



AGENDA REPORT

TO: FRED BLACKWELL
INTERIM CITY ADMINISTRATOR

FROM: Anil Comelo

SUBJECT: Salary Ordinance Amendment and
Exemption from Civil Service

DATE: March 25, 2014

City Administrator
Approval

Date

4/15/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council:

- 1) **Adopt an Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to create the classification of Fire Marshal (Non-Sworn); and**
- 2) **Approve a Resolution to Exempt From Civil Service the Classifications of Fire Marshal (Non-Sworn)**

OUTCOME

The Salary Ordinance amendment and the resolution to exempt the classification of Fire Marshal (Non-Sworn) are proposed to implement Council authorization of funding for a civilian fire marshal position, pursuant to Resolution No. 84897 CMS approved on March 18, 2014.

The civilian fire marshal role serves as a division manager in the Fire Department. Staff recommends that the classification of Fire Marshal (Non-Sworn) be exempted from the provisions of Civil Service. If the exemption resolution is approved as presented, staff will present the recommendation to the Civil Service Board for final approval of exemption at its next meeting

BACKGROUND/LEGISLATIVE HISTORY

The Oakland Fire Department has identified the need to establish a Fire Marshal (Non-Sworn) position to oversee the Fire Prevention Division of the Fire Prevention and Support Services Bureau; the duties were performed by a variety of classifications in the past. This action is consistent with industry trends, as more fire marshals are rising through the civilian ranks than the sworn ranks. It will also establish a career ladder and promotional opportunity for existing civilian staff.

Item: _____
Finance & Management Committee
April 29, 2014

The City Charter, under Title IX Personnel Administration, section 902, lays out the conditions under which positions may be exempt from Civil Service. Certain offices are specifically exempted (elected officials, City Administrator, etc.), but section 902(f) provides that other positions may be exempted if recommended by City Council and approved by the Civil Service Board.

ANALYSIS

The actions being proposed are recommended to implement Council action and to align the classification with other division manager classifications in terms of its bargaining unit and exemption from civil service.

PUBLIC OUTREACH

No public outreach was required.

COORDINATION

The Human Resources Management Department (HR) coordinated with the Fire Department to create the classification of Fire Marshal (Non-Sworn). Following the Council action proposed in this report, HR will present the Civil Service Board with the recommendation to exempt the classification from the provision of civil service.

COST SUMMARY/IMPLICATIONS

Partial funding for the civilian fire marshal position was authorized in previous budgets adopted by City Council with the remaining funding authorized by Resolution No. 84897 CMS approved on March 18, 2014. Creating the appropriate title and salary schedule for the position has no new fiscal impact. The proposed resolution exempting the classification has no fiscal impact.

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.

For questions regarding this report, please contact Kip Walsh, HR Manager, Recruitment & Classification, at (510) 238-7334.

Respectfully submitted,



Anil Comelo
Director of Human Resources Management

Prepared by
Kip Walsh, HR Manager, Recruitment & Classification

Attachments

- 1) Ordinance Amending the Salary Schedule of Ordinance No. 12187 C M.S. ("Salary Ordinance") to Create the Classification of Fire Marshal (Non-Sworn)
- 2) Resolution to Exempt From Civil Service the Classification of Fire Marshal (Non-Sworn)


CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO CREATE THE CLASSIFICATION OF FIRE MARSHAL (NON-SWORN)

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

Section 1. Ordinance No. 12187 C.M.S. "The Salary Ordinance" is hereby amended as set forth below. Additions are indicated by underscoring and deletions are indicated by ~~strike through type~~; portions of ordinances not cited or not shown in underscoring or strike-through type are not changed.

Section 2. Effective upon passage, the following classification is revised in Ordinance No. 12187 C.M.S. in the Unit UM1.75.039 Pay Grade Table to read as follows:

Classification Title	Class No.	Pay Range	
<u>Fire Marshal (Non-Sworn)</u>	MA156	Min	<u>10013.80</u>
		Max	<u>12295.51</u>

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2014

PASSED BY THE FOLLOWING VOTE

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

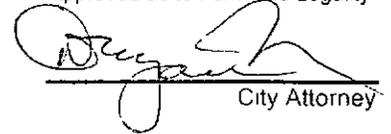
ABSTENTION-

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

DATE OF ATTESTATION _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

2014 APR 16 AM 11:22

RESOLUTION No. _____ C.M.S.

RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD THE EXEMPTION OF THE CLASSIFICATION OF FIRE MARSHAL (NON-SWORN) FROM THE OPERATION OF THE CIVIL SERVICE

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

WHEREAS, the Fire Marshal (Non-Sworn) classification 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 duties, pay grade and independence of action; and

WHEREAS, incumbents in the Fire Marshal (Non-Sworn) positions serve as division managers and are expected to exercise considerable discretion in carrying out the City's mission for which there is a high consequence of error; now, therefore be it

RESOLVED: That the City Council of the City of Oakland hereby recommends to the Civil Service Board that the classification of Fire Marshal (Non-Sworn) 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- BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST _____

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

**AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S.
("SALARY ORDINANCE") TO CREATE THE CLASSIFICATION OF FIRE MARSHAL (NON-SWORN)**

DIGEST

Ordinance Amending The Salary Schedule Of Ordinance No 12187 C M S ("Salary Ordinance") To Create The Classification Of Fire Marshal (Non-Sworn)
