INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

_____
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 a 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 who 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 Fires 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.

99 DEC -3 LM 4:24

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