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OAKLAND

CITY OF OAKLAND



2009 FEB 11 PM 4:15

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND,
CALIFORNIA 94612

OFFICE OF THE CITY
ATTORNEY

February 17, 2009

HONORABLE CITY COUNCIL
Oakland, California

Subject: Ordinance (1) Amending the Salary Ordinance to Require Council Approval of Certain Form of Compensation and Certain Terms in Hiring Agreements for Agency and Department Heads in Circumstances Specified in the Ordinance and (2) Supplementing and Amending Ordinance Nos. 12187 C.M.S. and 12903 C.M.S.

Dear President Brunner and Members of the Council:

Attached are the following documents related to the subject salary ordinance amendments:

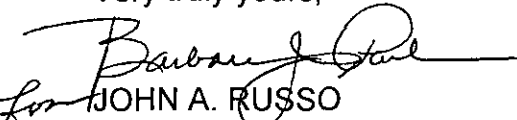
1. Redlined and Clean Copy of the draft Ordinance including the 2/10/09 Finance and Management Committee's recommendations. The title of this ordinance has been changed to be consistent with the Committee's recommendations.

The Finance Committee's recommendation is as follows:

- Initial salary for department and agency heads can be up to the midpoint of the salary range. (Current Ordinance No. 12187 C.M.S. allows initial salary at any point in the salary range if there has been unusual difficulty in recruiting competent candidates. (See section 1.20.))
- Appointing authority may provide severance pay at the time of hiring a department or agency head up to 3 months of salary, and for employees who serve at least ten years, up to 6 months of salary if the employee is terminated through no fault of the exempt employee. (Same as current provisions of Ordinance No. 12187 C.M.S. (See section 2.10.))

- Appointing authority may provide up to two work weeks of bonus vacation days and up to two weeks of Executive Vacation Leave as hiring incentives for department or agency heads. (Same as current provisions of Ordinance No. 12903. See section 1.40.)
 - Appointing authority may provide department and agency heads the same terms and conditions provided under memoranda of understanding between the City and recognized miscellaneous employee organizations. (Same as current provisions of Ordinance Nos. 12187. See section 2.20.)
 - City Council must approve hiring agreements containing any terms or conditions other than the above. (E.g. initial salary above midpoint, severance payments in excess of the 3 months and 6 months of salary, leave in excess of that provided above, or other terms and conditions of employment that are not in the MOUs.)
2. Draft Ordinance with proposed alternatives that was in 2/10/09 agenda packet for the 2/10/09 Finance and Management Committee. The language for Alternative One has been changed to reflect the correction that was made on the floor by deleting "up to the midpoint of the salary range."
 3. Ordinance Nos. 12187 and 12903 which the proposed ordinance would amend.

Very truly yours,


for JOHN A. RUSSO
City Attorney

550169v1

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DAKLAND
INTRODUCED BY COUNCILMEMBER _____
2009 FEB 11 PM 4:15

APPROVED AS TO FORM AND LEGALITY

City Attorney

DRAFT

**DRAFT with
2/10/09 FINANCE COMMITTEE'S RECOMMENDATIONS**

ORDINANCE NO. _____ C.M.S.

An Ordinance (1) Amending the Salary Ordinance to Provide that the City Council Must Approve Terms and Compensation in Hiring Agreements for Department and Agency Heads Other Than (a) Initial Salary Up to the Midpoint of the Salary Range, (b) Severance Pay Authorized by Ordinance No. 12187 C.M.S., (c) Executive Leave and Bonus Vacation Authorized by Ordinance No. 12903 C.M.S. and (c) Terms and Conditions Provided in the Memoranda of Understanding between the City and its Recognized Miscellaneous Employee Organizations and (2) Supplementing and Amending Ordinance Nos. 12187 C.M.S. and 12903 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 established salary ranges for employees and adopted salary ordinances, namely Ordinance Nos. 12187 and 12903 C.M. S., that grant the appointing authority the discretion to (1) set the initial salary of employees who they hire at any point in the salary range for the classification in question, if there has been unusual difficulty in recruiting and (2) grant severance pay, as a hiring incentive to employees who are exempt from Civil Service and must be terminated through no fault of the employee, equivalent to 3 months of salary if the employee has completed less than 10 years of service and up to six months of salary if the employee has completed ten years of service; and (3) grant certain Executive Leave and bonus vacation days at the time of hiring employees who are exempt from Civil Service; and

WHEREAS, during these challenging economic times that have resulted in significant budget deficits and layoffs of employees, the Council desires to further limit the discretion of appointing authorities with respect to setting initial salary and providing other terms and forms of compensation to department and agency heads; now therefore

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

Sec. 1.00 Purpose. This ordinance further limits the authority and discretion of the appointing

authority solely with respect to fixing compensation and other terms and conditions of employment in hiring agreements for department heads and agency directors.

Sec. 1.10 Initial Salary and other Compensation for Agency and Department Heads.

Notwithstanding any other provision of this Ordinance, Ordinance No. 12187, Ordinance No. 12903 or any other Ordinance, the initial salary of an agency or department head 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 agency or department head at any point in the applicable salary schedule for the classification involved, up to the midpoint of the salary range, if there has been unusual difficulty in recruiting competent employees at the lowest rate of the applicable salary schedule and the higher rate is commensurate with the education and experience of the appointee. Any initial salary higher than the midpoint in the salary range for the classification in question must be approved by the City Council. The City Council must approve any hiring agreement that provides terms or compensation for department or agency heads other than those provided in the memoranda of understanding between the City and its recognized miscellaneous employee organizations, with the following exceptions: the appointing authority may offer new department and agency heads the severance payments authorized under section 2.10 of Ordinance No. 12187 C.M.S. and the Executive Vacation Leave and the bonus vacation days authorized by Ordinance No. 12903 C.M.S.

Sec. 1.20 Conflicts. If there is any conflict between the provisions of this Ordinance and Ordinance Nos. 12187 or 12903 which this Ordinance supplements and amends, this Ordinance's provisions shall govern.

Sec. 1.30 Amendments. Amendments to any provision of this ordinance shall hereinafter be entitled "Amendments to the Salary Ordinance".

IN COUNCIL, OAKLAND, CALIFORNIA _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN,
REID
NOES
ABSENT
ABSTENTION

ATTEST _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND
INTRODUCED BY COUNCILMEMBER _____
2009 FEB 11 PM 4: 15

APPROVED AS TO FORM AND LEGALITY

City Attorney

DRAFT

DRAFT with
2/10/09 FINANCE COMMITTEE'S RECOMMENDATIONS

ORDINANCE NO. _____ C.M.S.

An Ordinance (1) Amending the Salary Ordinance to Provide that the City Council Must Approve Terms and Compensation in Hiring Agreements for Department and Agency Heads Other Than (a) Initial Salary Up to the Midpoint of the Salary Range, (b) Severance Pay Authorized by Ordinance No. 12187 C.M.S., (c) Executive Leave and Bonus Vacation Authorized by Ordinance No. 12903 C.M.S. and (c) Terms and Conditions Provided in the Memoranda of Understanding between the City and its Recognized Miscellaneous Employee Organizations Require Council Approval of Certain Forms of Compensation and Certain Terms in Hiring Agreements for Agency and Department Heads Who are Appointed by the City Administrator in Circumstances Specified in the Ordinance and (2) Supplementing and Amending Ordinance Nos. 12187 C.M.S. and 12903 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 established salary ranges for employees and adopted salary ordinances, namely Ordinance Nos. 12187 and 12903 C.M. S., that grant the appointing authority the discretion to (1) set the initial salary of employees who they hire at any point in the salary range for the classification in question, if there has been unusual difficulty in recruiting and (2) grant severance pay, as a hiring incentive to employees who are exempt from Civil Service and must be terminated through no fault of the employee, equivalent to 3 months of salary if the employee has completed less than 10 years of service and up to six months of salary if the employee has completed ten years of service; and (3) grant certain Executive Leave and bonus vacation days at the time of hiring employees who are exempt from Civil Service; and

WHEREAS, during these challenging economic times that have resulted in significant budget deficits and layoffs of employees, the Council desires to further limit the discretion of appointing authorities with respect to setting initial salary and providing other terms and forms of compensation to department and agency heads; now therefore

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

Sec. 1.00 Purpose. This ordinance further limits the authority and discretion of the appointing authority solely with respect to fixing compensation and other terms and conditions of employment in hiring agreements for department heads and agency directors.

Sec. 1.10 Initial Salary and other Compensation for Agency and Department Heads. ~~Except as otherwise provided~~ Notwithstanding any other provision of this Ordinance, Ordinance No. 12187, Ordinance No. 12903 or any other Ordinance, the initial salary of an employee agency or department head 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 agency or department head at any steppoint in the applicable salary schedule for the classification involved, up to the midpoint of the salary range, if there has been unusual difficulty in recruiting competent employees at the lowest rate of ~~said the applicable~~ salary schedule and the higher rate is commensurate with the education and experience of the ~~said~~ appointee. Any initial salary higher than the midpoint in the salary range for the classification in question must be approved by the City Council. The City Council must approve any hiring agreement that provides terms or compensation for department or agency heads other than those provided in the memoranda of understanding between the City and its recognized miscellaneous employee organizations, with the following exceptions: the appointing authority may offer new department and agency heads the severance payments authorized under section 2.10 of Ordinance No. 12187 C.M.S. and the Executive Vacation Leave and the bonus vacation days authorized by Ordinance No. 12903 C.M.S.

Sec. 1.20 Conflicts. If there is any conflict between the provisions of this Ordinance and Ordinance Nos. 12187 or 12903 which this Ordinance supplements and amends, this Ordinance's provisions shall govern.

Sec. 1.30 Amendments. Amendments to any provision of this ordinance shall hereinafter be entitled "Amendments to the Salary Ordinance".

IN COUNCIL, OAKLAND, CALIFORNIA _____

PASSED BY THE FOLLOWING VOTE:

- AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID
- NOES
- ABSENT
- ABSTENTION

ATTEST _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California

City Attorney

DRAFT- IN
AGENDA PACKET FOR 2/10/09 FINANCE COMMITTEE
(With corrections made on floor to typographical errors in
Alternative One language)

ORDINANCE NO. _____ C.M.S.

An Ordinance (1) Amending the Salary Ordinance to Require Council Approval of Certain Forms of Compensation and Certain Terms in Hiring Agreements for Agency and Department Heads Who are Appointed by the City Administrator in Circumstances Specified in the Ordinance and (2) Supplementing and Amending Ordinance Nos. 12187 C.M.S. and 12903 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 established salary ranges for employees and adopted salary ordinances that grant the City Administrator the discretion to (1) set the initial salary of employees who she/he hires at any point in the salary range for the classification in question, if there has been unusual difficulty in recruiting and (2) grant severance pay, as a hiring incentive to employees who are exempt from Civil Service and must be terminated through no fault of the employee, equivalent to 3 months of salary and up to six months; and (3) grant certain Executive Leave and bonus vacation days at the time of hiring employees who are exempt from Civil Service; and

WHEREAS, the Council desires to further limit the discretion of the City Administrator during these challenging economic times which have resulted in significant budget deficits and layoffs of employees; now therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Sec. 1.00 Purpose. This ordinance further limits the authority and discretion of the City Administrator solely with respect to fixing compensation for ~~department heads~~department heads and agency directors.

Sec. 1.10 ~~Initial~~Initial Salary for Agency and Department Heads.

ALTERNATIVE NO. 1 – RETAINS THE CURRENT LANGUAGE WHICH GIVES THE CITY ADMINISTRATOR AUTHORITY TO SET THE INITIAL SALARY OF DEPARTMENT AND AGENCY HEADS AT ANY POINT IN THE SALARY RANGE IF THERE HAS BEEN UNUSUAL DIFFICULTY IN RECRUITING

~~Except as otherwise provided,~~ The initial salary of an employee agency or department head 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 agency or department head 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.

ALTERNATIVE NO. 2 – LIMITS CITY ADMINISTRATOR'S AUTHORITY TO SET INITIAL SALARY FOR DEPARTMENT AND AGENCY HEADS TO THE MIDPOINT OF SALARY RANGE

~~Except as otherwise provided,~~ The initial salary of an agency or department head 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 up to the midpoint of the salary range 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. Any initial salary higher than the midpoint in the salary range for the classification in question must be approved by the City Council.

ALTERNATIVE NO. 3 – THE COUNCIL MUST APPROVE TERMS AND COMPENSATION FOR DEPARTMENT AND AGENCY HEADS OTHER THAN THOSE PROVIDED IN THE MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND ITS RECOGNIZED MISCELLANEOUS EMPLOYEE ORGANIZATIONS, THAT THE CITY ADMINISTRATOR HAS THE AUTHORITY TO GRANT TO UNREPRESENTED EMPLOYEES UNDER SECTION 2.20 OF ORDINANCE NO. 12187; AND THE CITY ADMINISTRATOR MUST SET THE SALARY AT THE LOWEST RATE IN THE SALARY RANGE FOR THE CLASSIFICATION

~~Except as otherwise provided,~~ The initial salary of an department or agency head-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. Any initial salary above the lowest rate of the applicable salary schedule for the classification must be approved by the City Council. The City Council must approve any hiring agreement that provides terms or compensation for department

or agency heads other than those provided in the memoranda of understanding between the City and its recognized miscellaneous employee organizations; provided- This provision expressly removes the City Administrator's discretion under section 2.20 of Ordinance No. 12187 C.M.S. to offer unrepresented employees any terms and conditions of employment, such as Executive Leave and Severance Pay that differ from those provided under the Memoranda of Understanding between the City and recognized miscellaneous employees, organizations, 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

ALTERNATIVE NO. 4 – RETAIN CURRENT PROVISIONS OF ORDINANCE NOS. 12187 AND 12903 BUT THE CITY ADMINISTRATOR'S DISCRETION TO APPOINT ABOVE EITHER LOWEST RATE OR MIDPOINT AS WELL AS THE AUTHORITY TO GRANT SEVERANCE PAY AND EXECUTIVE LEAVE IS SUSPENDED WHEN THE CITY HAS A BUDGET DEFICIT

When the City has a budget deficit, the City Administrator's discretion to set the initial salary of a new department or agency head shall be as follows: (1) the salary may be set at any point in the salary range for the classification up to and including the midpoint of the range OR (2) the salary may be set only at the lowest rate in the salary range for the classification in question. Further, when the City has a budget deficit, the City Administrator must obtain City Council approval to provide terms and conditions of employment to department and agency heads that differ from those provided under the Memoranda of Understanding between the City and its recognized miscellaneous employee organizations, such as severance pay and Executive Leave which the City Administrator has authority to grant under Ordinance Nos. 12187 and 12903..

Sec. 1.20 Conflicts. If there is any conflict between the provisions of this Ordinance and Ordinance Nos. 12187 and 12903 which this Ordinance supplements and amends, this Ordinance's provisions shall govern.

Sec. 1.30 Amendments. Amendments to any provision of this ordinance shall hereinafter be entitled "Amendments to the Salary Ordinance".

IN COUNCIL, OAKLAND, CALIFORNIA _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN,
REID
NOES
ABSENT
ABSTENTION

ATTEST _____
LATONDA SIMMONS
City Clerk and Clerk of the Council

Wesley P. Reed
CITY ATTORNEY

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.

DEC - 3 11 1999

OFFICE OF THE CITY CLERK

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

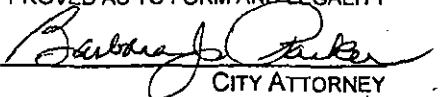
ABSTENTION- None

Excused - Miley - 1

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

FILED
OFFICE OF THE CITY CLERK
INTRODUCED BY COUNCIL MEMBER
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY

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

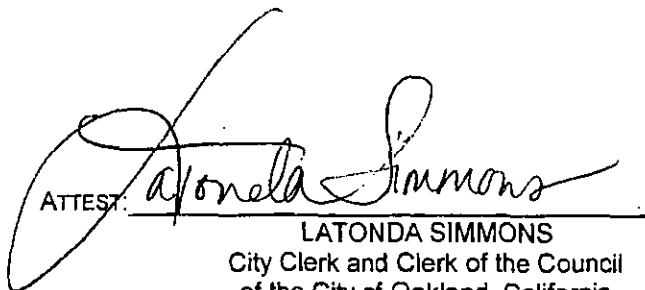
PASSED BY THE FOLLOWING VOTE:

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