

AGENDA REPORT

CITY OF OAKLAND
2020 DEC 21 AM 10:39

TO: Edward D. Reiskin
City Administrator

FROM: Ian Appleyard
HRM Director

SUBJECT: Emergency Amendment to
Ordinance No. 12187 C.M.S. (The
Salary Ordinance) for
Salary Adjustments for
Unrepresented Employees

DATE: December 18, 2020

City Administrator Approval

Date:

RECOMMENDATION

Staff Recommends that the City Council Adopt:

An Emergency Ordinance Amending Ordinance No. 12187 C.M.S. ("Salary Ordinance") To:

1) Delay The Wage Increase To The Salaries Of Certain Unrepresented Employees In Representation Units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1 As Follows: An Increase Of 1% Delayed From The First Full Pay Period In January 2021 To The First Full Pay Period In July 2021;

2) Delay The Wage Increase To The Salaries Of The Unrepresented Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department, Representation Units UR1 and UU1 As Follows: An Increase Of 2.5% Delayed From The First Full Pay Period In January 2021 To The First Full Pay Period In July 2021:

3) Delay The Wage Increase To The Salaries Of The Unrepresented Chief Of Police And Chief Of Police, Assistant, Representation Unit UN1 As Follows: An Increase Of 3% Delayed From The First Full Pay Period In July 2021 To The First Full Pay Period In January 2022; And

4) Authorize the City Administrator To Impose Up To 10 Unpaid Furlough Days On the Chief of Fire and the Chief of Police.

EXECUTIVE SUMMARY

To mitigate the serious impact that the COVID-19 pandemic has had on the City's finances, the City Administrator is implementing multiple cost-cutting measures, including

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December 16, 2020

wage-saving measure related to unrepresented City employees. The City Administrator is:

- delaying all scheduled wage increases for the remainder of the fiscal year and is requiring them to take ten (10) floating days of unpaid leave;
- suspending annual wage advancements (i.e. advancements within salary steps or ranges) for unrepresented employees within his appointing authority, and working with other appointing authorities who may wish to do the same; and
- temporarily waiving the same salary increases for himself, as well as several other benefits, that he would otherwise be due under his employment contract with the City. (**Attachment A**)

While the City Administrator has significant independent authority under the Salary Ordinance to implement these cost-saving measures, this Emergency Ordinance is necessary to ensure their full implementation (**Attachment B**). Specifically, Council action is required to:

1. delay any wage increases for the unrepresented Chief of Fire and Chief of Police, and amend the salary schedule accordingly;
2. amend the salary schedule to reflect the City Administrator's decision to delay wage increases for the other unrepresented employees; and
3. impose unpaid leave days on the Chief of Fire and Chief of Police.

BACKGROUND/LEGISLATIVE HISTORY

City Ordinance No. 12903 C.M.S. adopted on November 18, 2008 (**Attachment C**) established the City Council's compensation policies and provisions for City Employees, Officials and Officers. The Ordinance memorializes the authority and discretion the City Council has granted to the City Administrator regarding fixing compensation and supplements City Ordinance No. 12187 C.M.S. (**Attachment D**).

Ordinance 12903, Section 1.20 states, in part, "*Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation that is provided to represented employees in each category or type of compensation.*" (**Attachment C**).

Ordinance 12903, Sections 1.90(1) states, "*[t]he salary of the Chief of Fire classification as contained in this ordinance shall be adjusted by a percentage amount equivalent to*

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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.” (Attachment C).

Ordinance 12903, Sections 1.90(2) states, “[t]he 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 uniformed 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.”. (Attachment C).

Cost-cutting measures are necessary to respond to the COVID-19 Pandemic and the negative impacts it has had on the City’s revenues and budget. The City Council adopted an amendment to the Salary Ordinance for unrepresented employees in representation units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1 on November 19, 2019 (second reading) (**Attachment E**), which included a one percent (1%) wage increase effective the first full pay period in January 2021. The attached Emergency Ordinance finalizes the delay of the above increase to the first pay period in July 2021 to assist in closing the Fiscal Year 2020-2021 budget deficit.

The City Council also adopted an amendment to the Salary Ordinance for unrepresented employees in representation units UR1 and UU1 March 3, 2020 (second reading) (**Attachment F**), which included a two and a half percent (2.5%) wage increase effective the first full pay period in January 2021. The attached Emergency Ordinance finalizes the delay of the above increase to the first pay period in July 2021 to assist in closing the Fiscal Year 2020-2021 budget deficit.

The City Council also adopted an amendment to the Salary Ordinance for unrepresented employees in representation unit UN1 on November 20, 2018 (second reading) (**Attachment G**), which included a three percent (3%) wage increase effective the first full pay period in July 2021. The attached Emergency Ordinance finalizes the delay of the above increase to the first pay period in January 2022 to assist in closing the Fiscal Year 2020-2021 budget deficit.

ANALYSIS AND POLICY ALTERNATIVES

The Salary Ordinance, at Section 1.20, states in pertinent part, "Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation that is provided to represented employees in each category or type of compensation." Thus, as permitted through the Salary Ordinance, the City Administrator will delay the following salary increase to the unrepresented employees in Representation Units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1: an increase of one percent (1%) delayed from the first full pay period in January 2021 to the first full pay period in July 2021. The City Administrator will also delay the following salary increase to the unrepresented employees in Representation Unit UU1: an increase of two and a half percent (2.5%) delayed from the first full pay period in January 2021 to the first full pay period in July 2021 (***Attachment B***).

In addition, Council action is required to impose unpaid-leave days on the classifications of Chief of Police and Chief of Fire, which are also unrepresented, and to delay a wage increase for those classification. Because the Salary Ordinance, at section 1.90, contains special provisions that relate to compensation for the Chief of Fire and the Chief of Police, Council action is required to provide clarity that the City Administrator is authorized to reduce compensation in those classifications by imposing unpaid leave. Furthermore, Sections 1.90(1) and (2) provides that that salary for the Chief of Fire and Chief of Police "shall be adjusted" by a percentage equivalent to the average adjustment for rank-and-file, sworn employees of their respective departments (emphasis added). Accordingly, staff recommends that the Council temporarily suspend this provision and delay:

- a two and a half percent (2.5%) wage increase for the Chief of Fire in Representation Unit UR1 (currently scheduled to take effect the first full pay period in January 2021) until the first full pay period in July 2021 (***Attachment B***).
- a three percent (3%) wage increase for the Chief of Police in Representation Unit UN1 (currently scheduled to take effect the first full pay period in July 2021) until the first full pay period in January 2022 (***Attachment B***).

FISCAL IMPACT

The 6-month wage increase delay for unrepresented employees in the applicable representation units will save approximately \$85 thousand in FY 2020-21 across all funds, \$38 thousand of which will be in the General Purpose Fund.

PUBLIC OUTREACH/INTEREST

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

COORDINATION

Additionally, the preparation of this report was coordinated with HRM, City Attorney's Office, Finance Department Budget 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 an emergency ordinance amending Ordinance No. 12187 C.M.S. ("Salary Ordinance") to:

- 1) delay the wage increase to the salaries of certain unrepresented employees in Representation Units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1 as follows: An increase of 1% delayed from the first full pay period in January 2021 to the first full pay period in July 2021; and
- 2) delay the wage increase to the salaries of the unrepresented Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department, Representation Units UR1 and UU1 as follows: An increase of 2.5% delayed from the first full pay period in January 2021 to the first full pay period in July 2021.
- 3) delay the wage increase to the salaries of the unrepresented Chief of Police and Chief of Police, Assistant, Representation Unit UN1 as follows: an increase of 3% delayed from the first full pay period in July 2021 to the first full pay period in January 2022; and
- 4) Authorize the City Administrator to impose up to 10 unpaid furlough days on the Chief of Fire and the Chief of Police.

For questions regarding this report, please contact Ian Appleyard at (510) 238-6450.

Respectfully submitted,

IAN APPLEYARD

Director, Human Resources Management

Reviewed by: Allyson Cook
Assistant Director, Human Resources
Management

Attachment (7):

A: Ordinance

B: List of Classifications

C: City Ordinance No. 12903 C.M.S.

D: City Ordinance No. 12187 C.M.S.

E: Amendment to the Salary Ordinance November 19, 2019

F: Amendment to the Salary Ordinance March 3, 2020

G: Amendment to the Salary Ordinance November 20, 2018

NOTICE AND DIGEST

EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO:

- 1) DELAY A WAGE INCREASE TO THE SALARIES OF CERTAIN UNREPRESENTED EMPLOYEES IN REPRESENTATION UNITS CON, U51, UG1, TL1, UK1, UK2, UP1, AND US1 AS FOLLOWS: AN INCREASE OF 1% DELAYED FROM THE FIRST FULL PAY PERIOD IN JANUARY 2021 TO THE FIRST FULL PAY PERIOD IN JULY 2021; AND**
- 2) DELAY A WAGE INCREASE TO THE SALARIES OF THE UNREPRESENTED CHIEF OF FIRE, DEPUTY CHIEF OF FIRE DEPARTMENT, ASSISTANT CHIEF OF FIRE DEPARTMENT, AND FIRE MARSHAL (SWORN) REPRESENTATION UNITS UR1 AND UU1 AS FOLLOWS: AN INCREASE OF 2.5% DELAYED FROM THE FIRST FULL PAY PERIOD IN JANUARY 2021 TO THE FIRST FULL PAY PERIOD IN JULY 2021**
- 3) DELAY THE WAGE INCREASE TO THE SALARIES OF THE UNREPRESENTED CHIEF OF POLICE AND CHIEF OF POLICE, ASSISTANT, REPRESENTATION UNIT UN1 AS FOLLOWS: AN INCREASE OF 3% DELAYED FROM THE FIRST FULL PAY PERIOD IN JULY 2021 TO THE FIRST FULL PAY PERIOD IN JANUARY 2022; AND**
- 4) AUTHORIZE THE CITY ADMINISTRATOR TO IMPOSE UP TO 10 DAYS OF UNPAID LEAVE ON THE CHIEF OF FIRE AND THE CHIEF OF POLICE.**

This Emergency Ordinance will delay the wage increase of 1% from the first full pay period in January 2021 until the first full pay period in July 2021 for certain unrepresented classifications in representation units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1 only.

This Emergency Ordinance will delay the wage increase of 2.5% from the first full pay period in January 2021 until the first full pay period in July 2021 for certain unrepresented classifications in representation units UR1 and UU1 only.

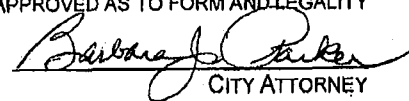
This Emergency Ordinance will delay the wage increase of 3% from the first full pay period in July 2021 to the first full pay period in January 2022 for certain unrepresented classifications in representation unit UN1 only.

This Emergency Ordinance will authorize the City Administrator to impose up to 10 days of unpaid leave on the Chief of Fire and the Chief of Police.

Attachment A

FILED
OFFICE OF THE CITY CLERK
INTRODUCED BY COUNCIL MEMBER
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY

2000 DEC -3 AM 8:57

ORDINANCE NO. 12903 C.M.S.

AN ORDINANCE (1) AMENDING THE SALARY ORDINANCE, (2) SETTING FORTH THE COUNCIL'S COMPENSATION POLICIES AND PROVISIONS FOR CITY EMPLOYEES, OFFICIALS AND OFFICERS, (3) MEMORIALIZING THE AUTHORITY AND DISCRETION THE COUNCIL HAS GRANTED TO THE CITY ADMINISTRATOR REGARDING FIXING COMPENSATION AND (4) SUPPLEMENTING ORDINANCE NO. 12187 C.M.S.

WHEREAS, Oakland City Charter section 207 charges the City Council with fixing the compensation of all City employees, officers and officials unless otherwise provided by the Charter; and

WHEREAS, the Council has determined that it is not clear precisely what authority and discretion the Council has granted to the City Administrator regarding compensation over the years; and

WHEREAS, the City Council desires to memorialize the authority and discretion it has granted to the City Administrator regarding fixing compensation as well as the Council's compensation policies and provisions for City employees, officers and officials, including compensation in the form of fringe benefits such as sick leave, vacation, management leave and automobile allowances; now therefore

The City Council of the City of Oakland does ordain as follows:

- Sec. 1.00 Purpose. This ordinance sets forth the authority and discretion the Council has delegated to the City Administrator regarding fixing compensation as well as the compensation policies and provisions that the Council has authorized for employees, officials and officers.
- Sec. 1.10 Represented Employees. Compensation for represented employees is set forth in its entirety in the Memoranda of Understanding ("MOU") between the City and the recognized employee organizations.

No additional compensation may be authorized by the City Administrator, any other appointing authority, any Department or Agency head or other employee, officer or official of the City without the City Council's express approval, except as provided in this Ordinance or Ordinance No. 12187 which this Ordinance supplements. Any such approval/authorization must be memorialized in an amendment to this ordinance or the MOU.

Sec. 1.40 Hiring Incentives. In addition to the severance payments that are authorized under Section 2.10 of Ordinance No. 12187 C.M.S., the City Administrator and other appointing authorities have discretion after the effective date of this Ordinance to provide the following as hiring incentives to attract into City service qualified employees whose City services are exempt from the protections of the Civil Service under Article IX of the City Charter: (1) bonus vacation days placed in bank equal to or less than the number of days the employee will accrue during the first year of employment (2) up to two weeks of Executive Vacation Leave. The written hiring incentives must be memorialized in hiring agreements and the agreements will be maintained in the employee's personnel file and summarized in an annual report to the Council. Executive Leave may be granted only at the time an employee is hired.

Executive Leave must be used in the year in which it is awarded or it will be forfeited; the City Administrator and other appointing authorities can allow an employee to carry over Executive Leave if the employee is not able to use Executive Leave due to a determination by the appointing authority that the employee's services are or were needed on a time sensitive or urgent project.

The appointing authority's determination must be in writing and a copy of the determination must be provided to the City Administrator and placed in the employee's personnel file. A separate determination must be made for each employee and for each fiscal year. The City Administrator must provide the Council an annual report identifying the number of employees who were authorized to carry over Executive Leave to a subsequent fiscal year and the total amount of Executive Leave that has been carried over in each City department and the current monetary value of the Executive Leave that has been carried over in each Department.

Sec 1.50 Bonuses. Employee bonuses shall only be given if explicitly budgeted for as part of a bonus program by the Council.

Sec. 1.60 Amendments. Amendments to any provision of this ordinance shall hereinafter be entitled "Amendments to the Salary Ordinance".

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2008

PASSED BY THE FOLLOWING VOTE:

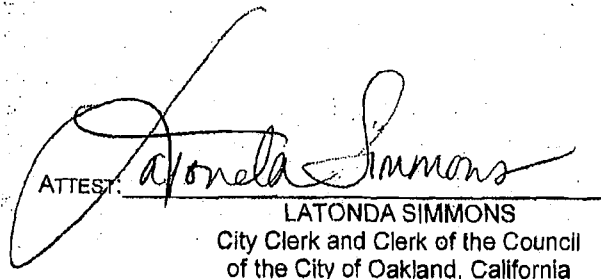
AYES- BROOKS, BRUNNER, CHANG, DE LA FUENTE, KERNIGHAN, NADEL, QUAN, AND ~~REED~~ - 7

NOES- ~~0~~

ABSENT- ~~Reid~~ - 1

ABSTENTION- ~~0~~

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 JUN 13 PM 4:36

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. ~~12187~~ **13548** C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO:

- 1) PROVIDE A ONE PERCENT (1%) WAGE INCREASE TO THE SALARIES OF EMPLOYEES IN REPRESENTATION UNITS SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2 AND UP1 EFFECTIVE THE FIRST PAY PERIOD AFTER JANUARY 1, 2019;
- 2) PROVIDE A ONE PERCENT (1%) WAGE INCREASE TO THE SALARY SCHEDULE OF UNREPRESENTED UNITS IN CON, U51, UG1, TL1 AND EFFECTIVE THE FIRST PAY PERIOD AFTER JANUARY 1, 2019;
- 3) PROVIDE A WAGE INCREASE TO THE SALARIES OF CERTAIN UNREPRESENTED EMPLOYEES IN UNITS CON, U51, UG1, TL1, UK1, UK2, UP1, AND US1 AS FOLLOWS: INCREASE OF TWO PERCENT (2%) EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2019 AND AN INCREASE OF TWO PERCENT (2%) EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2020;
- 4) PROVIDE A FIVE PERCENT (5%) WAGE INCREASE TO THE SALARIES OF THE FULL-TIME CLASSIFICATIONS OF DEPUTY CHIEF OF FIRE DEPARTMENT AND ASSISTANT CHIEF OF FIRE DEPARTMENT EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2019;
- 5) PROVIDE A TWENTY PERCENT (20%) WAGE INCREASE TO THE SALARY OF THE FULL-TIME CLASSIFICATION OF EXECUTIVE ASSISTANT TO THE CITY ADMINISTRATOR AND AMEND THE REPRESENTATION UNIT FROM U31 TO UP1 EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2019; AND

WHEREAS, said contract extensions include a two percent (2%) wage increase effective the first full pay period of July 2019 and a two percent (2%) wage increase effective the first full pay period of July 2020 for employees in representational units IE1 and TV1 (IBEW) and representational unit U31 (CMEA); and

WHEREAS, the City Administrator as permitted through City Ordinance Nos. 12187 and 12903 C.M.S., seeks to provide a two percent (2%) wage increase to unrepresented employees in representation units CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, effective the first full pay period in July 2019; and

WHEREAS, the City Administrator as permitted through City Ordinance Nos. 12187 and 12903 C.M.S., seeks to provide a two percent (2%) wage increase to unrepresented employees in representation units CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, effective the first full pay period in July 2020; and

WHEREAS, after interest arbitration between the City and IAFF, the City Council approved through a Resolution the conditional arbitration award and tentative agreements to the Memorandum of Understanding between the City and IAFF covering the period November 1, 2017 through October 31, 2020, which granted increases to the wages of employees in representational unit FQ1 of four percent (4%) effective November 1, 2017, one percent (1%) effective November 1, 2018, one percent (1%) effective the first pay period in January 2019 if certain revenue triggers were met, which occurred, and two percent (2%) effective the first full pay period in November 2019; and

WHEREAS, the City Administrator as permitted through City Ordinance Nos. 12187 and 12903 C.M.S., seeks to provide a five percent (5%) wage increase to unrepresented employees in the classifications of the full-time Deputy Chief of Fire Department and Assistant Chief of Fire Department to improve internal alignment with their counterparts in Oakland Police Department, effective the first full pay period in July 2019; and

WHEREAS, consistent with the City's Employee-Employer Relations Resolution No. 55881 C.M.S. (EERR) under the authority of the Employee Relations Officer the representation unit of Executive Assistant to the City Administrator classification shall be amended from U31 to UP1; and

WHEREAS the classification is required to perform at a high level in terms of management, community relations and highly sensitive communications, an equity increase of twenty percent (20%), effective the first full pay period of July 2019, is recommended; and

WHEREAS, consistent with the City's Employee-Employer Relations Resolution No. 55881 C.M.S. (EERR) under the authority of the Employee Relations Officer, the representation unit of Equal Employment Opportunities Officer shall be amended from UK2 to UK1 and the title of the Equal Employment Opportunities Officer will be amended to Equal Employment Opportunity and Civil Rights Director; and

SECTION 8. Effective the first full pay period in July 2020, the classifications and salary schedules of certain unrepresented classifications (CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, only) shall be increased by two percent (2%).

SECTION 9. Effective the first full pay period in July 2019, the classifications and associated wages of the classifications of full-time Deputy Chief of Fire Department and Assistant Chief of Fire Department shall be increased by five percent (5%).

SECTION 10. Amend the representation unit of the Executive Assistant to the City Administrator from U31 to UP1 and effective the first full pay period in July 2019, the classification and associated wages of the Executive Assistant to the City Administrator shall be increased by twenty percent (20%).

SECTION 11. Amend the representation unit and salary of the Equal Employment Opportunity and Civil Rights Director (formerly titled Equal Employment Opportunities Officer) from UK2 to UK1 and effective the first full pay period in July 2019, the classification and associated wages of the Equal Employment Opportunity and Civil Rights Director shall be amended in Ordinance No. 12187 C.M.S. in the Unit UK1.75.041 ~~UK2.75.041~~ Pay Grade Table to read as follows:

SECTION 12. As amended, the Salary Schedule of the Salary Ordinance is set forth as below:

Classification Title	Class No.	Step	Salary
<u>Equal Employment Opportunity And Civil Rights Director</u>	EM258	MIN 9829.37	<u>10479.61</u>
<u>Equal Employment Opportunities Officer</u>		MAX 12069.59	<u>15719.36</u>

SECTION 13. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 26 2019

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~_____~~, TAYLOR, THAO AND
PRESIDENT KAPLAN →

NOES - 0

ABSENT - 0

ABSTENTION - 0

Amended - Reid - 1

ATTEST:

Asha T. P.

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

Introduction Date

FEB 05 2019

INTRODUCED BY COUNCIL MEMBER 2019 OCT 31 PM 2:05


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING ORDINANCE NO. 13543 C.M.S., WHICH AMENDED THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE"), TO CORRECT THE SALARY INFORMATION FOR CERTAIN UNREPRESENTED EMPLOYEES IN REPRESENTATIONAL UNITS UR1 (FIRE CHIEF) AND UU1 (DEPUTY CHIEF AND ASSISTANT CHIEF OF FIRE).

WHEREAS, Ordinance No. 13543 C.M.S., amending the salary schedule of the Salary Ordinance, established the current salaries and wage increases for certain categories of employees in representation units SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2, UP1, CON, U51, UG1 and TL1; and

WHEREAS, Ordinance No. 13543 C.M.S. among other things provided for a one percent (1%) wage increase to the salaries of the classifications of Fire Chief (representation unit UR1), and Deputy Chief and Assistant Chief of Fire (representational unit UU1) effective January 1, 2019; a five percent (5%) wage increase to the salaries of the full-time classifications of Deputy Chief of Fire and Assistant Chief of Fire effective the first full pay period in July 2019; and a two percent (2%) wage increase effective the first pay period in January 2019 and a two percent (2%) wage increase effective the first pay period in July 2019 to the Fire Chief, Deputy Chief and Assistant Chief of Fire; and

WHEREAS, the two percent wage increases to the salaries of the classifications of Fire Chief and Deputy Chief and Assistant Chief described in the preceding paragraph were included in Ordinance No. 13543 in error; and

WHEREAS, the remainder of the provisions of Ordinance No. 13543 are correct.

NOTICE AND DIGEST

**ORDINANCE TITLE (Indent half inch both sides and justified)
ORDINANCE AMENDING ORDINANCE NO. 13543 C.M.S., WHICH
AMENDED THE SALARY SCHEDULE OF ORDINANCE NO. 12187
C.M.S. ("SALARY ORDINANCE"), TO CORRECT THE SALARY
INFORMATION FOR CERTAIN UNREPRESENTED EMPLOYEES IN
REPRESENTATIONAL UNITS UR1 (FIRE CHIEF) AND UU1 (DEPUTY
CHIEF AND ASSISTANT CHIEF OF FIRE).**

This Ordinance will amend Ordinance No. 13543 C.M.S. to correct errors that incorrectly provided for two wage increases of two percent (2%) to the unrepresented classifications of Fire Chief, Deputy Chief of Fire and Assistant Chief of Fire effective the first pay period after July 1, 2019 and the first pay period after July 1, 2020, and clarify that these classifications will not receive wage increases of two percent (2%) effective the first pay period after July 1, 2019 and July 1, 2020.

2019 JUN 13 PM 4:36

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. ~~13548~~ 13548 C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO:

- 1) PROVIDE A ONE PERCENT (1%) WAGE INCREASE TO THE SALARIES OF EMPLOYEES IN REPRESENTATION UNITS SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2 AND UP1 EFFECTIVE THE FIRST PAY PERIOD AFTER JANUARY 1, 2019;
- 2) PROVIDE A ONE PERCENT (1%) WAGE INCREASE TO THE SALARY SCHEDULE OF UNREPRESENTED UNITS IN CON, U51, UG1, TL1 AND EFFECTIVE THE FIRST PAY PERIOD AFTER JANUARY 1, 2019;
- 3) PROVIDE A WAGE INCREASE TO THE SALARIES OF CERTAIN UNREPRESENTED EMPLOYEES IN UNITS CON, U51, UG1, TL1, UK1, UK2, UP1, AND US1 AS FOLLOWS: INCREASE OF TWO PERCENT (2%) EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2019 AND AN INCREASE OF TWO PERCENT (2%) EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2020;
- 4) PROVIDE A FIVE PERCENT (5%) WAGE INCREASE TO THE SALARIES OF THE FULL-TIME CLASSIFICATIONS OF DEPUTY CHIEF OF FIRE DEPARTMENT AND ASSISTANT CHIEF OF FIRE DEPARTMENT EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2019;
- 5) PROVIDE A TWENTY PERCENT (20%) WAGE INCREASE TO THE SALARY OF THE FULL-TIME CLASSIFICATION OF EXECUTIVE ASSISTANT TO THE CITY ADMINISTRATOR AND AMEND THE REPRESENTATION UNIT FROM U31 TO UP1 EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2019; AND

6) AMEND THE TITLE OF THE FULL-TIME CLASSIFICATION OF EQUAL EMPLOYMENT OPPORTUNITIES OFFICER TO EQUAL EMPLOYMENT OPPORTUNITY AND CIVIL RIGHTS DIRECTOR, CHANGE THE CLASSIFICATION REPRESENTATION UNIT FROM UK2 TO UK1, AND INTERNALLY ALIGN THE COMPENSATION RANGE WITH THE DEPARTMENT OF RACE AND EQUITY DIRECTOR EFFECTIVE THE FIRST FULL PAY PERIOD IN JULY 2019

WHEREAS, the Memorandums of Understanding between the City of Oakland and the International Brotherhood of Electrical Workers (IBEW), Local 1245, Confidential Management Employee Association (CMEA), Service Employees International Union (SEIU), Local 1021, the International Federation of Professional and Technical Engineers (IFPTE), and International Association of Firefighters (IAFF), Local 55 have been approved by the parties pursuant to Section 3505.1 of the Government Code of the State of California and ratified via Resolutions of the City Council; and

WHEREAS, said agreements are approved and include a one percent (1%) wage increase effective the first pay period after January 1, 2019 if certain revenue triggers were met; and

WHEREAS, the City has determined that said revenue triggers in the Memorandums of Understanding between the City of Oakland and the International Brotherhood of Electrical Workers, Local 1245 ("IBEW"), Confidential Management Employee Association (CMEA), Service Employees International Union (SEIU), Local 1021, the International Federation of Professional and Technical Engineers (IFPTE), and International Association of Firefighters (IAFF), Local 55 have been met thereby mandating wage increases to certain classifications;

WHEREAS, City Ordinance Nos. 12187 and 12903 C.M.S., adopted on November 9, 1999 and November 18, 2008, respectively, give the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation provided to represented employees in each category or type of compensation; and

WHEREAS, the City Administrator, as permitted through Ordinance Nos. 12187 and 12903, seeks to provide a one percent (1%) wage increase to unrepresented employees in representation units CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, effective the first pay period after January 1, 2019; and

WHEREAS, the contract extensions to the Memorandums of Understanding between the City of Oakland and the International Brotherhood of Electrical Workers (IBEW), Local 1245, Confidential Management Employee Association (CMEA) have been approved by the parties pursuant to section 3515.1 of the Government Code of the State of California and ratified via Resolution of the City Council; and

WHEREAS, said contract extensions include a two percent (2%) wage increase effective the first full pay period of July 2019 and a two percent (2%) wage increase effective the first full pay period of July 2020 for employees in representational units IE1 and TV1 (IBEW) and representational unit U31 (CMEA); and

WHEREAS, the City Administrator as permitted through City Ordinance Nos. 12187 and 12903 C.M.S., seeks to provide a two percent (2%) wage increase to unrepresented employees in representation units CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, effective the first full pay period in July 2019; and

WHEREAS, the City Administrator as permitted through City Ordinance Nos. 12187 and 12903 C.M.S., seeks to provide a two percent (2%) wage increase to unrepresented employees in representation units CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, effective the first full pay period in July 2020; and

WHEREAS, after interest arbitration between the City and IAFF, the City Council approved through a Resolution the conditional arbitration award and tentative agreements to the Memorandum of Understanding between the City and IAFF covering the period November 1, 2017 through October 31, 2020, which granted increases to the wages of employees in representational unit FQ1 of four percent (4%) effective November 1, 2017, one percent (1%) effective November 1, 2018, one percent (1%) effective the first pay period in January 2019 if certain revenue triggers were met, which occurred, and two percent (2%) effective the first full pay period in November 2019; and

WHEREAS, the City Administrator as permitted through City Ordinance Nos. 12187 and 12903 C.M.S., seeks to provide a five percent (5%) wage increase to unrepresented employees in the classifications of the full-time Deputy Chief of Fire Department and Assistant Chief of Fire Department to improve internal alignment with their counterparts in Oakland Police Department, effective the first full pay period in July 2019; and

WHEREAS, consistent with the City's Employee-Employer Relations Resolution No. 55881 C.M.S. (EERR) under the authority of the Employee Relations Officer the representation unit of Executive Assistant to the City Administrator classification shall be amended from U31 to UP1; and

WHEREAS the classification is required to perform at a high level in terms of management, community relations and highly sensitive communications, an equity increase of twenty percent (20%), effective the first full pay period of July 2019, is recommended; and

WHEREAS, consistent with the City's Employee-Employer Relations Resolution No. 55881 C.M.S. (EERR) under the authority of the Employee Relations Officer, the representation unit of Equal Employment Opportunities Officer shall be amended from UK2 to UK1 and the title of the Equal Employment Opportunities Officer will be amended to Equal Employment Opportunity and Civil Rights Director; and

WHEREAS, the responsibilities of the classification of Equal Employment Opportunity and Civil Rights Director will be broadened to include responsibility for ensuring compliance with Title VI of the Civil Rights Act and the compensation range be internally aligned with Department of Race and Equity Director effective the first full pay period of July 2019, is recommended; and

WHEREAS, Oakland City Charter Section 207 requires that the Council shall fix the compensation of all City employees.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Effective the first pay period after January 1, 2019, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Brotherhood of Electrical Workers (IBEW), Local 1245 (IE1 and TV1) are increased by one percent (1%).

SECTION 2. Effective the first pay period after January 1, 2019, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Confidential Management Employee Association (CMEA) (U31) are increased by one percent (1%).

SECTION 3. Effective the first pay period after January 1, 2019, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Service Employees International Union (SEIU), Local 1021 (SB1, SC1, SD1, SI1) are increased by one percent (1%).

SECTION 4. Effective the first pay period after January 1, 2019, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Federation of Professional and Technical Engineers (IFPTE), Local 21 (TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41) are increased by one percent (1%).

SECTION 5. Effective the first pay period after January 1, 2019, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the International Association of Firefighters (IAFF), Local 55 (FQ1) are increased by one percent (1%).

SECTION 6. Effective the first pay period after January 1, 2019, the classifications and salary schedules of certain unrepresented classifications (CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1) are increased by one percent (1%).

SECTION 7. Effective the first full pay period in July 2019, the classifications and salary schedules of certain unrepresented classifications (CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, only) shall be increased by two percent (2%).

SECTION 8. Effective the first full pay period in July 2020, the classifications and salary schedules of certain unrepresented classifications (CON, U51, UG1, TL1, US1, UK1, UK2, UR1 and UU1, only) shall be increased by two percent (2%).

SECTION 9. Effective the first full pay period in July 2019, the classifications and associated wages of the classifications of full-time Deputy Chief of Fire Department and Assistant Chief of Fire Department shall be increased by five percent (5%).

SECTION 10. Amend the representation unit of the Executive Assistant to the City Administrator from U31 to UP1 and effective the first full pay period in July 2019, the classification and associated wages of the Executive Assistant to the City Administrator shall be increased by twenty percent (20%).

SECTION 11. Amend the representation unit and salary of the Equal Employment Opportunity and Civil Rights Director (formerly titled Equal Employment Opportunities Officer) from UK2 to UK1 and effective the first full pay period in July 2019, the classification and associated wages of the Equal Employment Opportunity and Civil Rights Director shall be amended in Ordinance No. 12187 C.M.S. in the Unit UK1.75.041 UK2.75.049 Pay Grade Table to read as follows:

SECTION 12. As amended, the Salary Schedule of the Salary Ordinance is set forth as below:

Classification Title	Class No.	Step	Salary
<u>Equal Employment Opportunity And Civil Rights Director</u>	EM258	MIN	<u>9829.37</u> <u>10479.61</u>
<u>Equal Employment Opportunities Officer</u>		MAX	<u>12069.59</u> <u>15719.36</u>

SECTION 13. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 JAN 31 PM 3:04

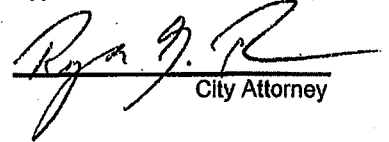
OAKLAND CITY COUNCIL

ORDINANCE NO.

13521

C.M.S.

Approved as to Form and Legality


City Attorney

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE 12187 C.M.S. (THE SALARY ORDINANCE) TO PROVIDE WAGE INCREASES TO THE SALARIES OF THE UNREPRESENTED CHIEF OF FIRE, DEPUTY CHIEF OF FIRE DEPARTMENT, AND ASSISTANT CHIEF OF FIRE DEPARTMENT, REPRESENTATION UNITS UR1 AND UU1, THE WAGE INCREASES SHALL BE AS FOLLOWS: INCREASE OF 4% EFFECTIVE NOVEMBER 1, 2017; INCREASE OF 1% EFFECTIVE NOVEMBER 1, 2018; AND 2% EFFECTIVE THE FIRST FULL PAY PERIOD IN NOVEMBER 2019.

WHEREAS, Pursuant to City Ordinance No. 12903, the City Administrator may grant unrepresented employees the same or lesser compensation and other terms and conditions of employment as provided to represented employees; and

WHEREAS, The City Administrator intends to grant unrepresented employees in Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) wage increases as follows: 4% effective November 1, 2017, 1% effective November 1, 2018, and 2% effective the first full pay period in November 2019; and

WHEREAS, Oakland City Charter section 207 requires that the Council shall fix the compensation of all City employees; now, therefore

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

Section 1. Effective November 1, 2017, the associated wages for employees in Representation Units UR1 AND UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by four percent (4%).

Section 2. Effective November 1, 2018, the associated wages for employees in Representation Units UR1 AND UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by one percent (1%).

Section 3. Effective the first full pay period in November 2019, the associated wages for employees Representation Units UR1 AND UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by two percent (2%).

Section 4. Representation Units UR1 and UU1 shall receive select terms and conditions of employment and benefits within the sole discretion of the City Administrator that are provided to represented employees in the Memorandum of Understanding between International Association of Firefighters, Local 55.

Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 26 2019

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~_____~~, TAYLOR, THAO AND
PRESIDENT KAPLAN →

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST: _____

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

Introduction Date

FEB 05 2019

NOTICE AND DIGEST

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE 12187 C.M.S. (THE SALARY ORDINANCE) TO PROVIDE WAGE INCREASES TO THE UNREPRESENTED CHIEF OF FIRE, DEPUTY CHIEF OF FIRE DEPARTMENT AND ASSISTANT CHIEF OF FIRE DEPARTMENT, REPRESENTATION UNITS UR1 AND UU1, THE WAGE INCREASES SHALL BE AS FOLLOWS: INCREASE OF 4% EFFECTIVE NOVEMBER 1, 2017; INCREASE OF 1% EFFECTIVE NOVEMBER 1, 2018; AND 2% EFFECTIVE THE FIRST FULL PAY PERIOD IN NOVEMBER 2019.

This Ordinance will provide wage increases for unrepresented employees in Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) as follows: 4% effective November 1, 2017, 1% effective November 1, 2018, and 2% effective the first full pay period in November 2019.

INTRODUCED BY COUNCIL MEMBER 2019 OCT 31 PM 2:05


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING ORDINANCE NO. 13543 C.M.S., WHICH AMENDED THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE"), TO CORRECT THE SALARY INFORMATION FOR CERTAIN UNREPRESENTED EMPLOYEES IN REPRESENTATIONAL UNITS UR1 (FIRE CHIEF) AND UU1 (DEPUTY CHIEF AND ASSISTANT CHIEF OF FIRE).

WHEREAS, Ordinance No. 13543 C.M.S., amending the salary schedule of the Salary Ordinance, established the current salaries and wage increases for certain categories of employees in representation units SB1, SC1, SD1, SI1, TA1, TF1, TM2, TW1, UH1, UM1, UM2, TM1, U41, U31, IE1, TV1, FQ1, US1, UR1, UU1, UK1, UK2, UP1, CON, U51, UG1 and TL1; and

WHEREAS, Ordinance No. 13543 C.M.S. among other things provided for a one percent (1%) wage increase to the salaries of the classifications of Fire Chief (representation unit UR1), and Deputy Chief and Assistant Chief of Fire (representational unit UU1) effective January 1, 2019; a five percent (5%) wage increase to the salaries of the full-time classifications of Deputy Chief of Fire and Assistant Chief of Fire effective the first full pay period in July 2019; and a two percent (2%) wage increase effective the first pay period in January 2019 and a two percent (2%) wage increase effective the first pay period in July 2019 to the Fire Chief, Deputy Chief and Assistant Chief of Fire; and

WHEREAS, the two percent wage increases to the salaries of the classifications of Fire Chief and Deputy Chief and Assistant Chief described in the preceding paragraph were included in Ordinance No. 13543 in error; and

WHEREAS, the remainder of the provisions of Ordinance No. 13543 are correct.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Effective the first pay period after July 1, 2019, the classifications and salary schedules of unrepresented classifications UR1 (Fire Chief) and UU1 (Deputy Chief and Assistant Chief of Fire) shall not be increased by two percent (2%).

SECTION 2. Effective the first pay period after July 1, 2020, the classifications and salary schedules of unrepresented classifications UR1 (Fire Chief) and UU1 (Deputy Chief and Assistant Chief of Fire) shall not be increased by two percent (2%).

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS

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

Date of Attestation: _____

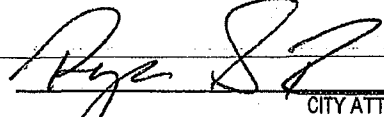
NOTICE AND DIGEST

**ORDINANCE TITLE (Indent half inch both sides and justified)
ORDINANCE AMENDING ORDINANCE NO. 13543 C.M.S., WHICH
AMENDED THE SALARY SCHEDULE OF ORDINANCE NO. 12187
C.M.S. ("SALARY ORDINANCE"), TO CORRECT THE SALARY
INFORMATION FOR CERTAIN UNREPRESENTED EMPLOYEES IN
REPRESENTATIONAL UNITS UR1 (FIRE CHIEF) AND UU1 (DEPUTY
CHIEF AND ASSISTANT CHIEF OF FIRE).**

This Ordinance will amend Ordinance No. 13543 C.M.S. to correct errors that incorrectly provided for two wage increases of two percent (2%) to the unrepresented classifications of Fire Chief, Deputy Chief of Fire and Assistant Chief of Fire effective the first pay period after July 1, 2019 and the first pay period after July 1, 2020, and clarify that these classifications will not receive wage increases of two percent (2%) effective the first pay period after July 1, 2019 and July 1, 2020.

FILED
OF INTRODUCED BY THE CITY CLERK
OF OAKLAND BY COUNCIL MEMBER

2018 NOV 20 PM 12:31


CITY ATTORNEY**OAKLAND CITY COUNCIL**

ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO PROVIDE WAGE INCREASES TO THE SALARIES OF CERTAIN SWORN EMPLOYEES PURSUANT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OAKLAND AND THE OAKLAND POLICE MANAGEMENT ASSOCIATION AND THE UNREPRESENTED CHIEF OF POLICE, ASSISTANT, AND THE UNREPRESENTED SALARY RANGE OF THE CHIEF OF POLICE; THE WAGE INCREASES SHALL BE AS FOLLOWS: INCREASE OF 0% EFFECTIVE JULY 2019; INCREASE OF 2.5% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2020; INCREASE OF 3% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2021; INCREASE OF 3.5% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2022; AND INCREASE OF 3.5% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2023.

WHEREAS, the Tentative Agreement and Memorandum of Understanding between the City of Oakland and the Oakland Police Management Association has been approved by the Parties pursuant to Section 3505.1 of the Government Code of the State of California; and

WHEREAS, said Agreement is approved and includes increases to salaries of 0% effective July 1, 2019, increase of 2.5% effective the first pay period in July 2020, increase of 3% effective the first pay period in July 2021; increase of 3.5% effective the first pay period in July 2022; and an increase of 3.5% effective the first pay period in July 2023; and

WHEREAS, Oakland City Charter Section 207 requires that the Council shall fix the compensation of all City employees; now, therefore

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

Section 1. Effective July 1, 2019, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Oakland Police Management Association, and the unrepresented Assistant Chief of Police, and the unrepresented salary range of the classification of Chief of Police are increased by 0%;

Section 2. Effective the first pay period in July 2020, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Oakland Police Management Association, and the unrepresented Assistant Chief of Police, and the unrepresented salary range of the classification of Chief of Police, will receive a salary increase of 2.5%;

Section 3. Effective the first pay period in July 2021, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Oakland Police Management Association, and the unrepresented Assistant Chief of Police, and the unrepresented salary range of the classification of Chief of Police, will receive a salary increase of 3%

Section 4. Effective the first pay period in July 2022, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Oakland Police Management Association, and the unrepresented Assistant Chief of Police, and the unrepresented salary range of the classification of Chief of Police, will receive a salary increase of 3.5%.

Section 5. Effective the first pay period in July 2023, the classifications and associated salaries listed in the current Memorandum of Understanding between the City of Oakland and the Oakland Police Management Association, and the unrepresented Assistant Chief of Police, and the unrepresented salary range of the classification of Chief of Police, will receive a salary increase of 3.5%

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

Section 7. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2015

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

DATE OF ATTESTATION: _____

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE NO. 12187 C.M.S. ("SALARY ORDINANCE") TO PROVIDE WAGE INCREASES TO THE SALARIES OF CERTAIN SWORN EMPLOYEES PURSUANT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OAKLAND AND THE OAKLAND POLICE MANAGEMENT ASSOCIATION AND THE UNREPRESENTED CHIEF OF POLICE, ASSISTANT, AND THE UNREPRESENTED SALARY RANGE OF THE CHIEF OF POLICE; THE WAGE INCREASES SHALL BE AS FOLLOWS: INCREASE OF 0% EFFECTIVE JULY 2019; INCREASE OF 2.5% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2020; INCREASE OF 3% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2021; INCREASE OF 3.5% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2022; AND INCREASE OF 3.5% EFFECTIVE THE FIRST PAY PERIOD IN JULY 2023.

DIGEST

This Ordinance will provide wage increases for all classifications represented by the Oakland Police Management Association, Unrepresented Assistant Chief of Police, and Unrepresented Chief of Police; the Wage Increases Shall Be As Follows: 0% effective July 1, 2019, 2.5% effective the first pay period in July 1, 2020, 3% effective the first pay period in July 2021, 3.5% effective the first pay period in July 2022, and 3.5% effective the first pay period in July 2023.



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ian Appleyard
HRM Director

SUBJECT: Emergency Amendment to
Ordinance No. 12187 C.M.S. (The
Salary Ordinance) for
Salary Adjustments for
Unrepresented Employees

DATE: December 18, 2020

City Administrator Approval

Date:

RECOMMENDATION

Staff Recommends that the City Council Adopt:

An Emergency Ordinance Amending Ordinance No. 12187 C.M.S. ("Salary Ordinance") To:

1) Delay The Wage Increase To The Salaries Of Certain Unrepresented Employees In Representation Units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1 As Follows: An Increase Of 1% Delayed From The First Full Pay Period In January 2021 To The First Full Pay Period In July 2021;

2) Delay The Wage Increase To The Salaries Of The Unrepresented Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department, Representation Units UR1 and UU1 As Follows: An Increase Of 2.5% Delayed From The First Full Pay Period In January 2021 To The First Full Pay Period In July 2021;

3) Delay The Wage Increase To The Salaries Of The Unrepresented Chief Of Police And Chief Of Police, Assistant, Representation Unit UN1 As Follows: An Increase Of 3% Delayed From The First Full Pay Period In July 2021 To The First Full Pay Period In January 2022; And

4) Authorize the City Administrator To Impose Up To 10 Unpaid Furlough Days On the Chief of Fire and the Chief of Police.

EXECUTIVE SUMMARY

To mitigate the serious impact that the COVID-19 pandemic has had on the City's finances, the City Administrator is implementing multiple cost-cutting measures, including

Item: _____
City Council
December 16, 2020

wage-saving measure related to unrepresented City employees. The City Administrator is:

- delaying all scheduled wage increases for the remainder of the fiscal year and is requiring them to take ten (10) floating days of unpaid leave;
- suspending annual wage advancements (i.e. advancements within salary steps or ranges) for unrepresented employees within his appointing authority, and working with other appointing authorities who may wish to do the same; and
- temporarily waiving the same salary increases for himself, as well as several other benefits, that he would otherwise be due under his employment contract with the City. (**Attachment A**)

While the City Administrator has significant independent authority under the Salary Ordinance to implement these cost-saving measures, this Emergency Ordinance is necessary to ensure their full implementation (**Attachment B**). Specifically, Council action is required to:

1. delay any wage increases for the unrepresented Chief of Fire and Chief of Police, and amend the salary schedule accordingly;
2. amend the salary schedule to reflect the City Administrator's decision to delay wage increases for the other unrepresented employees; and
3. impose unpaid leave days on the Chief of Fire and Chief of Police.

BACKGROUND/LEGISLATIVE HISTORY

City Ordinance No. 12903 C.M.S. adopted on November 18, 2008 (**Attachment C**) established the City Council's compensation policies and provisions for City Employees, Officials and Officers. The Ordinance memorializes the authority and discretion the City Council has granted to the City Administrator regarding fixing compensation and supplements City Ordinance No. 12187 C.M.S. (**Attachment D**).

Ordinance 12903, Section 1.20 states, in part, "*Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation that is provided to represented employees in each category or type of compensation.*" (**Attachment C**).

Item: _____

City Council
December 16, 2020

Ordinance 12903, Sections 1.90(1) states, "[t]he 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." (**Attachment C**).

Ordinance 12903, Sections 1.90(2) states, "[t]he 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 uniformed 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." (**Attachment C**).

Cost-cutting measures are necessary to respond to the COVID-19 Pandemic and the negative impacts it has had on the City's revenues and budget. The City Council adopted an amendment to the Salary Ordinance for unrepresented employees in representation units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1 on November 19, 2019 (second reading) (**Attachment E**), which included a one percent (1%) wage increase effective the first full pay period in January 2021. The attached Emergency Ordinance finalizes the delay of the above increase to the first pay period in July 2021 to assist in closing the Fiscal Year 2020-2021 budget deficit.

The City Council also adopted an amendment to the Salary Ordinance for unrepresented employees in representation units UR1 and UU1 March 3, 2020 (second reading) (**Attachment F**), which included a two and a half percent (2.5%) wage increase effective the first full pay period in January 2021. The attached Emergency Ordinance finalizes the delay of the above increase to the first pay period in July 2021 to assist in closing the Fiscal Year 2020-2021 budget deficit.

The City Council also adopted an amendment to the Salary Ordinance for unrepresented employees in representation unit UN1 on November 20, 2018 (second reading) (**Attachment G**), which included a three percent (3%) wage increase effective the first full pay period in July 2021. The attached Emergency Ordinance finalizes the delay of the above increase to the first pay period in January 2022 to assist in closing the Fiscal Year 2020-2021 budget deficit.

ANALYSIS AND POLICY ALTERNATIVES

The Salary Ordinance, at Section 1.20, states in pertinent part, "Ordinance No. 12187 thereby gives the City Administrator the discretion to grant unrepresented employees the same compensation and other terms and conditions of employment that are provided to represented employees under MOUs, or to provide unrepresented employees less compensation than the compensation that is provided to represented employees in each category or type of compensation." Thus, as permitted through the Salary Ordinance, the City Administrator will delay the following salary increase to the unrepresented employees in Representation Units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1: an increase of one percent (1%) delayed from the first full pay period in January 2021 to the first full pay period in July 2021. The City Administrator will also delay the following salary increase to the unrepresented employees in Representation Unit UU1: an increase of two and a half percent (2.5%) delayed from the first full pay period in January 2021 to the first full pay period in July 2021 (***Attachment B***).

In addition, Council action is required to impose unpaid-leave days on the classifications of Chief of Police and Chief of Fire, which are also unrepresented, and to delay a wage increase for those classification. Because the Salary Ordinance, at section 1.90, contains special provisions that relate to compensation for the Chief of Fire and the Chief of Police, Council action is required to provide clarity that the City Administrator is authorized to reduce compensation in those classifications by imposing unpaid leave. Furthermore, Sections 1.90(1) and (2) provides that that salary for the Chief of Fire and Chief of Police "shall be adjusted" by a percentage equivalent to the average adjustment for rank-and-file, sworn employees of their respective departments (emphasis added). Accordingly, staff recommends that the Council temporarily suspend this provision and delay:

- a two and a half percent (2.5%) wage increase for the Chief of Fire in Representation Unit UR1 (currently scheduled to take effect the first full pay period in January 2021) until the first full pay period in July 2021 (***Attachment B***).
- a three percent (3%) wage increase for the Chief of Police in Representation Unit UN1 (currently scheduled to take effect the first full pay period in July 2021) until the first full pay period in January 2022 (***Attachment B***).

FISCAL IMPACT

The 6-month wage increase delay for unrepresented employees in the applicable representation units will save approximately \$85 thousand in FY 2020-21 across all funds, \$38 thousand of which will be in the General Purpose Fund.

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PUBLIC OUTREACH/INTEREST

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

COORDINATION

Additionally, the preparation of this report was coordinated with HRM, City Attorney's Office, Finance Department Budget 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 an emergency ordinance amending Ordinance No. 12187 C.M.S. ("Salary Ordinance") to:

- 1) delay the wage increase to the salaries of certain unrepresented employees in Representation Units CON, U51, UG1, TL1, UK1, UK2, UP1, and US1 as follows: An increase of 1% delayed from the first full pay period in January 2021 to the first full pay period in July 2021; and
- 2) delay the wage increase to the salaries of the unrepresented Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department, Representation Units UR1 and UU1 as follows: An increase of 2.5% delayed from the first full pay period in January 2021 to the first full pay period in July 2021.
- 3) delay the wage increase to the salaries of the unrepresented Chief of Police and Chief of Police, Assistant, Representation Unit UN1 as follows: an increase of 3% delayed from the first full pay period in July 2021 to the first full pay period in January 2022; and

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City Council
December 16, 2020

- 4) Authorize the City Administrator to impose up to 10 unpaid furlough days on the Chief of Fire and the Chief of Police.

For questions regarding this report, please contact Ian Appleyard at (510) 238-6450.

Respectfully submitted,



IAN APPLEYARD

Director, Human Resources Management

Reviewed by: Allyson Cook
Assistant Director, Human Resources
Management

Attachment (7):

- A: Ordinance
- B: List of Classifications
- C. City Ordinance No. 12903 C.M.S.
- D. City Ordinance No. 12187 C.M.S.
- E: Amendment to the Salary Ordinance November 19, 2019
- F: Amendment to the Salary Ordinance March 3, 2020
- G: Amendment to the Salary Ordinance November 20, 2018

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ATTACHMENT B - List of Select Unrepresented Classification Titles ONLY

NOTE: THIS DOES NOT REPRESENT IMPACTED EMPLOYEES

REP UNIT	JOB CLASS CODE	CLASSIFICATION TITLE
CON	AP341	Temp Contract Svcs Employee, PT
CON	AP459	Temporary Contract Svcs Emp, PT (Sworn)
TL1	AP105	Administrative Analyst I, PT
TL1	AP114	Benefits Representative, PT
TL1	AP121	Cable TV Assistant Producer, PT
TL1	AP439	Cable TV Stage Manager, PT
TL1	AP413	Case Manager I, PT
TL1	AP412	Case Manager II, PT
TL1	SS113	City Council PSE 14, PT
TL1	AP141	City Councilmember's Assistant, PT
TL1	AP155	Cultural Arts Specialist, PT
TL1	AP386	Emergency Medical Svcs Instructor, PT
TL1	SC261	Emergency Planning Coordinator Sr, PT
TL1	SC260	Emergency Planning Coordinator, PT
TL1	AP193	Graphics Design Coordinator, PT
TL1	PP172	Head Start Program Coordinator, PT
TL1	AP440	Hearing Officer, PT
TL1	AP201	Human Resource Analyst, PT
TL1	AP441	Language Interpreter, PT
TL1	MA131	Management Assistant, PT
TL1	SS145	Mayor's PSE 14, PT
TL1	AL013	Paralegal, PT
TL1	AP361	Program Analyst I, PT
TL1	EM214	Project Manager III, PT
TL1	AP301	Public Information Officer II, PT
TL1	SS205	Receptionist to the City Auditor, PT
TL1	PP173	Senior Services Program Assistant, PT
TL1	MA155	Special Assistant to the Mayor I, PT
TL1	EM252	Special Assistant to the Mayor II, PT
TL1	AP442	Special Events Coordinator, PT
TL1	AP443	Veterinarian, PT
U51	AP188	Exempt Limited Duration Employee
UG1	PP105	Camp Director, PT
UG1	SC109	Camp Food Service Mgr, PT
UG1	AP124	Camp Manager Assistant, PT
UG1	SC110	Camp Manager, PT
UG1	AP133	City Cncl Constituent Liaison PT
UG1	SS111	City Council Intern, PT
UG1	AP137	City Council Policy Analyst, PT
UG1	SS119	Engineering Intern, PT
UG1	MA133	Management Intern, PT
UG1	PP130	Outreach Worker, PT
UG1	SS164	Planning Intern, PT
UG1	PS161	Police Cadet, PT
UG1	AP362	Program Analyst II, PT
UG1	AP389	Senior Council Policy Analyst, PT

ATTACHMENT B - List of Select Unrepresented Classification Titles ONLY

NOTE: THIS DOES NOT REPRESENT IMPACTED EMPLOYEES

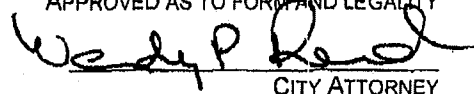
REP UNIT	JOB CLASS CODE	CLASSIFICATION TITLE
UG1	AP329	Special Clerkship, PT
UG1	SS195	Student Trainee, PT
UK1	EM102	Agency Director, Administrative Services
UK1	EM104	Agency Director, Econ & Comm Dev
UK1	EM106	Agency Director, Life Enrichment
UK1	EM128	Assistant City Administrator
UK1	EM266	Chief of Violence Prevention
UK1	ET108	City Administrator
UK1	EM126	City Clerk
UK1	EM138	Deputy City Administrator
UK1	EM234	Director of Animal Services
UK1	EM239	Director of Contracting & Purchasing
UK1	EM230	Director of Economic & Workforce Dev
UK1	EM103	Director of Finance
UK1	EM154	Director of Housing & Community Dev
UK1	EM159	Director of Human Resources Management
UK1	EM153	Director of Human Services
UK1	EM238	Director of Information Technology
UK1	EM155	Director of Library Services
UK1	EM158	Director of Parks & Recreation
UK1	EM220	Director of Planning & Building
UK1	EM108	Director of Public Works
UK1	EM263	Director of Race and Equity
UK1	EM264	Director of Transportation
UK1	EM274	Director of Workplace & Employment Stnd
UK1	EM258	EEO & Civil Rights Director
UK1	EM259	Employee Relations Director
UK1	EM229	Executive Director CPRA
UK2	EM275	Deputy Director Workplace & Empl Stds
UK1	EM261	Executive Director, Public Ethics Comm
UK2	EM267	Assistant Human Resources Director
UK2	EM172	Budget Administrator
UK2	EM124	City Attorney, Assistant
UK2	MA113	Controller
UK2	MA156	Employee Relations Analyst, Principal
UK2	EM186	Human Resources Manager
UK2	EM209	Manager, Claims & Risk
UK2	EM268	Manager, Finance
UK2	EM204	Revenue & Tax Administrator
UK2	EM250	Special Assistant to the Mayor III
UK2	EM272	Special Assistant to the Mayor III, PPT
UK2	EM206	Treasury Administrator
UN1	EM122	Chief of Police
UN1	EM237	Chief of Police, Assistant
UP1	EM269	Assistant Director, Planning & Building
UP1	MA163	Budget & Management Analyst, Principal

ATTACHMENT B - List of Select Unrepresented Classification Titles ONLY

NOTE: THIS DOES NOT REPRESENT IMPACTED EMPLOYEES

REP UNIT	JOB CLASS CODE	CLASSIFICATION TITLE
UP1	EM265	Budget Administrator, Assistant
UP1	MA158	Employee & Labor Relations Analyst, Sr
UP1	SS126	Executive Asst to the City Administrator
UP1	MA161	Special Counsel - Labor & Employment
UR1	EM105	Chief of Fire
US1	PS199	Fire Fighter Paramedic Trainee
US1	PS131	Fire Fighter Trainee
US1	PS132	Fire Fighter Trainee
UU1	EM113	Assistant Chief of Fire Department
UU1	PS117	Deputy Chief of Fire Department
UU1	EM224	Fire Division Chief
UU1	EM168	Fire Marshal (Sworn)
UU1	EM169	Fire Marshal (Sworn)

INTRODUCED BY COUNCILMEMBER _____


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 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 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 whose 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 Fire 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.

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 *-17*

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

Excused - Miley - 1

ATTEST:

CEDA FLOYD

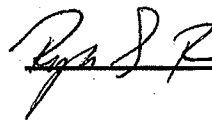
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

22-1111-3-1111-21

2020 FEB -6 PM 1:47

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE 12187 C.M.S. (THE SALARY ORDINANCE) TO PROVIDE WAGE INCREASES TO THE SALARIES OF THE UNREPRESENTED CHIEF OF FIRE, DEPUTY CHIEF OF FIRE DEPARTMENT, AND ASSISTANT CHIEF OF FIRE DEPARTMENT, REPRESENTATION UNITS UR1 AND UU1, THE WAGE INCREASES SHALL BE AS FOLLOWS: AN INCREASE OF 2.5% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JANUARY 1, 2021; INCREASE OF 1.5% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JULY 1, 2021; INCREASE OF 2% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JANUARY 1, 2022; INCREASE OF 1% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JULY 1, 2022; AND INCREASE OF 2% EFFECTIVE THE FIRST FULL PAY PERIOD IN DECEMBER 2023.

WHEREAS, Pursuant to City Ordinance No. 12187, the salary of Chief of Fire (Representation Unit UR1) shall be adjusted by a percentage amount equivalent to the average salary adjustment granted to uniformed employees of the Fire Department who are represented by the International Association of Firefighters, Local 55 ("IAFF"); and

WHEREAS, Pursuant to City Ordinance No. 12903, the City Administrator may grant unrepresented employees the same or lesser compensation and other terms and conditions of employment as provided to represented employees; and

WHEREAS, Consistent with salary adjustments being granted to employees represented by IAFF, the City Administrator intends to grant unrepresented employees in Representation Unit UU1 (Deputy Chief of Fire Department and Assistant Chief of Fire Department) wage increases as follows: 2.5% effective the first full pay period following January 1, 2021; 1.5% effective the first full pay period following July 1, 2021; 2% effective the first full pay period following January 1, 2022; 1% effective the first full pay period following July 1, 2022; and 2% effective the first full pay period in December 2023; and

WHEREAS, Oakland City Charter section 207 requires that the Council shall fix the compensation of all City employees; now, therefore

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

Section 1. Effective the first full pay period following January 1, 2021, the associated wages for employees in Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by two and one half percent (2.5%).

Section 2. Effective the first full pay period following July 1, 2021, the associated wages for employees in Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by one and one half percent (1.5%).

Section 3. Effective the first full pay period following January 1, 2022, the associated wages for employees Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by two percent (2%).

Section 4. Effective the first full pay period following July 1, 2022, the classifications and associated wages for employees in Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by one percent (1%).

Section 5. Effective the first full pay period in December 2023, the classifications and associated

wages for employees in Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) are increased by two percent (2%).

Section 6. Representation Units UR1 and UU1 shall receive select terms and conditions of employment and benefits within the sole discretion of the City Administrator that are provided to represented employees in the Memorandum of Understanding between International Association of Firefighters, Local 55.

Section 7. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more others section, subsection, clauses or phrases may be declared invalid or unconstitutional.

Section 8. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

NOTICE AND DIGEST

ORDINANCE AMENDING THE SALARY SCHEDULE OF ORDINANCE 12187 C.M.S. (THE SALARY ORDINANCE) TO PROVIDE WAGE INCREASES TO THE SALARIES OF THE UNREPRESENTED CHIEF OF FIRE, DEPUTY CHIEF OF FIRE DEPARTMENT, AND ASSISTANT CHIEF OF FIRE DEPARTMENT, REPRESENTATION UNITS UR1 AND UU1, THE WAGE INCREASES SHALL BE AS FOLLOWS: AN INCREASE OF 2.5% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JANUARY 1, 2021; INCREASE OF 1.5% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JULY 1, 2021; INCREASE OF 2% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JANUARY 1, 2022; INCREASE OF 1% EFFECTIVE THE FIRST FULL PAY PERIOD FOLLOWING JULY 1, 2022; AND INCREASE OF 2% EFFECTIVE THE FIRST FULL PAY PERIOD IN DECEMBER 2023.

This Ordinance will provide wage increases for unrepresented employees in Representation Units UR1 and UU1 (Chief of Fire, Deputy Chief of Fire Department and Assistant Chief of Fire Department) as follows: 2.5% effective the first full pay period following January 1, 2021; 1.5% effective the first full pay period following July 1, 2021; 2% effective the first full pay period following January 1, 2022; 1% effective the first full pay period following July 1, 2022; and 2% effective the first full pay period in December 2023.