

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Kip Walsh  
Acting HRM Director

**SUBJECT:** Amendment to Ordinance No. 12187  
C.M.S. (The Salary Ordinance)

**DATE:** September 2, 2016

City Administrator Approval

Date:

9/14/16

## RECOMMENDATION

**Staff Recommends that City Council Adopt a Resolution Recommending to the Civil Service Board the Exemption of the Following Classifications From the Operation of Civil Service: Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee.**

## EXECUTIVE SUMMARY

Approval of the proposed resolution will ensure that the trainee classifications in the Oakland Fire Department and Oakland Police Department have been formally exempted from civil service and align with the City's classification plan.

If City Council does not take the recommended action, Fire and Police trainee classifications may not continue to be designated correctly as exempt. The duration of the City's Police Officer Trainee program has evolved to be longer than six months. If the trainee classifications are not formally exempted from civil service, the exempt status of trainees may no longer align with the Charter provisions.

## BACKGROUND / LEGISLATIVE HISTORY

The classifications of Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee have historically been treated as exempt from Civil Service per Section 9.02 (d) of the Oakland Charter. Due to the length of the training academies in which the trainees participate, exemption under 9.02 (d) less clearly applies. Instead, the trainee classifications need to be formally exempted from the operation of the civil service under Section 9.02 (f) to preserve the at-will status of the classifications and to ensure the greatest accountability for trainees in public safety academies.

## ANALYSIS AND POLICY ALTERNATIVES

As stated above, the proposed action is recommended to ensure that the Fire and Police trainee classifications remain exempt from civil service under the appropriate Charter provision. City

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staff met with both the Oakland Police Officers' Association (OPOA) and the International Association of Fire Fighters (IAFF, Local 55) regarding the status of the trainee classifications and agreed that they are currently and should be exempt from the provisions of civil service. Neither union group raised concerns regarding the City's proposed action to formally exempt the classifications through Council and Civil Service Board action.

The trainee classifications in the Oakland Fire Department and Oakland Police Department were historically treated as exempt from the civil service per Section 9.02 (d) of the City Charter. That section applies to part-time employees who are regularly employed for less than one-half the established working hours throughout the year. Since the length of the training academies for Police Officer Trainee now exceed that threshold and the same potential exists for the Fire Fighter Trainee and Fire Fighter Paramedic Trainee classifications, HRM is seeking formal exemption from civil service under Section 9.02 (f) of the City Charter. When trainees graduate from the applicable academy, they transition into the corresponding civil service classifications (of Police Officer, Fire Fighter or Fire Fighter Paramedic) on a probationary basis. The trainee classifications should remain exempt from civil service and be classified as exempt per the appropriate Charter provision.

#### **FISCAL IMPACT**

There is no fiscal impact related to this action.

#### **PUBLIC OUTREACH / INTEREST**

No public outreach was required other than the required posting on the City's website.

#### **COORDINATION**

HRM met with the Oakland Police Officers' Association (OPOA) and the International Association of Fire Fighters (IAFF, Local 55) to discuss the recommendation to formally exempt the trainee classifications from the provisions of civil service. Representatives from both unions expressed their support for the action.

Additionally, the preparation of this report was coordinated with HRM, Employee Relations, the City Attorney's Office, Controller's Bureau, and the City Administrator's Office.

#### **SUSTAINABLE OPPORTUNITIES**

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

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

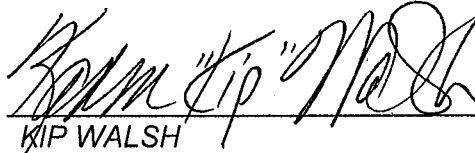
***Social Equity:*** There are no social equity opportunities associated with this report.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends that the City Council Adopt a Resolution Recommending to the Civil Service Board the Exemption of the Following Classifications from the Operation of Civil Service: Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee.

For questions regarding this report, please contact Kip Walsh, Acting HRM Director, at (510) 238-7334.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kip Walsh", written over a horizontal line.

KIP WALSH

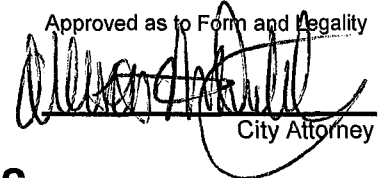
Acting Director, Human Resources  
Management

Prepared by: Jaime Pritchett  
Principal Human Resource Analyst

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
City Attorney

2016 SEP 15 PM 1:56  
RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION RECOMMENDING TO THE CIVIL SERVICE BOARD  
THAT THE CLASSIFICATIONS OF FIRE FIGHTER TRAINEE, FIRE  
FIGHTER PARAMEDIC TRAINEE, AND POLICE OFFICER TRAINEE  
BE EXEMPTED FROM CIVIL SERVICE**

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

**WHEREAS**, the incumbents in the Trainee positions are students serving in a learning capacity for the duration of the training Academy; and

**WHEREAS**, the assignment is temporary in nature and Trainees are at-will; Trainees can be dismissed at any time during the Academy for performance that is below standard; now, therefore be it

**RESOLVED**, the City Council of the City of Oakland hereby recommends to the Civil Service Board that the classifications of Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee 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, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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