

# AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Anil Comelo

SUBJECT: Amendment to Ordinance No. 12187 C.M.S. DATE: March 23, 2015

City Administrator

Approval

Date

4/1/15

**COUNCIL DISTRICT:** City-Wide

#### **RECOMMENDATION**

Staff recommends that the City Council adopts:

An Ordinance Amending the Salary Schedule of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to Add the Part Time Classifications of Cable TV Stage Manager, PT; Hearing Officer PT; Language Interpreter, PT; and to Modify Existing Full Time Classifications by Adding the Part Time Equivalents of the Classifications of Emergency Planning Coordinator, PT; Emergency Planning Coordinator, Senior, PT; Head Start Program Coordinator, PT; Senior Services Program Assistant, PT; Special Events Coordinator, PT; Veterinarian, PT; and to Correct the Published Salary Rates for the Part Time Equivalent Classifications of Emergency Medical Services Instructor, PT; Management Intern, PT; Management Assistant, PT; and Program Analyst I, PT to align with the Salary Rate for the Full Time Rate for Those Classifications; and to Delete the Classifications of Case Manager, Supervising, PT; CD Cleanup Supervisor, PT; Employee Assistance Program Counselor, PT; and Senior Center Director, PT

#### **OUTCOME**

Adoption of the proposed ordinance presented is a necessary step in staff's ongoing efforts to bring part time assignments throughout the City into alignment with the Oakland City Charter and the Personnel Manual of the Civil Service Board (the "Civil Service Rules" or "Rules"). The use of temporary part time employees is allowed under both the Charter and the Civil Service Rules in recognition that some assignments require either fewer hours per week or are needed to address an intermittent, seasonal, or temporary need. However, the Civil Service Rules also specifically restrict the use of the title of Temporary Contract Service Employee (TCSE) from being used for ongoing part time department staffing needs. In the absence of appropriate part time titles, departments have had to use TCSEs because other appropriate alternatives did not exist. Staff's recommendation is to add new part time classifications and to add part time equivalents to existing classifications to allow departments to appropriately classify ongoing part time assignments and to bring those assignments into compliance with the Civil Service Rules.

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If City Council does not take the recommended action, several part time assignments in the City will remain out of compliance with the Civil Service Rules even though the operational need for the part time assignments has been clearly demonstrated. Without the appropriate titles in place, the Human Resources Management Department (HRM) would be required to terminate those assignments because they will continue to be out of compliance with City policies. Since the TCSE assignments in departments are filling specific operational needs, termination of the employees would disrupt key programs and negatively impact the ability to continue to provide services.

#### BACKGROUND/LEGISLATIVE HISTORY

City departments at times request that exempt part time equivalent classifications be added to the Salary Schedule of the Salary Ordinance to allow for flexibility in specific assignments or for planning purposes. HRM reviews the request and helps the department determine whether the operational needs of the department are consistent with the request. If approved, HRM initiates an amendment to the Salary Ordinance to add the requested part time classifications. Occasionally, HRM initiates the request to support other identified concerns or needs. The proposed Salary Ordinance Amendment accompanying this report aims to do both – address needs expressed by departments and address issues that HRM must resolve.

There are two types of part time assignments – Permanent Part Time and exempt Part Time (aka Temporary Part Time or "TPT"). Permanent Part Time positions are positions that are filled by a competitive civil service process and for which the hours are less than full time, but more than half time. Exempt Part Time positions are governed by the Charter section 902(d), which provides for the exemption of part time positions from civil service: "Part-time employees who are regularly employed for less than one-half the established working hours throughout the year; or those who are employed in any seasonal employment for not more than 120 days in any consecutive 12 months." Depending on a department's operational needs, positions may be created and budgeted at either the Permanent Part Time or Part Time level.

The recommendation to add exempt part time equivalents of the listed classifications is made as a necessary step in staff's ongoing efforts to bring temporary part time assignments throughout the City into alignment with the Oakland City Charter and the Civil Service Rules. The Civil Service Rules specifically restrict the use of the title of TCSE from being used for ongoing part time department staffing needs, but departments have had to use TCSEs because appropriate part time alternatives did not exist. Civil Service Rule 5.06(c) states that the category of TCSE may be used for "a maximum of 960 hours per fiscal year for one of two types of assignments. Employees may be assigned to a division or a project on a regular basis up to the maximum 960 hours; or, assignments may be on an occasional or short-term (less than 30 days) basis. These assignments usually require specialized skills such as performance arts, short-term project management, and transcription services. "This classification may not be used for ongoing or repetitive use." (Emphasis added.) Historically, non-compliance with the rules governing TCSEs is usually related to the time limits associated with the Rules section. For the purpose of compliance monitoring, all TCSEs whose assignments extend across more than one fiscal year

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and for longer than one calendar year are categorized as assignments that are "ongoing or repetitive." One of the simplest and most direct ways to bring TCSE assignments into alignment with the Rules and other City policies is to categorize the assignments within the City's classification plan, instead of using the TCSE category.

HRM has been working over the past few years to clean up part time assignments throughout the City that are out of compliance with the Civil Service Rules. In August of 2011, there were 104 non-compliant TCSE assignments. As of the writing of this report, there are a total of 11 non-compliant TCSE assignments remaining, six of which would be resolved by adopting the proposed legislation. The other five "non-compliant" assignments will be resolved by separating the part time employee when the assignments end in the coming months.

## **ANALYSIS**

In reviewing TCSE assignments that had been extended beyond the timelines required under section 5.06(c) of the Civil Service Rules, HRM worked with department staff to first determine whether the part time assignment was necessary for departmental operations. Analysis was also conducted to determine whether an appropriate classification existed that might adequately describe the work being performed. In several cases it was determined that the part time assignment had ended and the employee was released from service. For the remaining part time assignments, where possible, the employee was moved into the appropriate existing part time classification. The following titles did not have part time equivalents, but the work being performed currently or anticipated in the future aligns with the definition for the classification. Staff is recommending that part time equivalents be created by amending the Salary Ordinance.

<u>Cable TV Stage Manager, PT</u> - A position assigned to this classification will provide intermittent technical support to KTOP operations. There are certain KTOP activities for which external entities may contract with the City and which are revenue-generating. Due to the intermittent nature of the work, full time staffing is not appropriate. Creating the part time equivalent classification will provide a mechanism through which an on-call Cable TV Stage Manager may be engaged on an as-needed basis.

<u>Hearing Officer, PT</u> - Following discussions with the Housing and Community Development Department about the long-term use of TCSEs to act as on-call hearing officers for the Rent Adjustment Program, the department requested the creation of the part time equivalent for the existing Hearing Officer classification so that temporary on-call hearing officers could be classified appropriately.

<u>Language Interpreter, PT</u> - the Equal Access Office is required to provide interpreters for public City events or meetings where monolingual residents are being served. The addition of the Language Interpreter classification will provide a mechanism through which the Equal Access Office may engage on-call interpreters to be assigned to events as needed.

Emergency Planning Coordinator, PT and Emergency Planning Coordinator, Senior, PT - These classifications are used primarily to support the City's CORE (Citizens Organized to Respond to

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Emergencies) Program in the Fire Department. Part time trainers assist in the compilation, updating, and implementation of a variety of emergency management programs, projects and plans; provide disaster response training to City employees and citizen groups; and provide technical assistance to public and private agencies as needed to support the City's ongoing disaster preparedness efforts.

Head Start Program Coordinator, PT - Incumbents in this classification are responsible for enrolling children in the Head Start and Even Start Programs and making appropriate referrals to the families for needed services in compliance with federal regulations. They may also facilitate workshops for parents and make home visits. Head Start programs are grant-funded and those grants require specific staffing levels. Creating the and part time (PT) equivalent of the classification provides a mechanism through which staffing can be assigned quickly during transitions of permanent staffing (resignations, retirements, etc.) or when funding is reduced and staffing has to be reduced commensurately.

<u>Senior Services Program Assistant, PT</u> - Incumbents in this classification are responsible for providing recruitment and placement services for the Senior Employment, Senior Companion, and Paratransit Programs; to monitor these programs on a regular basis; and to maintain accurate, complete records. Creating the part time (PT) equivalent of the classification provides a mechanism through which staffing can be assigned quickly during transitions of permanent staffing (resignations, retirements, etc.).

Special Events Coordinator, PT - This classification provides a combination of public information and special events staffing. Incumbents may be responsible for developing promotional materials as well as coordinating facility setup, volunteers, and talent management for special events sponsored by the City. Creating the part time equivalent of this existing classification will provide a way for the Economic & Workforce Development Department, Oakland Parks & Recreation and other departments to employ Special Events Coordinators for short duration assignments at peak times for large City-sponsored events like Art & Soul or Sundays in the Redwoods.

<u>Veterinarian, PT</u> - The on-call veterinarians that provide service to the Police Department are currently in the TCSE classification. Since the work being performed is precisely the same work as the existing Veterinarian classification, the part time equivalent is needed to align the assignment with the work being performed.

In addition to creating the part time equivalent classifications listed above, HRM staff determined that the salary ranges associated with the titles of Emergency Medical Services Instructor, PT; Management Intern, PT; Management Assistant, PT; and Program analyst I, PT in the current Salary Schedule did not align with the salary schedule for the full time versions of those classifications. It is not appropriate to have different salaries associated with the same title. Staff recommends that the salaries associated with the part time equivalents be corrected.

And finally, HRM staff identified the part time classifications of Case Manager, Supervising, PT; CD Cleanup Supervisor, PT; Employee Assistance Program Counselor, PT; and Senior Center

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Director, PT were either obsolete (CD Cleanup Supervisor PT, Employee Assistance Program Counselor PT) or inappropriate since they are supervisory classifications related to full time subordinate classifications (Case Manager, Supervising PT; Senior Center Director PT). It would not be appropriate for exempt part time employees to supervise full time permanent employees, so there is no appropriate use of these classifications.

#### **PUBLIC OUTREACH**

No public outreach was required beyond the posting of this report on the City's website.

#### **COORDINATION**

HRM coordinated the creation of the classification with the departments where the classifications would be used (i.e. Housing & Community Development, Parks & Recreation, Fire, and Human Services, Departments) and with the Budget Office and Employee Relations (ER) Department. HRM and ER staff met with representatives of the International Federation of Professional and Technical Engineers, Local 21 on several occasions to discuss the creation of the part time titles and deletion of the specified titles. The union supported the City's action to create appropriate part time classifications for these assignments. Formal notification of the proposed legislation to amend the Salary Schedule of the Salary Ordinance was sent to the union on September 19, 2014.

The assignments that have been out of compliance with the Civil Service Rules have been an issue of concern for the Civil Service Board (CSB) since it was first brought to their attention. At their March 19, 2015 meeting, CSB members asked staff to articulate to the City Council the Civil Service Board's support of Council's approval of this action.

Preparation of this report required coordination with the staff from the Treasury Bureau of the Finance Department, the City Administrator's Budget Office, and the Office of the City Attorney.

#### COST SUMMARY/IMPLICATIONS

The proposed Salary Ordinance amendment has no fiscal impact in that it does not represent the addition of staffing, nor does it represent a change to departments' budget allocation.

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#### John A. Flores, Interim City Administrator

Subject: Salary Ordinance Amendment for Part Time Classifications

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### 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, Recruitment & Classification Manager, at (510) 238-7334.

Respectfully submitted,

Anil Comelo Director, DHRM

Prepared by:

Kip Walsh, Recruitment & Classification Manager

NTRODUCED BY COUNCILMEMBER-OFFICE OF THE CITY CLER\* OAKLAND CITY ATTORNEY

2015 APR - 1 AM 2: 00

# OAKLAND CITY COUNCIL

ORDINANCE NO.\_\_\_\_\_C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO ADD THE PART TIME CLASSIFICATIONS OF CABLE TV STAGE MANAGER, PT; HEARING OFFICER PT; LANGUAGE INTERPRETER, PT; AND TO MODIFY EXISTING FULL TIME CLASSIFICATIONS BY ADDING THE PART TIME EQUIVALENTS OF THE CLASSIFICATIONS OF EMERGENCY **PLANNING** COORDINATOR, PT: EMERGENCY PLANNING PT: **START** COORDINATOR, SENIOR, **HEAD PROGRAM** COORDINATOR, PT; SENIOR SERVICES PROGRAM ASSISTANT, PT; SPECIAL EVENTS COORDINATOR, PT; VETERINARIAN, PT; AND TO CORRECT INCONSISTENCIES IN THE PUBLISHED SALARY RATES **PART** TIME EQUIVALENT CLASSIFICATIONS **EMERGENCY MEDICAL SERVICES** INSTRUCTOR, MANAGEMENT INTERN, PT; MANAGEMENT ASSISTANT, PT; AND PROGRAM ANALYST I, PT TO ALIGN WITH THE SALARY RATE FOR THE FULL TIME RATE FOR THOSE CLASSIFICATIONS; AND DELETE THE CLASSIFICATIONS **OF CASE** MANAGER. SUPERVISING, PT; CD CLEANUP SUPERVISOR, PT; EMPLOYEE ASSISTANCE PROGRAM COUNSELOR, PT; AND SENIOR CENTER DIRECTOR, PT

#### 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 <u>underscoring</u> and deletions are indicated by <u>strike through type</u>; 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 added to Ordinance No. 12187 C.M.S. in the Unit TL1.75.014 Pay Grade Table to read as follows:

Classification Title	Class No.	Pay	Range
Cable TV Stage Manager, PT	<u>AP439</u>	Step 1	5517.74
		Step 2	<u>5809.55</u>
		Step 3	6114.54
		Step 4	6437.11
		Step 5	6775.84

**Section 3**. Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit <u>TL1.75.xxx</u> Pay Grade Table to read as follows:

Classification Title	Class No.	Pay	Steps
Hearing Officer, PT	<u>AP440</u>	Step 1	<u>7844.79</u>
		Step 2	<u>8257.89</u>
	•	Step 3	8692.14
		Step 4	9150.37
		Step 5	<u>9631.14</u>

**Section 4.** Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit <u>TL1.75.009</u> Pay Grade Table to read as follows:

Classification Title	Class No.	Pay	Steps
Language Interpreter, PT	<u>AP441</u>	Step 1	4159.94
		Step 2	<u>4379.88</u>
		Step-3	4608.63
		Step 4	<u>4853.50</u>
·		Step 5	5108.65

**Section 5.** Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit <u>TL1.75.xxx</u> Pay Grade Table to read as follows:

Classification Title	Class No.	Pay Range	
Emergency Planning Coordinator, PT	<u>SC260</u>	Step 1	<u>5574.81</u>
		Step 2	<u>5868.08</u>
		<u>Step 3</u>	<u>6176.85</u>
		Step 4	<u>6502.55</u>
		Step 5	<u>6845.15</u>

**Section 6.** Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit <u>TL1.75.xxx</u> Pay Grade Table to read as follows:

Classification Title	Class No.	Pay Range	
Emergency Planning Coordinator, Sr PT	<u>SC261</u>	Step 1	6453.19
		Step 2	<u>6792.98</u>
		Step 3	<u>7151.10</u>
		Step 4	<u>7527.55</u>
		<u>Step 5</u>	<u>7923.74</u>

**Section 7**. Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit TL1.75.023 Pay Grade Table to read as follows:

Classification Title	Class No.	Pay	Steps
Head Start Program Coordinator, PT	<u>PP172</u>	Step 1	<u>4367.92</u>
		Step 2	<u>4597.74</u>
		Step 3	4840.25
•		Step 4	5094.03
		Step 5	5363.32

**Section 8.** Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit <u>TL1.75.xxx</u> Pay Grade Table to read as follows:

Classification Title	Class No.	Pay Steps	
Senior Services Program Assistant, PT	<u>PP173</u>	Step 1	<u>4160.66</u>
		Step 2	<u>4379.21</u>
		Step 3	<u>4609.02</u>
		Step 4	<u>4851.53</u>
		Step 5	<u>5108.13</u>

**Section 9.** Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit <u>TL1.75.xxx</u> Pay Grade Table to read as follows:

Classification Title	Class No.	Pay	Steps
Special Events Coordinator, PT	AP442	Step 1	6145.83
	**************************************	Step 2	6470.12
		Step 3	<u>6809.90</u>
		Step 4	7169.43
		Step 5	<u>7545.89</u>

**Section 10**. Effective upon passage, the following classification is added to Ordinance No. 12187 C.M.S. in the Unit <u>TL1.75.xxx</u> Pay Grade Table to read as follows:

Classification Title	Class No.	Pay	Steps
Veterinarian, PT	<u>AP443</u>	Step 1	<u>6776.07</u>
o-		Step 2	<u>7132.79</u>
		Step 3	7509.23
		Step 4	<u>7904.00</u>
		Step 5	8319.93

**Section 11**. Effective as set forth below, the following classification is amended in Ordinance No. 12187 C.M.S. in the Unit <del>UG1</del> <u>TL1</u>.75.xxx Pay Grade Table to read as follows:

Classification Title	Class No.		Pa	ıy Steps
Emergency Medical Services Instructor, PT	AP386	Step 1	<del>32.67</del>	5309.74
		Step 2	34.38	5588.92
		Step 3	<del>36.20</del>	<u>5883.59</u>
		Step 4	<del>38.11</del>	6192.37
		Step 5	4 <del>0.12</del>	6519.47

**Section 12**. Effective as set forth below, the following classification is amended in Ordinance No. 12187 C.M.S. in the Unit <del>UG1</del> <u>TL1</u>.75.xxx Pay Grade Table to read as follows:

Classification Title	Class No.		Pay S	Steps	
Management Assistant, PT	MA131	Min	Step 1	<del>29.71</del>	6145.83
		Max	Step 2	<del>60.16</del>	6470.11
			Step 3		<u>6809.90</u>
			Step 4		7169.43
•			Step 5		7545.88

Section 13. Effective as set forth below, the following classification is amended in Ordinance No. 12187 C.M.S. in the Unit UG1.75.xxx Pay Grade Table to read as follows:

Classification Title	Class No.		Pay	Steps	
Management Intern, PT	MA133	Min	<del>13.59</del>	Step 1	4160.66
		<del>Max</del>	<del>28.09</del>	Step 2	<u>4379.21</u>
		•		Step 3	<u>4609.02</u>
				Step 4	<u>4851.53</u>
				Step 5	5108.13

Section 14. Effective as set forth below, the following classification is amended in Ordinance No. 12187 C.M.S. in the Unit <del>UG1</del> <u>TL1</u>.75.xxx Pay Grade Table to read as follows:

Classification Title	Class No.		Pay	Steps
Program Analyst I, PT	AP361	Step 1	28.22	<u>4586.46</u>
		Step 2	<del>29.71</del>	4827.56
•	;	Step 3	<del>31.28</del>	5081.35
	;	Step 4	<del>32.93</del>	5349.23
	,	Step 5	<del>34.65</del>	5631.22

**Section 15**. Effective upon passage, the following classification is deleted from Ordinance No. 12187 C.M.S. in the Unit TL1.75.025 Pay Grade Table:

Classification Title	Class No.	Pay	Steps
Case Manager, Supervising, PT	AP415	Step-1	<del>5573.61</del>
		Step-2	<del>5866.67</del>
		Step 3	<del>6175.44</del>
		Step-4	<del>6499.73</del>
		Step 5	6842.33

**Section 16**. Effective upon passage, the following classification is deleted from Ordinance No. 12187 C.M.S. in the Unit UG1.80.030 Pay Grade Table:

Classification Title	Class No.	Pay Rate
CD Cleanup Supervisor, PT	<del>SC115</del>	Step 1 22.45

Section 17. Effective upon passage, the following classification is deleted from Ordinance No. 12187 C.M.S. in the Unit TL1.75.008 Pay Grade Table:

Classification Title	Class No.	Pay Range
Employee Assistance Program Counselor, PT	AP183	Min 3899.93
		Max 5764.48

**Section 18**. Effective upon passage, the following classification is deleted from Ordinance No. 12187 C.M.S. in the Unit UG1.75.016 Pay Grade Table:

Classification Title	Class No.	Pay St	eps
Senior Center Director, PT	<del>PP156</del>	-Step-1	<del>26.08</del>
		Step 2	<del>27.48</del>
		Step 3	28.92
		Step-4	<del>30.43</del>
		Step 5	<del>32.03</del>
	2045		
IN COUNCIL, OAKLAND, CALIFORNIA,	, 2015		
PASSED BY THE FOLLOWING VOTE:			
AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, G MCELHANEY	GUILLEN, KALB, KAPLAN, REID ar	nd PRESIDENT GIB	SON-
NOES-			
ABSENT-			
ABSTENTION-			
ABOTENTION			
	ATTEST:		
	La	Tonda Simmons	
	City Clerk	and Clerk of the Cou	ıncil
		of Oakland, Califor	
	DATE OF ATTESTATION		

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO ADD THE PART TIME CLASSIFICATIONS OF CABLE TV STAGE MANAGER, PT; HEARING OFFICER PT; LANGUAGE INTERPRETER, PT; AND TO MODIFY EXISTING FULL TIME CLASSIFICATIONS BY ADDING THE PART TIME EQUIVALENTS OF THE CLASSIFICATIONS OF EMERGENCY **PLANNING** COORDINATOR, PT: **EMERGENCY PLANNING** COORDINATOR, SENIOR, HEAD **START** PROGRAM COORDINATOR, PT; SENIOR SERVICES PROGRAM ASSISTANT, PT; SPECIAL EVENTS COORDINATOR, PT; VETERINARIAN, PT; AND TO CORRECT INCONSISTENCIES IN THE PUBLISHED SALARY RATES TIME EQUIVALENT CLASSIFICATIONS OF FOR THE **PART EMERGENCY SERVICES** INSTRUCTOR, MEDICAL MANAGEMENT INTERN, PT; MANAGEMENT ASSISTANT, PT; AND PROGRAM ANALYST I, PT TO ALIGN WITH THE SALARY RATE FOR THE FULL TIME RATE FOR THOSE CLASSIFICATIONS; AND TO DELETE THE CLASSIFICATIONS OF CASE MANAGER, SUPERVISING, PT; CD CLEANUP SUPERVISOR, PT; EMPLOYEE ASSISTANCE PROGRAM COUNSELOR, PT; AND SENIOR CENTER DIRECTOR, PT

**DIGEST** 

Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") to add several new part time classification titles, amend the salary rates for existing classifications to correct inconsistencies in the Salary time classifications.