she that shall receive compensation at the salary schedule for the new position that represents a minimum of one rate increment over the amount he/she was receiving in the former position; provided, however, that the appointing authority, at his/her discretion for good cause, may provide for compensation at any step for the classification involved if the employee has demonstrated outstanding achievement in the public service.
- Sec. 1.40 Biweekly Pay. Except as otherwise specifically provided, all compensation of all City employees hereinafter set forth shall be paid in equal biweekly installments.
- Sec. 1.50 Overtime Compensation. Overtime compensation shall be authorized consistent with state and federal law and with memoranda of understanding entered into between the City and recognized employee representative, when applicable.
- Sec. 1.60 Holidays on Regular Day Off. In the event that a designated holiday falls upon a normal day off which is either a Saturday, as to an employee who works a Monday through Friday workweek, or the first day off of his/her normal two days off, as to an employee whose workweek is one other than Monday through Friday, then in either such event such employee, as the case may be, shall thereafter receive one (1) additional day of vacation thereof; and each such employee who is required to work on such Saturday or first day off shall also receive compensation therefor at the rate of time and one-half of his/her regular base rate of pay.

In the event that a designated holiday falls upon a normal day off which is either a Sunday, as to an employee who works a Monday through Friday workweek, or the second day off of his/her normal two days off, as to an employee whose workweek is one other than Monday through Friday, then in either such event such employee, as the case may be, shall receive the next following day off therefor; and each such employee who is required to work on such Sunday or second day off shall also receive compensation therefor at the rate of time and one-half of his/her regular base rate of pay.

The provisions of this section shall not apply to employees represented by a recognized employee organization whose entitlement shall be governed by the terms of approved memoranda of understanding, if any, nor shall they apply to Special Clerkships in the Office of the City Clerk, nor to part-time positions.

Sec. 1.70 Meal Allowance. Each employee who, when directed to do so, works continuously two hours or more immediately before or after his/her regular shift working day shall be paid a reasonable meal allowance as determined by the appointing authority. Each employee who is called back to work after he/she has completed his/her regular shift day and has left his/her place of employment, and who so works four hours or more shall be paid a reasonable meal allowance, as determined by the appointing authority. Meal allowances shall not be paid for regularly scheduled overtime work (i.e., overtime scheduled at least twenty-four hours in advance, where such overtime is not an extension of a regular work day), or in those instances where the City furnishes meals.

The provisions of this section shall not apply to employees represented by recognized employee organizations whose entitlement shall be governed by the terms of approved Memoranda of Understanding, if any, nor shall they apply to Special Clerkships in the Office of the City Clerk, nor to part-time positions.

Sec. 1.80 Civilian Uniform Allowance. In the event an employee in a civilian position is required as part of his or her ordinary job duties to wear a uniform, the employee shall be reasonably reimbursed for acquisition and maintenance of said uniform in amounts determined by the City Manager.

The provisions of this section shall not apply to employees represented by recognized employee organizations whose entitlement shall be governed by the terms of an approved Memoranda of Understanding, if any, nor shall they apply to Special Clerkships in the Office of the City Clerk, nor to part-time positions.

Sec. 1.90 Special Salary Provisions Related to the Chief of Police and Chief of Fire. In order to maintain the relative rate of payment adjustments to individuals retired from the Chief of Fire and Chief of Police classifications, or their beneficiaries, to the lower uniformed ranks in the Fire and Police Departments, the following salary adjustment process, applicable to the Chief of Fire and the Chief of Police classifications, is hereby established to become effective on the respective dates of retirement of incumbents in the Chief of Fire and Chief of Police classifications as of January 1, 1980:

1. The salary of the Chief of Fire classification as contained in this ordinance shall be adjusted by a percentage amount equivalent to the average percentage amount of salary adjustment granted to rank and file uniformed employees of the Fire Department, who are represented by an employee organization recognized by the City, concurrent with implementation of salary adjustments for said rank and file employees;
2. The salary of the Chief of Police classification as contained in this ordinance shall be adjusted by a percentage amount equivalent to the average percentage amount of salary adjustment granted to rank and file employees of the Police Department, who are represented by an employee

organization recognized by the City, concurrent with implementation of salary adjustments for said rank and file employees.

The classification of Chief of Fire and Chief of Police as referenced in his provision shall constitute "ranks" for the purposes of computing retirement allowances as outlined in Section 2608(c) of the City Charter.

Retirement allowances for individuals in chief executive classifications in the respective Fire and Police Departments, other than the Chief of Fire and Chief of Police classifications, shall be computed on the basis of the appropriate retirement system provisions.

Sec. 2.00 Special Salary Provisions Related to the Director of the Fire Services and Director of Police Services Agencies. In order to maintain the relative rate of payment adjustments to individuals retired from Agency Director, Fire Services and Agency Director, Police Services classifications, or their beneficiaries, to the lower uniformed ranks in the Fire and Police Agencies, the following salary adjustment process, applicable to the Agency Director, Fire Services and Agency Director, Police Services classifications, is hereby established and shall apply upon the respective dates of retirement of incumbents in the Agency Director, Fire Services and Agency Director, Police Services classifications:

1. The salary of the Agency Director, Fire Services as contained in this ordinance shall be adjusted by a percentage amount equivalent to the average percentage amount of salary adjustment granted to rank and file uniformed employees of the Fire Services Agency, who are represented by an employee organization recognized by the City, concurrent with implementation of salary adjustments for said rank and file employees.
2. The salary of the Agency Director, Police Services as contained in this ordinance shall be adjusted by a percentage amount equivalent to the average percentage amount of salary adjustment granted to rank and file uniformed employees of the Police Services Agency, who are represented by an employee organization recognized by the City, concurrent with implementation of salary adjustments for said rank and file employees.

The classifications of Agency Director, Fire Services and Agency Director, Police Services as referenced in this provision shall constitute "ranks" for the purpose of computing retirement allowances as outlined in Section 2608 of the City Charter.

Sec. 2.10 Severance Payments. As a hiring incentive for attracting into City service qualified employees whose City services are exempt from the protections of the Civil Service under Article IX of the City Charter, the appointing authority is authorized to enter into hiring agreements promising to pay severance payments equivalent to up to three months of salary, and for employees who serve at least ten years, up to six months, in the event the City must terminate the employee's services through no fault of the exempt employee.


- Sec. 2.20 Memoranda of Understanding and Administrative Instruction Affecting Terms and Conditions of Employment. Terms and conditions of City employment may be established by approved Memoranda of Understanding and where inconsistent with any provisions of this ordinance, such Memoranda shall control with respect to the represented employees governed thereby. By Administrative Instruction the City Manager may define the unrepresented employees, if any, to whom such terms and conditions may also apply.
- Sec. 2.30 Amendments. Amendments to the attached "Salary Schedule" hereinafter shall be entitled "Amendments to the Salary Schedule of the Salary Ordinance". Amendments to any provision of this ordinance other than the salary schedule shall hereinafter be entitled "Amendments to the Salary Ordinance".
- Sec. 2.40 Ordinance 4727 C.M.S. and amendments thereto are hereby repealed.

22:11:11 C-33088

Introduced = Oct. 26, 1999
 IN COUNCIL, OAKLAND, CALIFORNIA, NOV - 9 1999

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, DE LA FUENTE, ~~MILEY~~, NADEL, REID, RUSSO, AND SPEES - 7
 NOES- *None*
 ABSENT- *None*
 ABSTENTION- *None*
 Excused- *Miley - 1*

ATTES: 
 CEDA FLOYD
 City Clerk and Clerk of the Council
 of the City of Oakland, California

2019 MAY 23 PM 5: 11


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD THE EXEMPTION OF THE CLASSIFICATION OF FIRE MARSHAL FROM THE OPERATION OF CIVIL SERVICE

WHEREAS, the Oakland City Charter Section 902(f) requires that City Council recommend positions for exemption from Civil Service prior to Civil Service Board approval of such exemption; and

WHEREAS, the Fire Marshal is recommended for exemption from Civil Service due to its placement in the organization, lines of authority, reporting relationships within the department, as well as the position's duties, pay grade and independence of action; and

WHEREAS, the Fire Marshal is an expert level, sworn classification responsible for administering policies and ensuring compliance while governing multiple program areas (fire prevention, investigation, and code enforcement inspection) having major impact on the attainment of the goals of the City; and

WHEREAS, the Fire Marshal is a management classification with overall responsibility for daily operations in a bureau/division of the Oakland Fire Department and is required to utilize a high degree of independence in carrying out the goals and objectives of the City Administrator and City Council; the scope of responsibilities is broad and complex, and the individual in the classification must deal with challenging, sensitive, and confidential matters; and

WHEREAS, the incumbent in the Fire Marshal position is expected to exercise considerable discretion in carrying out the City's mission for with there is a high consequence of error; now, therefore, be it

RESOLVED, the City Council of Oakland hereby recommends to the Civil Service Board that the classification of Fire Marshal be exempted from the requirements of civil service; and be it

FURTHER RESOLVED, that the Civil Service Board is hereby requested to approve such exemption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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