

OAKLAND CITY COUNCIL

DRAFT

City Attorney

ORDINANCE NO. _____ C.M.S.

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;

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 A 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.

WHEREAS, the City Administrator as permitted through City Ordinance No. 12903 C.M.S. adopted on November 18, 2008 shall provide select terms and conditions of employment and benefits to unrepresented employees in representation units CON, U51, UG1, TL1, UK1, UK2, UP1, US1, and UU1.

WHEREAS, City Ordinance No. 12903 provides that the Chief of Fire, in representation unit UR1, shall receive salary adjustments that are commensurate and concurrent with rank-and-file uniformed employees of the Fire Department;

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

WHEREAS, pursuant to section 213 of the Oakland City Charter, an ordinance declared by the Council to be necessary for preserving the public peace, health, or safety in an emergency, and containing a statement of the reasons constituting such necessity, may be introduced and adopted at the same meeting if passed by the affirmative vote of at least six members; and

WHEREAS, the COVID–19 Pandemic has had serious negative impacts on the City’s revenues and budget, and immediate effectiveness of this Emergency Ordinance is necessary to delay wages increases that would otherwise begin to worsen the City’s financial condition on January 1; now, therefore

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

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Emergency Ordinance.

Section 2. The wage increase of 1% effective the first full pay period of January 2021 for certain unrepresented classifications (CON, U51, UG1, TL1, UK1, UK2, UP1 and US1 only) is hereby deemed null and void.

Section 3. The wage increase of 2.5% effective the first full pay period of January 2021 for certain unrepresented classifications (UR1 and UU1 only) is hereby deemed null and void.

Section 4. The wage increase of 3% effective the first full pay period of July 2021 for certain unrepresented classifications (UN1 only) is hereby deemed null and void.

Section 5. Effective the first full pay period in July 2021, the classifications and salary schedules of certain unrepresented classifications (CON, U51, UG1, TL1, UK1, UK2, UP1 and US1, only) shall be increased by 1%.

Section 6. Effective the first full pay period in July 2021, the classifications and salary schedules of certain unrepresented classifications (UR1 and UU1, only) shall be increased by 2.5%. Section 1.90(1) of City Ordinance No. 12903, which provides that the Chief of Fire shall receive salary adjustments commensurate and concurrent with, rank-and-file uniformed employees of the Fire Department, is hereby suspended until the first full pay period in July 2021.

Section 7. Effective the first full pay period in July 2021, the classifications and salary schedules of certain unrepresented classifications (UR1 and UU1, only) shall be increased by 2.5%. Section 1.90(1) of City Ordinance No. 12903, which provides that the Chief of Police shall receive salary adjustments commensurate and concurrent with, rank-and-file uniformed employees of the Police Department, is hereby suspended until the first full pay period in July 2021.

Section 8. The City Administrator is authorized, for the remainder of the current fiscal year, to impose up to 10 days of unpaid leave on the Chief of Fire and the Chief of Police.

Section 9. Severability. If any section, subsection, sentence, clause or phrase of this Emergency 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 Emergency 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 10. Effective Date. This Emergency 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, THAO, TAYLOR, AND
COUNCIL PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

Asha Reed
Acting City Clerk and Clerk of the Council
of the City of Oakland, California

NOTICE AND DIGEST

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

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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.