



## CIVIL SERVICE BOARD MEETING AGENDA (DRAFT)

**Date: June 16, 2016**

**OPEN SESSION 5:30 p.m.**

**City Hall, One Frank H. Ogawa Plaza, Hearing Room 1**

**BOARD MEMBERS:** Chair, Andrea Gourdine; Vice Chair, David Jones; Alex Drexel; Lauren Baranco; Yvonne Hudson-Harmon; Christopher Johnson; Jeffrey Levin

**STAFF TO THE BOARD:** Anil Comelo, HRM Director/Secretary to the Board  
Michelle Meyers, Deputy City Attorney  
Kip Walsh, Human Resources Manager/Staff to the Board  
Sean Flaherty, HR Technician/Staff to the Board

### OPEN SESSION AGENDA

#### ROLL CALL

#### 1) OPEN FORUM

#### 2) CONSENT CALENDAR:

ACTION

- a) Approval of Employee Requests for Leave of Absence
  - Fire Communications Dispatcher, N. Ayacaxli (OFD-2016-LA04)
  - Firefighter, A. Beck (ITD-2016-LA05)
- b) Ratification of Provisional Appointments
  - Information Systems Manager I (ITD-2016-PA01)
- c) Approval of Revised Classification Specifications
  - Police Program and Audit Supervisor (formerly Police Program and Performance Auditor)

#### 3) OLD BUSINESS:

- a) Approval of Meeting Minutes of April 21, 2016 Civil Service Board Meeting Minutes ACTION
- b) Approval of Meeting Minutes of May 19, 2016 Civil Service Board Meeting Minutes ACTION
- c) Determination of Schedule of Outstanding Board Items
  - a. No New Items to Schedule ACTION

- d) Informational Report on the Status of Temporary Assignments for Temporary Contract Service Employees (TCSEs) and Exempt Limited Duration Employees (ELDEs) Including a Report of the Names, Hire Dates, and Departments of all ELDEs and TCSEs in Accordance with the Memorandum of Understanding Between the City and Local 21 INFORMATION
- e) Discussion of Revisions to the Personnel Manual of the Port of Oakland for Review of Alignment with the Personnel Manual of the Civil Service Board and Compliance with Ordinance No. 13120 CMS Governing the Relationship of the Port's Personnel Management Program with the City of Oakland Civil Service ACTION

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### CLOSED SESSION AGENDA

#### ROLL CALL

*The Civil Service Board will convene in closed session and will report out any final decisions in open session before adjourning the meeting pursuant to California Government Code section 54957:*

#### 4. PERSONNEL MATTERS FOR PUBLIC EMPLOYEES

- a. Review of the Hearing Officer's Findings in the Appeal of Examination Results for Civil Service Board Case No. OFD-2015-AP01
- b. Review of the Hearing Officer's Findings in the Appeal of Probationary Removal/Demotion for Civil Service Board Case No. OPR-2014-AP01

*Pursuant to California Government Code Section 54957 – the Civil Service Board may hold closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee. An appellant must notify the Civil Service Board in writing if she/he wishes to have a personnel matter heard in open session.*

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### OPEN SESSION AGENDA

#### 5. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

#### 6. ADJOURNMENT

NOTE: The Civil Service Board meets on the 3<sup>rd</sup> Thursday of each month. The next meeting is scheduled to be held on Thursday, July 21, 2016. All materials related to agenda items must be submitted by Thursday, June 14, 2016. For any materials over 100 pages, please also submit an electronic copy of all materials.

Submit items via email or U.S. Mail to:

City of Oakland - Civil Service Board  
150 Frank H. Ogawa Plaza, 2<sup>nd</sup> floor  
Oakland, CA 94612  
[civilservice@oaklandnet.com](mailto:civilservice@oaklandnet.com)



This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter or assistive listening device, please call the Civil Service Board staff at (510) 238-3112 or TDD (510) 238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.



# MEMORANDUM

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**DATE:** June 16, 2016

**TO:** The Honorable Civil Service Board

**FROM:** Kip Walsh, HR Manager, Recruitment & Classification / Staff to the Board

**THROUGH:** Anil Comelo, Director HRM / Secretary to the Board

**SUBJECT:** Request Authorization for Employee Requests for Leave of Absence

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DHRM is in receipt of two (2) Unpaid Leave of Absence requests pursuant to Personnel Manual Section 8.07 Miscellaneous Leaves of Absence.

CSR 8.07 c 3 Urgent or important personal business

Ayacaxli, Nelida	Fire Communications Dispatcher	OFD	OFD-2016-LA04	CSR 8.07 c 3 Personal Business
Beck, Austin	Firefighter	ITD	OFD-2016-LA05	CSR 8.07 c 3 Personal Business

**RECOMMENDATION:**

Staff recommends that the Civil Service Board approve the requested Leaves of Absence.

Print Form



# Unpaid Leave of Absence

Leave Type:

- FCL - Family Care Extended
- FDN - Family Death (no pay)
- MNP - Military Leave (no pay)
- SLV - Sick Leave (no pay)
- ANP - Miscellaneous (no pay)
- Maternity Leave (no pay)

Employee's Name Nelida Ayacaxli Employee's ID 20132 Today's Date 5/20/16

Department/Division Oakland Fire Employee Job Title Fire Communications Dispatcher

I Request: No. of Days or Hours  Days  Hours From 6/6/2016 To 10/7/16

Unpaid Leave Taken This Year?  Yes  No If yes, what type of leave \_\_\_\_\_  
(Write appropriate code)

DEPT. OF PUBLIC SAFETY  
 OAKLAND FIRE DEPARTMENT  
 ADMINISTRATION  
 MAY 20 2016 PM 4:29

Comparison of Different Leave Types

Leave Type	Maximum Duration	Keep Accrued Seniority?	Accrue Seniority?	Keep Health Benefits?	Other
FCL	4 mos*	Yes	No	Depends*	Comb. of paid & unpaid leave
FDN	5 days	Yes	No	Yes	Family death leave (paid) exhausted
MNP	1 year	Yes	Yes	For 5 mos*	For military training and service
SLV	1 year	Yes	No	No*	Sick leave (paid) exhausted
ANP	1 year	Yes	No	No*	Miscellaneous leave (no pay)
P	1 year	No	No	No*	Maternity Leave

**\* Additional Information**

Employees on ANP, MNP, SLV or Maternity leave may continue to participate in a City group health plan under COBRA at their own cost.

Family Care Extended Leave allows employees to use a combination of paid and unpaid leave. Employees using paid leave keep their health benefits, while employees on unpaid leave for this category are entitled to extend their coverage under COBRA at their own cost. If the leave is unpaid maternity, an employee may take up to a maximum of 5 months leave.

Employee's Signature \_\_\_\_\_ Date 5/20/2016

Department Head Approval [Signature] Date 5/20/16

Civil Service Board Approval \_\_\_\_\_ Date \_\_\_\_\_

City Manager Approval \_\_\_\_\_ Date \_\_\_\_\_

Note: Civil Service Board approval is required for leave of 5 days or more for classified employees. City Manager approval is required for leave of 5 days or more for exempt employees.

Distribution: Original to DHRM Admin., Copy to HRIS Operations, Dept., and Employee



# Unpaid Leave of Absence

Leave Type:

- FCL - Family Care Extended
- FDN - Family Death (no pay)
- MNP - Military Leave (no pay)
- SLV - Sick Leave (no pay)
- ANP - Miscellaneous (no pay)
- Maternity Leave (no pay)

RECEIVED  
DEPT OF HUMAN RESOURCES  
MANAGEMENT  
16 MAY 17 AM 10:54

Employee's Name Austin Employee's ID Beck Today's Date 5-13-16  
~~5/8/14~~

Department/Division Fire Employee Job Title Firefighter

I Request:  Days  Hours From 5/19/2016 To 6/8/2016  
No. of Days or Hours Select Days or Hours

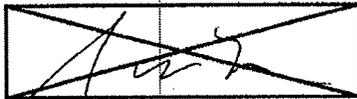
Unpaid Leave Taken This Year?  Yes  No If yes, what type of leave APN  
(Write appropriate code)

Comparison of Different Leave Types					
Leave Type	Maximum Duration	Keep Accrued Seniority?	Accrue Seniority?	Keep Health Benefits?	Other
FCL	4 mos*	Yes	No	Depends*	Comb. of paid & unpaid leave
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Employee's Signature

5-13-16  
Date



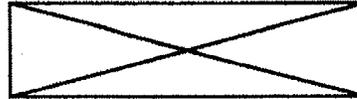
Civil Service Board Approval

Date



Department Head Approval

5-13-16  
Date



City Manager Approval

Date

*Marcus Johnson*  
*ACCORDING TO CASE*

Note: Civil Service Board approval is required for leave of 5 days or more for classified employees. City Manager approval is required for leave of 5 days or more for exempt employees.



**OAKLAND CIVIL SERVICE BOARD  
PROVISIONAL APPOINTMENT REQUEST**

**SCHEDULED MEETING DATE FOR CONSIDERATION:** June 16, 2016

**AREA REQUESTED**

POSITION: Information Systems Manager I  
DEPARTMENT: Information Technology Department  
APPOINTMENT DURATION: 120 days maximum

**STATUS OF RECRUITMENT AND EXAMINATION PROCESS**

**DATE ELIGIBLE LIST EXPIRED OR WAS EXHAUSTED:**

**DATE PERSONNEL REQUISITION RECEIVED:** 04/28/2016

**CURRENT STATUS OF EXAMINATION:** The job announcement opened May 23, 2016 and closed on June 6, 2016. After all applicants have been assessed, exam development will begin. Upon completion, HRM will move forward with the examination and selection process.

**JUSTIFICATION:**

Reason Needed: The Information Systems Manager I position is directly responsible for planning, prioritizing, assigning and reviewing the work of Electronics Technicians assigned to the Radio Shop. Additionally, the Information Systems Manager I position provides project management and consultation to all City Departments by evaluating user and business requirements to provide technology solutions that meet goals and objectives; establishes processes and methods for providing information systems services and identifying resource needs.

This provisional appointment is needed to fill one (1) current vacancy in the Information Technology Department. The requisition requesting a provisional appointment was approved and the appointee's first day of work was May 23, 2016. A provisional appointment will allow the work to be performed while an eligibility list is being developed.

Other Alternatives Explored and Eliminated:  
N/A.

**IMPACT IF REQUESTS ARE NOT APPROVED** (i.e., services, fiscal, other):

A provisional appointment at this time will assure continuous support of high priority projects related to Public Safety (i.e. portable radios deployment, mobile radios deployment, and EBRCSA migration).

Attachments:

Employment Application: Yes  
Personnel Requisition: Yes  
Resume: Yes

Recruitment and Classification Staff Recommendation, including following pertinent information:

- Summary of Application Qualifications: ✓
- Current Residency Status: Non-Oakland Resident
- Current Employment Status: Contract employee



# MEMORANDUM

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**DATE:** June 16, 2016

**TO:** The Honorable Civil Service Board      **FROM:** Jaime Pritchett  
Principal Human Resource Analyst

**THROUGH:** Kip Walsh, Human Resources Manager, Recruitment & Classification

**THROUGH:** Anil Comelo, Director of Human Resources Management  
Secretary to the Board

**SUBJECT:** Approval of Classification Specification for Police Program and Performance Audit Supervisor (formerly Police Program and Performance Auditor)

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Based upon a classification review at the request of the Oakland Police Department, staff has proposed the revision of the **Police Program and Performance Audit Supervisor** (formerly Police Program and Performance Auditor) classification specification. It was established in January 2004 and has not been revised since creation.

Further, staff is proposing a revised title to reflect the formal supervision that is required of the position; the new title will be "Police Program and Performance Audit Supervisor."

A variety of modifications have been proposed to the classification:

- In the Definition section, new statements have been added to expand on the current duties.
- The classification is formally converting from advanced-journey level to a first-line supervisor as reflected in the Distinguishing Characteristics section. The reporting structure has changed over time and should properly reflect assigned supervisory responsibilities.
- New task statements have been added under Examples of Duties to ensure that the duties most accurately reflect "typical" duties performed by all incumbents.
- References to supervision, training, performance management, and staff development have been added throughout the classification specification, including the Knowledge and Abilities section.
- Under Knowledge and Abilities, new statements have been added to ensure that the proper skills and knowledge areas are represented.
- In the Experience section of the Minimum Qualifications, the existing four (4) years of experience will now reflect the inclusion of one year of experience in a lead or supervisory role.
- The background investigation language has been revised to ensure that the language is used consistently under "Other Requirements."
- Format changes have been implemented to align the description with the current classification specification template

There are two filled positions and no vacancies exist. Future recruitment and selection processes will utilize the revised classification specification.

The International Federation of Professional and Technical Engineers (IFPTE, Local 21) was notified of the proposed revisions to the classification specification. City staff and union

**CIVIL SERVICE BOARD**

Subject: Police Program and Performance Audit Supervisor Classification Specification

Date: June 16, 2016

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representatives met on May 19, 2016, to discuss the proposed changes. Following that meeting, email and telephone exchanges took place to better describe the union's concerns. The language was finalized on June 3, 2016, with all parties agreeing to the final revised language. There are no objections to the proposed revisions.

Additionally, no determination has been rendered yet regarding the "common class" status of the Police Program and Performance Audit Supervisor classification. The "Common Class" Project is currently underway, and more information will be available at a later date.

Staff recommends that the Civil Service Board approve the classification specification for Police Program and Performance Audit Supervisor as amended.

**Attachments:** Revised classification specification for Police Program and Performance Audit Supervisor



## POLICE PROGRAM AND PERFORMANCE AUDITOR ~~OR~~ SUPERVISOR

Class Code: AP291 FTE

Civil Service Classified

### DEFINITION

Under direction in the Oakland Police Department, ~~incumbents~~ conducts impartial and objective performance audits; analyzes complex police and police-related management practices and operations either individually or as a member of an audit team; oversees the conduct of performance audits of Police Department operations and systems; makes policy recommendations for consideration; conducts management reviews; conducts surveys to collect and interpret data; develops and implements procedures for performance audits; prepares formal reports of audit findings and recommendations to increase/improve policy efficiency, effectiveness, compliance, etc.; works closely with staff and management of audited units to obtain accurate and complete information and to promote their understanding and acceptance of audit findings and recommendations; develops and conducts staff training programs applicable to particular areas of expertise; reviews audits completed by other units/entities; assigns work, trains, and supervises assigned staff; and performs other related duties as required.

### DISTINGUISHING CHARACTERISTICS

This is a first line supervisory classification responsible for overseeing Incumbents in this professional position assigned staff in addition to conducting objective reviews and analysis of programmatic functions. In order to preserve objectivity in the audit function, incumbents shall be assigned to manage the police department's internal audit function or the use of the police department's Performance Reporting Information Matrix Environment (PRIME) program. Additionally, incumbents provide recommendations, which may enable departments to better reach their established performance measures and objectives. Incumbents ~~must possess excellent verbal and written communication skills in order to~~ are responsible for clearly and concisely conveying information regarding actual versus predicted performance outcomes and recommendations that will enable the department to achieve its performance objectives. Incumbents are expected to exercise considerable discretion and autonomy in the performance of the assigned duties and work with a minimum of supervision in a wide variety of sensitive situations. This classification is distinguished from the lower level Police Performance Auditor in that incumbents plan and complete the most complex audits in addition to supervising assigned staff.

Incumbents receive general direction from management staff and ~~supervise may provide lead direction to~~ professional, paraprofessional or clerical support staff as assigned.

### EXAMPLES OF DUTIES – *Duties may include, but are not limited to the following:*

Conduct impartial and objective audits of performance measures submitted to the City Council by the Oakland Police Department; evaluate actual versus predicted outcomes; recommend functional and operational changes needed in order to meet or exceed performance measures.

Define the objectives and scope of an audit or subsection thereof; analyze policy compliance criteria and design audit matrices and instruments.

Collect the necessary data through interviews, observations, and other appropriate research methods; analyze and evaluate data.

Conduct operational and functional audits of programs and projects; perform preliminary surveys and fieldwork; and analyze efficiency and effectiveness measures.

Develop, update and implement standards and procedures for conducting performance audits.

Prepare comprehensive verbal and written reports; recommend short and long-term actions necessary to achieve objectives and goals; and evaluate departmental controls.

Prepare various charts, flow diagrams and graphic presentations for oral and written reports.

Develop and maintain positive and collaborative relationships with departmental representatives, City Manager and City Council members and their staffs.

Maintain written documentation of all findings; assist departmental staff in implementing recommendations.

Conduct statistical analyses of all OPD personnel to determine outliers for risk assessments; normalize performance activities by arrested statistics to demonstrate increases and decreases in risk; identify personnel that meet predetermined numerical thresholds and single event thresholds.

Track the progress of all personnel in the Performance Reporting Information Matrix Environment (PRIME) program and monitor compliance with all tasks associated with personnel assessments.

Coordinate the development and enhancement of software systems associated with PRIME and Beta test all design changes, changes in calculations, and corrections to the system.

Conduct system audits to identify import failures, server connection disruptions, and significant decreases in data daily.

Supervise, train, and evaluate assigned staff; schedule and conduct staff training; Provide ~~direction and oversight to~~ assigned staff; ~~assist in the development of~~ and administer staff performance evaluations.

Drive an automotive vehicle as necessary in order to conduct audits and attend meetings.

## QUALIFICATIONS KNOWLEDGE AND ABILITIES

Knowledge of:

- Management principles, program planning, quantitative and qualitative analysis, and budgeting and management control systems; data analytics.
- Principles, practices, methods and equipment of law enforcement.
- Principles and practices of public administration, accounting and auditing, including Generally Accepted Government Auditing Standards (GAGAS).
- Basic principles of information management.
- Performance measurement systems.
- Organizational structures and the relationship between staff, tasks and budget, particularly as it applies to local government entities.
- Effective public administration strategies and procedures.

- Principles and techniques of persuasive oral and written reports and the effective presentation of recommendations.
- Principles and practices of performance auditing.
- Principles and practices of supervision and performance management.
- Public relations techniques.
- Project planning and project management principles.
- ~~Basic P~~ersonal computer applications including word processing, ~~and~~ spreadsheet, ~~and~~ business intelligence software applications; basic accounting and budgeting applications.

Ability to:

- Evaluate and apply management principles, program planning, quantitative and qualitative analysis, budgeting and management control systems.
- Constructively establish rapport with police commanders and managers whose unit(s) are the subject of an audit and maintain credibility throughout the audit process.
- Conduct impartial, objective performance audits; reduce complex issues to their most basic form; formulate reasonable and achievable recommendations with available resources.
- Interpret and apply administrative/operational policies, practices and procedures; analyze and resolve problems.
- Be discrete and work in highly confidential environment.
- Work independently and establish priorities.
- Select, motivate and evaluate staff and provide for their training and professional development.
- Communicate effectively and persuasively in both oral and written form; prepare reports, correspondence and written materials; make verbal presentations to both large and small groups.
- Establish and maintain professional working relationships with staff, elected officials, representatives of other organizations and the general public.

### MINIMUM QUALIFICATIONS ~~EDUCATION AND EXPERIENCE~~

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.*

#### **Education:**

A Bachelor's degree from an accredited college or university in Business Administration, Public Policy, Public Administration or a related field. A Masters Degree is highly desirable.

#### **Experience:**

Four years of progressively responsible relevant experience in public or business administration analyzing programs and projects and preparing written recommendations and reports on efficiency and effectiveness measures, including one year of experience in a lead or supervisory role.

### **LICENSE OR CERTIFICATE**

Successful incumbents in this job are expected to operate automotive vehicles in the performance of the assigned duties. Due to the nature of the assignment and the hours worked, public transportation may not be a cost-effective or efficient method for traveling to the various locations required. Individuals who are appointed to this position will be required to maintain a

valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

**OTHER REQUIREMENTSBACKGROUND INVESTIGATION**

Must pass a thorough ~~The successful completion of a comprehensive~~ background investigation ~~is required prior to appointment.~~

**DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY**

Established: 01/22/2004 CSB Resolution #: 44422 Salary Ordinance #:  
Exempted: Y  N  Exemption Resolution #:

Revision Date: / / CSB Resolution #:  
Re-titled Date: / / CSB Resolution #: Salary Ordinance #:

(Previous title(s): )

~~Analyst initials RY~~  
~~Civil Service Board #: 44422~~  
~~Date Approved/ Exempt: 1/22/2004~~  
~~Date Revised:~~



## CIVIL SERVICE BOARD MEETING MINUTES

**Date: April 21, 2016**

**OPEN SESSION 5:30 p.m.**

**City Hall, One Frank H. Ogawa Plaza, Hearing Room 1**

**BOARD MEMBERS PRESENT:**                    **Andrea Gourdine, Chairperson**  
**Alex Drexel**  
**Yvonne Hudson-Harmon**  
**Christopher Johnson**  
**Jeffrey Levin (Arrived at 5:45pm)**

**BOARD MEMBERS ABSENT:**                    **David Jones, Vice Chair**  
**Lauren Baranco**

**STAFF PRESENT:**                                **Anil Comelo / Secretary to the Board**  
**Kip Walsh, HR Manager / Staff to the Board**  
**Sean Flaherty HR Technician / Staff to the Board**  
**Michelle Meyers, Deputy City Attorney**

**OPEN SESSION:**

**Chairperson Gourdine called the meeting to order at 5:30 p.m.**

**1) OPEN FORUM – no speakers**

**2) CONSENT CALENDAR:**

- a) Approval of Employee Requests for Leave of Absence
  - Senior Emergency Services Coordinator, A. Chimonyo (OFD-2016-LA02)
  - Recreation Center Director, M. Sanchez (OPR-2016-LA01)
  
- b) Ratification of Provisional Appointments
  - Assistant Engineer II, Office (PBD-2016-PA01)
  - Grants Coordinator (OPD-2016-PA01)
  - Home Management Counselor III (HCD-2016-PA04)
  - Police Records Specialist (OPD-2016-PA03)
  
- c) Approval of Revised Classification Specifications
  - Benefits Analyst
  - Human Resources Analyst
  - Airport Duty Manager (formerly Airport Operations Supervisor, Airside) Port of Oakland

**44807 Upon a motion by Board Member Johnson, seconded by Board Member Drexel, the items on the Consent Calendar were approved.**

**Votes:** Board Member Ayes: 4 – Gourdine, Drexel, Hudson-Harmon, Johnson  
Board Member Noes: None  
Board Member Abstentions: None  
Board Members Absent: 3 – Baranco, Jones, Levin

**3) OLD BUSINESS:**

- a) Approval of Meeting Minutes of March 17, 2016 Civil Service Board Meeting Minutes

**44808 Upon a motion by Board Member Drexel, seconded by Board Member Hudson-Harmon, the minutes for the March 17, 2016 Civil Service Board meeting were approved by a majority of the members present.**

**Votes:** Board Member Ayes: 3 – Gourdine, Drexel, Hudson-Harmon  
Board Member Noes: None  
Board Member Abstentions: 1 – Johnson  
Board Members Absent: 3 – Baranco, Jones, Levin

- b) Determination of Schedule of Outstanding Board Items

*The Appeal of Classification Study Results (Police Records Specialist) previously scheduled for April 21, 2016 was moved to the agenda for the May 19, 2016 meeting, at the request of the appellant.*

- c) Informational Report on the Status of Temporary Assignments for Temporary Contract Service Employees (TCSEs) and Exempt Limited Duration Employees (ELDEs) Including a Report of the Names, Hire Dates, and Departments of all ELDEs and TCSEs in Accordance with the Memorandum of Understanding Between the City and Local 21

*The report was received and filed.*

- d) Discussion of Revisions to the Personnel Manual of the Port of Oakland for Review of Alignment with the Personnel Manual of the Civil Service Board and Compliance with Ordinance No. 13120 CMS Governing the Relationship of the Port's Personnel Management Program with the City of Oakland Civil Service

*Kip Walsh, HR Manager, reported that representatives from the City and the Port, including representatives from the City's and the Port's Attorney offices, had met and discussed minor refinements to the Introduction section, Rule 8, and Rule 9. Staff expect to be ready to present the final draft document to the Board at its meeting in May.*

**4) NEW BUSINESS:**

- a) Quarterly Classification Report per Section 3.04(f) of the Personnel Manual of the Civil Service Board (“Civil Service Rules”) Providing the status of All Classification Studies and Classification Specification Revisions Currently Under Review

Note: Board Member Jeffrey Levin arrived at 5:45 p.m.

*Jaime Pritchett, Principal HR Analyst presented the report, which was received and filed.*

**ADJOURNMENT: The meeting was adjourned at 5:55 p.m.**

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## CIVIL SERVICE BOARD MEETING MINUTES

**Date: May 19, 2016**

**OPEN SESSION 5:30 p.m.**

**City Hall, One Frank H. Ogawa Plaza, Hearing Room 1**

**BOARD MEMBERS:** Chair, Andrea Gourdine; Vice Chair, David Jones; Alex Drexel; Lauren Baranco; Yvonne Hudson-Harmon; Christopher Johnson; Jeffrey Levin

**STAFF TO THE BOARD:** Anil Comelo, HRM Director/Secretary to the Board  
Michelle Meyers, Deputy City Attorney  
Kip Walsh, Human Resources Manager/Staff to the Board  
Sean Flaherty, HR Technician/Staff to the Board

### OPEN SESSION

#### ROLL CALL

#### 1) OPEN FORUM

**Speaker Bruce Nielsen**

Re: Administrative Instruction 145 (Equal Access to City Services) and its applicability to hiring practices.

#### 2) CONSENT CALENDAR:

- a) Approval of Employee Requests for Leave of Absence
  - Senior Emergency Services Coordinator, A. Chimonyo (OFD-2016-LA03)
  - Project Manager III (Interim), M. Lai (ITD-2016-LA01)
- b) Ratification of Provisional Appointments
  - Engineer of Fire (4)
  - Housing Development Coordinator I
  - Police Services Technician
  - Engineering Technician, Senior (Office)
- c) Approval of Revised Classification Specifications
  - Firefighter Trainee
  - Firefighter Paramedic Trainee
  - Street Sweeper Operator
  - Veterinarian

**44809** A motion was made by Board Member Johnson and seconded by Vice Chair Jones to approve the items on the Consent Calendar, excluding the Provisional Appointment for

**classification specification Housing Coordinator I, which was to be discussed further before being put to a vote.**

**Votes:** Board Member Ayes: 5 – Baranco, Gourdine, Johnson, Jones, Levin  
Board Member Noes: None  
Board Member Abstentions: None  
Board Members Absent: 2 – Drexel, Hudson-Harmon

**44810 A motion was made by Chairperson Gourdine and seconded by Vice Chair Jones to approve the Provisional Appointment for classification specification Housing Coordinator I which was discussed further before being put to a vote.**

**Votes:** Board Member Ayes: 5 – Baranco, Gourdine, Johnson, Jones, Levin  
Board Member Noes: None  
Board Member Abstentions: None  
Board Members Absent: 2 – Drexel, Hudson-Harmon

### **3) OLD BUSINESS:**

- a) Approval of Meeting Minutes of April 21, 2016 Civil Service Board Meeting Minutes

*The Board continued the item until the next Civil Service Board Meeting.*

- b) Determination of Schedule of Outstanding Board Items

*Scheduled to the June 16, 2016 Civil Service Board Meeting:*

- *Review and determination of Hearing Officer's findings in the Appeal of Examination for Captain of Fire: OFD-2015-AP01*
- *Review and determination of Hearing Officer's findings in the Appeal of Probationary Release for Gardener Crew Leader: OPR-2014-AP01*

- c) Informational Report on the Status of Temporary Assignments for Temporary Contract Service Employees (TCSEs) and Exempt Limited Duration Employees (ELDEs) Including a Report of the Names, Hire Dates, and Departments of all ELDEs and TCSEs in Accordance with the Memorandum of Understanding Between the City and Local 21

*The report was received and filed.*

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**44811 A motion was made by Board Member Levin seconded by Chairperson Gourdine and by Vice Chair Jones requesting a copy of the final draft Personnel Manual of the Port of Oakland to be submitted for review before the Civil Service Board takes any action.**

**Votes:** Board Member Ayes: 5 – Baranco, Gourdine, Johnson, Jones, Levin  
Board Member Noes: None  
Board Member Abstentions: None  
Board Members Absent: 2 – Drexel, Hudson-Harmon

#### 4) NEW BUSINESS:

- a) 3.04 (e) Appeal of Classification Study Results (A. James)
- Employee currently classified as Police Records Specialist, appealing denial of request to be reclassified.

**44812** A motion was made by Member Johnson and seconded by Vice Chair Jones to deny the appeal of classification study results for Police Records Specialist, Aki James, and uphold the findings of Human Resources.

**Votes:** Board Member Ayes: 3 – Gourdine, Jones, Johnson  
Board Member Noes: 2 – Baranco, Levin  
Board Member Abstentions: None  
Board Members Absent: 2 – Drexel, Hudson-Harmon

**The motion passed.**

#### **ADJOURNMENT: The meeting adjourned at 8:00 p.m.**

NOTE: The Civil Service Board meets on the 3<sup>rd</sup> Thursday of each month. The next meeting is scheduled to be held on Thursday, June 16, 2016. All materials related to agenda items must be submitted by Thursday, June 9, 2016. For any materials over 100 pages, please also submit an electronic copy of all materials.

Submit items via email or U.S. Mail to:

City of Oakland - Civil Service Board  
150 Frank H. Ogawa Plaza, 2<sup>nd</sup> floor  
Oakland, CA 94612  
[civilservice@oaklandnet.com](mailto:civilservice@oaklandnet.com)



This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter or assistive listening device, please call the Civil Service Board staff at (510) 238-3112 or TDD (510) 238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

**CIVIL SERVICE BOARD  
APPEALS & HEARINGS CALENDAR  
PENDING LIST – June 16, 2016**

**1. FOR SCHEDULING**

<b>Case Number</b>	<b>Classification</b>	<b>Dept.</b>	<b>Action Pending</b>	<b>Date Received</b>	<b>Notes</b>
OFD-2015-AP01	Captain of Fire (Gascie)	OFD	4.19 Appeal of Examination Results	July 16, 2015	Scheduled for 6/16/16 CSB
OPR-2014-AP01	Gardener Crew Leader (Gold)	Parks & Recreation	6.05 Appeal of Probationary Removal/Demotion	Dec 18, 2014	Scheduled for 6/16/16 CSB

**2. REFERRED TO OUTSIDE HEARING OFFICER**

<b>Case Number</b>	<b>Classification</b>	<b>Dept.</b>	<b>Action Pending</b>	<b>Referral Date</b>	<b>Notes</b>
EWD-2015-AP01	Urban Economic Analyst III (Ralston)	EWD/ONI	10.03 Appeal of Discipline	Aug 20, 2015	Waiting for Union response as to whether it will withdraw. Hearings did not go forward in March.

**3. UNDER REVIEW**

<b>Case Number</b>	<b>Classification</b>	<b>Dept.</b>	<b>Action Pending</b>	<b>Date Received</b>	<b>Notes</b>
Port-2015-AP02	Maritime Service Coordinator	Port	10.03 - Appeal of Disciplinary Action	April 2, 2015	Referred to Port
OPD-2015-AP03	Complaint Investigator II (Uribe)	OPD	6.05 Appeal of Probationary Removal/Demotion	Oct 26, 2015	Working with Union on scheduling
OFD-2016-AP01	Firefighter (Keefer)	Fire	6.05 Appeal of Probationary Removal/Demotion	Jan. 25, 2016	Referred to City Attorney; No Update
OFD-2016-AP02	Firefighter (Hung)	Fire	6.05 Appeal of Probationary Removal/Demotion	Jan. 21, 2016	Referred to City Attorney; No Update

**CIVIL SERVICE BOARD  
APPEALS & HEARINGS CALENDAR  
PENDING LIST – June 16, 2016**

**4. CLOSED**

<b>Case Number</b>	<b>Classification</b>	<b>Dept.</b>	<b>Action Pending</b>	<b>Date Received</b>	<b>Notes</b>
OPD-2016-AP01	Police Records Specialist (James)	OPD	3.04 (e) Appeal Regarding Changes in Classification	Jan. 13, 2016	CLOSED



CITY OF OAKLAND

# STAFF REPORT

**DATE:** June 16, 2016

**TO:** THE HONORABLE CIVIL SERVICE BOARD

**FROM:** Kip Walsh, HR Manager, Recruitment & Classification

**THROUGH:** Anil Comelo, Secretary to the Board

**SUBJECT:** TEMPORARY EMPLOYEES – Informational Report on the Status of Temporary Assignments for Temporary Contract Service Employees (TCSEs) and Exempt Limited Duration Employees (ELDEs) Including a Report of the Names, Hire Dates, and Departments of All ELDEs and TCSEs in Accordance with the Memorandum of Understanding Between the City And Local 21

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## SUMMARY

Staff has prepared this report to provide the Civil Service Board with an update on compliance with the Civil Service Rules related to temporary employees since the last report of May 19, 2016. This report focuses on temporary employees in the categories of Exempt Limited Duration Employees (ELDEs) and Temporary Contract Service Employees (TCSEs), who are currently employed in the City of Oakland.

As of May 27, 2016 there are a total of ninety three (93) employees in the TCSE (41), Annuitant (29), and ELDE (23) categories. One (1) assignment was closed and seven (7) new assignments were added.

Reports showing all of the temporary assignments discussed in this report are included in a list (*Attachment A*) and a chart of trends (*Attachment B*) attached to this narrative report to provide a snapshot of the overall changes month to month.

## BACKGROUND

The use of temporary employees is allowed under Civil Service Rule 5 (Certification and Appointment) in recognition that standard Civil Service employment practices can be cumbersome when a time-sensitive assignment arises or existing resources do not fit a specific need. Pursuant to the Civil Service Rules, Section 5.06 governing temporary assignments, ELDE assignments may not exceed one year and TCSE assignments may not be “ongoing or repetitive.”

## STATUS OF NONCOMPLIANT ASSIGNMENTS

Six (6) temporary assignments are for ongoing part time work for which an appropriate part time classification had not existed and Human Resources Management (HRM) created part time classifications through a Salary Ordinance Amendment, but the six (6) remaining assignments have not been converted. The conversions had been discussed with staff in the departments at several points throughout the process, but obstacles remain.

**HONORABLE CIVIL SERVICE BOARD**

Subject: Temporary Employees

Date: May 19, 2016

Page 2

- For the two assignments in the City Administrator's Animal Services Department, the non-compliant assignments are part-time veterinarians. The department has recently asked HRM to re-evaluate the salary rate for the Veterinarian classification because the pay for the veterinarians currently working as TCSEs has out-paced the Veterinarian salary rate. HRM will conduct a salary study and make recommendations at a later time.
- Similar concerns have been raised regarding the two assignments in the Fire Department and changes in administrations and personnel staffing have resulted in new analysis of the positions and the appropriate assignment of them. HRM is therefore working with the department to identify an approach to addressing the department's concerns.

While HRM staff again review the assignments in Animal Services and the Fire Department, it may take several months to identify solutions and implement them. Staff will continue to provide the Board with updates of progress on these outstanding items.

The ELDE and TCSE in Human Services showing as out of compliance are for assignments that ending at the end of this month.

**RECOMMENDATION**

Staff recommends that the Civil Service Board accept the monthly report on temporary assignments for Temporary Contract Service Employees (TCSEs) and Exempt Limited Duration Employees (ELDEs).

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

## Attachments:

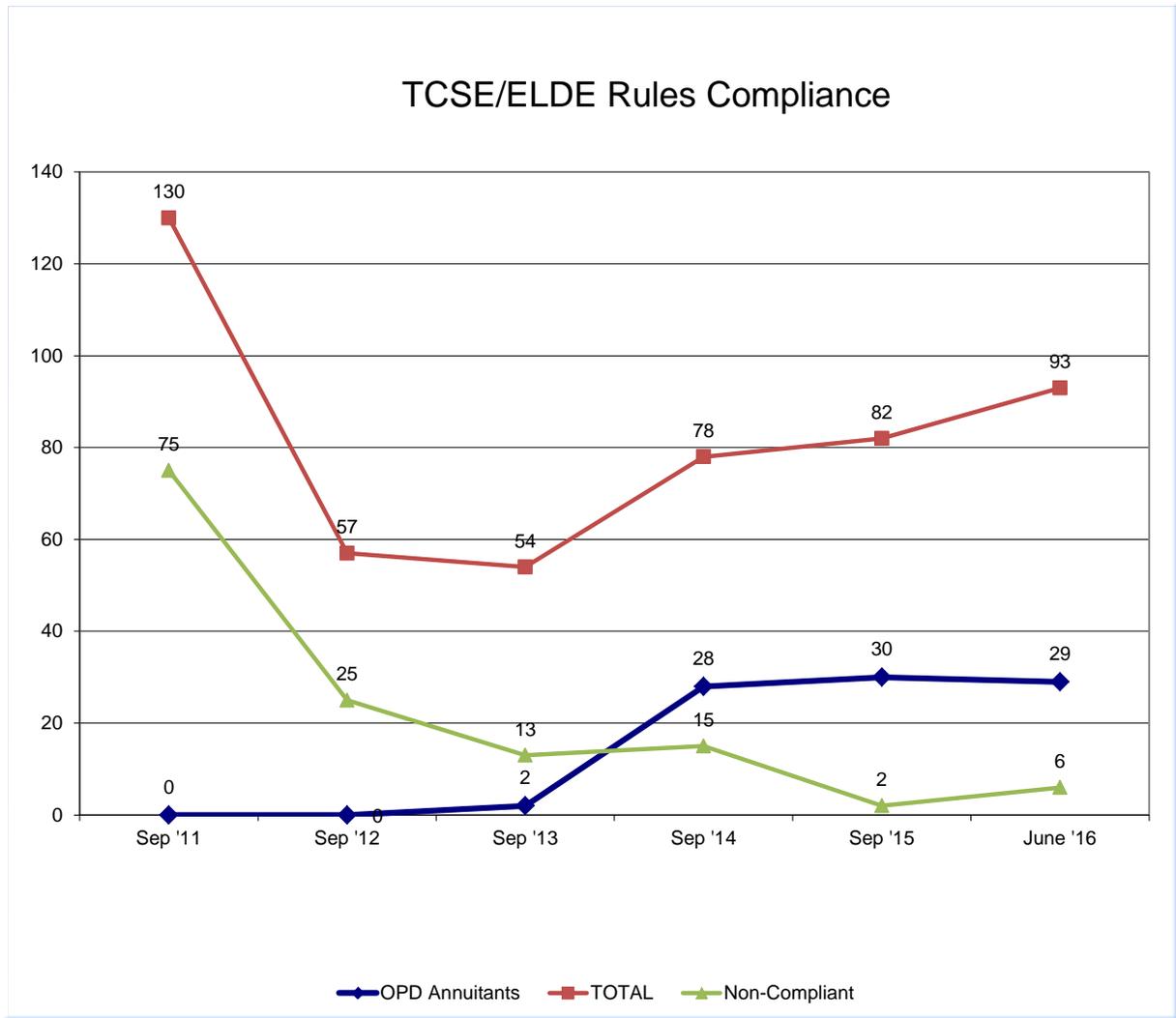
- A. TCSE/ELDE Report: For Payroll Reporting Period ending May 27, 2016
- B. TCSE/ELDE Compliance Trend Chart: As of May 27, 2016

CIVIL SERVICE BOARD  
JUNE 2016 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS

DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	NOTES	STATUS
<b>CLOSED THIS PERIOD (1)</b>							
HOUSING	Conde	Ahmed	89919 - Admin: Housing & Community Development	27-Apr-15	ELDE	Showing up as Non-Compliant on report while transitioning into a Provisional Appointment.	CLOSED
<b>NEW THIS PERIOD (7)</b>							
City Auditor	Jenifer	Hallock	07111 - City Auditor Unit	25-Apr-16	TCSE	Temporary operational support	NEW
INFORMATION TECHNOLOGY	Dalia	Macias	46461 - Project Coordination	9-May-16	ELDE	Temporary operational support for Radio Shop	NEW
POLICE	Gatke	James	102120 - Property and Evidence	11-Apr-16	TCSE	Until recruitment to fill currently vacant position is completed	NEW
POLICE	Jesse	Gonzales	106610 - Background & Recruiting	23-Apr-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	NEW
POLICE	Holsman	Jo Anne	103310 - Communications Unit	26-Apr-16	TCSE	Retired Dispatcher providing coverage pending permanent appointments.	NEW
WORKFORCE DEVELOPMENT	Joseph	Saxe	85521 - Public Art	2-May-16	TCSE	Temporary assignment supporting Public Art	NEW
WORKFORCE DEVELOPMENT	Kristy	Schaffler	85311 - Workforce Development	28-Mar-16	ELDE	ELDE pending recruitment for Project Manager III and permanent appointment	NEW
<b>COMPLIANT (80)</b>							
CITY ADMINISTRATOR	Berens	Matthew	02611 - Contract Compliance Unit	8-Jun-15	ELDE	Assisting with Measure FF (Minimum Wage) compliance	COMPLIANT
CITY ADMINISTRATOR	Dotson	Troy	02621 - Employment Services Unit	17-Aug-15	ELDE	Assisting with Measure FF (Minimum Wage) compliance	COMPLIANT
CITY ADMINISTRATOR	Hollenbeck	Joy	02491 - Oakland Animal Services	14-Sep-15	TCSE	Part time veterinarian; pending compensation review.	COMPLIANT
CITY ADMINISTRATOR	Moses	Stephen	02331 - Employee Relations	11-Apr-16	ELDE	Temporary support of labor relations backlog	COMPLIANT
CITY ADMINISTRATOR	Rozycki	Ari	02491 - Oakland Animal Services	18-Feb-15	TCSE	Part time veterinarian; pending compensation review.	COMPLIANT
CITY ADMINISTRATOR	Zuercher	Eric	02491 - Oakland Animal Services	26-Oct-15	ELDE	Temporary operational support	COMPLIANT
CITY ADMINISTRATOR	San Miquel	Ronald	02611 - Contract Compliance Unit	1-Jun-15	ELDE	Temporary assignment supporting the Disparity Study	COMPLIANT
CITY ADMINISTRATOR	Sylvester	Barbara	02311 - Equal Opportunity Programs	25-Jan-16	TCSE	Temporary support of high volume work.	COMPLIANT
CITY AUDITOR	Carnes	Mark	07111 - City Auditor Unit	7-Dec-15	TCSE	Temporary support of high volume work.	COMPLIANT
CITY AUDITOR	Pringle	Kimberly	07111 - City Auditor Unit	16-Feb-16	TCSE	Temporary support of high volume work.	COMPLIANT
CITY COUNCIL (DISTRICT 1)	Chafe	Zoe	00111 - District One Unit	22-Dec-15	TCSE	Providing support to Councilmember on highly specialized project.	COMPLIANT
ECON & WORKFORCE	Rodriguez	Sophia	85221 - Project Implementation: Staffing	28-Mar-16	TCSE	Project intern/support - temporary	COMPLIANT
FINANCE	Collins	Maya	08222 - General Ledger	21-Dec-15	ELDE	Supporting Oracle upgrade project.	COMPLIANT
FIRE	Kaplan	Joshua	20711 - Emergency Services Program Unit	12-Mar-16	TCSE	CORE PT instructor; PT class in development	COMPLIANT
HOUSING	Piper	Susan	89919 - Admin: Housing & Community Development	16-Mar-15	TCSE	Temporary Assignment supporting the City's Mandatory Seismic Retrofit Program	COMPLIANT
HUMAN RESOURCES	Rogosin	Peter	05211 - Employment and Classification Unit	4-Apr-16	ELDE	Temporary analyst support to address recruitment backlog.	COMPLIANT
HUMAN SERVICES	Adcock	Willie Mae	78231 - HS Classroom & Seasonal	11-Apr-16	TCSE	Food Service Worker PT - pending formal update of Oracle with new PT class	COMPLIANT
HUMAN SERVICES	Bryant	Shawn	78231 - Head Start Program	24-Oct-15	TCSE	Temporary role of Program Analyst II until list can be generated.	COMPLIANT
HUMAN SERVICES	Hoover-Alexander	Kathryn	78411 - Community Housing Services	8-Sep-15	TCSE	City of Oakland and Housing Consortium of the East Bay	COMPLIANT
HUMAN SERVICES	Jones Sr.,	Arlington	78231 - HS Classroom & Seasonal	29-Feb-16	TCSE	Food Service Worker PT - pending formal update of Oracle with new PT class	COMPLIANT
HUMAN SERVICES	Murillo	Alberto	78311 - Policy & Planning	18-Apr-16	TCSE	Administrative and Summer Parks Program temporary support	COMPLIANT
HUMAN SERVICES	Norris	Tabia	78251 - Youth Services	21-Sep-15	TCSE	Pending approval of PT classification.	COMPLIANT
HUMAN SERVICES	Okoh	Raelene	78231 - HS Classroom & Seasonal	17-Mar-16	TCSE	Head Start program temporary support	COMPLIANT
HUMAN SERVICES	Pragasa	Romulo	78241 - Year Round Lunch Program Unit	30-Jun-15	TCSE	Transport and deliver summer food to service sites.	COMPLIANT
HUMAN SERVICES	Rice	Erica	78311 - Policy & Planning	4-Jan-16	ELDE	Temporary assignment due to short term funding for program support.	COMPLIANT
HUMAN SERVICES	Smith	Anita	78231 - HS Classroom & Seasonal	19-Jan-16	TCSE	Providing training for CLASS requirements.	COMPLIANT
HUMAN SERVICES	Smith	Tarub	78231 - HS Classroom & Seasonal	29-Feb-16	TCSE	Food Service Worker PT - pending formal update of Oracle with new PT class	COMPLIANT
HUMAN SERVICES	Solomon	Kennedy	78311 - Policy & Planning	17-Feb-15	ELDE	Temporary assignment to Blight Abatement outreach project.	COMPLIANT
HUMAN SERVICES	Steward	Myisha	78411 - Community Housing Services	30-Nov-15	TCSE	Pending HR/dept determination of appropriate class for assignment.	COMPLIANT
HUMAN SERVICES	Susie	Ashley	78231 - HS Classroom & Seasonal	9-Apr-16	TCSE	Head Start program temporary support	COMPLIANT
HUMAN SERVICES	Walcott	Diana	78231 - HS Classroom & Seasonal	21-Sep-15	ELDE	attendance tracking and monitoring system to maintain OHS and CSPP contract compliance.	COMPLIANT
INFORMATION TECHNOLOGY	Astrera	Erwin	46261 - Server Maintenance and Support	3-Aug-15	ELDE	Temporary support for completion of the Microsoft 365 Project.	COMPLIANT
INFORMATION TECHNOLOGY	Moulton Sr.	Kofi	46461 - Project Coordination	29-Jul-15	TCSE	Temporary operational support	COMPLIANT
INFORMATION TECHNOLOGY	Salisbury	Janet	46411 - Administration	12-Oct-15	TCSE	Temporary role as Project Manager II until list can be generated.	COMPLIANT
INFORMATION TECHNOLOGY	Treglown	Donna	46321 - Systems & Database Administration	10-Feb-16	TCSE	Temporary operational support	COMPLIANT
MAYOR	Hegler	Terrell	01111 - Mayor - Administration Unit	15-Apr-16	ELDE	Administrative support serving as Assistant to the Deputy Chief of Staff	COMPLIANT
MAYOR	O'Doherty	Keara	01111 - Mayor - Administration Unit	15-Apr-16	ELDE	Administrative support serving as Special Assistant/Office Manager	COMPLIANT
PLANNING & BUILDING	Anderson	Elizabeth	84412 - Admin: Building Inspection	5-Jan-15	TCSE	Temporary assignment supporting City Clerk's records management program.	COMPLIANT
PLANNING & BUILDING	Block	LaVonce	84421 - Engineering: Permit Center	16-Mar-15	TCSE	Serving as temporary administrative support	COMPLIANT
PLANNING & BUILDING	Chaney-Williamson	Sylvia	84229 - Zoning	29-Feb-16	Annuitant	Temporary support of planning compliance backlog	COMPLIANT
PLANNING & BUILDING	Dumford	Kevin	8454 - Inspections:Commercial Building	17-Aug-15	ELDE	Pending recruitment	COMPLIANT
PLANNING & BUILDING	Guy	Ethan	84454 - Inspections: Neighborhood Preservation	17-Aug-15	ELDE	Assist with development of Proactive Rental Inspection Policy program	COMPLIANT
PLANNING & BUILDING	Silva Rodriguez	Adoracion	84412 - Admin: Building Inspection	27-Apr-15	TCSE	Serving as temporary administrative support	COMPLIANT
PLANNING & BUILDING	Smart	Gloria	84421 - Engineering: Permit Center	16-Mar-15	TCSE	Serving as temporary administrative support	COMPLIANT
POLICE	Byer	Judy	106610 - Background & Recruiting	12-Mar-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Donovan	Daniel	101120 - Internal Affairs	2-Jan-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD Internal Affairs.	COMPLIANT
POLICE	St. Claire	Michelle	101120 - Internal Affairs	30-Jan-16	TCSE	Per MOU Agreement; Annuitant supporting OPD Internal Affairs.	COMPLIANT

CIVIL SERVICE BOARD  
JUNE 2016 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS

DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	NOTES	STATUS
POLICE	Causapin	Nicole	102322 - Targeted Enforcement Task Force	27-Oct-15	TCSE	Until recruitment to fill two currently vacant PET positions is completed	COMPLIANT
POLICE	Lau	Peter	106610 - Background & Recruiting	10-Oct-15	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Lloyd	Jessica	102322 - Targeted Enforcement Task Force	24-Aug-15	TCSE	Until recruitment to fill two currently vacant PET positions is completed	COMPLIANT
POLICE	Green	Doretha	103310 - Communications Unit	2-Feb-15	Annuitant	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Grieve	Irma	103310 - Communications Unit	13-Feb-15	Annuitant	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Hill	Barbara	103310 - Communications Unit	2-Feb-15	Annuitant	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Knight	Drew	103310 - Communications Unit	22-Apr-15	TCSE	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Smith	Phylliss	103310 - Communications Unit	20-Jul-15	TCSE	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Chey	Tae	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Christmas	Ernest	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Fisher	James	106610 - Background & Recruiting	12-Oct-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Flynn	Dana	106610 - Background & Recruiting	12-Oct-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Hassna	Jeffrey	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Hicks	Mark	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Johnson	Carmen	106610 - Background & Recruiting	18-Jan-14	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Johnson	Steven	106610 - Background & Recruiting	18-Jan-14	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Juarez	Edward	106610 - Background & Recruiting	28-Feb-15	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Leaks	Delores	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Lighten	Ronald	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Mestas	Alfred	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Nguyen	Hung	106610 - Background & Recruiting	30-Jan-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Parker	Norma	106610 - Background & Recruiting	17-Mar-14	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Pressnell	Edward	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Quintero	Joseph	106610 - Background & Recruiting	12-Oct-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Taylor	Mayumi	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Thurston	Steven	106610 - Background & Recruiting	30-Jan-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Vaughn	John	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Yelder	Ronald	106610 - Background & Recruiting	30-Jan-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
PUBLIC WORKS	Barz	Sara	30275 - IPPD Plans and Programming	3-Aug-15	ELDE	Support to oversee administration of grant programs for outreach and evaluation of car sharing program	COMPLIANT
PUBLIC WORKS	Blackston	Christina	30274 - IPPD Plans and Programming	2-Aug-15	ELDE	Support to oversee administration of grant programs for outreach and evaluation of car sharing program	COMPLIANT
PUBLIC WORKS	Fine	Sarah	30275 - IPPD Plans and Programming	16-Feb-16	ELDE	Temporary operational support	COMPLIANT
WORKFORCE DEVELOPMENT	Lang	Janice	85221 - Project Implementation:Staffing	30-Aug-15	TCSE	Temporary assignment to cover incumbent who is on FMLA	COMPLIANT
WORKFORCE DEVELOPMENT	Zaremba	Kristen	85521 - Cultural Arts/PA	14-Sep-15	ELDE	ELDE pending recruitment for Manager, Cultural Arts and permanent appointment	COMPLIANT
<b>NON-COMPLIANT (6)</b>							
CITY ADMINISTRATOR	Kisamov	Bela	02491 - Oakland Animal Services	27-Aug-14	TCSE	Part time veterinarian; pending compensation review.	NON-COMPLIANT
CITY ADMINISTRATOR	Singer	Carl	02491 - Oakland Animal Services	3-Feb-01	TCSE	Part time veterinarian; pending compensation review.	NON-COMPLIANT
FIRE	Hutchens	Gail	20711 - Emergency Services Program Unit	15-Mar-06	TCSE	Department has concerns about the pay rate. Pending further review by HRM Class/Comp	NON-COMPLIANT
FIRE	Kelly	Michael	20815 - U.S.A.R	24-Jan-05	Annuitant	USAR Cache Mgr - highly specialized intermittent assignment.	NON-COMPLIANT
HUMAN SERVICES	Dupree	Kathryn	78235 - HS Central Office Administration	16-Jun-14	Annuitant	Temporary assignment to backfill for employee leave.	NON-COMPLIANT
HUMAN SERVICES	Ruhland	Lisa	78235 - HS Central Office Administration	5-Mar-15	ELDE	Temporary assignment pending recruitment for permanent position.	NON-COMPLIANT





**PORT OF OAKLAND**

**MEMO**

To: The Honorable City of Oakland Civil Service Board

Through: Anil Comelo, Director, Human Resources Management and Secretary to the Board

From: Christopher Boucher, Director of Human Resources *CB*

Date: June 6, 2016

RE: **Proposed Amended Changes to Port Personnel Rules and Procedures**

At the direction of the Civil Service Board, the Port of Oakland's Human Resources and Port Attorney's Office staff conferred with the City Attorney's Office with regards to the proposed changes to the Port Personnel Rules and Procedures ("Personnel Rules"). Upon its review, the City Attorney's Office proposed several changes in the areas of: Introduction, Sick Leave, Parental Leave, and Layoffs. This memorandum is intended to provide a summary of these recommended changes from the City Attorney's Office.

**I) Amendments to Introduction**

The proposed amendments to the Introduction section of the Personnel Rules is to further clarify and harmonize the relationship of the Port Department under the City of Oakland Charter, Article VII, Section 700, *et. seq.*, which provides that, "... subject to certain exceptions, all permanent places of employment in and under the Board<sup>1</sup> shall be included within the personnel system of the City subject to the provisions of Article IX."

**II) Amendments to Rule 8.02(h) – Verification of Illness – Abuse of Sick Leave**

The proposed amendments are intended to track and comply with the statutory provisions under Oakland City Council Resolution No. 85423, Section 9(C)<sup>2</sup> which stated that an employer who "reasonably suspects" an abuse of sick leave may require a physician's note or medical documentation to ensure that "an employee's subsequent use of paid sick leave is consistent with the Oakland Municipal Code section 5.92.030."

<sup>1</sup> City of Oakland Charter, Article VII, Section 714. The "Board" as defined under this section refers to the Board of Port Commissioners.

<sup>2</sup> Section 9(c) of the Oakland City Council Resolution 85423, titled, "Employer Verification of Employee's Use of Paid Sick Leave," specified that an employer who reasonably suspects an abuse of paid sick leave may require a physician's note or medical documentation for subsequent use of paid sick leave consistent with Oakland Municipal Code section 5.92.030.

The Honorable City of Oakland Civil Service Board  
Proposed Amended Changes to Port Personnel Rules and Procedures  
June 6, 2016  
Page 2

### **III) Amendments to Rule 8.03 – Parental Leave**

The proposed amendments are intended to correct a typographical error contained in the previous draft to ensure that the term “parental leave” is consistently shown to replace the previous term of “maternity leave.” The use of the term “parental leave” is intended to be consistent with existing legally-protected leaves, including disability leave laws, the Pregnancy Disability Leave<sup>3</sup>, and the California Family Rights Act<sup>4</sup>.

### **IV) Amendments to Rules 9.01 – Layoffs and Rule 9.02 – Layoff Procedures**

The proposed amendments are intended to clarify the existing City/Port procedures pertaining to layoffs involving common classifications, which would require the initiating principle to exhaust seniority-based bumping within either the City or the Port (the “initiating principle”) before the an incumbent affected by the layoff can use his/her seniority to bump a less senior City/Port employee.

A summary table showing the proposed amendments in track changes format are attached for reference (Attachment # 1). The Port appreciates the Civil Service Board’s continued guidance and looks forward to discussing this matter with the Civil Service Board at its June 16, 2016 meeting.

cc: Michelle Meyers, Deputy City Attorney  
Daniel Connolly, Deputy Port Attorney  
Kip Walsh, Human Resources Manager, City of Oakland  
Michael Mitchell, Acting Human Resources Manager, Port of Oakland

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<sup>3</sup> California Government Code § 12945.

<sup>4</sup> California Government Code § 12945.2.

**Attachment # 1**

<b>Rule Section / Title</b>	<b>Previous Port Proposed Amendments</b>	<b>City Attorney's Proposed Amendments to Previous Port Proposed Amendments</b>
Introduction	<p>Consistent with Section 900 ("Personnel Policy") of the City of Oakland Charter ("Charter"), there is in the City of Oakland a comprehensive personnel system based on merit; and pursuant to Charter Section 706 (21), the Board of Port Commissioners employs and appoints officers, employees and agents of the Port Department and prescribes and fixes their duties, authority and compensation; therefore, consistent with such authority, the operational functions described in these Personnel Rules are hereby delegated by the City Administrator to the Executive Director of the Port of Oakland ("Port") to facilitate the efficient and economical performance of those functions. Pursuant to the City Charter, the Municipal Code and the City of Oakland Personnel Manual of the Civil Service Board, the City Administrator shall be responsible for the administration of the City's comprehensive personnel system.</p>	<p><u>Pursuant to the City of Oakland Charter ("Charter"), Article VII, Section 700, et. seq., authorizes and establishes the Port Department and vests exclusive control and management of the Port Department with the Board of Port Commissioners ("Board"). As provided in Section 714, and subject to certain exceptions, all permanent places of employment in and under the Board shall be included within the personnel system of the City subject to the provisions of Article IX.</u></p> <p>Consistent with Section 900 ("Personnel Policy") of <del>Article IX of the City of Oakland Charter ("Charter")</del>, there is in the City of Oakland a comprehensive personnel system based on merit; and pursuant to Charter Section 706 (21), the Board of Port Commissioners employs and appoints officers, employees and agents of the Port Department and prescribes and fixes their duties, authority and compensation; therefore, consistent with such authority, the operational functions described in these Personnel Rules are hereby delegated by the City Administrator to the Executive Director of the Port of Oakland ("Port") to facilitate the efficient and economical performance of those functions. Pursuant to the City Charter, the Municipal Code and the City of Oakland Personnel Manual of the Civil Service Board, the City Administrator shall be responsible for the administration of the City's comprehensive personnel system.</p>

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<b>Rule Section / Title</b>	<b>Previous Port Proposed Amendments</b>	<b>City Attorney's Proposed Amendments to Previous Port Proposed Amendments</b>
<p>Rule 8.02(h) – Verification of Illness – Abuse of Sick Leave</p>	<p>A department head may require of any employee under her/his jurisdiction, who has been on sick leave for one or more working days, a doctor's certificate or other authoritative verification certifying that the illness was bona fide. He/she also may require that the employee be examined by the City <del>selected occupational Physician-physician</del> for the purpose of determining whether he/she is, in fact, <del>well enough fit for duty and able to return to her/his regular duties-;</del> <del>The the</del> employee concerned shall be considered on <del>sick an appropriate</del> leave status until the City <del>selected occupational Physician-physician</del> releases her/him for duty.</p> <p><del>Obvious a</del>Abuses of the sick leave privilege will result in <del>suspension of those privileges for a period of six months. Determination of abuse and the suspension of privileges will be made by the Civil Service Department and the City Physician, and any such suspension shall be by order of the Board. Further disciplinary action by the appointing authority may be taken where deemed appropriate</del>discipline up to and including discharge from employment.</p>	<p>A department head, <u>or his or her designee</u>, who reasonably <u>suspects an abuse of paid sick leave</u>, may require of any employee under her/his jurisdiction, who has been on sick leave for one or more working days, a doctor's certificate or other authoritative verification <u>for the employee's subsequent use of paid sick leave</u>, certifying that the illness was bona fide. He/she also may require that the employee be examined by the City selected occupational physician for the purpose of determining whether he/she is, in fact, fit for duty and able to return to her/his regular duties; the employee concerned shall be considered on an appropriate leave status until the City selected occupational physician releases her/him for duty.</p> <p>Abuses of the sick leave privilege will result in discipline up to and including discharge from employment.</p>
<p>Rule 8.03 – Parental Leave</p>	<p><del>An appointing power</del>The Executive Director of his/her <del>designee</del> may grant a maternity leave, with or without pay to any employee under her/his jurisdiction, <del>subject to</del> <u>as is consistent the following regulations:</u></p> <p>(a) <del>No leave may be granted for a period exceeding one year.</del></p> <p>(b) <del>A department head may require an Employee to</del></p>	<p>The Executive Director of his/her designee may grant <del>maternity-parental</del> leave, with or without pay to any employee under her/his jurisdiction as is consistent the CFRA, the Pregnancy Disability Leave Law, these rules and the employee's Port/Union MOU, if applicable.</p>

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Rule Section / Title	Previous Port Proposed Amendments	City Attorney's Proposed Amendments to Previous Port Proposed Amendments
	<p><del>take a leave of absence at as any time during her CFRA, the Pregnancy for reasons of health and safety, upon recommendation of the City Physician; or for reasons of unsatisfactory work performance due to the Employee's physical condition Disability Leave Law, these rules and the employee's Port/Union MOU, if applicable.</del></p> <p><del>(c) Before returning to duty following a maternity leave, an employee shall present to the City Physician a statement from her own physician stating that she is physically able to return to work. (C.S. Res. 4347-7-10/11/79)</del></p>	
<p>Rules 9.01 – Layoffs</p>	<p>Whenever there shall be need for a layoff, the staff shall be reduced in accordance with the procedure set forth in section 9.02-03 of these rules.</p> <p><u>Port-initiated Layoffs-layoffs</u> shall be on a Citywide basis within each class subject to a reduction in force; provided, however, that an incumbent who was selectively certified to a position in accordance with Section 5.03 may not be displaced by another employee lacking the skills required for the selective certification to the position. Among <u>Port</u> employees possessing the requisite skills for selective certification the provisions of section 9.02-03 shall apply. The criteria applied in determining the particular <u>Port</u> employee(s) to be moved or laid off and the order of layoff shall be those criteria as specified in section 9.02. [Amended 5/12/2011 CSB]</p> <p><del>Employees</del> <u>Port employees</u> who are laid off shall have</p>	<p>Whenever there shall be need for a layoff, the staff shall be reduced in accordance with the procedure set forth in section 9.03 of these rules. <u>In the event of a layoff involving a common class, the controlling principle shall require, for the purposes of a Port-initiated layoff, that a Port incumbent first exhaust seniority-based bumping within the Port before the incumbent can use his/her seniority to bump a less senior City employee. Likewise, for a City-initiated layoff in a common class, the City incumbent must first exhaust seniority-based bumping within the City before the incumbent can use his/her seniority to bump a less senior Port employee.</u></p> <p><u>Consistent with the controlling principle articulated above,</u> Port-initiated layoffs shall be on a Citywide basis within each <u>common</u> class subject to a reduction in force; provided, however, that an incumbent who was selectively certified to a position in accordance with Section 5.03 may not be displaced by another employee lacking the skills</p>

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Rule Section / Title	Previous Port Proposed Amendments	City Attorney’s Proposed Amendments to Previous Port Proposed Amendments
	<p>their names placed on the appropriate reinstatement list ranked by seniority from highest to lowest. <del>Employees</del> <u>Port employees</u> on the reinstatement list shall be entitled to reappointment to positions in the same classes where such positions are to be refilled during the period of their eligibility on the reinstatement list, or to similar classes for which no reinstatement list exist, regardless of which appointing authority has the vacancy to be filled. [Amended 5/12/2011 CSB]</p>	<p>required for the selective certification to the position. Among Port employees possessing the requisite skills for selective certification the provisions of section 9.03 shall apply. The criteria applied in determining the particular Port employee(s) to be moved or laid off and the order of layoff shall be those criteria as specified in section 9.02.</p> <p>Port employees who are laid off shall have their names placed on the appropriate reinstatement list ranked by seniority from highest to lowest. Port employees on the reinstatement list shall be entitled to reappointment to positions in the same classes where such positions are to be refilled during the period of their eligibility on the reinstatement list, or to similar classes for which no reinstatement list exist, regardless of which appointing authority has the vacancy to be filled.</p>
<p>Rule 9.02 – Layoff Procedures</p>	<p>Whenever it becomes necessary to reduce a <u>Port</u> staff under the provisions of section 9.01 of these rules, no permanent <u>Port</u> employee in the affected class shall be laid off while there are employees without status in the same class. Employees without status in such class shall be separated in the following order: (1) temporary; (2) probationary. Pursuant to City Charter section 9.02(e), “no...contract for service shall result in the loss of employment or salary by any person having permanent status in the competitive service.” Any alleged violation(s) of the Charter section shall be adjudicated through the grievance process of the affected Memorandum of Understanding. [Amended 5/12/2011 CSB]</p>	<p>Whenever it becomes necessary to reduce Port staff under the provisions of section 9.01 of these rules, no permanent Port employee in the affected class shall be laid off while there are employees without status in the same class. Employees without status in such class shall be separated in the following order: (1) temporary; (2) probationary. Pursuant to City Charter section 9.02(e), “no...contract for service shall result in the loss of employment or salary by any person having permanent status in the competitive service.” Any alleged violation(s) of the Charter section shall be adjudicated through the grievance process of the affected Memorandum of Understanding. If further staff reductions are required after temporary and probationary Port employees in the affected class are separated, then the least senior permanent Port employee</p>

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	<p>If further staff reductions are required after temporary and probationary <u>Port</u> employees in the affected class are separated, then the least senior permanent <u>Port</u> employee shall be laid off. <del>[Added 5/12/2011 CSB]</del></p> <p>In conducting a layoff, the <del>appointing authority shall communicate with the Personnel Director regarding the position(s) to be reduced. The Personnel Director</del><u>Executive Director of his/her designee</u> shall create a seniority list of the <u>Port</u> employees in the affected classes, compiled on a <del>City</del><u>Port</u>-wide basis, in accordance with the method described in subsections (a) and (b) below. <del>[Amended 5/12/2011 CSB]</del></p> <p><del>If the incumbent in the position to be eliminated is more senior than another incumbent in the same affected class within the same department, then the least senior incumbent shall be moved to a position in the same class in another department, provided they have more seniority than the least senior incumbent in such other departments. The same process shall apply to all employees displaced by this process</del><u>is a common class with the City, the Executive Director or his/her designee shall forward to the Personnel Director a seniority list for such class. [Added 5/12/2011 CSB]</u></p> <p>If the affected class has been deemed a City/Port common class, then once this process has been exhausted within the City, if the least senior incumbent at the City has more seniority than an incumbent at the Port Department, that City</p>	<p>shall be laid off.</p> <p>In conducting a layoff, the Executive Director of his/her designee shall create a seniority list of the Port employees in the affected classes, compiled on a Port-wide basis, in accordance with the method described in subsections (a) and (b) below.</p> <p>If an affected class is a common class with the City, the Executive Director or his/her designee shall forward to the Personnel Director a seniority list for such class. <u>If the Port incumbent in the position to be eliminated is more senior than another incumbent in the same class at the Port, then the least senior Port incumbent shall be moved to a position in the same class in another City department, provided that he/she has more seniority than the least senior City incumbent in such other City departments, and if so, the least senior City incumbent citywide shall be laid off. If not, the least senior Port incumbent shall be laid off.</u></p> <p><u>Conversely, in the event of a City-initiated layoff in a common class, if a City incumbent in a position to be eliminated is more senior than another incumbent in the same class at the City, then the least senior City incumbent shall be moved to a position in the same class at the Port department provided he/she has more seniority than an incumbent in the same class at the Port, and if so, the least senior Port incumbent shall be laid off. If not, the least senior City incumbent shall be laid off.</u></p>

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	<p>incumbent shall move to the Port Department and the least senior incumbent at the Port Department shall be laid off. Conversely, once this process has been exhausted within the Port Department, if the least senior incumbent at the Port Department has more seniority than an incumbent at the City, that Port Department incumbent shall move to the City and the least senior incumbent at the City shall be laid off. <del>{Added 5/12/2011 CSB}</del></p> <p>An affected <u>Port</u> employee shall be notified in writing by certified mail or by direct submission at least ten (10) working days prior to the date of layoff, and the notice shall contain the reason for the layoff or movement to another position. Affected departments shall be provided with copies of the notices sent to laid off <u>Port</u> employees. <del>{Amended 5/12/2011 CSB}</del></p> <p style="text-align: center;">...</p>	<p><del>If the affected class has been deemed a City/Port common class, then once this process has been exhausted within the City, if the least senior incumbent at the City has more seniority than an incumbent at the Port Department, that City incumbent shall move to the Port Department and the least senior incumbent at the Port Department shall be laid off. Conversely, once this process has been exhausted within the Port Department, if the least senior incumbent at the Port Department has more seniority than an incumbent at the City, that Port Department incumbent shall move to the City and the least senior incumbent at the City shall be laid off.</del></p> <p>An affected Port employee shall be notified in writing by certified mail or by direct submission at least ten (10) working days prior to the date of layoff, and the notice shall contain the reason for the layoff or movement to another position. Affected departments shall be provided with copies of the notices sent to laid off Port employees.</p> <p style="text-align: center;">...</p>

September 15, 2014 June 8, 2016 (Port)

PERSONNEL MANUAL RULES AND PROCEDURES

Civil Service Board

City of Oakland, California

Adopted: March 14, 2013

OF THE

PORT OF OAKLAND

(Established by Port Ordinance No. \_\_\_\_\_)

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## INTRODUCTION

This Personnel Manual sets forth Personnel Rules of the Civil Service Board (hereafter “Rules”) which generally describe the employment relationship between the City of Oakland and its employees. These Rules apply to all City and Port of Oakland employees Pursuant to the City of Oakland Charter (“Charter”), Article VII, Section 700, et. seq., authorizes and establishes the Port Department and vests exclusive control and management of the Port Department with the Board of Port Commissioners (“Board”). As provided in Section 714, and subject to certain exceptions, all permanent places of employment in and under the Board shall be included within the personnel system of the City of Oakland (“City”) subject to the provisions of Article IX.

Consistent with Article IX, Section 900 (“Personnel Policy”) of the City of Oakland Charter (“Charter”), there is in the City of Oakland a comprehensive personnel system based on merit; and pursuant to Charter Section 706 (21), the Board of Port Commissioners employs and appoints officers, employees and agents of the Port Department and prescribes and fixes their duties, authority and compensation; therefore, consistent with such authority, the operational functions described in these Personnel Rules are hereby delegated by the City Administrator to the Executive Director of the Port of Oakland (“Port”) to facilitate the efficient and economical performance of those functions. Pursuant to the City Charter, the Municipal Code and the City of Oakland Personnel Manual of the Civil Service Board, the City Administrator shall be responsible for the administration of the City’s comprehensive personnel system.

These Personnel Rules and Procedures (hereinafter “Rules”), as adopted by the Board of Port Commissioners, (hereinafter “Rules”) generally describe the employment relationship between the Port of Oakland, acting by and through its Board of Port Commissioners, and its classified employees. The Oakland Municipal Code, Section 2.08.050 (Port Department), describes the authority of the Board of Port Commissioners to establish personnel rules and procedures and provides in pertinent part that:

Subject to the approval of the Civil Service Board, the Board of Port Commissioners is authorized to establish personnel rules and procedures to provide for the administration of such rules for employees of the Port Department. Any such rules and procedures shall be consistent with and subordinate to: (1) the City Charter, (2) this chapter, and (3) rules adopted by the Civil Service Board (Personnel Manual) (collectively, “City Civil Service Rules”). In the event of any conflict between the Port personnel rules and procedures and the City Civil Service Rules, the City Civil [Service] Rules shall control.

These Personnel Rules and Procedures apply to all Port of Oakland (“Port”) employees in the competitive civil service, except where otherwise indicated in these Rules, or where an applicable Memorandum of Understanding (“MOU”) specifically conflicts with a Rule, in which case the MOU provision shall govern. The competitive civil service consists of all employees who are not in positions exempted by action of the Civil

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Service Board or exempted by section pursuant to Article VII, Section 714 and/or Article IX, Section 902 of the City of Oakland Charter as it may be amended.

These Rules were established to conform with and be complementary to the City Charter. In cases of conflict between a Rule and the City Charter, the Charter shall prevail.

No person shall be discriminated against in any aspect of employment, including but not limited to, recruitment, examination, hiring, promotion and/or discipline, on the basis of race, color, religion/religious creed, marital status, national origin/ancestry, sex, gender, gender identity, gender expression, pregnancy, sexual orientation, physical or mental disability, medical condition, genetic information, AIDS/HIV status, military or veteran status, age, citizenship or on any other status protected by federal, state or local law.

The City's/Port's labor relations policies are governed by the Meyers-Milias-Brown Act (MMBA), Government Code section 3500 et seq. ~~The City has enacted~~ By Ordinance No. 1688 ("An Ordinance Establishing Rules and Regulations for the Administration of Port of Oakland Employer-Employee Relations Resolutions which specify the City's local"; "EERO"), the Port adopted rules, rights and obligations regarding labor relations. ~~Under the City's and regulations governing Employer-Employee Relations Resolutions (EERR).~~ Under the Port's EERO, and the MMBA, the City/Port recognizes certain employee organizations as the exclusive representative of certain Port employees for purposes of labor relations. For represented employees, the City/Port meets and confers with employee labor representatives regarding wages, hours and others terms and conditions of employment, and provides advance notice of certain matters as specified by the Employer-Employee Relations Resolutions, EERO. Whenever any amendments to these Rules fall within the scope of bargaining under the MMBA, ~~EEER~~ EERO or other applicable laws, they shall be subject to meet and confer.

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## RULE 1 - DEFINITIONS

### Section 1.01 – Glossary of Terms.

The words and terms described in this section, to the extent that they are used in these Rules and elsewhere in documents relating to Civil Service processes, unless the context otherwise requires, shall have the following meanings:

- (a) Absence – an absence occurs when there is an incumbent, and that individual is expected to be off the job for a period of 120 days or less.
- (b) Actual Time in Class – paid service in a class plus unpaid leaves of absence of thirty (30) consecutive days or less. Unpaid leaves of absence of greater than thirty (30) consecutive days shall not be counted as actual time in class unless required by law or memorandum of understanding. For the purpose of Section 9.02(b), disciplinary suspensions shall not be counted as actual time in class. [Added 05/12/2011-CSB]
- (c) Allocation – the official determination of the class in which a position in the competitive civil service shall be deemed to exist and the assignment of such position to the appropriate class in the competitive civil service.
- (d) Applicant – a person who has filed an application for examination.
- (e) Appointing Authority – for positions in the Port department, any Port official or group of Port officials having authority by legislation or Charter, or the Bylaws of the Board of Port Commissioners, or having lawfully delegated authority, to make appointments to or cause a removal from any position in a specified the Port department, division or office of the City government.
- (f) Appointment – the designation of a person by due authority the Appointing Authority to become an employee in a position, and her/his induction into employment in such position.
- ~~(g) Board – the Civil Service Board of the City of Oakland.~~
- (g) Board of Port Commissioners – A body composed of seven members appointed by the City Council upon nomination by the Mayor that which is vested with the exclusive control and management of the Port Department (Charter, Article VII, and Section 701).
- ~~(h) Civil Service Board – A body constituted and appointed as provided in Article VI of the Charter and responsible for the general supervision of the City's personnel system (Charter, Article IX, Section 901).~~
- ~~(h)(i) Candidate – a person participating in a selection process.~~
- ~~(i)(j) Certification – the Personnel Director's transmittal by the Port's Executive Director or his/her designee to a hiring department of names of available candidates for employment from a list of eligibles in the manner prescribed in these Rules.~~
- ~~(j)(k) Charter – the Charter of the City of Oakland.~~

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- (k)(l) Class or Class of Positions – a position or group of positions for which a common descriptive job title may be used, as defined by similar education, experience, knowledge, duties, qualifications and compensation schedule.
- (l)(m) Class Title – the designation given to a class, to each position allocated to such class and to the incumbent occupying any such position. Its meaning is set forth in the corresponding class specification.
- (m)(n) Classification Plan – an orderly arrangement of titles and descriptions of separate and distinct classes in the competitive civil service.
- (n)(o) Clear and Convincing Evidence – proof that is so clear, explicit and unequivocal as to leave no substantial doubt in a reasonable mind.
- (o)(p) Compensation – the salary and wages earned by or paid to any employee in remuneration for services in any position, but does not include allowances for expenses authorized and incurred as incident to employment.
- (p)(q) Compensation Plan – a series of schedules of salaries and wages established for the several classes of positions in the classification plan, and the method of administration; otherwise referred to as the Port of Oakland Budget and Staffing Plan.
- (q)(r) Competitive Civil Service – all positions now existing or hereafter created under any of the City departments, boards or commissions enumerated by the City Charter, Port Department and approved by the Civil Service Board, but not including those positions specifically exempted from the competitive civil service by section pursuant to Article VII, Section 714 and/or Article IX, Section 902 of the Charter or otherwise exempted by the Civil Service Board.
- (r)(s) Competitive Examination – an examination, either assembled or unassembled, in which one (1) or more candidates are in competition, either with each other or against a standard established by the Personnel Port's Director of Human Resources as the minimum acceptable which candidates must possess in order to competently perform the duties of a position.
- (s)(t) Conclusion of Appointment – the involuntary separation of a non-permanent and non-probationary employee for any reason authorized by these rules other than discharge, removal or layoff.
- (t)(u) Day – a day shall be a calendar day unless otherwise specified. A working day shall be any day that the CityPort is regularly open for business.
- (u)(v) Demotion – a change of an employee in the CityPort service from a position of one (1) class to a position of another class for which a lower schedule of pay is prescribed.
- (v)(w) Discharge – separation from employment as a disciplinary measure or for failure to maintain requirements of minimum qualifications.
- (w)(x) Domestic Partner – a person who has registered for a Certification of Domestic Partnership and who is in a committed relationship with a CityPort

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employee, in which two (2) cohabiting, unrelated people over the age of 18, share common responsibility for the necessities of life and have resided together for at least six (6) months prior to registering for a Certificate of Domestic Partnership.

~~(x)~~(y) Eligible – a person whose name is recorded on an eligible list or reinstatement list.

~~(y)~~(z) Eligible List – any of the lists of names of persons who have been found qualified through suitable examination for employment in a specific class of position in the competitive civil service arranged in rank order.

~~(z)~~(aa) Employee – a person legally occupying a position in the CityPort service in accordance with applicable rules and procedures of the CityPort and shall include ~~officers as provided those Port positions referenced in or designated pursuant to section 400 of the Charter. Article VII, Sections 706 and 714 and in Article IX, Section 902(c).~~

(aa)(bb) Examination – all the tests of fitness, taken together, that are applied to determine the eligibility of applicants for positions of any class in the competitive civil service.

- i. Assembled Examination – an examination in which applicants are called together in one (1) or more designated places to compete in tests according to procedures established and controlled by the PersonnelPort's Director of Human Resources.
- ii. Unassembled Examination – an examination in which applicants are subject only to general controls as to the manner in which required material is submitted to the examining staff for review and rating, and usually not involving the calling of applicants together.

(cc) Executive Director: a classification that ~~which is exempt from the City's Personnel System (Charter, Article VII, Section 714) and that which is employed and appointed by the Board of Port Commissioners (Charter, Article VII, Section 706(21)) to efficiently and economically carry out such Board's functions.~~

~~(bb)~~ (dd) Final Earned Rating – the final percentage attained by a candidate in an examination -as computed in accordance with section 4.10.

~~(ee)~~ (ee) Layoff – the separation of an employee from her/his position in a class without fault on her/his part because of lack of work or funds. {Amended 5/12/2011 CSB}

~~(dd)~~ (ff) New Position – a position created through the authorized addition of a position not previously existing.

~~(ee)~~ (gg) Part-time Employee – a person occupying a position CityPort service under one (1) of the following conditions:

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- i. Classified – employee working in a classified position on a permanent basis, working less than the normal hours of the normal work week for ~~that~~the Port department.
- ii. ii Exempt – employee working in an exempt position on a part-time basis.
- iii. (hh) Permanent Employee – an employee who has satisfactorily completed a probation period and whose regular appointment has been approved by the appointing authority.
- iv. (ii) Position – an individual employment in a particular class.
  - v. i Limited Duration - a position created for a specific purpose or due to an urgent need of limited duration.
  - vi. ii Exempt - a position not included in the competitive civil service by reason of the Charter or exemption by the Civil Service Board.
  - vii. iii Permanent - a position in the competitive civil service, which has required or which is intended to require, the services of an incumbent without interruption for a period of more than 120 calendar days.
  - viii. iv Temporary - a position in the competitive civil service which has required, or is intended to require, the services of an incumbent for a period not to exceed 120 calendar days, except as otherwise provided in these Rules.
- ix. (jj) Promotion – the change of an employee in the competitive civil service from a position of one (1) class to a position of another class, for which a higher maximum base rate of pay is provided in the compensation plan and which involves increased or more complex duties.
- x. (kk) Promotional List – a list of names of persons arranged in order of ratings/scores, as provided by these Rules, who have been found qualified for promotion to a higher position or positions.
- xi. (ll) Reassignment – The voluntary or involuntary assignment of any employee from one position to another position in the same or similar class under the jurisdiction of a single appointing authority.
- xii. (mm) Reassignment to Accommodate a Disability – reasonable accommodation of an employee with a disability through assignment to a vacant, funded position pursuant to section 5.10 of these Rules.
- xiii. (nn) Reclassification – the reassignment or change in allocation of an individual position on the basis of significant changes in the kind or difficulty of duties and responsibilities of such position.
- xiv. (oo) Redesignation – the designation of the incumbent in a position without affecting her/his status in the position in the event of a title change.

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~~xxv.~~ (pp) Re-employment – the re-employment of a permanent employee who has resigned in good standing to a position in the same or similar class from which he/she resigned, within an allowable time period as provided by section 5.11 of these Rules.

~~xxvi.~~ (qq) Reinstatement – the process of returning a person to her/his class from a reinstatement list after that person was laid off from her/his class. [Added 5/12/2011 CSB]

(rr) Reinstatement List – an eligible list of names of persons, arranged in the order as provided by Rule 9, who have been laid off from a position in the competitive civil service, and who are entitled to have their names certified to appointing authorities under the provisions of Rule 9. [Amended 5/12/2011 CSB]

~~xxvii.~~ (ss) Release – separation due to failure to complete probation.

~~xxviii.~~ Removal – separation due to failure to complete probation.

~~xxix.~~ (tt) Resignation – the voluntary separation of an employee from employment.

~~xxx.~~ (uu) Restricted Examination – an examination limited to specific full-time or part-time CityPort employees who meet the minimum qualifications of the class to be examined.

~~xxxi.~~ (vv) Selection Process – the process of evaluating applicants for the competitive civil service. The selection process includes recruitment, application, screening, examination, certification, interview, appointment and the probationary process.

~~xxxii.~~ (ww) Separation – the cessation of a person’s employment from CityPort service, including but not limited to resignation, medical separation, retirement, conclusion of appointment, ~~removal~~release, and discharge.

~~xxxiii.~~ (xx) Series – a subdivision of a group in the classification plan, being a collection of classes in one occupational group having similar duties but usually at different pay schedules.

~~xxxiv.~~ (yy) Shall and May – “shall” is mandatory and “may” is permissive.

~~xxxv.~~ (zz) Suspension – the temporary separation of an employee from her/his position with loss of pay and as a disciplinary measure. [Amended 5/12/2011 CSB]

~~xxxvi.~~ (aaa) Temporary Vacancy – a vacancy where there is an incumbent, but that individual is expected to be off for more than 120 days.

~~xxxvii.~~ (bbb) Test – one part of an examination.

~~xxxviii.~~ (ccc) Transfer – the transfer of a classified employee from a position under the jurisdiction of one appointing authority to a position under another appointing authority. Transfers are with the consent of the employee and the approval of the ~~Personnel~~Port’s Director of Human Resources and the consent of the appointing authorities concerned, provided the positions are in the same or similar class.

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~~xxx.~~ (ddd) Weight – the numerical value given to each part of an examination designating the relative worth and used in computing a final score or rating.

~~xxx.~~ (eee) Y-rated Salary – when an employee is reallocated to a classification with a lower base rate of pay, the salary of an employee is fixed at the rate the employee was earning at the time of the reallocation until the salary rate for the position to which the employee is reallocated reaches or exceeds the level of salary that the employee is receiving.

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**RULE 2 - ORGANIZATION, RULES AND PROCEDURES**

Section 2.01 – Duties of City Administrator and Personnel ~~the Port's Executive Director.~~  
 The ~~City Administrator~~ Port's Executive Director shall be responsible for the management of ~~Port administration of the Port's personnel system~~ in accordance with Charter sections 706(21) and -901-, Oakland Municipal Code Section 2.08.050, these rules and applicable Port Ordinances, the Bylaws of the Board of Port Commissioners, Resolutions and Administrative policies. ~~The City Administrator shall appoint a Personnel~~ Port's Executive Director who shall have the following duties, subject and, at his/her discretion, may delegate them to the direction ~~Port's Director of the City Administrator~~ Human Resources:

- (a) Direct the efficient operation of the ~~Personnel Department of the City;~~ Port personnel;
- (b) Prepare and maintain the Port Personnel Manual ~~Rules and Procedures, with proposed modifications thereto subject to the approval of the Civil Service Board;~~
- (c) Prepare, maintain and, subject to Civil Service Board approval, amend the position classification plan, including detailed classification descriptions;
- (d) Administer the selection process for positions ~~in~~ at the competitive civil service ~~Port of Oakland~~ and maintain eligible lists of qualified candidates;
- ~~(e) Act as Secretary to the Civil Service Board; and~~
- ~~(f)~~ (e) \_\_\_\_\_ Perform other duties as the City Administrator ~~Board of Port Commissioners may assign.~~

Section 2.02 – Civil Service Board ~~Duties of the Civil Service Board.~~ The functions and duties of the Civil Service Board are as follows:

- (a) Enforce, through general supervision of the personnel system, the provisions of these rules;
- (b) Review and approve amendments to the ~~Personnel Manual~~ Rules and Procedures of the Port proposed by the City Administrator, Executive Director or the Board of Port Commissioners, except those that are administrative in nature, subject to and in accordance with OMC 2.08;
- (c) Study, investigate and research into such areas and matters as the City Administrator, or the Council through the City Administrator, ~~or the Board of Port Commissioners, or the Executive Director through~~ the Board of Port Commissioners, may request, or as it may deem advisable;
- (d) Make reports and recommendations in writing thereon and formulate policy recommendations or recommended changes to the Personnel Manual Rules and Procedures of the Port for the better realization of the objectives of the personnel system as set forth in the Charter,
- (e) Approve exemption of positions from the competitive civil service;

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- (f) Perform the appellate duties and functions set forth in these Rules;
- (g) The Civil Service Board, or its designated representative, may, upon its own initiative, make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of the City Charter as related to matters of personnel management, and of the rules adopted in accordance therewith, and make such recommendations therewith, and make such recommendations to the appropriate authorities as in its judgment may be warranted; and
- (h) Perform such other duties and functions as the City Administrator or Executive Director may from time to time request.

~~Section 2.03—Civil Service Board Composition. The Board shall consist of seven (7) members who will be appointed pursuant to section 601 of the Charter, and who shall serve without compensation. Members shall be appointed for a term of four (4) years, said terms to commence upon the date of appointment. An appointment to fill a vacancy shall be for the unexpired term only. [OMC 2.08.030]~~

~~Section 2.04—Vacancy and Removal on Civil Service Board. A vacancy on the Board will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council. A member may be removed pursuant to section 601 of the Charter. Cause for removal shall include: conviction of a felony, misconduct, incompetence, inattention to or inability to perform duties, and unexcused absence from meetings. [OMC 2.08.030]~~

~~Section 2.05—Officers, Meetings of Civil Board. Each year at its first regular meeting in July, the Board shall elect a chairperson and vice-chairperson from among its members. The Board shall meet at least once each month in City Hall, at an established time suitable for its purpose. Such meetings shall be designated regular meetings. Meetings called by the Mayor or City Administrator, and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of special meetings shall be given to the Board members, the Council, the City Administrator, the Board of Port Commissioners, and the press at least forty-eight (48) hours before the meeting is scheduled to convene. [OMC 2.08.030]~~

~~Meetings of the Board shall be open and shall provide opportunity for public comment on any agenda item and in open forum. The Board shall have authority to meet in closed session pursuant to the Brown Act and the City's Sunshine Ordinance and lawful notice of closed session shall be given.~~

~~Section 2.06—Civil Service Board Procedures. The Section 2.03 – Civil Service Board Procedures. The Civil Service Board shall, in consultation with the City Administrator and with the approval of the Council, establish procedures for the conduct of its meetings and hearings. Assuming at least a quorum of the Board is present, a majority vote of those members present is required for the adoption of any procedural or appellate motion. A quorum shall consist of four (4) members of the Board. The Civil Service Board shall~~

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make its reports, findings and recommendations in writing unless otherwise requested. All reports, findings and recommendations shall be submitted to the City Administrator. The City Administrator shall forward such reports, findings and recommendations to the Council, the Executive Director, or the Board of Port Commissioners, as appropriate.  
~~{OMC 2.08.030}~~

Section 2.0704 – General Appeal Procedure. Except as provided elsewhere in these Rules, appeals shall be filed with the Secretary to the Civil Service Board. The appeal shall be scheduled for the next regularly scheduled meeting of the Civil Service Board and may be continued by the Civil Service Board. At the meeting, the appointing authority, employee and/or affected union shall have an opportunity to present their positions, either orally or in writing. ~~The Personnel~~Port's Executive Director or his/her/his designee shall also have an opportunity to be heard by the Civil Service Board. ~~The Board~~ who shall issue a final decision regarding the dispute.

~~Section 2.08 – City Attorney Duties.~~ The City Attorney shall provide staff counsel to the Board, including in disciplinary appeal hearings, subject to applicable due process and ethical obligations.

~~Section 2.09~~Section 2.05 – Staffing for Civil Service Board. The City Administrator shall provide the Civil Service Board with assistance from City employees under her/his jurisdiction.

~~Section 2.4006 – Port Department.~~ The Board of Port Commissioners is hereby authorized to establish personnel rules and procedures consistent with ~~Ordinance 8979 and Oakland Municipal Code Section 2.08.050 and the Charter and Oakland Municipal Code Section 2.08.050~~ and to provide for the administration of such rules for employees of the Port Department. ~~Until the Board of Port Commissioners adopts such personnel rules and procedures, the rules of the Board, insofar as they are consistent with OMC 2.08.050, shall remain in effect with respect to Port employees.~~

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### RULE 3 - CLASSIFICATION OF POSITIONS

Section 3.01 – Competitive Civil Service. All positions in the ~~City~~Port shall be in the competitive civil service except those positions designated in ~~section~~Article VII, Section 714 and Article IX, Section 902 of the City Charter or otherwise exempted by the Civil Service Board. All positions in the competitive civil service shall be under the jurisdiction of the Civil Service Board. No appointment to positions within the competitive civil service shall be made except in accordance with ~~these~~the Port Personnel Rules and Procedures.

Section 3.02 - Definition of Classification Plan.

- (a) Classification of Positions: All positions in the competitive civil service shall be grouped into classes, and each class shall include those positions sufficiently similar in respect to their duties, functions, and responsibilities so that similar positions may be assigned similar titles and embraced within the same class specifications, so that similar requirements as to training, experience, knowledge, skill, and ability, and same rates of pay are applicable. The purpose of such classification is to provide uniform standards, uniform pay scales and an orderly means of regulating the status of incumbents. The classification plan fixes titles of positions to their proper classes so that all positions with the same titles may be in the same class. The classification plan shall identify job series and feeder classes, where applicable.
- (b) Preparation and Amendment of Classification Plan: The classification plan for the Port Department, including class specifications, shall be prepared, maintained and, subject to Civil Service Board approval, amended by the PersonnelPort's Executive Director or his/her designee.
- (c) Purpose and Effect of Class Specifications: Each class specification describes the main characteristics and qualification requirements of positions in the class and gives examples of specific duties which employees holding such positions may properly be required to perform. Class specifications provide a basis for determining the relationship among classes, including the series to which a classification belongs, where applicable. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks of related kind or character or skills.
- (d) Performance of Higher Level Duties: When an employee is assigned to perform duties of a higher class for training purposes, the PersonnelPort's Executive Director or his/her designee must be informed and such training is subject to her/his approval as to the individual working out of classification. The basis for approval shall be that benefit accrues to both the employee and the CityPort as a result of this training. Such training shall not be of more than six (6) months' duration.
- (e) Application of Specifications to Positions: In determining the class to which a position should be allocated, the specification of each class shall be considered in

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its entirety and in relation to the specification of other classes in the classification plan; and the position shall be related to other positions of its kind in the City/Port service.

- (f) Statement of Minimum Qualifications: The statement of qualifications in a class specification is intended to be used in determining the admissibility of applicants to competitive examinations, and as an aid in the preparation of such examinations. The minimum qualifications may also be used in determining the relationship between positions in one class and positions in other classes. The Personnel/Port's Executive Director or his/her designee, after consultation with the appointing ~~authorities~~authority, shall determine desired combinations of training and experience as minimum qualifications for the respective classes and, subject to Civil Service Board approval, these minimum qualifications shall become part of the class specification.

Section 3.03 - Title of Positions. The class title of a position shall be used to designate such position in all budgets, payrolls, the Port's Staffing Plan, and other official records in connection with all personnel transactions. No employee shall be appointed, employed or paid under any title or position other than that to which he/she was appointed, except in cases of acting pay.

Section 3.04 - Administration and Maintenance of the Classification Plan.

- (a) Responsibilities of the Personnel Director and the Civil Service Board: The Civil Service Board shall oversee and the Personnel Director shall administer and maintain the classification plan.
- (b) Creation of New Classifications: New classifications in the competitive Civil Service shall be subject to meet and confer to the extent required by law and shall become effective upon approval by the Civil Service Board, as is consistent with City Charter Section 706(21) and Oakland Municipal Code Section 2.08.050 and ~~City Charter Section 706(21)~~ and ratification by the Board of Port Commissioners. In recommending the establishment of a new classification, the Personnel/Executive Director or his/her designee shall submit to the Civil Service Board a class title and specification for such classification. The date of the Civil Service Board's and the Board of Port Commissioners' action shall be included on new class specifications.
- (c) Amendments to Class Specifications: Amendments to existing class specifications that fall within the mandatory scope of bargaining shall be subject to meet and confer. In the event that the affected union agrees with the proposed amendments, the amended class specification shall be effective upon approval ~~of~~by the Personnel/Executive Director or his/her designee, subject to the following: first ratification subject to and placed ratification on a consent calendar at the next regularly scheduled meetings of the Board/Civil Service Board; second, adoption on a consent calendar at the next regularly scheduled meeting of ~~and~~ the Board of Port Commissioners.

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In the event that the City/Port and affected union do not come to agreement on the proposed amendments, the amendments shall be calendared for approval at the next regularly scheduled meeting of the Civil Service Board. The union and the Executive Director or his/her designee shall have the opportunity to be heard by the Civil Service Board at such meeting before the proposed amendment is effective. ~~It will also be subject to~~ It will also be subject to adoption and ratification adopted by the Board of Port Commissioners.

The date of the Civil Service Board's and the Board of Port Commissioners' action shall be included on amended class specifications.

- (d) Classification Studies: The Port's Executive Director or his/her designee and/or the Personnel Director may initiate and conduct classification studies of any Port positions in the competitive civil service when he/she deems such study necessary, and shall recommend a change in classification where the facts warrant such action.

~~An appointing authority may submit to the Personnel Director requests for classification studies of positions within her/his jurisdiction.~~

An employee who contends that he/she is working outside of her/his classification or who contends that her/his position has been improperly classified may submit to the Personnel/Port's Executive Director or his/her designee a request for a classification study. The Personnel/Port's Executive Director or his/her designee shall review such ~~requests~~ request and take further action as he/she deems appropriate, subject to appeal to the Civil Service Board as provided in section 3.04(e) of these Rules.

- (e) Appeal to Civil Service Board regarding Changes in Classification: In the event the Personnel/Port's Executive Director or his/her designee has made a decision regarding a change to an employee's classification or regarding an employee's request for review of her/his classification, and the affected employee does not agree with this decision, the employee or affected union shall have an opportunity to be heard by the Civil Service Board before the Personnel/Executive Director's decision becomes effective. The employee shall file an appeal with the Secretary to the Civil Service Board within fifteen (15) working days of notice of the Personnel/Executive Director's decision. A letter sent to the affected employee's address of record via regular and certified mail, or hand delivered to the affected employee, shall constitute notification. At the hearing, the appointing authority, employee and/or affected union shall have an opportunity to present their positions, either orally or in writing. The Personnel/Executive Director or her/his designee shall also have an opportunity to be heard by the Civil Service Board. The Civil Service Board shall issue a final and binding decision regarding the classification issue in dispute.

- (f) Quarterly Updates: For both employee and employer initiated classification studies, the Personnel/Port's Executive Director or his/her designee shall provide quarterly updates to the Civil Service Board, the Board of Port Commissioners and the affected employee. For any classification studies pending for more than

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one (1) year, the update shall be accompanied by an explanation for the delay. An employee may request an update on her/his employee request for classification study at any time.

Section 3.05 – Treatment of Incumbents as a Result of Reclassification of Positions. In the event of a classification study, incumbents may be upgraded, downgraded or unchanged. Should an incumbent be upgraded or downgraded, the following shall occur:

- (a) Upgrading of Position: When a position is reclassified to a class of higher grade, the incumbent may be assigned to the class of higher grade without examination providing he/she has performed the duties of the class for one year prior to the inception of the classification study. ~~The department head~~ The Executive Director or his/her designee must attest to the fact that the employee has performed these duties for a period of one year. No classification study shall be performed if the incumbent has served less than one year in the position.

When a class study is initiated by an employee, ~~an appointing authority~~ the Port's Executive Director or his/her designee or the City's Personnel Director and leads to placement in a higher grade classification, for purposes of determining seniority, the effective date of reclassification shall be the date on which the completed Position Description Questionnaire form is received by ~~Personnel~~ the Port's Human Resources Department.

When a class study involving multiple positions is initiated by ~~an appointing authority~~ the Port's Executive Director or his/her designee or the Personnel Director and leads to placement in a higher grade classification for any incumbent, for purposes of determining seniority, the effective date of reclassification shall be the date on which the earliest completed Position Description Questionnaire form is received by ~~Personnel~~ the Port's Human Resources Department.

- (b) Downgrading of Position: When a position is reclassified to a class of lower grade, the incumbent may be assigned to the position of a lower grade at no loss in salary at the time of the downgrading. The salary shall be "Y-rated" until such time as it becomes equivalent to the salary paid the classification. The employee shall be placed on the laid-off list of her/his former class and shall have priority re-employment rights to the classification from which he/she was downgraded for a period of two (2) years from the date of the Civil Service Board's action changing the classification.
- (c) Redesignation: When a position is retitled to a class of the same grade, the incumbent shall be redesignated to the new classification without loss in status.
- (d) Notification: When a position is reclassified to a class of a lower or higher grade, the incumbent, her/his appointing authority, and the affected union (when applicable), shall be notified in writing at least two (2) calendar weeks in advance of the reallocation. A letter sent to the affected employee's address of record via regular and certified mail, or hand delivered to the affected employee, shall constitute notification.

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Section 3.06 – Conditions for Accepting an Exempt Classification into the Competitive Civil Service. In the event that classifications, which were previously exempted from the competitive civil service, are to be included in the competitive civil service, the following procedure shall be followed:

- (a) ~~The Personnel~~Port's Executive Director or his/her designee shall review the classification to determine that its organizational structure, job design, and compensation meet the standards established for other City classifications at the Port consistent with the City's Personnel System . If these standards are met, the classification shall be placed in the competitive civil service in the same manner as any new classification.
- (b) In the event a position in such a classification has an incumbent, and the incumbent meets the minimum requirements for the classification, has lawfully served for at least one year in the position performing the same or similar duties, and has standard or above performance ratings, ~~the Personnel~~Port's Executive Director or his/her designee shall grant the incumbent permanent status in the competitive civil service, and shall notify the incumbent of such decision.
- (c) Should a position be occupied by an incumbent whose service is less than one year and/or does not possess the minimum qualifications, such employee shall be declared a provisional employee and may continue in that status for a period not to exceed 120 days from date of such declaration. The position shall then be treated as being vacant and open to competitive examination. Upon appointment of a candidate from an eligible list, the classification shall be deemed classified.

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## **RULE 4 - APPLICATIONS, RECRUITMENT, EXAMINATIONS, SELECTION, AND ELIGIBLE LISTS**

Section 4.01 – Recruitment. The CityPort shall utilize the broadest feasible recruitment methods for attracting Oakland residents and other qualified and diverse applicants. Recruitments may be open, promotional or may be restricted to CityPort employees, depending on the City'sPort's needs. The CityPort will give reasonable notice to all of its employees concerning the City'sPort's employment opportunities. Announcements of recruitments for positions shall be posted on the Port's website and on the City's Personnel website weekly and supplied to all department heads, who shall post and/or distribute such notices.

Section 4.02 – Applicants for Selection Process. All applicants for positions in the competitive civil service will be required to participate in a competitive selection process, which shall be based on merit and fitness as ascertained by practical competitive examination and by records of achievement. The CityPort will make City of Oakland Port application forms available to all prospective applicants. In compliance with Labor Government Code Section 432.9(a), and unless mandated by law, such application shall not ask an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant until the Port has determined that the applicant meets the minimum qualifications as stated in the notice issued for the position. Once submitted to the CityPort, applications shall not be returned. Applicants must submit applications on or before the filing deadline stated in the job announcement. An applicant's failure to provide complete and accurate information on all application materials may be grounds for immediate disqualification in the application process, and may result in dismissal from employment.

Section 4.03 – Names of Applicants Withheld. Names of applicants shall not be made public prior to examination, except by permission of the PersonnelPort's Executive Director or his/her designee.

Section 4.04 – Background Checks. As part of the selection process, applicants shall, upon request, be required to supply references, and may be required to submit to a thorough background check by the CityPort. Applicants may be required to submit to testing for illegal drug use, where permitted by law.

Section 4.05 – Eligibility to Compete In Competitive Examination Process. Except as provided in section 4.06, the competitive examination process shall be open to all applicants who meet the minimum qualifications, and any standards or requirements of state or federal law.

Section 4.06 – Basis for Rejection of Applications. The PersonnelPort's Executive Director or his/her designee may refuse to examine and/or certify an applicant who is found to lack any of the requirements established for the position for which application is made, for any violation of these Rules, or for the following reasons:

- (a) ApplicantsApplicant is not currently employed by City the Port:

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- i. The applicant's past employment record is of such a nature that would indicate unsuitability for public employment including incompetence, misconduct, or unsatisfactory service;

(b) All applicants:

- i. The applicant has practiced, or attempted to practice, any deception or fraud in her/his application, or in demonstrating her/his eligibility or in securing her/his appointment.
- ii. The applicant has been convicted of an offense which excludes the applicant from eligibility for the position based on applicable law or which in the judgment of the PersonnelPort's Executive Director, or his/her designee renders the applicant unsuitable for the position. The Personnel Director shall take into consideration the following:
  - (1) Whether or not the conviction is job related to the position the applicant is seeking.
  - (2) The nature of the job he/she is applying for and the seriousness of the crime committed.
  - (3) The time elapsed since conviction and the applicant's demonstrated behavior pattern during that time.
- iii. The applicant has made a false statement or has omitted material facts on the application.
- iv. The applicant is a current user of illegal drugs as defined by state law.

If the applicant's name is placed on the eligible list before the PersonnelPort's Executive Director or his/her designee becomes aware of any false statements made on the application, the applicant's name shall be stricken from the eligible list. If, after the applicant has been appointed to a position, such false statement is discovered, it shall be considered cause for discharge.

Section 4.07 – Announcement of Selection Process to Fill Vacancy. Notice of a selection process for employment shall be given at least ten (10) working days in advance of the last date for filing applications. The announcement of the selection process shall list the minimum education, experience, and license requirements for application, and any other information as is necessary to adequately inform prospective applicants about the selection process. The minimum rating and/or score for which eligibility for the position may be achieved will be established by the PersonnelPort's Executive Director or his/her designee, in keeping with the provisions of section 4.10 of these Rules.

Section 4.08 – Type and Scope of Competitive Examination. Examinations may be assembled or unassembled, in part or in their entirety.

All examinations shall be designed for the purpose of determining the qualifications of applicants for positions, and shall be practical and shall fairly test the fitness of the persons examined, and shall take into consideration elements or requirements of education, experience, knowledge and skill, aptitude, character, personality, physical

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fitness and any other element or requirements pertinent to the job and the specifications, as determined by the Personnel Port's Executive Director, or his/her designee.

Section 4.09 – Administration of Examinations. Each examination shall be conducted by the Personnel Port's Executive Director or by his/her/his designee. Due diligence shall be used to ensure fairness, prevent collusion and/or fraud in the examination process, and to comply with these Rules.

Dates for any examinations may be postponed or canceled by the Personnel Port's Executive Director, or his/her designee. The Personnel Port's Executive Director or his/her designee may order a new recruitment and examination process in the event that the examination generates an insufficient number of eligible candidates to certify the number of candidates specified under the certification rule.

Section 4.10 – Ratings of Results of Examinations. The Personnel Port's Executive Director or his/her designee shall use generally accepted examination methods in rating and/or scoring the results of examinations and in determining the relative standings of the candidates.

Candidates shall be required to attain a score of not less than 70% on each part of the examination. In all examinations the 70% used, representing the minimum passing score, need not be the arithmetic 70% of the total possible score, but may be an adjusted score based on a consideration of the difficulty of the test, the quality of the competition, and the needs of the competitive civil service. Any such adjusted score shall be established before the identification of the candidates' examination papers.

The final earned rating and/or score of each person competing in any examination shall be determined by the weighted average of the earned ratings and/or scores on all parts of the examination, according to the weights for each part established by the Personnel Port's Executive Director or his/her designee; the weights of each portion of the exam shall be provided to applicants in advance of the conduct of the examination.

Section 4.11 – Oakland Residents Preference in Examinations. A City of Oakland resident who competes in an examination process for a position in the competitive civil service shall be given an additional five (5) points on her/his final examination score, provided that he/she initially scores a passing score on the examination and has been a City resident for a minimum of one (1) year as of the date of the establishment of the eligible list for that examination. ~~This preference shall not apply to recruitments for sworn members of the Police and Fire Departments.~~ The applicants must submit satisfactory written proof of residency as determined by the Personnel Port's Executive Director or his/her designee.

Section 4.12 – Veterans' Preference in Examinations. A qualifying veteran who competes in an examination for a position in the competitive civil service shall be given an additional five (5) points on her/his final examination score, provided that he/she initially scores a passing grade on the examination. For the purposes of this Rule, a "veteran" means any person who has served full time for 181 days or more in the armed forces in time of war; or in time of peace in a campaign or expedition or service in which a medal

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has been authorized by the government of the United States, who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces.

Section 4.13 – Disabled Veterans’ Preference in Examinations. “Disabled Veteran” means a veteran who was disabled as a result of such service. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans Administration. Such veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination shall be allowed additional credits amounting to 7.5 points on open examinations. Dates of military service shall be defined as those established in section 4.12 of these Rules.

Section 4.14 – Veterans’ Preference Entitlement Exhausted Upon Acquiring Permanent Appointment. The exercise of the preferences in section 4.12 and section 4.13 shall be exhausted upon one (1) permanent appointment from an eligible list and the completion of the required probationary period. The application of any other veterans’ credits on any other examination shall be automatically cancelled.

Section 4.15 – Seniority Credit for Permanent Employees. Seniority credit shall be given on the final examination score for permanent employees who compete in examinations so long as the employee’s overall rating is at least “fully effective” or equivalent in the most recent performance appraisal leading up to the date of the examination. In addition, an employee shall have maintained a record clear of any disciplinary action (excluding reprimands) for a period of one year prior to the date of examination. To receive this credit, employees must be in permanent status at the time of application and examination, on an approved leave of absence, or on a reinstatement list. Credit shall be calculated as of the date of the job announcement as follows:

- (a) An employee who has completed ten (10) or more full years of Port and/or City service and who successfully competes in an examination shall receive up to an additional five (5) points added to her/his final examination score.
- (b) An employee who has completed fewer than ten (10) years of Port and/or City service shall receive an additional number of points, less than the five (5) points cited in sub-section (a) above and prorated in accordance with her/his number of completed years of Port and/or City service, added to her/his final score.

Current ~~City~~Port employees who qualify for an examination shall be permitted to take such examination during working hours, if the examination is scheduled during working hours and the employee provides three (3) working days notice to her/his immediate supervisor. If the announcement of examination does not permit three (3) working days notice, the employee shall notice her/his supervisor within 24 hours of being notified of the examination.

Section 4.16 – Eligibility for Promotional Examination. At the discretion of the ~~Personnel~~Port’s Executive Director or his/her designees, promotional examinations may be administered to candidates who meet the minimum qualifications or occupy

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appropriate classifications designated by the classification plan. Only employees who are eligible to receive credit pursuant to 4.15 may compete in a promotional examination.

Section 4.17 – Eligibility for Restricted Examination. The Personnel Port's Executive Director or his/her designee may order an examination limited to specific full-time and part time ~~City employees~~ Port employees who meet the minimum qualifications of the class to be examined.

Section 4.18 – Notice and Review of Results of Examinations. All persons competing in any examination shall be given notice of their final score/rating and rank, or their failure to attain a place upon the eligible list.

A candidate ~~who is a current Port or City employee~~ who is a current City employee may, upon request, inspect her/his own examination papers and the grading thereof during the first 30 days after the Personnel Port's Executive Director or his/her designee has established the eligible list. ~~Candidates who are not current employees do not have a right to inspect their examination papers.~~

Section 4.19 – Appeal of Examination Results. Applicants may appeal the results of an examination or any of its parts to the Civil Service Board. Such appeal may be sustained only upon a clear and convincing showing that:

- (a) A mechanical and/or electronic error or error not involving judgment or discretion was made in grading, scoring, or computing, or
- (b) An examination rating and/or score was the result of fraud or bias on the part of an examiner or rater.

Test content is not subject to appeal.

Any appeal must be filed with the Personnel Port's Executive Director or his/her designee -no later than thirty (30) days after the establishment of the eligible list resulting from the examination. The ~~Personnel Director's~~ Port's Executive Director or his/her designee's decision on the appeal may be appealed to the Civil Service Board within thirty (30) days. In the event the Personnel Port's Executive Director or his/her designee does not act upon the appeal within thirty (30) days, the appellant shall have an additional thirty (30) days to appeal the matter directly to the Civil Service Board. The decision of the Civil Service Board shall be final. No person previously appointed shall be displaced as a result of any correction ordered by the Personnel Port's Executive Director or his/her designee or the Civil Service Board.

Section 4.20 – The Establishment of Eligible Lists. The Personnel Port's Executive Director or his/her designee shall provide for an eligible list, from which vacancies shall be filled, for a period of probation before employment is permanent, and for promotion on the basis of merit, experience and record. (Char. Sec. 900)

Each eligible list shall consist of the names of all persons who have shown by examination that they possess the qualifications which entitle them to be considered for appointment or promotion to any position in the class for which such list is established.

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Eligible lists shall be made public after the list has been established by the Personnel Port's Executive Director or his/her designee .

From the reports of the scoring and/or rating of the examination process, the Personnel Port's Executive Director or his/her designee shall prepare or cause to be prepared an eligible list showing the names of candidates who have obtained ratings and/or scores equal to or greater than the minimum required in each stage of the examination process, whose final earned rating is 70 or more, and who have been accepted as meeting all other requirements for eligibility, arranged in order of their relative ratings or scores. The Personnel Port's Executive Director or his/her designee may determine the total number of persons who shall constitute the list of eligibles.

Eligible lists shall become effective upon approval by the Personnel Port's Executive Director or his/her designee . There shall be two (2) kinds of eligible lists resulting from examinations: (1) Open eligible lists, which result from open examinations and which shall expire one year from that date of approval; and (2) ~~restricted~~ or promotional lists, which result from closed restricted or promotional examinations and which shall expire two (2) years from that date. The Personnel Port's Executive Director or his/her designee shall have the authority to extend the duration of an eligible list or to cancel such list prior to expiration. However, no list shall be extended for a period exceeding four (4) years from date of initial approval. When there is more than one eligible list for a particular class, the two (2) lists may be combined and the names of eligibles may be entered on the combined list at the discretion of the Personnel Port's Executive Director or his/her designee . A name occurring on a combined list shall be removed on the date on which the original list would expire. In the event that there are insufficient names to certify to the appointing authority or no eligible list exists, the Personnel Port's Executive Director or his/her designee may designate alternative lists ~~including~~, to include a transfer or eligible list for comparable classes.

Section 4.21 – Declined Offer of Appointment. An eligible who is notified that he/she is being offered an appointment is required to respond to the Appointing Authority Executive Director or his/her designee within five (5) working days of the date of notification. The Appointing Authority Executive Director may extend the time response period. An eligible who has failed to respond within the time limits shall be considered to have declined the offer of appointment.

After being offered an appointment, an eligible may decline appointment without losing her/his eligibility for future appointment by providing in writing reasonable grounds for declining an offer within the time periods set forth above.

Section 4.22 – Removal of Names from Eligible Lists. Names of eligibles will be removed from any eligible list for any causes as set forth in section 4.06, and may be removed for any of the following:

- (a) The eligible has been appointed through certification from any such list to fill a vacancy in any department, except as provided by section 5.06;

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- (b) The eligible has declined a formal offer of appointment and has failed to respond to the ~~appointing authority~~ Executive Director or his/her designee in accordance with section 4.21 of these Rules;
- (c) The eligible has waived a hiring interview three (3) times for a permanent position in any given class;
- (d) The eligible has failed to respond to her/his communication regarding availability for employment; or
- (e) The eligible does not possess or has failed to maintain the qualifications required by law and the terms of the position announcement.

Section 4.23 – Restoration of Names to Eligible Lists. Names removed from any eligible lists may be restored to the list, for just cause, upon a request made in writing to the ~~Personnel Port's Executive Director~~ Port's Executive Director or his/her designee. ~~The decision of the Personnel Director's~~ Port's Executive Director or his/her designee ~~decision~~ may be appealed to the Civil Service Board.

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## RULE 5 - CERTIFICATION AND APPOINTMENT

Section 5.01 – Power of Appointment and Types of Appointments. All appointments to Port positions in the competitive civil service shall be made by the ~~respective appointing authorities~~ Executive Director or his/her designee under and in conformity with the provisions of the City Charter and these Rules and the Bylaws of the Board of Port Commissioners, by appointment from an eligible list, reinstatement, re-employment, transfer, reassignment, or temporary appointment (see guidelines in appendix A).

There are three (3) types of vacancies in the ~~City~~Port service to be filled by appointments: permanent vacancies, temporary vacancies, and absences. Permanent vacancies shall be filled by: appointment from an eligible list, reinstatement, re-employment, transfer or reassignment. Temporary appointments shall be made in accordance with section 5.06 of these Rules.

Except as specifically provided in these Rules or in applicable MOUs, temporary appointments shall be at will and shall not attain permanent status.

Section 5.02 – Procedure for Certification to Fill Vacancies in the Competitive Civil Service. Whenever a vacancy is to be filled other than by transfer, reassignment (including reassignment to accommodate a disability), demotion or re-employment, the ~~appointing authority~~ Port's Executive Director or his/her designee shall request the certification of names to the class of position for which the vacancy exists. Upon receipt of this request, the ~~Personnel~~Port's Director of Human Resources shall certify eligibles for the appropriate class in the following order: (1) reinstatement list; (2) promotional or restricted list; (3) open list.

In case of certification from a reinstatement list, the ~~Personnel~~Port's Executive Director or his/her designee shall certify the names in rank order on the list, in accordance with section 9.03 of these rules.

Except in the case of a reinstatement list, the ~~Personnel~~Port's Executive Director or his/her designee shall certify, whenever possible, the top four (4) ranks on the eligible list for the vacancy, with an additional two (2) ranks for each additional vacancy. The appointing authority shall interview all available and willing certified eligibles. If the appointing authority does not select for appointment any of the certified eligibles, he/she may request additional ranks as set forth above.

As provided in section 4.20, if no appropriate eligible list exists, then the ~~Personnel~~Port's Director of Human Resources may certify from such other eligible lists, as he/she deems most appropriate.

Section 5.03 – Selective Certification. The ~~Personnel~~Port's Executive Director or his/her designee shall certify the highest ranking eligibles willing to accept employment. However, the ~~appointing authority or Personnel~~Executive Director or his/her designee may require additional and special qualifications and experience for the position. The ~~appointing authority~~The Executive Director or his/her designee must provide a statement of valid reasons for such additional and special qualifications and experience, ~~subject to~~

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~~approval by the Personnel Director. Upon approval by the Personnel Director,~~ notice of these special qualifications shall be a term of the job announcement. The ~~Personnel~~ Executive Director or his/her designee shall certify the highest ranking eligibles who possess the necessary qualifications for selective certification in accordance with section 5.02 of these Rules. The ~~Personnel Director's~~ decision to conduct a selective certification recruitment may be appealed to the Civil Service Board within 10 working days of the posting of the job announcement.

Section 5.04 – Limit on Certifications. No person shall be certified from an eligible list more than four (4) times for the same or a similar position, except at the request of an appointing authority, provided that certification for a temporary appointment shall not be counted as one of such certifications.

Section 5.05 – Certification to Position in Lower Class. Any person on an eligible list may, with the approval of the ~~Personnel Port's Executive Director or his/her designee~~, be certified to a class of position lower than that for which he/she was examined, provided such position is one having similar duties and responsibilities and provided further, that no eligible list exists for the lower class. Acceptance of such position shall not result in removal from the original eligible list.

Section 5.06 – Temporary Appointments.

- (a) Provisional Appointments: ~~A Department Head, with the approval of the Personnel~~ The Executive Director or his/her designee, subject to the ratification of the Civil Service Board and the Board of Port Commissioners, may make provisional appointments, in the absence of an eligible list, for any position in which a vacancy may occur. No such provisional appointment shall continue after regular appointment from an eligible list, nor, in any event, shall such appointments continue for more than 120 calendar days. Provisional appointees may not be placed in permanent employment without successfully competing in a selection process.

In cases where the ~~appointing authority~~ Executive Director or his/her designee desires to fill a vacancy by provisional appointment, candidates must be eligible to compete in the examination for that vacancy.

- (b) Limited Duration Appointments: Whenever ~~a department~~ the Port requires assistance because of a special project, employees' absence due to sick or other leave or vacation relief, or a temporary increase in the workload, appointments of a limited duration may be made from an appropriate eligible list for the duration of such work. The acceptance or rejection by an eligible of this type of appointment shall not affect her/his standing on the eligible list.

The request and certification shall specifically state the date beyond which such appointment shall not extend, insofar as is known; and on such date, the employment of the person shall cease, unless sooner terminated. Appointments of over a year are construed as being of a permanent nature, and as such, the rules affecting permanent appointments will apply.

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(c) Temporary Contract Service Employees: The Personnel Port's Executive Director or his/her designee may appoint an employee to the temporary contract service employee classification for a maximum of 960 hours per fiscal year for one of two (2) types of assignments. Employees may be assigned to a division or a project on a regular basis up to the maximum 960 hours; or, assignments may be on an occasional or short-term (less than 30 days) basis. These assignments usually require specialized skills such as performance arts, short-term project management and transcription services. This classification may not be used for ongoing or repetitive use. Temporary contract service employees may not be placed in permanent employment without successfully competing in an examination process.

(d) Exempt Limited Duration Employees: The Personnel Port's Executive Director or his/her designee may appoint an employee to the exempt limited duration employee classification to meet the City's Port's need to fill positions with: (1) limited funding cycles of one year or less; (2) special projects that are longer than 6 months in duration, yet still short-term; or, (3) positions where the duties and responsibilities have not been fully defined. Exempt limited duration appointments may not exceed one year.

Regular appointment employees who accept exempt limited duration appointments will continue to receive the same fringe benefits they received in their regular appointment. Exempt limited duration employees do not accrue seniority. Exempt limited duration employees may not be placed in permanent employment without successfully competing in a selection process.

(e) Temporary Agency Assignments: The Personnel Port's Executive Director or his/her designee may contract with temporary agencies to provide temporary services in the event of an emergency, a special project or under unusual circumstances when help is needed immediately and for short duration. If temporary personnel are required for more than 30 days, it is preferable to make a provisional or limited duration appointment. Temporary agency assignments may not exceed 120 days. Temporary agency employees are not City Port employees and are not eligible for retirement, health or other fringe benefits.

(f) Grant Funded Limited Duration Appointments: The Personnel Port's Executive Director or his/her designee may appoint grant funded limited duration employees to meet the City's Port's need to fill classified positions that are funded by grants lasting up to three (3) years. Grant funded limited duration appointments shall come from an appropriate eligible list, and shall not exceed three (3) years. The acceptance or rejection by an eligible of this type of appointment shall not affect her/his standing on the eligible list.

Upon completion of a probationary period, grant funded limited duration appointments shall attain permanent status with the following exception: in the event of a layoff or the conclusion of the grant, a grant funded limited duration employee shall have no right of appointment to any classified position.

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Section 5.07 – Reassignment of Employees. ~~An appointing authority~~The Executive Director or his/her designee may at any time assign any employee under her/his jurisdiction from one position to another position under her/his jurisdiction in the same class. ~~The appointing authority~~Executive Director or his/her designee may also, ~~with the approval of the Personnel Director,~~ reassign an employee in a position in the competitive civil service to a position of a similar class under his/her/his jurisdiction for which the maximum base rate of pay is the same.

Section 5.08 – Transfer of Employees. The transfer of a classified Port employee from a position under the jurisdiction of ~~one appointing authority~~the Executive Director or his/her designee to a position under the jurisdiction of another appointing authority may be made with the consent of the employee and the approval of the Personnel Director and the consent of the appointing authorities concerned, provided the positions are in the same or similar class.

Section 5.09 – Transfer List. Any permanent classified Port employee may request a transfer ~~from one department to another in~~department in her/his current classification, provided the employee meets the qualifications for the position. A transfer list may be maintained and employees may, upon written application to the Personnel Port's Executive Director or his/her designee, have their names made available to department heads for consideration of appointment to vacancies for which they would be eligible as defined by these Rules. Names of employees may also be placed on the transfer list upon request of the ~~department head concerned~~Executive Director or his/her designee, with notice to the employee. Vacancies may, with the consent of the ~~department head~~Executive Director or his/her designee, be filled from the transfer list.

Section 5.10 – Reassignment to Accommodate a Disability. When an employee who has a disability is unable to perform the essential functions of her/his job, with or without reasonable accommodation, ~~the appointing authority~~Executive Director or his/her designee, shall, where required by law, reassign the employee to a vacant, funded position for which the employee meets the minimum qualifications, and is able to perform the essential functions of the job, with or without reasonable accommodation. Such reassignments shall have priority over any individuals on existing eligible lists.

Section 5.11 – Re-employment After Resignation. Any permanent employee who has resigned from service in good standing shall, upon her/his written request, be considered for re-employment to a position in the same or similar class in the competitive civil service, within two (2) years of the date of such separation. A longer period of time from separation date to re-employment may be approved by the Personnel Port's Executive Director and appointing authority or his/her designee, for highly qualified former employees and for positions where recruitment is difficult.

Such re-employment shall be made without additional examination, and must have the approval of the ~~appointing authority and the Personnel~~Port's Executive Director or his/her designee. Re-employment as herein defined, may take precedence over eligible lists; but in no way shall it be made mandatory for ~~any appointing authority~~the Executive Director or his/her designee to re-employ former employees. Appointment shall

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otherwise be made in the manner as for original employment as defined in other sections of these Rules.



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## RULE 6 - PROBATIONARY PERIOD

Section 6.01 – Probationary Period. Every person appointed or promoted to a permanent position in the competitive civil service after certification from an eligible list, shall serve a period of probation while occupying such position, which shall be considered a part of the test of fitness. Former employees who are re-employed under the provisions of these rules shall be required to serve a period of probation of six (6) months from the date of re-employment.

The probationary period shall be an essential part of the selection process, and shall be utilized for the most effective adjustment of a new employee and for the removal or demotion of any probationary employee whose performance does not meet the required standard of performance.

Section 6.02 – Duration of Probationary Period. For entrance appointments, the duration of such probationary period shall be for a period of twelve (12) consecutive months of active service, ~~with the exception of the rank of Police Officer whose probationary period shall be for eighteen (18) months.~~ The probationary period for persons appointed on a promotional basis shall be six (6) months.

An employee accepting a regular entrance appointment who has served on a limited duration appointment in the same class immediately prior to her/his regular appointment shall have that period of time counted as part of her/his probationary period. Rights and privileges shall accrue from the beginning date of limited duration appointment and shall be considered the original appointment date. (C.S. Res. 38851)

Section 6.03 – Interruption of Probationary Period. If an employee is laid off during the probationary period and subsequently reappointed to the same class, he/she shall be given credit for the portion of the probationary period previously completed.

If an employee is transferred during her/his probationary period from a position under the jurisdiction of ~~one appointing authority~~ the Executive Director or his/her designee to a position under the jurisdiction of another appointing authority, the second appointing authority shall grant credit for the portion of the probationary period previously completed.

Section 6.04 – Performance Rating During Probationary Period. ~~Department heads~~ The Executive Director or his/her designee shall file an approved report of performance at the end of the third and fifth months of employment for each employee serving a six-month probationary period. For probationary employees who have been required to serve a twelve-month probationary period, the ~~department head~~ Executive Director or his/her designee shall file with the Personnel Port's Director of Human Resources a report of performance for each employee at the end of the third, fifth, eighth, and eleventh months of employment. This section does not preclude the filing of additional reports at any other time during the employment of any individual.

Upon a favorable report, the appointment of the employee shall be deemed to be permanent at the expiration of the probationary period. In the event of an unfavorable

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report, the ~~appointing authority~~ Executive Director or his/her designee shall notify the ~~Personnel~~ Port's Director of Human Resources and the employee, at least five (5) working days in advance, that he/she will be removed from the position no later than the final date of the probationary period.

Section 6.05 – Removal or Demotion of Employee During The Probationary Period. At any time during the probationary period (entrance appointment to a classified position – one (1) year; ~~police officer—18 months~~; entrance and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months) an employee may be removed from her/his current position by the ~~appointing authority~~ Executive Director or his/her designee provided that:

- (a) Upon removal by the ~~appointing authority~~ Executive Director or his/her designee, such probationer's name shall be removed from the eligible list from which he/she was certified, and he/she shall be considered permanently separated from that position without right of appeal to the Civil Service Board except as set forth in section 6.06.
- (b) If the employee has served ~~in at the Port or the City~~ in another position in the competitive civil service, the employee shall be notified in writing by the ~~Personnel~~ Port's Department of Human Resources within five (5) working days of removal that he/she may be reinstated to the prior classification from which promotion was made. The employee has five (5) working days from date of notification to respond in writing, stating her/his wish to be so reinstated.
- (c) Reinstatement to the former classification will be based on the circumstances of the removal from the most recent appointment during the probationary period and the employee's work record as determined by the ~~appointing authority~~ Executive Director or his/her designee.
- (d) If reinstatement is effected by the ~~appointing authority~~ Executive Director or his/her designee, the employee shall be appointed to a vacant position in the former classification. If none is immediately available, it shall be the responsibility of the ~~appointing authority~~ Executive Director or his/her designee to provide such a vacancy as expeditiously as possible without violating the rules of any applicable ~~Memorandum of Understanding~~ Port/Union MOU, or ~~the~~ these ~~Port Personnel Manual~~ Rules and Procedures concerning layoffs and without the necessity of creating an additional position.

Section 6.06 – Limited Rights of an Employee During Probationary Period. The right of an employee to appeal to the Civil Service Board because of her/his permanent separation from her/his position during ~~the~~ his/her probationary period shall be limited to the following:

- (a) Failure of the ~~appointing authority~~ Executive Director or his/her designee to comply with section 6.04 of these Rules;
- (b) Failure of the ~~appointing authority~~ Executive Director or his/her designee to comply with section 6.05 of these Rules;

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- (c) Discrimination against an employee during such probationary period on the basis of race, color, religion/religious creed, marital status, national origin/ancestry, sex, gender, gender identity, gender expression, pregnancy, sexual orientation, physical or mental disability, medical condition, genetic information, AIDS/HIV status, military or veteran status, age, citizenship or on any other status protected by federal, state or local law.

Section 6.07 – Procedure to Be Used In Appeals and Hearings Under Section 6.06.

Whenever an employee who has been permanently removed from her/his position during the probationary period desires to appeal under the provisions of section 6.06, the following order of procedure shall govern:

(a) Order of Procedure in Appeals:

- i. The appeal must be filed in the office of the ~~Personnel Port's Executive Director~~ or his/her designee within five (5) working days from the date that notice of removal was filed upon the affected employee. A letter sent to the affected employee's address of record via regular and certified mail, or hand delivered to the affected employee, shall constitute notification.
- ii. The appeal must be submitted in writing, and if the appellant desires to waive a public hearing, such a waiver must be in writing.
- iii. The appeal shall state the sub-section of section 6.06 of these rules upon which it is based and a statement of the facts upon which such appeal is based.
- iv. Within seven (7) working days from the filing of this appeal, the ~~appointing authority~~ Executive Director or his/her designee shall submit to the Civil Service Board in writing its response.
- v. At the first meeting of the Civil Service Board after the filing of the appeal and the ~~City's~~ Port's response, the appeal shall be received and a date for the hearing shall be set. The appeal hearing shall be held at the next meeting of the Civil Service Board, unless continued by the Civil Service Board.
- vi. Not less than five (5) working days before the date the appeal is scheduled for hearing, the Civil Service Board shall send:
  1. A written notice giving the date, time, and place of such hearing to the ~~appointing authority~~ Executive Director or his/her designee, to the appellant or her/his attorney and/or representative, and to the ~~City~~ Port Attorney;
  2. A copy of the appeal to the ~~appointing authority~~ Executive Director or his/her designee and the ~~City~~ Port Attorney; a copy of the answer of the ~~appointing authority~~ Executive Director or his/her designee to the appellant or her/his attorney or representative.

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- vii. Hearings on appeals may be open to the public. However, upon motion of a directly interested party, the Chairperson of the Civil Service Board may exclude from the hearing room any witnesses not at the time under examination; except that a party to the proceeding and/or her/his counsel, or other persons conducting her/his case cannot be excluded.
  - viii. The technical rules of evidence shall not apply. However, all testimony and exhibits offered must be relevant and bear upon the act of removal. Any testimony or exhibits that do not meet these criteria may be excluded. The Civil Service Board shall consider the objection of either side to the introduction of evidence.
  - ix. Hearings may be continued beyond the period originally scheduled or recessed until a future date agreeable to the Civil Service Board and the parties for good reason. Provided, however, that if such request is made by the appellant or her/his attorney of record and the Civil Service Board sustains the appeal, the Civil Service Board may rule that the appellant shall receive no pay for the period of time during which such continuance was granted.
  - x. Based on the evidence presented at the hearing, the Civil Service Board shall render its decision which may be:
    - a. to sustain the action of the appointing authority concerned;
    - b. to sustain the appeal and reinstate the appellant in accordance with subsection xi below.
  - xi. The words “probationary period” as defined in section 6.01 of these rules shall be construed to mean a period of probation consistent with the letter and spirit of these rules; if an appeal is sustained hereunder, the Civil Service Board may determine that there has been an interruption in the probationary period from the date of the cause giving rise to the appeal hereunder, to the date of the decision by the Civil Service Board, and the probationary period of the appellant may be extended by the length of such interruption.
- (b) Burden Of Proof: In any appeal under this section, the burden of proof shall be upon the appellant, and the evidence in support of the allegations made in such appeal must be clear and convincing.

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## RULE 7 - PERFORMANCE EVALUATIONS

Section 7.01 - Establishment of Performance Evaluation System. A system of performance evaluation is established to provide a fair, impartial, and objective means for rating and reporting the service and performance of each employee in the competitive civil service.

The performance evaluation plan, embodying significant factors and factor degrees for the various classes of positions, shall have reference to the quality and quantity of work done, and other characteristics which shall be considered in rating and reporting the ability, performance and efficiency of the respective employee and the value of the employee to the City/Port service.

The following rules and the supplemental manual of procedures and factors define the performance evaluation standards and procedures which shall be used in connection with eligibility for advancement, layoff, re-employment, promotion, demotion, dismissal from the service, or as a recommendation for reduction in pay within the salary range for the classification, and in other decisions relating to the status of employees. Such plan shall primarily be a means, whereby individual employees may regularly review their performance with their supervisors, and for ascertaining and encouraging the improvement in service by the employees, for recognizing superior performance, and in providing effective supervision of employees.

Section 7.02 – Official Copy of Employee Performance Evaluations. The system of performance evaluations, as approved by the Civil Service Board, shall be maintained in separate manual form.

The ~~Personnel Port's~~ Director of Human Resources shall provide ~~each appointing authority~~ the Executive Director or his/her designee with copies of the performance evaluation plan and shall prescribe the forms to be used. The performance evaluation plan in the office of the ~~Personnel Port's~~ Director of Human Resources shall be open for the inspection of the employees during business hours.

Section 7.03 – Participants in the Performance Evaluation Procedure. The performance evaluation for permanent employees in the competitive civil service shall be made annually by a rating supervisor and a reviewing supervisor in each organizational unit or division ~~within each department within the Port~~, as designated by the ~~appointing authority of each department~~ Executive Director or his/her designee.

Each rating supervisor, designated by the ~~department head of each department~~ Executive Director or his/her designee, shall be the person who is immediately responsible for the work of the employee; that is, the first person in authority who has supervisory responsibility and who either regularly oversees, reviews and checks the work of the employee or who is most closely acquainted with her/his daily performance during the period of time for which the performance evaluation is conducted. The reviewing supervisor, designated by the department head, shall be the next higher supervisor in line of authority above the rating supervisor, who has personal knowledge of the work and performance of the employee in the unit or division to which the employee is assigned.

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Section 7.04 - Assistance by the PersonnelPort's Director of Human Resources . The PersonnelPort's Director of Human Resources shall be responsible for distributing employee performance evaluation forms, instructing the evaluating and reviewing supervisors regarding the performance evaluation procedure, recording final performance ratings for individual employees on the appropriate records, and obtaining widespread understanding among the employees of the objectives and characteristics of the performance evaluation procedures.

Section 7.05 - Open Records of Performance Evaluations. The performance evaluations of the respective employees in each department shall be open at all times to said employees for review of their own file and for the inspection by the PersonnelPort's Director of Human Resources.

The performance evaluations of employees as maintained by the PersonnelPort's Director of Human Resources respecting each department likewise shall be open to the respective employees for review of their own file and to the ~~appointing authority~~ Executive Director and ~~to the superior officers in the department~~ his/her designee. Any employee shall be entitled to be informed by the Personnel Port's Director of Human Resources only as to the performance evaluations recorded for herself/himself and those employees who work under her/his supervision.

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## RULE 8 - VACATIONS AND LEAVES OF ABSENCE

Section 8.01 - Vacation Leave, Authority For. The following rules shall govern vacations and leaves of absence, in accordance with the provision of Ordinance No. 8546 C.M.S., passed by the City Council May 16, 1972:

*The Board is hereby authorized to make rules and regulations governing leaves of absence and vacations for all employees in the Classified Civil Service whose leaves of absence and vacations are not otherwise provided for by ordinance or resolution of Council. Unless otherwise provided for by ordinance or resolution of Council, those employees not in the Classified Civil Service shall be allowed the rights and privileges granted to the employees in the Classified Civil Service.*

(a) Purpose. The purpose of annual vacation leave is to enable each eligible employee to return to her/his duties mentally and physically refreshed. All employees in the Competitive civil service, other than those excluded in section (b), shall be entitled to earn annual vacation leave. (C.S. Res. 41664 – 6/6/72)

(b) Exclusions. The provisions of this section do not apply to the following:

- i. Employees who are covered, by Charter provision, are excluded from the Competitive Civil Service.
- ii. Employees who work on a temporary, intermittent, or seasonal basis.
- iii. Employees who work on an exempt part-time basis.
- iv. Employees whose leaves of absence and vacations are otherwise provided for by the terms of any applicable Port/Union MOU provision, Port ordinance or Port resolution adopted by the Council/Board of Port Commissioners.

(c) Specific Inclusions

- ~~i. City employees: Persons employed on an exempt part-time basis who have worked a reasonably fixed pattern and who have worked at least 1040 hours in the preceding anniversary year.~~
- ~~ii.i. Port employees: Persons who are employed on an exempt part-time basis' and who have worked at least 1,730 hours in the preceding calendar year, and not less than 140 hours in any month during the year.~~
- ~~iii.ii. Employees who work on a permanent part-time basis in a classified position and who have worked at least 50 percent or more of each normal work week during the preceding calendar year. (C.S. Res. 41934 – 4/24/73)~~

Vacation and sick leave credits should be determined on a pro-rated basis according to the time spent in part-time work, in relation to the normal work week for the class.

(d) Times At Which Vacation Leave Shall Be Taken.

- i. The times at which an employee shall take her/his vacation leave during the calendar year shall be determined by her/his department head, with due

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regard for the wishes of the employee, and with particular regard for the operational needs of the department. If circumstances are such that a department head cannot permit an employee within her/his department to take an annual vacation leave or any part of such leave within a particular calendar year, the employee shall have the right to take the deferred vacation during the following calendar year, in addition to her/his then current vacation.

~~City employees must take vacation leave in units of not less than one day at a time.~~

~~Port employees must take vacation leave in units of not less than one week at a time, provided that under special circumstances the department head may grant a lesser unit of leave, subject to approval by the Personnel Director. (C.S. Res. 41934—4/24/73),~~

ii.—All vacations shall be computed and taken on a calendar year basis.

iii.ii. \_\_\_\_\_ Employees shall be allowed to take vacation according to the following schedules, with the approval of their department head. The time of which shall be determined with due regard for the employee's wishes and particular regard for department needs. Provided, however, that no employee shall take vacation leave before such leave has been earned.

- a. After her/his fifth calendar year of continuous service, 15 working days.
- b. After her/his fifteenth calendar year of continuous service, 18 working days.
- c. After her/his twentieth calendar year of continuous service, 20 working days.

(e) Rate at Which Vacation Leave Shall Accrue For Full-Time Employees.

- i. For employees during their first four (4) calendar years of service with the City or Port of Oakland, vacation leave shall accrue at the rate of ten-twelfths working days per month.
- ii. For employees who have completed four (4) calendar years of service with the City or Port of Oakland, vacation leave shall accrue at the rate of one and one quarter working days per month.
- iii. After completion of fourteen calendar years of service, leave shall accrue at the rate of one and one-half working days per month; after completion of nineteen calendar years of service, leave shall accrue at the rate of one and two-thirds working days per month.
- iv. For purposes of computing the rate of accrual of vacation leave, a break in service of less than two (2) years shall have no effect. A break in service in excess of two (2) years shall mean that the employee so re-employed

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- shall, for purposes of computing vacation leave, be treated as a new employee.
- v. For the purpose of computing length of service in determining eligibility for vacation at the higher accrual rate, time spent on extended military leave shall be counted as time spent in the service of the City or Port.
  - vi. An employee who works under the four-day work week plan shall accrue vacation leave on the same basis as he/she would accrue vacation leave under the five-day work week schedule. All vacation time used shall be charged by the actual hours taken. (C.S. Res. 42204—5/14/74)
- (f) Deferred Vacation. Each employee who is entitled to defer up to one years' vacation accrual ~~ten or more working days vacation in any calendar year may, with the approval of her/his department head, defer such vacation to the succeeding calendar year.~~ (C.S. Res. 41799—12/12/72)
- (g) Effect of Leaves of Absence Without Pay Upon Vacation. ~~An~~ A Port employee who is granted a leave of absence without pay for a period in excess of thirty (30) consecutive days shall not earn vacation credits for the period in excess of thirty (30) consecutive days, except as otherwise required by law or ~~memorandum~~ the terms of understanding. [Amended 5/12/2011 CSB] any applicable Port/Union MOU.
- (h) Computation of Vacation Leave uUpon SeparationTermination or Extended Military Leave.
- i. Compensation for Unused Vacation for TerminatedSeparated Port Employee. ~~After six months or more of continuous service, an employee terminates or is~~ The Port shall pay a terminated separated, such Port employee, or her/his estate, shall be paid for earned vacation leave thatwhich he/she has accumulated.
  - ii. Method of Payment for Unused Vacation. Upon ~~termination~~ separation of CityPort service or commencement of extended military leave, an employee shall be paid in a lump sum for such unused vacation time as he/she has accrued. Payment shall be made on the following basis: For purposes of computation it shall be assumed that there are 250 working days in a year. The employee's actual annual salary divided by 250 determines the daily workday rate multiplied by the actual number of working days of vacation due the employee at ~~termination~~ separation shall be the amount paid to the employee.
    - a. For the purpose of computing the number of working days of vacation due an employee upon termination, an employee shall be allowed credit for one full day if he/she has served one-half or more of the total number of calendar days in the month in which he/she ~~terminatesseparates,~~ plus the credit earned before that month; but no allowance shall be granted for service of less than this amount.

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iii. ~~Limitation Upon Benefits. No employee, or her/his estate, shall be paid for unused vacation in excess of forty-seven working days.~~

(i) Supplemental Vacation Benefits.

- i. Sick leave credits may be accrued up to a maximum of one hundred and fifty days for sick leave use.
- ii. Employees who accrue and maintain this maximum are eligible to earn supplemental vacation based on the following scale:
  - a. Employees who accrue six (6) additional days of sick leave credit over and above the maximum during a calendar year are eligible ~~for~~ one additional day's vacation.
  - b. Employees who accrue twelve (12) additional days of sick leave credit over and above the maximum during a calendar year are eligible for two (2) additional days of vacation.
- iii. Determination of eligibility for supplemental vacation will be made at the end of each calendar year, and any sick leave credits above one hundred and fifty days will be reduced to zero at that time. Supplemental vacation shall be taken as a part of the employee's next scheduled vacation.
- iv. Employees who are or become eligible for supplemental vacation on the basis of accrual of one hundred and twenty days sick leave pursuant to section 8.01(1) as it was on June 30, 1969, shall continue to be eligible to earn supplemental vacation at that rate for a period of three (3) years from July 1, 1969; effective July 1, 1972, an employee must have accumulated one hundred and fifty days sick leave in order to be eligible for supplemental vacation under section 8.01(1) as hereby amended. ~~(C.S. Res. 40835—7/15/69)~~

Section 8.02 - Sick Leave - General. Each full-time Port employee, other than those whose sick leave is governed by the Charter or the terms of any applicable Port/Union MOU provision, Charter, a Port/Union MOU shall be entitled to take sick leave, with full pay, in case of her/his illness or disability, or serious illness within her/his immediate family, in accordance with the provisions contained in Section 8.02 (a) through 8.02 (k) of this rule. In addition, Port employees shall be entitled to use accumulated sick leave in case of urgent personal business, in accordance with the provisions set forth in section 8.02 (1) of this rule.

- (a) Purpose of Sick Leave. It is the purpose of this rule to establish provisions, which will enable the ill employee to remain off her/his job until he/she is well enough to work, and to avoid subjecting coworkers to illnesses, which might be contagious. Sick leave, under this rule, is a privilege which the employee can exercise only in the event of her/his bona fide illness or disability, or serious illness within her/his immediate family, except that Port employees only may be allowed additional use of sick leave as outlined in section 8.02 (1) of this rule. ~~(C.S. Res. 41687—7/11/72)~~

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- (b) Rate At Which Employees Shall Earn Sick Leave.
- i. Each employee, upon completion of three (3) months of service with the CityPort, shall be credited with three (3) working days of sick leave credits with pay.
  - ii. When the original sick leave credit has been granted, as provided in Section (1) above, each employee shall thereafter be credited with one working day of sick leave credit with full pay for each month of service.
  - iii. For the purpose of this rule, a month of service shall mean thirty calendar days.

- (c) Accumulation Of Sick Leave Credits. Such sick leave with pay, as ~~provide~~provided for in Section (b) above, which is not used shall be cumulative. Sick leave credits may be accumulated, not to exceed one hundred and fifty working days. When the maximum of one hundred and fifty working days have been accumulated and a portion of it is subsequently used, it may be re-accumulated at the applicable earning rate provided in Section (b). (C.S. Res. 30835—7/15/69)

- (d) Disposition of Sick Leave Credits of ~~Terminated~~Separated Employees.

Except as hereinafter set forth, if an employee ~~terminates~~separates or is ~~terminated~~separated for any reason whatsoever, all accumulated sick leave shall be cancelled; provided, however, that such employee who returns to work with the CityPort of Oakland within one year of such ~~termination~~separation shall be again credited with the amount of accumulated sick leave he/she had at the time he/she ~~terminated~~separated. An employee who is re-appointed or reinstated in this manner shall earn sick leave at the rate of one working day per month, unless her/his previous service with the CityPort of Oakland amounted to less than three (3) months of service.

If an employee with not less than ten years total CityPort of Oakland employment, uninterrupted by a single period of absence in excess of one year, ~~terminates~~separates or is terminated for any reason, he/she shall be paid a lump sum on the basis of 33-1/2% of accumulated sick leave credit. For this purpose, a day's pay will be computed in the manner set forth in Section 8.01 (h) (2) of these rules. (C.S. Res. 41374—7/20/71)

- (e) Family Illness - Immediate Family Defined.

- i. Each Port employee who is otherwise eligible to take sick leave may, in the event of serious illness in her/his family, take a maximum of five (5) working days family sick leave in any calendar year. Such family sick leave shall be charged against the employee's accumulated sick leave credits.

- a. In extreme or unusual circumstances, the ~~appointing authority~~, with ~~the approval of the Board, Executive Director or his/her designee~~, in his/her discretion and taking into consideration the operational needs

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of the Port, may grant additional family sick leave time against earned sick leave credits and may, under extreme or unusual circumstances, authorize family sick leave for other than members of the immediate family.

- ii. The immediate family of ~~ana~~ Port employee shall include ~~wife, husband, mother, fatherspouse-,~~ registered domestic partner, child, including biological, adoptive, stepchild, foster, legal ward or a child of a person standing in loco parentis, who is either under the age of 18 or an adult dependent child, parent, including biological, adoptive, stepparent, foster, a legal guardian or other person who stood in as loco parentis when the employee was a child, grandparent, grandchild, sibling or parent in law. ~~parent, grandparent, grandchild, sibling or parent in law, child, sister, brother, parent, siblings, grandfather, and grandmother.~~
- (f) Limitations on Sick Leave. Sick leave shall not be granted to ~~ana~~ Port employee who is absent from duty due to an injury incurred while regularly working for an employer other than the ~~City~~Port of Oakland.
- (g) Effect of Leaves of Absence Without Pay Upon Sick Leave. ~~An~~A Port employee who is granted a leave of absence without pay for a period in excess of thirty (30) consecutive days shall not earn sick leave credits for the period in excess of thirty (30) consecutive days, except as otherwise required by law or the terms of any applicable Port/Union MOU, memorandum of understanding. [~~Amended 5/12/2011 CSB~~]
- (h) Verification of Illness - Abuse of Sick Leave. A department head, or his/her designee, who reasonably suspects an abuse of paid sick leave, may require of any employee under her/his jurisdiction, who has been on sick leave for one or more working days, a doctor's certificate or other authoritative verification for the employee's subsequent use of paid sick leave, certifying that the illness was "bona fide." He/she also may require that the employee be examined by the ~~City-~~selected occupational Pphysician for the purpose of determining whether he/she is, in fact, well enough fit for duty and able to return to her/his regular duties. ~~The;~~ the employee concerned shall be considered on ~~sick~~an appropriate leave status until the ~~City-~~selected occupational Pphysician releases her/him for duty.
- ~~Obvious abuses~~Abuses of the sick leave privilege will result in suspension~~discipline~~ up to and including discharge from ~~termination~~ of those privileges for a period of six months. ~~Determination of abuse and the suspension of privileges will be made by the Civil Service Department and the City Physician, and any such suspension shall be by order of the Board. Further disciplinary action by the appointing authority may be taken where deemed appropriate.~~employment.
- (i) Required Method of Reporting Illness. In order to receive compensation for the period, in which he/she is on sick leave, the ~~Port~~ employee shall notify her/his immediate supervisor or a higher supervisor prior to or within one hour after the employee's regularly scheduled time for reporting to work. If the circumstances

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involved clearly are such as to make this impractical, the employee shall report her/his illness at the earliest possible time. Failure to do so is cause for denying sick leave with pay.

- (j) Compulsory Sick Leave. If, in the opinion of the ~~appointing authority~~ an Executive Director or his/her designee, a Port employee is unable to perform her/his work properly due to illness, he/she may direct that the employee be examined by the ~~City--selected occupational Pphysician.~~ If the City--selected occupational Pphysician finds that the Port employee is physically or mentally unfit to properly perform her/his duties, the appointing authority may, subject to the approval of the Board, compel such employee to take sufficient may use his/her accrued sick leave of absence and/or other appropriate leave, as will enable her/him to recuperate or regain her/his health so that he/she may again properly perform her/his duties allowed under applicable laws (e.g., FEHA, CFRA, ADA, FMLA, Pregnancy Disability Leave Law), these rules, and the employee's Port/Union MOU, if any.
- (k) Return to Duty from Extended Sick Leave. In all instances Port employees returning to duty after extended sick leave (ten days or more), or when due to the nature of the injury or illness, it is in the best interest of the CityPort service, medical clearance must be obtained from the City--selected occupational Pphysician prior to the Port employee's return to duty. Persons on sick leave may as described in Section (j) above will also be called in contacted by the City--selected occupational Pphysician for review and evaluation of medical clearance given their anticipated return to duty date. ~~(C.S. Res. 38851 – 6/30/64).~~
- (l) Personal Leave for Port Employees. Up to (4) days of accumulated sick leave per year may be used by Port employees for urgent personal business. These four (4) days are not accumulative. However, if not used, this time will be counted as sick leave, in which case it can be carried from year to year. Using sick leave for personal business is defined as necessary transactions that might affect an employee's economic well being, or personal welfare, and which cannot be carried out during off-duty hours. At least forty-eight (48) hours prior notice shall be given expect in case of extreme emergency. ~~(C.S. Res. 41618 – 7/10/72)~~

a. ~~Section 8.03 – Maternity Parental Leave. An appointing power~~ The Executive Director or his/her designee may grant a maternity parental leave, with or without pay, to any employee under her/his jurisdiction, subject to as is consistent with the following regulations:

b. ~~No leave may be granted for a period exceeding one year.~~

e. ~~A department head may require an Employee to take a leave of absence at as any time during her~~ CFRA, the Pregnancy for reasons of health Disability Leave Law, these rules and safety, upon recommendation of the City Physician; or for reasons of unsatisfactory work performance due to the Employee's physical condition.

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d. ~~Before returning to duty following a maternity leave, an employee shall present to the City Physician a statement from her own physician stating that she is physically able to return to work. (C.S. Res. 4347-7 – 10/11/79)employee's Port/Union MOU, if applicable.~~

Section 8.04 - Injury on Duty.

(a) Combining Benefits of Workmen's Compensation Act and Sick Leave. Subject to the California Worker's Compensation Law.;

- i. When ~~ana~~ Port employee is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of her/his duties, he/she shall become entitled to leave of absence while so disabled, for a period not to exceed ninety (90) days, including Saturdays, Sundays, and holidays, and such leave shall not be deducted from her/his accumulated sick leave; provided, however, that such sick leave for said period of not to exceed ninety (90) days including Saturdays, Sundays, and holidays, shall not be at full pay, but shall be in such amount as, when added to her/his disability indemnity under the ~~Workmen's~~ Worker's Compensation Act of the State of California, will result in a payment equal to her/his full salary or wage; and provided further, that such leave, if interrupted by return to duty, shall in no event exceed in the aggregate ninety (90) days, including Saturdays, Sundays, and holidays, for each injury or illness.
- ii. If the specific disability continues with or without interruption for a period in excess of ninety (90) days, including Saturdays, Sundays, and holidays, such Port employee may thereafter take as much of her/his accumulated sick leave as, when added to her/his disability indemnity payments, will result in a payment to her/him of not more than her/his full salary or wage. Her/his accumulated sick leave shall be reduced in proportion to the amount of salary or wage paid in excess of the indemnity payments and shall be computed on a working-day basis.
- iii. If ~~ana~~ Port employee whose disability continues, with or without interruption, beyond ninety (90) days, including Saturdays, Sundays, and holidays, elects to receive thereafter only the disability indemnity payments provided for in the Labor Code, he/she must so advise the ~~City Attorney's office (or the Port Attorney's office if he/she is an employee of the Port of Oakland)~~ Port's Executive Director or his/her designee within seven (7) days before the first payment of salary chargeable to her/his accumulated sick leave is made. If he/she does not so elect, he/she shall receive her/his full salary to the extent of her/his accumulated sick leave, and her/his accumulated sick leave will be reduced in proportion to the amount of salary or wages paid in excess of disability indemnity. When her/his accumulated sick leave is exhausted, he/she still is entitled to receive disability indemnity as provided in the Labor Code.

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- ~~(b) Reports to Board. When an employee has been injured in the line of duty and he/she receives compensation in accordance with the provisions of any Workmen's Compensation Act of the State of California, the appointing power shall submit reports to the Board giving the following information, (1) The date such employee was taken out of service; (2) The date such employee returned to duty, with a brief statement as to the extent of disability, if any; (3) If the employee is unable to return to duty and is awarded a permanent total disability, the date of such award, with a report of termination of appointment.~~
- ~~(b) Section 8.05—Leave of Absence on Disability Retirement. Every employee retired by the Board of Administration of the Oakland Municipal Employees' Retirement System because of disability, in accordance with Section 33 of the Charter and the provisions of Ordinance No. 713 C.M.S., shall be granted a leave of absence during the period of her/his disability. Such leave shall be reported to the Board, but shall not require approval by the Board. If the disability for which such employee was retired ceases to the extent that he/she is able to perform the duties of the position held by her/him when retired for disability, and he/she is otherwise qualified for employment by the City, such employee shall have the definite and absolute right to be returned to a position in the same class as that occupied by her/him at the time of her/his retirement; and he/she shall be entitled to such other privileges as are provided for in these rules.~~

Section 8.056 - Family Death Leave. Leaves of absence with pay due to a death of ~~ana~~ Port employee's immediate family is allowed, and such leave shall not be charged against vacation or sick leave to which an employee may be entitled, but shall be in addition thereto.

- (a) Eligibility for Family Death Leave. In order to be eligible for family death leave, ~~ana~~ Port employee must have worked full-time for the CityPort of Oakland for a period of time in excess of three (3) months.
- (b) Schedule of Allowances. In the event of a death within her/his immediate family, ~~ana~~ Port employee may be permitted to remain absent from duty with pay for such time as hereinafter specified:
- i. If the service is within the Bay Area, three (3) working days with pay will be allowed.
  - ii. If the service is outside the Bay Area but within 300 miles of Oakland, not to exceed four working days with pay.
  - iii. If the service is more than 300 miles but less than 600 miles from Oakland, not to exceed five working days with pay.
  - iv. If the service is more than 600 miles from Oakland, not to exceed eight working days with pay. (C.S. Res. 38851—6/30/64)

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- (c) Exceptional Cases. In special or unusual cases, the department head, with Executive Director or his/her designee, within his/her discretion and after taking into consideration the approval operational needs of the Board, Port, may grant a family death leave to allow a Port employee to attend funeral or memorial services for someone other than those included within the definition of the immediate family under Section, 8.02 (e) (2ii) of the Sick Leave Rule. It is the intent of this provision to cover the kind of situation in which someone other than immediate kin has raised the Port employee, or due to unusual circumstances has a very close relationship with the Port employee.
- (d) Procedure for Requesting Leave. In order to qualify for Family Death Leave, the Port employee shall obtain the approval of her/his immediate supervisor or a higher supervisor prior to going on leave of absence. If the circumstances are such- as to clearly make this impracticable, he/she shall notify her/his supervisor at the earliest possible time. Failure to do so may be cause for denying leave with pay.

Section 8.067 - Miscellaneous Leaves of Absence. Miscellaneous leaves of absence other than vacation and sick leave may be granted by the appointing authority, subject to Executive Director or his/her designee within his/her discretion and after taking into consideration the approval operational needs of the Board, Port, unless otherwise provided. Department heads may grant leaves of absence without pay for periods not in excess of three working days; provided, however, that no Port employee shall be granted a total of more than five working days of such leave without pay in any one calendar year.

- (a) Procedure for Granting Leaves of Absence. A Port employee may be granted a leave of absence only if:
- i. The employee makes a written request to her/his department head at least five working days prior to the effective date of the request, stating her/his specific reasons for the request.
  - ii. The appointing authority recommends the request and forwards it to the Board prior to the effective date of the requested leave. Leaves of absence without pay of three working days or less need only be reported to the office of the Board in writing. The other steps are necessary for this type of leave. The Executive Director or his/her designee, within his/her discretion and after taking into consideration the operational needs of the Port, approves the request.
- (b) Limitation Upon Leaves of Absence Without Pay. No leave of absence without pay, other than leaves to accept exempt positions in the City or Port service or classified positions in the City or Port service financed in whole or in part by Federal or tax exempt foundations, may be granted for a period in excess of one year. Leaves of absence to fill exempt positions in the City or Port service or classified positions in the City or Port service financed in whole or in part by Federal or tax exempt foundations shall be granted for the entire period during which the employee serves in such positions. (C.S. Res. 39635 – 11/30/65) A leave of

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absence without pay of thirty (30) consecutive days or less shall not impact seniority. [~~Amended 5/12/2011 CSB~~]

A leave of absence may be extended, upon the recommendation of the appointing authority and the approval of the Civil Service Board.

- (c) Reasons for Which Leaves of Absence without Pay May Be Granted. Leaves of absence without pay may be granted for reasons ~~that~~<sup>which</sup>, in the opinion of the ~~appointing authority~~<sup>Executive Director or his/her designee</sup> and after taking into consideration the Board operational needs of the Port, appear to be proper and in the best interest of the CityPort, such as—:
- i. To permit the Port employee to receive additional education of such nature that will improve the employee's job performance and increase her/his worth to the CityPort.
  - ii. To permit the Port employee, because of her/his particular abilities or her/his outstanding competence, to assist another governmental jurisdiction, and which in a direct way will enhance the prestige of the CityPort of Oakland.
  - iii. To permit the Port employee to take care of urgent or most important personal business which cannot feasibly be accomplished by someone else.
  - iv. To permit the Port employee who is a victim of domestic violence and/or a victim of sexual assault to take off to seek medical attention, to obtain services from a domestic violence program or psychological counselling, or to participate in safety planning, to settle domestic problems.
  - v. To permit the Port employee to take an exempt position in the City or Port services.
  - vi. To permit the Port employee to retain promotional and seniority rights to her/his permanent position upon accepting appointment to a classified position in the City or Port service under a program financed in whole or in part by Federal or tax exempt foundations. (~~C.S. Res. 39653—11/30/65~~)

- (d) Leaves of AbsencesAbsence With Pay. In addition to those leaves of absence with pay ~~that~~<sup>which</sup> are provided for elsewhere in these rules, a leave of absence with pay may be granted to ~~ana~~<sup>a</sup> Port employee under special circumstances ~~that~~<sup>which</sup>, in the opinion of the Executive Director or his/her designee, and after taking into consideration the operational needs of the Port, it is in the best interests of the CityPort ~~to do so grant such leave request~~. In no case shall leave with pay be granted in excess of three working days in any calendar year. ~~Requests for such leave must be considered at a regular meeting prior to the effective date of the leave.~~

Leave of absences with pay may be granted to ~~ana~~<sup>a</sup> Port employee who has been selected for jury duty and from which he/she cannot be excused. Leave with pay for unexcused jury duty is not subject to the time limitation expressed above.

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~~Leave~~A leave of absence with pay for jury duty may be approved by the ~~appointing authority without reference to the Board, Executive Director or his/her designee~~ and will not be counted as regular leave with pay. ~~An~~A Port employee who serves on jury duty shall be paid her/his regular salary for the period of such duty but shall be required, under the provisions of the Charter, to turn over to the ~~City Treasurer~~Port's Chief Financial Officer all fees, which he/she receives as payment for such jury duty.

To be eligible for a leave of absence with pay for other than jury duty, the Port employee must have served the City/Port continuously for a period of not less than six months and her/his services must have been thoroughly satisfactory.

Section 8.078 - Return to Duty Following Leave. Every leave of absence shall be upon the condition that the Port employee taking the leave shall, subject to these rules, have the definite and absolute right, upon her/his return to her/his Port employment on the termination of her/his leave, to be reinstated to a position in the same class as that occupied by her/him at the time of the commencement of such leave, and he/she shall be entitled to such other privileges as are provided for in these rules. Any Port employee who fails to return to perform her/his regular duties by the date indicated in her/his leave, provided such leave has not been extended by ~~action to the Board~~the Executive Director or his/her designee, may be terminated.

~~An~~A Port employee whose probationary period is interrupted as a result of taking a leave of absence shall, upon return, be given credit for the portion of probationary service previously completed.

Section 8.089 – Authorization to Approve Leaves. ~~(C. S. Res. 43473—10/11/79)~~The Executive Director or his/her designee is authorized to act for the Personnel Director (as secretary to the Civil Service Board) in approving sick leaves, family death leaves, and all leaves of absence without pay.

~~Section 8.09 – Authorization to Approve Leaves.~~ The Personnel Director is authorized to act for the Board in approving sick leaves, family death leaves, and all leaves of absence without pay, not exceeding 30 days.

Section 8.0910 - Military: Leave of Absence. ~~Military A~~Military leave of absence shall be ~~grantee City employees~~granted to a Port employee in accordance with the military applicable Federal (USERRA) and State (Military and Veteran's Act of the State of California, a copy such act to be found in the office of the Board, Code) laws and applicable Port/Union MOU, if any.

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## RULE 9 - SENIORITY, LAYOFF, CHANGE IN STATUS, RESIGNATIONS

Section 9.01 - Layoffs. Whenever there shall be need for a layoff, the staff shall be reduced in accordance with the procedure set forth in section ~~9.0203~~ 9.02 of these rules. In the event of a layoff involving a common class, the controlling principle shall require, for purposes of a Port-initiated layoff, that a Port incumbent first exhaust seniority-based bumping within the Port before the incumbent can use his/her seniority to bump a less senior City employee. Likewise, for a City-initiated layoff in a common class, the City incumbent must first exhaust seniority-based bumping within the City before the incumbent can use his/her seniority to bump a less senior Port employee.

Consistent with the controlling principle articulated above, Port-initiated layoffs shall be on a CitywideCityPort-wide basis within each common class subject to a reduction in force; provided, however, that an incumbent who was selectively certified to a position in accordance with Section 5.03 may not be displaced by another employee lacking the skills required for the selective certification to the position. Among Port employees possessing the requisite skills for selective certification the provisions of section ~~9.020203~~ 9.02 shall apply. The criteria applied in determining the particular Port employee(s) to be moved or laid off and the order of layoff shall be those criteria as specified in section 9.02. [Amended 5/12/2011 CSB]

EmployeesPort employees who are laid off shall have their names placed on the appropriate reinstatement list ranked by seniority from highest to lowest. EmployeesPort employees on the reinstatement list shall be entitled to reappointment to positions in the same classes where such positions are to be refilled during the period of their eligibility on the reinstatement list, or to similar classes for which no reinstatement list exist, regardless of which appointing authority has the vacancy to be filled. [Amended 5/12/2011 CSB]

Section 9.02 - Layoff Procedure. Whenever it becomes necessary to reduce a Port staff under the provisions of section 9.01 of these rules, no permanent Port employee in the affected class shall be laid off while there are employees without status in the same class. Employees without status in such class shall be separated in the following order: (1) temporary; (2) probationary. Pursuant to City Charter section 9.02(e), “no...contract for service shall result in the loss of employment or salary by any person having permanent status in the competitive service.” Any alleged violation(s) of the Charter section shall be adjudicated through the grievance process of the affected Memorandum of Understanding. [Amended 5/12/2011 CSB]

If further staff reductions are required after temporary and probationary Port employees in the affected class are separated, then the least senior permanent Port employee shall be laid off. [Added 5/12/2011 CSB]

In conducting a layoff, the appointing authority shall communicate with the Personnel Director regarding the position(s) to be reduced. The Personnel Director Executive Director or his/her designee shall create a seniority list of the Port employees in the affected classes, compiled on a CityPort-wide basis, in accordance with the method described in subsections (a) and (b) below. [Amended 5/12/2011 CSB]

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If the affected class has been deemed a City/Port common class, the Executive Director or his/her designee shall forward to the Personnel Director a seniority list for such class. If the Port incumbent in the position to be eliminated is more senior than another incumbent in the same class at the Port, then the least senior Port incumbent shall be moved to a position in the same class in another city Department, provided that he/she has more seniority than the least senior City incumbent in such other City Departments, and if so, the least senior City incumbent citywide shall be laid off. If not, the least senior Port incumbent shall be laid off. the incumbent in the position to be eliminated is more senior than another incumbent in the same affected class within the same department, then the least senior incumbent shall be moved to is a position in the same common class in another department, provided they have more with the City, the Executive Director or his/her designee shall forward to the Personnel Director a seniority than the least senior incumbent in list for such other departments. The same process shall apply to all employees displaced by this process. [Added 5/12/2011 CSB]class.

Conversely, in the event of a City-initiated layoff in a common class, if a City incumbent in a position to be eliminated is more senior than another incumbent in the same class at the City, then the least senior City incumbent shall be moved to a position in the same class at the Port Department provided he/she has more seniority than an incumbent in the same class at the Port, and if so, the least senior Port incumbent shall be laid off. If not, the least senior City incumbent shall be laid off.

If the affected class has been deemed a City/Port common class, then once this process has been exhausted within the City, if the least senior incumbent at the City has more seniority than an incumbent at the Port Department, that City incumbent shall move to the Port Department and the least senior incumbent at the Port Department shall be laid off. Conversely, once this process has been exhausted within the Port Department, if the least senior incumbent at the Port Department has more seniority than an incumbent at the City, that Port Department incumbent shall move to the City and the least senior incumbent at the City shall be laid off. [Added 5/12/2011 CSB]

An affected Port employee shall be notified in writing by certified mail or by direct submission at least ten (10) working days prior to the date of layoff, and the notice shall contain the reason for the layoff or movement to another position. Affected departments shall be provided with copies of the notices sent to laid off Port employees. [Amended 5/12/2011 CSB]

The method for computing seniority shall be as follows:

- (a) Seniority Credit: Credit in a class shall be granted at the rate of one point for each month of service in that class, ~~or in any class higher for sworn officers in a promotional line of progression,~~ starting from the date of hire. Seniority credit shall be adjusted for any unpaid leaves of absence in excess of thirty (30) consecutive days, except for those leaves that by law or memorandum of understanding do not count against seniority. Suspensions shall not be deducted from seniority for the purpose of this paragraph. Credit in a class that has been abolished, combined, divided, or otherwise altered shall be granted at the same rate when the Personnel Executive Director or his/her designee determines that

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such class was equal to or higher in level than the affected class of layoff. If the ~~Personnel~~Executive Director or his/her designee determines that such a class was lower in level than the affected class, credit for service in such class shall be computed at the rate of one-half point per month. Service that is less than full time (i.e. permanent part time) shall receive seniority points on a pro-rata basis. ~~{Amended 5/12/2011 CSB}~~

- (b) Order of Layoff When Combined Scores are Equal: As between two (2) or more ~~Port~~ employees having the same score for seniority, the order of layoff shall be determined by giving preference for retention in the following sequences: (1) employee with greatest actual time in the class in which the layoff is being made and in classes with the same or higher maximum salary; (2) employee with greatest total time in ~~City~~Port service; (3) employee who received the highest score on the entrance examination in the class; (4) employee whose application for the position in the subject class was first received. ~~For sworn officers, item (4) shall not apply and item (3) shall be modified as follows: employees with the highest rank from an academy as a Police Officer Trainee or Firefighter Trainee.~~ ~~{Amended 5/12/2011 CSB}~~
- (c) Reversion to Former Class: ~~City~~Port employees who possess permanent status in one class and who have been appointed to a position in another class, in the event of layoff from that class, shall have the right to be reinstated to a position in their former class. This right shall extend to both to personnel with tenure in a class so affected, and to individuals serving probationary periods in such class at the time of layoff. ~~{Amended 5/12/2011 CSB}~~

To implement the above process for reversion, the ~~Port~~ employee in the lower class with the least seniority, as calculated in subsections (a) and (b) above, shall be laid-off. ~~{Amended 5/12/2011 CSB}~~

Section 9.030304 – Reinstatement List. Permanent ~~Port~~ employees who are laid off or revert to a former class will have their names kept on a reinstatement list for three (3) years from the date of layoff. Names shall be placed on the reinstatement list ranked by seniority on a ~~Citywide~~Port-wide basis for Port initiated layoffs, from highest to lowest seniority. The reinstatement list will be used by the ~~Personnel~~ Executive Director or his/her designee when a vacancy arises in the same or lower class. ~~The Personnel~~Port Executive Director shall use this or his/her designee shall use this list before any other type of appointment. The name of any permanent ~~Port~~ employee on a reinstatement list who has remained on the list for three (3) full years shall be removed from the list and that person shall lose all civil service status. ~~The Personnel~~Port Executive Director or his/her designee, in her/his discretion, may extend the active period of the reinstatement list. ~~{Amended 5/12/2011 CSB}~~

Section 9.040405 – Return of Laid-off Probationary Employees to Eligible Lists. Probationary ~~Port~~ employees who have been laid off will not have their names placed on a reinstatement list. Rather, they may have their names restored to the eligible list from which they secured appointment, in the order of their original general score on such list; provided, however,

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- (a) If the eligible lists from which such persons received appointment have expired or been canceled, the probationary Port employee shall have no restoration rights;
- (b) All probationary Port employees who have been laid off and subsequently appointed to a new position in the same class shall complete their probationary period in that class. Probationary Port employees who are appointed to different class must serve the entire probationary period required in that class. If a probationary Port employee is appointed to a lower class in the same job series, then he/she will serve remaining portion of her/his probationary period.

~~[Section Amended 5/12/2011 CSB]~~

~~Section 9.050506 – Resignation. Employees~~Port employees are free to resign from their employment, but are encouraged to give at least two (2) weeks notice. Once a resignation becomes effective, it is irrevocable except that the ~~Personnel~~Port Executive Director or his/her designee may, in her/his discretion, permit a resignation to be rescinded. The ~~Personnel~~Executive Director or his/her designee may, in her/his discretion, require employees separating from ~~City~~Port employment to undergo an exit interview.

Whenever (a) an allegation is made that the resignation is due to undue pressure or threats, or (b) in the opinion of the ~~Personnel~~Director of Human Resources resignations within ~~any organization~~the Port are excessive, ~~it shall be her/his duty to~~the Director may investigate the causes of such resignations and report the same to the appointing authorityExecutive Director, the Board of Port Commissioners and the Civil Service Board.

~~Section 9.060607 - Retirement. Any person who is employed in the City~~Port service who shall become eligible to retire, and whom shall be retired or pensioned under the provisions of any present or subsequent retirement laws, shall be deemed, for the purposes of these rules, to have been separated from the ~~City~~Port service in good standing.

~~Section 9.070708 – Medical Separation. An~~Subject to any applicable laws of the California Public Employees Retirement System (“CalPERS”), a Port employee who becomes unable to perform the essential assigned functions of her/his position due to a disability or other medical condition may be medically separated. Prior to medical separation, the CityPort will determine what accommodations, if any, will be reasonably provided to the Port employee in accordance with CityPort policy, applicable law and section 5.10 of these Rules, and may determine whether the employee may be eligible for disability retirement, if appropriate. Except by mutual consent, aPort employee shall not be medically separated while on any authorized leave of absence. The Port may medically separate an employee when the Port, through the interactive process as required by the federal Americans with Disabilities Act (ADA) and/or the state Fair Employment and Housing Act (FEHA), has determined that -it cannot reasonably accommodate the employee and the employee is not eligible for a disability retirement under CalPERS.

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Proof of the Port employee's disability is required and is subject to verification by the CityPort. When the CityPort requests a medical opinion as verification of the Port employee's disability, the CityPort shall pay the reasonable costs of the medical examination(s) requested. If the Port employee has passed her/his probationary period, a letter sent to the affected Port employee's address of record via regular and certified mail, or hand delivered to the affected employee, shall constitute notification. Proof of service shall accompany the notice of intent. The notice shall: (a) inform the Port employee of the action intended, the reason for the action and the effective date; and (b) inform the Port employee of the right to respond and to whom to respond within ten (10) calendar days from the date of issuance of such notice of intent, in accordance with the ~~instruction~~instructions given by the CityPort in the written notice provided to the Port employee. After review of the Port employee's timely response, if any, the CityPort shall notify the Port employee of any action to be taken. An effective date of separation shall be at least ten (10) calendar days after the date of issuance of the notice of intention to separate or timely receipt of the Port employee's response, if any, whichever is later. Medical separation may be appealed to the Civil Service Board.

Section 9.080809 – Separation Due to Absence Without Leave. Absence from duty without proper authorization in excess of five (5) continuous working days shall constitute abandonment of the position and shall be reported to the PersonnelPort's Executive Director or his/her designee and recorded as an automatic resignation. The appointing authorityExecutive Director or his/her designee shall notify the Port employee at her/his last known address by regular and certified mail and notify her/his emergency contact on the form prescribed by the PersonnelPort's Executive Director or his/her designee.

If the Port employee contacts the City's Personnel Director within 30 days of the mailing of such notice and establishes to the satisfaction of the City's Personnel Director that the absence was in fact authorized or that the absence and failure to seek or obtain authorization was due to unavoidable factors entirely beyond the control of the employee, the City's Personnel Director may order such Port employee reinstated. The City's Personnel Director will notify the Port of the reinstatement and upon notification the Port shall reinstate the employee. Should the City's Personnel Director decline to reinstate the Port employee, he/she shall notify the affected Port employee in writing of the determination and the basis for his/her determination. The Port employee may appeal the matter to the Civil Service Board within 15 days of the date such letter is mailed or otherwise delivered. The decision of the Civil Service Board shall be final and not be reconsidered.

Failure to appeal as set forth above shall result in the Port employee being separated and the cancellation of all current examination and eligibility status.

Section 9.090910 – Termination of Seniority. Class seniority shall be terminated for Port employees who voluntarily separate from the CityPort and the break in service is two years or more. [Added 5/12/2011 CSB]

## RULE 10 - DISCIPLINARY ACTIONS, APPEALS AND HEARINGS

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Section 10.01- Disciplinary Action. All ~~persons~~ Port employees holding positions in the Classified Civil Service shall be subject to suspension, fine and also removal from office or employment by the ~~City Administrator, or, in case of persons employed in the office of the Auditor-Controller or Board~~ Executive Director or his/her designee, for misconduct, incompetence, or failure to perform their duties under or observe the rules and regulations of the ~~Port department, office, or Board~~; but subject to the appeal of the aggrieved party to the Civil Service Board as herein provided.

~~Any chief official, any subordinate officer, and any superintendent~~ The Port Executive Director or foreman in charge of municipal work his/her designee may temporarily suspend any ~~subordinate then under her/his discretion~~ Port employee for ~~incompetency~~ incompetency, neglect of duty or disobedience of orders, but shall within twenty four (24) hours thereafter report the fact in writing to the ~~City Administrator, Auditor-Controller, as the case may be,~~ and furnish a copy of the report to the subordinate suspended, upon her/his request therefore. ~~The City Administrator, Auditor-Controller~~ The Executive Director or Board his/her designee shall thereupon, if demanded by the subordinate suspended, hear evidence for and against her/him, and shall thereupon affirm or revoke such suspension according as he/she or it finds the facts to warrant.

~~Employees~~ Port employees in the competitive civil service may be ~~dismissed~~ discharged, demoted, fined, or suspended without pay for just cause.

When ~~ana~~ Port employee in the competitive civil service has failed or fails to perform the duties of her/his position in a satisfactory manner, or has committed any act or acts to the prejudice of the public service, or has failed to perform any act or acts it was her/his duty to perform, or whose service rendered is below satisfactory standards, or who otherwise has become subject to disciplinary or other corrective measures, the ~~appointing authority or her/his designated department heads~~ Executive Director or his/her designee shall have the power and it shall be their duty to take action, subject to the provisions of the Charter and these rules, in one of the following ways:

- (a) To reprimand the employee and record such reprimand in her/his personnel file.
- (b) To suspend the employee without pay.
- (c) To demote the employee to a lower class of position than that currently filled by her/him.
- (d) To fine the employee.
- (e) To discharge the employee from the public service.

Section 10.02 - Procedure in Disciplinary Actions. The ~~department head~~ Port's Executive Director or his/her designee shall notify the City's Personnel Director, in the manner and form prescribed by her/him, whenever any Port employee is suspended without pay, indicating the reasons therefore and the duration of the suspension. In case of any suspension, the Port employee shall have the right of hearing or investigation by the ~~appointing authority or the~~ Executive Director or his/her designee or the Civil Service

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Board, in accordance with the procedures described in the Charter and these rules and/or the employee's Port/Union MOU, if applicable.

Section 10.03 - Appeal of Disciplinary Action. Permanent Port employees shall have the right to appeal from the final notice of discipline involving suspension, fine, demotion or discharge. The notice of appeal must be received by the Secretary to the Board within ten (10) working days from the date the final notice of discipline was served upon the appellant, or the right to proceed to the next appeal level under these Rules shall be forfeited and the discipline shall become final. The appeal shall address each of the reasons for the disciplinary action enumerated in the written notice and may provide any relevant additional information.

The appeal shall be submitted to the Secretary to the Board. The Civil Service Board shall decide whether it shall hear the appeal itself or whether the appeal shall be heard by an independent Hearing Officer. In cases in which the appellant has requested a public hearing, the Civil Service Board shall hear the appeal.

Section 10.040405 - Procedures for Hearings by the Civil Service Board. In the event that the Civil Service Board decides to hear the appeal itself, the following procedures shall apply:

A hearing date will be set after the appeal is initially received by the Secretary to the Civil Service Board. The request for appeal must contain the following items: (1) Cover sheet, including appellant's name, address, and telephone number; name, title, address, telephone number of appellant's representative, if any (Representative's telephone number will suffice in the absence of appellant's number); (2) A list of available days for hearing dates; (3) An estimate of the number of hours required for case presentation.

Appellant ~~representatives~~ (or his/her representative) and the CityPort Attorney must provide two (2) complete hearing packets to the Civil Service Board's secretary by at least one week prior to the scheduled hearing. Appellant's failure to provide such information may, at the Civil Service Board's discretion, result in the rescheduling of the hearing. Packets must include the following items: (1) A chronology of events; (2) An agreed upon Statement of Facts; and (3) Statement of Facts in Dispute.

The CityPort Attorney shall also present to the Civil Service Board a copy of the Notice of Intent to Impose Discipline, and Notice of Discipline with accompanying materials. In the event the CityPort Attorney and the Appellant's representative are unable to meet on the above items, the Appellant's representative must submit their version of the facts at least one week prior to the hearing.

The CityPort Attorney and the Appellant's representative are required to meet at least one hour prior to the hearing to finalize exhibit packets which must include the following: (1) A list of exhibits, if any; (2) Pre-marked exhibits (if any exhibits are to be submitted). Additional exhibits may be submitted during the hearing, if they were not available to a party prior to the hearing.

No documents submitted to the Civil Service Board for consideration shall be considered public records, unless consented to by all parties or otherwise required by law.

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The hearing may be continued for good reason beyond the date originally scheduled or recessed to a future date agreeable to the Civil Service Board and the parties. However, if a continuance is requested by the appellant or her/his representative, and the Civil Service Board shall later sustain the appeal, the Civil Service Board may rule that the appellant shall receive no back pay for the period of time during which such continuance was granted.

Hearings shall be closed to the public unless the appellant requests a public hearing in writing. In the event that a hearing is public, upon motion of a directly interested party, the Civil Service Board may exclude from the hearing room any witnesses not at the time under examination, except that a party to the proceeding and her/his counsel cannot be excluded.

Hearings shall be tape-recorded. Copies of the tape will be available to the appellant, if desired, for no charge. Transcripts of the taped proceedings will be available upon request at the requesting parties' expense. Civil Service Board subpoenas will be issued upon the request of either party. Subpoenas may be secured by contacting the Secretary to the Civil Service Board.

The Civil Service Board shall convene the hearing, receive evidence through testimony and documents and make findings of fact and conclusions about the discipline. Technical rules of evidence shall not apply. However, all testimony and exhibits must be relevant to the issues in contention, and the Civil Service Board may exclude any evidence which it deems to be irrelevant. The Civil Service Board shall consider and rule on any objection by either party. Closing arguments shall be oral; provided, however that either party may elect to submit a closing brief. Briefs are to be submitted to the Civil Service Board within a time set by the Civil Service Board. Briefs submitted after the deadline shall not be considered by the Civil Service Board.

The Civil Service Board will make no assumptions of innocence or guilt. The Civil Service Board will be guided in its decision by the weight of the evidence as it appears to it at the hearing.

The Civil Service Board has the power to sustain, overrule, reduce or, consistent with due process, modify the discipline, award back pay and determine the extent of back pay to be awarded, if any, based on the circumstances, and take any other appropriate action. The Civil Service Board's determination will be issued in writing, within thirty (30) working days of the conclusion of the hearing, unless post-hearing briefs are to be submitted, in which case the Civil Service Board's determination will be issued within thirty (30) working days of timely receipt of the post-hearing briefs. Copies of the Civil Service Board's determination shall be forwarded to the appellant and her/his representative, ~~City and to the Port's Executive Director or his/her designee and the Port Attorney's Office and the affected City department.~~ Office. The Civil Service Board may request that either or both parties present proposed findings of fact and conclusions of law within ten (10) working days of the Civil Service Board's determination. The opposing party shall have the right to agree or object to the proposed findings. The Civil Service Board's decision shall be the final administrative decision of the City but is reviewable by writ of mandamus in accordance with applicable law.

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Section 10.05 - Procedures for Hearing by a Hearing Officer. In the event that an appeal is to be heard by a Hearing Officer, the following procedures shall apply:

(a) Hearing Officer Selection and Authority.

The Hearing Officer shall be selected by the Civil Service Board in accordance with selection procedures established by the Civil Service Board which ensure that the Hearing Officer is independent, neutral and un-biased.

Hearings shall be closed to the public. The costs of the Hearing Officer shall be borne by the CityPort. Hearings shall be tape-recorded. Copies of the tape will be available to the appellant, if desired, for no charge. Transcripts of the taped proceedings will be available upon request at the requesting parties' expense.

The Hearing Officer shall have the authority to convene the hearing, receive evidence through testimony and documents and to make findings of fact and conclusions about the discipline. Closing arguments shall be oral; provided, however that either party may elect to submit a closing brief following the presentation of closing arguments. Briefs are to be submitted to the Hearing Officer within twenty (20) calendar days of the close of the hearing. Briefs submitted after the deadline shall not be considered by the Hearing Officer.

The Hearing Officer shall render written findings and recommendations to the Civil Service Board within thirty (30) calendar days of the close of the hearing. If post-hearing briefs are submitted, the recommendation shall be submitted to the Civil Service Board within thirty (30) calendar days after timely receipt of the brief(s).

The Hearing Officer shall provide the Civil Service Board the following documents, which shall constitute the official hearing record: (1) A summation page delineating the case name; issue; brief summary of the case; and her/his recommendation; (2) a complete written report documenting the findings; (3) any documentary evidence, written motions and briefs submitted; (4) the cassette tape(s) of the hearing.

(b) Civil Service Board Responsibilities.

After receiving a Hearing Officer's recommendation, the Board Secretary shall schedule the case for the next available Civil Service Board meeting. The Civil Service Board will make every effort to schedule a case within thirty (30) days of receiving the Hearing Officer's recommendation.

In reviewing a decision, the Civil Service Board shall review the hearing record and may review the recording of the hearing. The Civil Service Board may accept or reject the Hearing Officer's recommendation. The Civil Service Board has the power to sustain, overrule, reduce or, consistent with due process, modify the original discipline, award back pay and determine the extent of back pay to be awarded, if any, based on the circumstances, and take any other appropriate action.

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The Civil Service Board's determination will be issued in writing, within ten (10) working days of the conclusion of the Civil Service Board's review of the Hearing Officer's recommendation. Copies of the Civil Service Board's determination and the recommendation of the Hearing Officer shall be forwarded to the appellant and her/his representative, and to the ~~City~~Executive Director or his/her designee and Port Attorney's Office and the affected ~~City~~ department. The Civil Service Board's determination shall be the final administrative decision of the ~~City~~ but is reviewable by writ of mandamus in accordance with applicable law.

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Section 10.0607 – Judicial Review of Final Administrative Decisions Issued by the Civil Service Board and Involving the Port of Oakland

(a) The provisions of Code of Civil Procedure (“CCP”) Section 1094.6 are hereby made applicable to all final administrative decisions (as defined by CCP Section 1094.5(a)) of the Civil Service Board which involve the Port of Oakland. Judicial review of any such administrative decision may be had only if the petition for writ of mandate is filed within ninety (90) days after the decision becomes final; provided, that pursuant to the provisions of CCP Section 1094.6(d), if the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition may be filed shall be extended to not later than the thirtieth (30<sup>th</sup>) day following the date on which the record is either personally delivered or mailed by first class certified mail, return receipt requested, to the petitioner or his/her attorney of record, if he or she has one.

(b) As provided in CCP Section 1094.6(c), any person who requests preparation of the administrative record shall be responsible for payment of the actual costs of transcribing or otherwise preparing the record. Before commencing preparation of a transcript or other record, the officer or employee responsible for preparation shall estimate the actual total cost. Preparation of the record shall not commence until the person requesting preparation of the record has deposited the full amount of the cost estimate. If the deposit exceeds the actual cost, the difference shall be refunded. If the actual cost exceeds the estimate, the difference shall be paid when the record is delivered.

(c) The limitations period shall not be extended beyond ninety (90) days after the decision becomes final unless, pursuant to subsection (b) above, the petitioner deposits the estimated actual total cost of preparing the transcript within ten (10) days after he or she has been furnished with the written estimate of such cost.

(d) Every final administrative decision as defined in subsection (a) above shall refer to CCP Section 1094.6 and the ninety (90) day limitations period and shall include, as an attachment, a copy of this section.

### RULE 11 - PROHIBITIONS AND PENALTIES

Section 11.01 - Frauds Prohibited. Under all provisions of these Rules, no person shall, by representation or action, maliciously or corruptly by himself/herself or in cooperation with any other person or persons:

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- (a) Willfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified pursuant to the City Charter or these rules pertaining to the competitive civil service, or the performance evaluation, or the service ratings of any employee, or aid in so doing, or willfully make any false representation concerning the same, or concerning any person examined;
- (b) Impersonate any other person, or permit or aid in any manner any other person to impersonate her/him in connection with any examination, appointment, or application, request for examination or other matters covered by these Rules;
- (c) Defeat, deceive, or obstruct any person in respect to her/his rights in relation to any examination, appointment in the competitive civil service or other matters covered by these Rules;
- (d) Furnish any person any special or secret information for the purpose of either improving or injuring the prospects or chances of such person in connection with any examination, appointment or other matters covered by these Rules;
- (e) Directly or indirectly give, render, pay, offer, solicit or accept money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the competitive civil service.
- (f) Make false accusations, falsify documents or make false representations regarding matters covered by these Rules.

Section 11.02 - Penalty. Any person violating any of the provisions of this Rule or any rule hereunder shall be deemed guilty of a misdemeanor, and for any such offense may, upon conviction thereof, be suspended, reduced in grade, or ~~dismissed~~discharged from the Port service.

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**RULE 12 - INCOMPATIBLE ACTIVITY OF CITYPORT EMPLOYEES**

Section 12.01 — Incompatible Activities. Incompatible Employment. Each officer and employee shall, during her/his hours of active duty, devote her/his whole time, attention and efforts to her/his Port office or Port employment, and he/she may not be required to perform any service except for the benefit of the CityPort. No officer or employee of the CityPort may engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible or in conflict with her/his duties or with the duties, functions and responsibilities of the Port department ~~or other agency~~ in which he/she is employed.

~~The City Administrator or the City Attorney, or the Auditor, as to personnel under their respective jurisdictions, The Executive Director or his/her designee~~ shall declare the activities which will be considered inconsistent, incompatible or in conflict with, or inimical to, the duties of such Port personnel ~~as City employees~~. In making this determination, consideration shall be given to employment, activity or enterprise which: (a) involves the use for private gain or advantage of CityPort time, facilities, equipment and/or supplies, or the badge, uniform, prestige or influence of one's CityPort office or employment; or (b) involves receipt by the officer or employee of any money or other consideration for the performance of any act required of her/him as a CityPort officer or employee; or (c) involves the performance of an act in other than her/his capacity as CityPort officer or employee, which act may later be subject directly or indirectly, to control, inspection, review, audit or enforcement by her/him or by the agency in which he/she is employed. (Charter section 1201)

~~Employees~~ Port employees who violate section 12.01 may be subject to disciplinary action up to and including termination and, where appropriate, may be subject to prosecution under state or federal law.

Section 12.02 – Community Activities. ~~Employees~~ Port employees may participate in community or civic activities on their own time. When there is a possibility or appearance of an incompatibility between the employee's public duties and private interests, the employee must bring the situation promptly to the attention of the immediate supervisor for review and resolution. Managers and supervisors shall counsel employees as appropriate upon becoming aware of possible conflicts of interest.

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**RULE 13 — PUBLIC RECORDS**

Section 13.01 - Records Open to the Public. Except as provided in these rules, ~~state law~~ the California Public Records Act, and/or the Sunshine Ordinance ~~rules and policies of the Board of Port Commissioners,~~ the records of the ~~Department of Port's Human Resources Management Department,~~ the minutes of the meetings of the Civil Service Board, annual and special reports, the classification and compensation plans, and the official roster are ~~hereby declared to be public records,~~ and shall be open to public inspection at the ~~Department of Port's Human Resources Management Department~~ under reasonable conditions during business hours. However, the ~~Personnel Executive Director shall have the authority to or~~ his/her designee may withhold information dealing with ~~employee personal~~ personnel records and special reports, ~~which if such records and reports are protected by privacy rules and laws, or are otherwise exempt from disclosure under applicable state and local laws.~~ [Amended 5/12/2011 CSB]

~~Material~~ To the extent permissible under the California Public Records Act and local law, ~~material~~ used or to be used in Port tests, confidential reports regarding applicants or eligibles, and the names and identity of special examiners who may be temporarily employed by the CityPort shall be considered confidential and not ~~open~~ subject to disclosure to members of the public.

Section 13.02 - Disposition of Records. Minutes of Civil Service Board meetings shall be considered permanent records.

**SAVINGS CLAUSE**

If any part of these Rules is determined to be illegal or unconstitutional, such part shall be severed from these Rules and the remaining Rules shall be given full force and effect.

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### APPENDIX A - GUIDELINES FOR FILLING VACANCIES

All vacancies in authorized, non-sworn, classified and exempt positions shall be filled according to the following guidelines:

1. If a permanent vacancy occurs in an exempt position:
  - a. The duties may be reallocated among existing positions; or
  - b. The position may be left open; or
  - c. The position may be filled by appointment.
2. If a temporary vacancy or absence occurs in an exempt position:
  - a. The duties of the position may be reallocated temporarily among other positions; or
  - b. The position may be left open for the duration of the temporary vacancy or absence; or
  - c. The position may be filled by assignment of a current employee on an “acting” basis in accordance with pertinent Memorandum of Understanding and administrative policy; or
  - d. The position may be filled by a Temporary Contract Service Employee or an Exempt Limited Duration Employee.
3. If a permanent vacancy occurs in a classified position, and there is no eligible list:
  - a. The position may be left open; or
  - b. The position may be filled permanently by transfer or re-employment; or
  - c. The position may be filled by provisional appointment, not to exceed 120 days. If no eligible list is posted before the 120-day period expires, additional provisional appointment(s) of different individual(s) may be made; or
  - d. The position may be filled by assignment of a current CityPort employee on an “acting” basis, in accordance with relevant Memorandum of Understanding and administrative policy, pending completion of the recruitment process; or
  - e. The position may be filled by means of a temporary agency assignment, if appropriate, for a period not to exceed 120 days, pending completion of the recruitment process.
4. If a permanent vacancy occurs in a classified position, and an eligible list exists:
  - a. The position may be left open; or
  - b. The position may be filled permanently by transfer, re-employment or appointment from an eligible list.
  - c. If an active reinstatement list of laid off employees exists at the time of filling the vacancy this list must take priority over all other lists.
5. If a temporary vacancy occurs in a classified position, and there is no eligible list:

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- a. The position may be left open for the duration of the vacancy; or
  - b. The duties of the position may be temporarily reallocated among existing positions; or
  - c. The position may be filled by provisional appointment, not to exceed 120 days. If no eligible list is posted before the 120 day period expires, additional provisional appointment(s) of different individual(s) may be made; or
  - d. The position may be filled by assignment of a current CityPort employee on an “acting” basis, depending on the length of the vacancy and in accordance with relevant Memorandum of Understanding provisions and administrative policy; or
  - e. The position may be filled by means of a temporary agency assignment, if appropriate, for a period not to exceed 120 days.
6. If a temporary vacancy occurs in a classified position and an eligible list exists:
- a. The position may be left open for the duration of the vacancy; or
  - b. The duties of the position may be reallocated temporarily among existing positions; or
  - c. The position may be filled by limited duration appointment from an eligible list; or
  - d. In the event that no person on the eligible list is willing to accept a limited duration appointment: (i) the position may be filled by provisional appointment not to exceed 120 days. Additional provisional appointment(s) of different individual(s) may be required if the temporary vacancy exceeds 120 days; or (ii) the position may be filled by assignment of a current CityPort employee on an “acting” basis in accordance with relevant Memorandum of Understanding provisions and administrative policy; or (iii) the position may be filled by means of a temporary agency assignment, if appropriate, for a period not to exceed 120 days.
7. If an absence occurs in a classified position and there is no eligible list for that classification:
- ~~e.a.~~ The position may be left open for the duration of the vacancy; or
  - ~~f.b.~~ The duties of the position may be temporarily reallocated among existing positions; or
  - ~~g.c.~~ The position may be filled by assignment of a current CityPort employee on an “acting” basis, depending on the length of the absence and in accordance with relevant Memorandum of Understanding provisions and administrative policy; or
  - ~~h.d.~~ The position may be filled by means of a temporary agency assignment, if appropriate, for a period not to exceed 120 days.
8. If an absence occurs in a classified position and an eligible list exists:
- a. The position may be left open for the duration of the absence; or

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- b. The duties of the position may be reallocated among existing positions; or
- c. The position may be filled by limited duration appointment from the eligible list.
- d. In the event that a limited duration appointment is not practical due to the brief nature of the absence or because no person on the list is willing to accept a limited duration assignment, the position may be filled by: (i) assignment of a current CityPort employee to the position on an “acting” basis, in accordance with relevant Memorandum of Understanding provisions and administrative policy; or (ii) the position may be filled by means of a temporary agency assignment, if appropriate, for a period not to exceed 120 days.

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APPENDIX B – COMMON CLASSES

Classifications in the classified service with positions at the City and the Port with the same class titles and class codes that were changed or modified after 1978, not following the prescribed prevailing Civil Service Rules at the time of the changes or modifications, shall be submitted to the Civil Service Board as soon after collective bargaining 2011 concludes, but no later than 90 days after collective bargaining is concluded.

As of the date of this addendum, the following classifications have been deemed as common classifications until the Port and City comply with the procedures ascribed above.

(list of the deemed classifications as listed below)

<u>PORT</u>	<u>CITY</u>
1. Account Clerk	Account Clerk II
2. Senior Account Clerk	Account Clerk III
3. Office Specialist I	Office Assistant II
4. Office Specialist II	Administrative Assistant I
5. Administrative Specialist	Administrative Assistant II
6. Carpenter	Carpenter
7. Gardener I	Gardener I
8. Gardener II	Gardener II
9. Gardener III	Gardener Crew Leader
10. Painter	Painter
11. Plumber	Plumber
12. Semiskilled Laborer	Public Works Maintenance Worker
13. Port Electrician*	Electrician*
14. Custodian	Custodian**

The Port and the City have agreed that the following two classifications are Port-specific due to the following reasons and therefore they are exempt from the above common classifications:

\*The Port Electrician – due to the “high voltage” experience required by the Port.

\*\*Custodian – due to FAA security requirements. Port custodians must be able to pass a Criminal History Records Check (CHRC), a ten-year background check, and be fingerprinted for FBI clearance in order to work in the Security Identification Display Area (SIDA) at the Oakland International Airport. Additionally, the Port and City have agreed that due to recruitment requirements, both the City and the Port agreed to conduct separate examinations to accommodate internal candidates (Port relief/990 custodians and City part-time custodians).

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~~{Amended CSB June 9, 2011 to add classification of Gardener-I}~~

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