



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 JAN 26 AM 8:46

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ian Appleyard
Human Resource
Management Director

SUBJECT: Unrepresented Employees Terms and
Conditions

DATE: January 19, 2018

City Administrator Approval

Date:

1/25/18

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Unrepresented Employees In Units CON, U51, U31, UG1, UJ1, TL1, UK1, UK2, UP1, And US1 As Follows: Increase Of 4% Effective July 1, 2017; Increase Of 1% Effective The First Pay Period After January 1, 2019.

EXECUTIVE SUMMARY

The City has reached full agreement with the Confidential Management Employees Association (CMEA) and the International Brotherhood of Electrical Workers (IBEW), Local 1245 for successor labor agreements effective July 1, 2017 to June 30, 2019. 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. Effective July 1, 2017, The City Administrator intends to grant all unrepresented employees in classifications in Units UK1, UK2, and UP1 salary increases and select benefits and other terms and conditions of employment that are provided to represented employees in CMEA, as presented and approved by the City Council on December 16, 2017. The City Administrator further intends to grant effective July 1, 2017, all unrepresented employees in classifications in Units CON, U51, UG1, UJ1, TL1, UK1, UK2, UP1, and US1 (**Attachment A**) the same salary increases as CMEA.¹

¹ Employees in job classifications in Units UR1 (Fire Chief), UU1 (Assistant Fire Chief, Deputy Fire Chief and Fire Marshal - sworn) and UN1 (Police Chief and Assistant Police Chief) are also unrepresented; however in July, 2014 and November 2015, the City Council amended the salary ordinance to provide unrepresented employees these units the same salary adjustments provided to represented, sworn employees in their respective departments. The City is currently in negotiations with the International Association of Firefighters IAFF over a successor MOU. The MOUs with the Oakland Police Officers Association and Oakland Police Management Association expire on June 30, 2019.

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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. 12903 C.M.S. (**Attachment B**).

ANALYSIS AND POLICY ALTERNATIVES

Changes to Wages, Benefits, and Other Terms and Conditions of Employment

The City negotiated a two-year Memorandum of Understanding (MOU) with CMEA from July 1, 2017 to June 30, 2019. The City also negotiated a two-year agreement with IBEW, Local 1245 for the same term. The employees represented by these unions will receive the equivalent of 4% salary increases effective July 1, 2017, a 1% salary increase effective the first pay period after January 1, 2019, and each have another potential 1% wage increase conditioned on certain revenue projections that would become effective the first pay period after January 1, 2019, assuming such conditions are met.

Even though the City Administrator has the discretion to restrict compensation on an individual basis, such as limiting merit increases, the City Administrator, as permitted through City Ordinance No. 12903 C.M.S. adopted on November 18, 2008 (**Attachment B**), will provide the following salary increases to the unrepresented employees in Units CON, U51, UG1, UJ1, TL1, UK1, UK2, UP1, and US1:

Salary Increases. The City shall provide unrepresented employees with the following salary increases: 4% (four percent) salary increase effective July 1, 2017, and 1% (one percent) salary increase effective the first pay period after January 1, 2019.

Wage Increase Tied to Revenue Growth. 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% wage increase effective retroactive to the first pay period after January 1, 2019.

City Ordinance No. 12903 C.M.S also gives the City Administrator discretion to apply other terms and conditions of the CMEA MOU to unrepresented employees. The City Administrator

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will provide other terms and conditions to the unrepresented employees in Units UK1, UK2, and UP1 only, as follows:

Commuter Check. City agrees to pay the monthly administrative fee, not to exceed \$5 per month, for represented employees participating in the Commuter Check Program.

City Contribution to PERS. Specifying that the City shall pay directly to PERS \$128.00 per month as an employer contribution toward the PEMHCA plan for those that elect to enroll.

Baby Bonding Leave. Paid Family Leave for Baby Bonding for up to six weeks of leave in a twelve (12) month period at the rate of sixty percent (60%) of his/her base wage rate or \$1,173.00 per week whichever is lower for "baby bonding."

FISCAL IMPACT

The FY 2017-19 Adopted Budget appropriated \$10.45 million for employee compensation in the General Purpose Fund (1010). The cost of the wage increase for Unrepresented employees is approximately \$1.32 million over the term of the two-year budget (\$0.62 million in FY 2017-18 and \$0.70 million in FY 2018-19). If revenue targets are met and employees receive the additional one (1) percent wage increase effective 1/1/2019, the total cost increases to \$1.40 million over the term of the two-year budget (\$0.62 million in FY 2017-18 and \$0.79 million in FY 2018-19). The total ongoing cost of the labor contract is \$0.79 million annually (\$0.95 million annually including the revenue linked wage increase).

PUBLIC OUTREACH / INTEREST

No public outreach was required.

COORDINATION

The Human Resource Management Department coordinated the collection, compilation, and reporting of data with the Employee Relations Division, Finance Department, Budget Office, Controller's Office, and Payroll.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this report.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: There are no social equity opportunities associated with this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Cost Of Living Adjustments To The Salaries Of Certain Unrepresented Employees In Units CON, U51, U31, UG1, UJ1, TL1, UK1, UK2, UP1, And US1 As Follows: Increase Of 4% Effective July 1, 2017; Increase Of 1% Effective The First Pay Period After January 1, 2019.

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

Respectfully submitted,



IAN APPELYARD
Director, Human Resource Management

Prepared by:
Allyson E. Cook
Employee Relations Manager
Human Resource Management Department

Attachments (4):

- A. List of Classifications
- B. City Ordinance No. 12903 C.M.S.
- C. City Ordinance No. 12187 C.M.S.
- D. Proposed Ordinance

ATTACHMENT A

UNREPRESENTED EMPLOYEES

Units CON, U51, UG1, UJ1, UK1, UK2 and TL1

REP	CLASS_NUM	TITLE
CON	AP341	Temp Contract Svcs Employee, 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
UG1	AP342	Temp Life Guard, PT
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	PP147	Temporary Recreation Leader I, PT
UG1	PP148	Temporary Recreation Leader II, PT
UG1	PP149	Temporary Recreation Spec I, Sr, PT
UG1	PP150	Temp Rec Spec II, Sr, PT
UG1	PP151	Temporary Recreation Specialist, PT
UG1	PS161	Police Cadet, PT
UG1	SC109	Camp Food Service Mgr, PT
UG1	SC110	Camp Manager, TP
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 & Workforce 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
UK1	ET108	City Administrator
TL1	AP443	Veterinarian, PT
UK2	EM124	City Attorney, Assistant
UK2	EM172	Budget Administrator
UK2	EM186	Human Resources Manager
UK2	EM204	Revenue & Tax Administrator
UK2	EM206	Treasury Manager
UK2	EM209	Claims & Risk Manager
UK2	EM250	Special Assistant to the Mayor III
UK2	EM258	Equal Emp Opportunities Officer
UK2	MA113	Controller
UK2	MA156	Employee Relations Analyst Prin
UP1	MA158	Emp & Labor Relations Analyst, Senior
UP1	MA161	Special Counsel Labor & Employ
US1	PS132	Fire Fighter Trainee
US1	PS199	Fire Fighter Paramedic Trainee

FILED
OFFICE OF THE CITY CLERK
INTRODUCED BY COUNCIL MEMBER
CARLANO

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

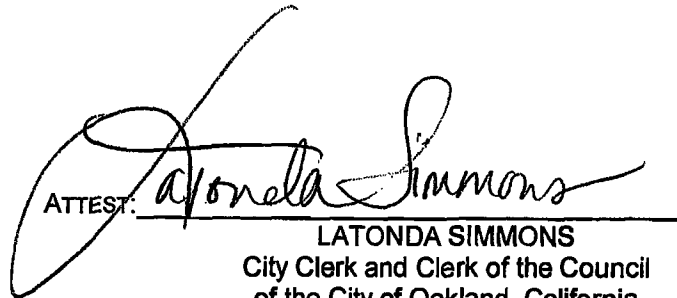
PASSED BY THE FOLLOWING VOTE:

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

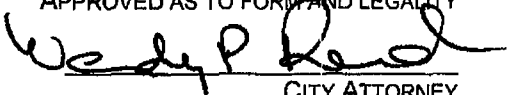
NOES- 0

ABSENT- Reid- 1

ABSTENTION- 0

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

INTRODUCED BY COUNCILMEMBER _____


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 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.

J2:1 M1 3-03022

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

PASSED BY THE FOLLOWING VOTE:

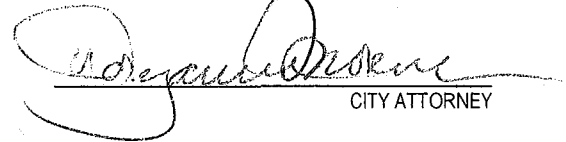
AYES- BRUNNER, CHANG, DE LA FUENTE, ~~MILEY~~, NADEL, REID, RUSSO, AND SPEES - 7
 NOES- *None*
 ABSENT- *None*
 ABSTENTION- *None*
 Excused- *Miley - 1*

ATTEST: 
 CEDA FLOYD

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

7.3

MEETING OF THE
 OAKLAND CITY COUNCIL
 FEB 06 2018


CITY ATTORNEY

2018 JAN 26 AM 10:00

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO PROVIDE COST OF LIVING ADJUSTMENTS TO THE SALARIES OF CERTAIN UNREPRESENTED EMPLOYEES IN UNITS CON, U51, U31, UG1, UJ1, TL1, UK1, UK2, UP1, and US1 AS FOLLOWS: INCREASE OF 4% EFFECTIVE JULY 1, 2017; INCREASE OF 1% EFFECTIVE THE FIRST PAY PERIOD AFTER JANUARY 1, 2019

WHEREAS, Pursuant to City Ordinance No. 12903, the City Administrator may grant unrepresented employees the same or lesser compensation and other terms and conditions of employment as provided to represented employees; and

WHEREAS, The City Administrator intends to grant effective July 1, 2017, all unrepresented employees in classifications in Units UK1, UK2, and UP1 the same salary increases and select benefits, and other terms and conditions of employment, as determined by the City Administrator as permitted through City Ordinance No. 12903 C.M.S. adopted on November 18, 2008, that are provided to represented employees in the Confidential Management Employees Association (CMEA) as presented and approved by City Council on December 16, 2017; and the same salary increases as CMEA to all unrepresented employees in classifications in Units CON, U51, U31, UG1, UJ1, TL1, and US1; and

WHEREAS, Oakland City Charter Section 207 requires that the Council shall fix the compensation of all City employees; now, therefore

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

Section 1. Effective July 1, 2017, the classifications and associated salaries in Units CON, U51, U31, UG1, UJ1, TL1, UK1, UK2, UP1 and US1 shall be increased by 4%.

Section 2. Effective the first pay period after January 1, 2019, the classifications and associated salaries in Units CON, U51, U31, UG1, UJ1, TL1, UK1, UK2, UP1 and US1 shall be increased by 1%.

Section 3. Units UK1, UK2, and UP1 shall receive select terms and conditions of employment and benefits, as determined by the City Administrator as permitted through City Ordinance No. 12903 C.M.S. adopted on November 18, 2008, that are provided to represented employees in CMEA.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, GIBSON
MCELHANEY and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____