



CITY OF OAKLAND

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OAKLAND

MAY 10 PM 12:10

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: ANDREA R. GOURDINE
DHRM DIRECTOR

SUBJECT: Amendment to Ordinance No. 12187 C.M.S. DATE: May 7, 2012

City Administrator
Approval

Date

5/08/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve two pieces of legislation:

- 1) An Ordinance amending the salary schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to add the classification of Neighborhood Law Corps Attorney; and
- 2) A Resolution recommending that the classification of Neighborhood Law Corps Attorney be exempted from Civil Service.

OUTCOME

The proposed two pieces of legislation are presented to provide the Office of the City Attorney with an appropriate classification for the work performed as part of the Neighborhood Law Corps Program. The lawyers hired for the program are currently classified as Exempt Limited Duration Employees (ELDEs), but that classification is not appropriate because the Civil Service Rules require that ELDEs serve terms limited to one year and the attorneys in the Neighborhood Law Corps Program serve terms not to exceed three years. The addition of the new classification to the Salary Ordinance provides a Rules-compliant method of engaging attorneys for the program. Additionally, the proposed resolution recommending that the classification of Neighborhood Law Corps Attorney be exempted from civil service is recommended due to the temporary nature of the assignments. The classification of Neighborhood Law Corps Attorney was approved for inclusion in the City's classification plan and adopted by the Civil Service Board on April 12, 2012.

If City Council chooses not to take the recommended action, the Office of the City Attorney will not have a Civil Service Rules compliant method through which lawyers for the Neighborhood Law Corps Program may be hired. The lawyers currently assigned to this work would have to be released at the end of one year in the assignment. A one-year term is not sufficient for the incumbents to complete the multi-faceted case work assigned to them and would greatly undermine the effectiveness of the Neighborhood Law Corps Program as more time is necessary to bring projects and litigation to fruition.

Item: _____
 Finance & Management Committee
 May 22, 2012

BACKGROUND/LEGISLATIVE HISTORY

The Neighborhood Law Corps Program has been budgeted and funded by the Council for approximately ten years, including the budget for FY 2011-2013. A total of three attorneys are retained in this program. The attorneys in this program each receive a salary of approximately \$40,000 per year. The Neighborhood Law Corps Program is part of the City's Public Safety plan and mission and has generated approximately \$462,000 in revenue since 2000. As a result of the casework performed as part of the program, fines are collected from parties who committed various violations such as vandalism of City property, nuisances (drug, prostitution, substandard buildings), and other "quality of life" offences.

The Neighborhood Law Corps attorneys were placed in Exempt Limited Duration Employee (ELDE) positions at the outset of the program. However, the Civil Service Rules provide that ELDE positions have a maximum duration of one year. The proposed Salary Ordinance amendment and Resolution would create a Neighborhood Law Corps Attorney classification so that the positions will be in compliance with the Rules. Civil Service Rule 5.06(c) states that, "Exempt limited duration appointments may not exceed one year." Attorneys in the Neighborhood Law Corps Program are required to serve two years and may serve terms not to exceed three years. Creating the appropriate classification allows for attorneys in the program to serve in assignments that last longer than the one-year limit imposed when using the category of ELDE.

In recent months, the Department of Human Resources Management (DHRM) has been engaged in working aggressively with City departments to eliminate non-Rules-compliant temporary assignments. Presentation of this Salary Ordinance amendment and Resolution is one of many efforts in process to eliminate non-compliant temporary assignments.

The International Federation of Professional and Technical Engineers Union (IFPTE, Local 21) was notified and given the opportunity to review the proposed classification specification. A union representative notified DHRM that the union had no objections to the creation of the classification. The classification of Neighborhood Law Corps Attorney was approved for inclusion in the City's classification plan and adopted by the Civil Service Board on April 12, 2012.

ANALYSIS

The Neighborhood Law Corps is a program operated by the Office of the City Attorney for which entry-level lawyers are hired to perform community legal support on issues related to blight, nuisance, and related "quality of life" issues.

The new classification is being proposed to address the need for a specialized classification in the Office of the City Attorney and to provide a Civil Service Rules compliant mechanism through which lawyers for the program may be hired. The new classification of Neighborhood Law Corps Attorney will require graduation from an accredited School of Law and that incumbents be members in good standing of the California State Bar. The proposed classification

Item: _____
Finance & Management Committee
May 22, 2012

specification will be used to clearly convey the expectations and requirements for the position via job postings for future vacancies.

A resolution was prepared for City Council requesting the recommendation that the classification be exempted from Civil Service, pursuant to the City of Oakland City Charter section 9.02(f). The exemption is being recommended because incumbents in the classification are hired to serve on a time-limited basis in a specialized program and are paid at a flat rate of pay. If the resolution is adopted, staff will return to the Civil Service Board at a future date to request approval for the classification to be exempted from civil service.

PUBLIC OUTREACH

No public outreach was required.

COORDINATION

The Department of Human Resources Management (DHRM) coordinated the creation of the classification with the Office of the City Attorney and the City Administrator's offices of Budget and Employee Relations. Local 21 was provided with an opportunity to review the recommendations prior to submission and has indicated they have no objections to the creation of the classification. If the recommended legislation is approved, DHRM will present the recommendations to the Civil Service Board for their consideration and approval.

COST SUMMARY/IMPLICATIONS

The addition of the classification of Neighborhood Law Corps Attorney to the City's classification plan and to the Salary Ordinance will serve to provide appropriate titles for temporary work already being performed and budgeted. The proposed Salary Ordinance amendment does not represent the addition of staffing or reflect planning for any other specific purpose other than to correct non-compliance with Civil Service Rules for existing temporary assignments.

SUSTAINABLE OPPORTUNITIES

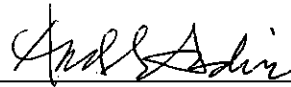
Economic – not applicable.

Environmental – not applicable.

Social Equity – not applicable.

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

Respectfully submitted,




ANDREA R. GOURDINE
Director, Dept. of Human Resources Management

Prepared by:
Kip Walsh, Recruitment & Classification Manager

Attachments (2).

- 1) Ordinance: *An Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to Add the Classification of Neighborhood Law Corps Attorney*
- 2) Resolution: *Resolution Authorizing the Civil Service Board to Exempt the Classification of Neighborhood Law Corps Attorney from the Operation of the Civil Service*

INTRODUCED BY COUNCILMEMBER _____


CITY ATTORNEY

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

**AN ORDINANCE AMENDING THE SALARY SCHEDULE OF
ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO
ADD THE CLASSIFICATION OF NEIGHBORHOOD LAW
CORPS ATTORNEY**

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 title is added in Ordinance No. 12187 C.M.S. in the Unit SC1.80.043 Pay Grade Table to read as follows:

Classification Title	Class No.	Pay Steps
<u>Neighborhood Law Corps Attorney</u>	<u>AL011</u>	1 <u>3333.34</u>

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

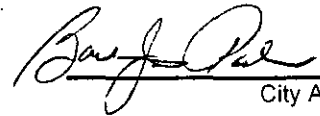
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION _____

**AN ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S.
("SALARY ORDINANCE") TO ADD THE CLASSIFICATION OF NEIGHBORHOOD LAW
CORPS ATTORNEY**

DIGEST

An Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to Add The Classification of Neighborhood Law Corps Attorney


City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2012 MAY 10 PM 12:10

RESOLUTION No. _____ C.M.S.

RESOLUTION RECOMMENDING THAT THE CIVIL SERVICE BOARD EXEMPT THE CLASSIFICATION OF NEIGHBORHOOD LAW CORPS ATTORNEY FROM THE OPERATION OF THE CIVIL SERVICE SYSTEM

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 exception; and

WHEREAS, the Neighborhood Law Corps is a program in the City Attorney's Office that brings resources and remedies into Oakland's neighborhoods to address "quality of life" issues such as blight, civil nuisance, and drug nuisance; and

WHEREAS, the City Council has authorized, budgeted and funded the Neighborhood Law Corps Program for approximately ten years, including FY 2011-2013; and

WHEREAS, the program funds three attorneys at a salary of approximately \$40,000 per year and the program has generated revenue and the program has generated approximately \$462,500.00 in City revenues from parties who committed various violations such as vandalism of City property, nuisances (drug, prostitution, substandard buildings), and other quality of life issues; and

WHEREAS, the Neighborhood Law Corps Program serves as a training intemship program for entry-level lawyers; and

WHEREAS, the attorneys for this program are hired for a limited duration term not to exceed three years; and

WHEREAS, the program does not offer permanent status for the positions; and

WHEREAS, the nature of the program and its staffing needs require that incumbents serve "at will," now therefore, be it,

RESOLVED: that the City Council recommends that the Civil Service Board exempt the classification of Neighborhood Law Corps Attorney from the operation of the Civil Service Rules; and be it

FURTHER RESOLVED: that the City Council hereby requests that the Civil Service Board exempt the classification of Neighborhood Law Corps Attorney from the civil service system.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and
PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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