

**CITY OF OAKLAND**  
**AGENDA REPORT**

2009 OCT -1 PM 2: 54

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Department of Human Resources Management  
DATE: October 13, 2009

**RE: Annual Report Detailing the Terms and Conditions of Employment for  
Unrepresented Employees As Required By Ordinance No. 12903 C.M.S.**

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**SUMMARY**

Ordinance No. 12903 C.M.S. was adopted by the City Council November 18, 2008 and establishes the authority and discretion delegated to the City Administrator by City Council regarding the terms and conditions of employment for unrepresented employees, and requires an annual report be presented detailing those terms and conditions. A subsequent ordinance, No. 12918 C.M.S., was adopted on March 23, 2009 and further restricts the guidelines for the City Administrator's hiring authority with respect to salary ranges for executives and Executive Leave awards. The ordinances also require an annual reporting of the number of employees who have Executive Leave balances and the monetary value of that leave. This report provides the required information for Fiscal Year 2008-2009.

**FISCAL IMPACT**

This is an informational report. There are no fiscal impacts. Executive Leave that has been awarded to existing City employees has already been accrued to the Paid Leaves Fund (1250) and there are sufficient funds available to pay the leave.

**BACKGROUND**

The City negotiated new Memoranda of Understanding (MOU) with all miscellaneous unions this year. Under the provisions of Ordinance No. 12903 C.M.S., the City Administrator may grant unrepresented employees the same or lesser compensation and other terms and conditions of employment as provided to represented employees. Historically, terms and conditions for unrepresented employees have paralleled the MOU for International Federation of Professional and Technical Engineers union (IFPTE) Local 21. Some terms are governed by Administrative Instruction (AI), such as AI 4403: Automobile Allowance. A list of unrepresented employee classifications is provided as *Attachment A* to this report.

Ordinance No. 12903 C.M.S. grants the City Administrator the authority to offer hiring incentives to attract into City service qualified employees whose City services are exempted from the protections of the Civil Service, under Article IX of the City Charter. The permitted hiring incentives are; 1) bonus vacation days that will be placed in a bank equal to or less than

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the number of days the employee will accrue during the first year of employment; and 2) up to two weeks of Executive Vacation Leave. The written hiring incentives must be memorialized in hiring agreements and the agreements are to be maintained in the employee's personnel file.

**KEY ISSUES AND IMPACTS**

***Changes to Terms & Conditions***

MOUs for the City's miscellaneous employees were negotiated over the course of Fiscal Year 2008-2009 and were authorized as of July 1, 2009. The terms and conditions of the new MOUs cover the period July 1, 2008 to June 30, 2011. Generally, all terms and conditions of the Local 21 MOU apply to unrepresented employees, although the City Administrator may further restrict compensation on an individual basis, such as limiting merit increases. Furthermore, the following changes were implemented for all miscellaneous employees and are likewise applied to the unrepresented group.

- Effective July 1, 2009 all miscellaneous unrepresented employees began paying the full 8% of the employee share of the CalPERS contribution to their retirement benefit.
- Effective July 1, 2009, all miscellaneous unrepresented employees are required to participate in citywide Mandatory Business Shutdown days or take thirteen (13) days of Mandatory Leave Without Pay, representing a 5% salary reduction.

***Executive Leave***

The following chart provides detail regarding Executive Leave being carried forward, by which staff person, and the monetary value of the leave balance. As with other leave balances, these are paid out of the leave fund (Fund 1250) and there are sufficient balances in that fund to pay for this leave.

Title	Full Name	Hrs. Balance	Value
Deputy Director Prg Planning & Development	Oliphant, Theotis F	37.5	\$2,403.84
Assistant City Administrator	Marysheva Martinez, Marianna	67.5	7,500.01
Agency Director Public Works	Godinez II, Raul	75.0	7,353.51
Director of Information Technology	Glaze, Robert H.	7.5	701.05
Director of Library Service	Martinez, Carmen L	45.0	4,200.47
Director Of Museum Services	Forgarty, Lori Grant	45.0	4,017.12
Director of Development	Cohen, Walter S	75.0	7,692.31
		<b>Total</b>	<b>\$33,899.00</b>

**SUSTAINABLE OPPORTUNITIES**

The information in this report does not provide any direct economic, environmental, or social equity impacts.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Information in this report does not impact disability and senior citizen access.

**ACTION REQUESTED OF THE CITY COUNCIL**

No action is required. This report is informational.

Respectfully submitted,



Wendell L. Pryor, Director  
Department of Human Resources Management

Prepared by:  
LaWanna Preston  
Human Resource Manager  
Department of Human Resources Management

APPROVED AND FORWARDED TO THE  
FINANCE COMMITTEE:



Office of the City Administrator

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**CITY OF OAKLAND**  
**Unrepresented Employee Classifications**

**ATTACHMENT A**

<b>CLASS</b>	<b>TITLE</b>	<b>REP UNIT</b>
EM102	Agency Director, Admin Services	UK1
EM104	Agency Director, Econ & Comm Dev	UK1
EM103	Agency Director, Finance & Mgmt	UK1
EM105	Agency Director, Fire Services	UR1
EM106	Agency Director, Life Enrichment	UK1
EM107	Agency Director, Police Services	UN1
EM108	Agency Director, Public Works	UK1
EM113	Assistant Chief of Fire Department	UU1
EM128	Assistant City Administrator	UK1
EM122	Chief of Police	UN1
EM219	Chief, Police Services Agency	UN1
ET108	City Administrator	UK1
EM123	City Attorney	UX1
EM125	City Auditor	UX1
EM126	City Clerk	UK1
EO100	Council Member	UX1
EM229	CPRB Executive Director	UK1
PS117	Deputy Chief of Fire Department	UU1
EM138	Deputy City Administrator	UK1
EM220	Deputy Director, Comm & Econ Dev	UK1
EM228	Director of Building	UK1
EM145	Director of Building & Planning	UK1
EM146	Director of Corporate Info Services	UK1
EM221	Director of Craft & Cultural Arts	UK1
EM230	Director of Development	UK1
EM149	Director of Finance	UK1
EM154	Director of Housing & Comm Dev	UK1
EM153	Director of Human Services	UK1
EM155	Director of Library Services	UK1
EM157	Director of Museum Services	UK1
EM159	Director of Personnel Res Mgmt	UK1
EM160	Director of Police Services (P&F)	UN1
EM161	Director of Police Services (PERS)	UN1
EM163	Director of Public Works	UK1
EM231	Director of Comm & Econ Dev	UK1
EM158	Director of Recreation Services	UK1
EM164	Director of Retirement Services	UK1
EM165	Director, City Planning	UK1
EM224	Fire Divison Chief	UU1
EO200	Mayor	UX1
PP142	Senior Aide, PT	UJ1