



CIVIL SERVICE BOARD MEETING AGENDA

Date: March 17, 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; 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
 - Firefighter, A. Beck (OFD-2016-LA01)
 - Civil Engineer, N. Cartagena (OPW-2016-LA02)
 - Public Service Representative, D. Schubert (OCA-2016-LA01)
- b) Ratification of Provisional Appointments
 - Program Analyst II (OPW-2016-PA01)
- c) Approval of Revised Classification Specifications
 - Manager, Cultural Affairs (formerly Manager, Cultural Arts)
 - Neighborhood Services Coordinator
 - Process Coordinator III

3) OLD BUSINESS:

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

- 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 INFORMATION
- 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 ACTION
- e) Presentation of a Project Plan for Review of City and Port Classifications within the Context of a Classification Plan for the City of Oakland ACTION

4) NEW BUSINESS:

- a) Discussion of Civil Service Board Meeting Date Schedule ACTION
- b) Approval of Revised and New Classification Specifications ACTION
- Planner III
 - Planner III – Historic Preservation
 - Planner IV
 - Street Sweeper Operator
- c) 3.04 (e) Appeal of Classification Study Results (A. James) ACTION
- Employee currently classified as Police Records Specialist, appealing denial of request to be reclassified.

ADJOURNMENT:

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, April 21, 2016. All materials related to agenda items must be submitted by Thursday April 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, 2nd floor
Oakland, CA 94612
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

DATE: March 17, 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

DHRM is in receipt of three (3) complete 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

Beck, Austin	Firefighter	OFD	OFD-2016-LA01	CSR 8.07 c 3 Personal Business
Cartegena, Nick	Civil Engineer	OPW	OPW-2016-LA02	CSR 8.07 c 3 Personal Business
Schubert, Dylan	Public Service Representative	OCA	OCA-2016-LA01	CSR 8.07 c 3 Personal Business

RECOMMENDATION:

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



Unpaid Leave of Absence



Print Form

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 Austin Beck Employee's ID 17035 Today's Date 2-18-16
~~5/8/14~~

Department/Division Fire Dept Employee Job Title Firefighter

I Request: Days Hours From 2/23/2016 To 5/18/2016
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
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.

Austin Beck
Employee's Signature Date 2-18-16

Civil Service Board Approval Date

Meresa Jouch Reed
Department Head Approval Date 2-24-16

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

RECEIVED
DEPT OF HUMAN RESOURCES
MANAGEMENT

Print Form



DEC 11 PM 12:52

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 Nick Cartagena

Employee's ID 20708

Today's Date 12/7/15

Department/Division Transportation Planning & Funding

Employee Job Title Civil Engineer

Request: 54 Hours / 7.1 hr 30 Days Days Hours From May 5, 2016 To May 13, 2016
No. of Days or Hours Select Days or Hours

Unpaid Leave Taken This Year? Yes No If yes, what type of leave N/A

(Write appropriate code)

UNPAID TAKEN IN 2013, SEE ATTACHED

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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[Signature]
Employee's Signature Date 12/7/15

Civil Service Board Approval Date

[Signature]
Department Head Approval Date 12/7/15

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.

Print Form



Unpaid Leave of Absence

Leave Type:

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

Employee's Name Dylan Schubert Employee's ID 22316 Today's Date 2/9/16

Department/Division Office of the City Attorney Employee Job Title Public Service Representative

I Request: 25 Days Hours From Aug 1, 2016 To Sep 2, 2016
No. of Days or Hours Select Days or Hours

Unpaid Leave Taken This Year? Yes No If yes, what type of leave _____
(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
FDN	5 days	Yes	No	Yes	Family death leave (paid) exhausted
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 02-09-16
 Employee's Signature Date

 Civil Service Board Approval Date

 02-10-16
 Department Head 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



CITY OF OAKLAND
OFFICE OF CITY MANAGER

INTER OFFICE MEMORANDUM

16 FEB 19 PM 12:59

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Brooke A. Levin
Director, OPW

SUBJECT: Request to Make a Provisional
Appointment to a vacant
Program Analyst II position

DATE: February 5, 2016

City Administrator Approval:

Date:

2/28/16

Oakland Public Works, Bureau of Engineering and Construction Administration is requesting authorization to provisionally appoint one (1) Program Analyst II while the recruitment to permanently fill this vacancy is in process. The requisition to permanently fill this position via a new recruitment has been submitted to HRM.

The duties associated with this position include:

Septic System Transition

Recent state legislation is requiring the Alameda County Health Department (ACHD) to develop a new plan for regulating private septic systems throughout Alameda County. Work to date has established that several hundred properties in Oakland will be subject to this regulation. The properties will be required to effectively abandon their septic systems and connect to the public sewer system. Most of these situations are grouped with several homes or more being required to participate. It is expected it will take from 12 to 18 months to develop a transition program. The lead for the City in this effort is the Engineering Division within the Bureau of Engineering and Construction. This position will report to the Engineering Division Manager and will include the following duties:

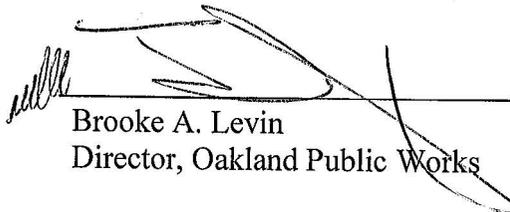
- Develop a public outreach and education program in coordination with ACHD
- Lead the public outreach and education program, again in coordination with ACHD
- Assist in analysis of optimal methods by which homeowners can establish and fund private sewer assessment districts or other means to share in the cost of extension of the public sewer system
- Prepare informational and other reports to City Council and other bodies
- Assist in responding to questions relative to City standards, policies, procedures
- Coordinate correspondence with elected officials who represent areas subject to the new regulations.

Citywide Sidewalk Repair Program

About 80 percent of the sidewalk damage in Oakland is the responsibility of private property owners and the City has struggled to fully develop a program that leverages that to effect repairs to these sidewalks. The lead for the City in this program is also the Engineering Division. In this program, the position include the following duties:

- Develop the public outreach and education materials describing homeowner responsibility to make repairs to sidewalks adjacent to their property
- Assist in developing programs to help homeowners make needed repairs, including public contact
- Develop procedures and processes to assure cost effective management of the entire process to assure private repairs, including initial education, notice to repair, follow-up, and assistance throughout the process.

OPW wishes to provisionally appoint Sean Maher into this position. Attached are Mr. Maher's employment application and resume which demonstrate possession of the knowledge, skills and abilities necessary for success in this position. Most recently, Mr. Maher has worked for the City of Oakland performing outreach functions for the former Mayor and for the Environmental Services Division for OPW. We are also requesting to appoint Mr. Maher provisionally at step 5 of the pay range for the PA II classification, which is \$81,362 annually. This pay rate is substantially lower than his most recent past salary with OPW/ESD which was \$91,600 annually and lower than his salary in the former Mayor's office, which was \$86,000 annually.


Brooke A. Levin
Director, Oakland Public Works



MEMORANDUM

CITY OF OAKLAND

DATE: February 17, 2016

TO: The Honorable Civil Service Board **FROM:** Preston Treichel
Human Resource Analyst

THROUGH: Anil Comelo, DHRM Director
Secretary to the Board

THROUGH: Kip Walsh, Recruitment & Classification Manager

SUBJECT: Request for Provisional Appointment in Classification of Program Analyst II to be ratified at Civil Service Board Meeting of March 17, 2016 (OPW-2016-PA01)

Attached is a request from the Oakland Public Works Department to make a provisional appointment to a Program Analyst II vacancy. The basis for this request is detailed in the attached memo provided by the department.

Under direct supervision, the Program Analyst II position develops programs, finds sources of funds, administers programs, and evaluates results. The incumbent works independently with limited supervision, and performs related duties as assigned.

The minimum qualifications for Program Analyst II are:

- **Education:** Bachelor's degree in business or public administration, social work, behavioral sciences or a related field from an accredited college or university.
- **Experience:** Three years of relevant experience in the particular area of program administration.

The selected candidate's combined education and experience meets the minimum qualifications of a Program Analyst II. He has completed coursework almost equivalent to a Bachelor's degree and has related experience in the specific program area of community outreach.

A job announcement has been developed and a recruitment is being initiated to ensure establishment of an eligible list sufficiently in advance of the expiration of the provisional appointment.

Human Resources Management recommends that the Civil Service Board ratify the provisional appointment to this Program Analyst II vacancy in the Oakland Public Works Department beginning on February 20, 2016 and ending on or before June 19, 2016.



MEMORANDUM

DATE: March 17, 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 Cultural Affairs Manager (formerly Cultural Arts Manager)

Based upon a classification review at the request of the Economic and Workforce Development Department, staff has proposed the creation of the **Manager, Cultural Affairs** classification specification. The classification had existed for several years but an official classification specification was never approved. It was inactivated as part of the “Final Agreement between the City of Oakland and the International Federation of Professional and Technical Engineers, Local 21 Regarding UM1/UM2 Bargaining Unit Assignment” as of July 30, 2013 (please see Page 4, Section C, #5 of the attached side letter).

A title change is necessary to ensure that it accurately reflects the entire arts industry instead of one or more subsections. The title of “Manager, Cultural Arts” will be changed to “Manager, Cultural Affairs.”

The incumbent in this classification will direct the Cultural Affairs Division, which oversees the City’s arts programs, including the cultural funding and the public art programs; perform marketing and outreach services; provide staff support to the Public Art Advisory Committee, the Cultural Funding Advisory Committee, and other relevant Commissions or Committees as necessary; manage the Division operations; and supervise assigned staff.

The classification will be part of the competitive civil service and should be placed in the representation unit UM2 with other similar managerial classifications. It is not being recommended for exemption from civil service and no longer belongs in the UM1 representation unit.

The classification will be reactivated in the Oracle system. Further, a salary ordinance amendment will be processed to modify the representation unit assignment and change the classification title. It is scheduled for Finance and Management Committee on February 23, 2016, with two readings at City Council in March 2016.

There is one vacancy. A recruitment and selection process will be initiated in the near future to fill the position.

The International Federation of Professional and Technical Engineers (IFPTE, Local 21) was notified of the proposed draft classification specification and related changes. City staff and union representatives met on January 21, 2016, to discuss the draft classification specification and agreed to minor modifications during that meeting. There are no objections to the proposed new classification specification.

Additionally, the Port of Oakland does not operate any cultural arts and affairs programs. Classifications specifically designed for this role have no corresponding classifications at the Port.

Staff recommends that the Civil Service Board approve the classification specification for Manager, Cultural Affairs as proposed.

Attachments: New classification specification for Manager, Cultural Affairs
Final Agreement between the City of Oakland and IFTPE, Local 21 Re: UM1/UM2



CULTURAL AFFAIRS MANAGER

DRAFT

Class Code: EM179 FTE

Civil Service

DEFINITION

Under administrative direction in the Economic and Workforce Development Department, directs the Cultural Affairs Division, which oversees the City's arts programs, including the cultural funding and the public art programs; performs marketing and outreach services; provides staff support to the Public Art Advisory Committee, the Cultural Funding Advisory Committee, and other relevant Commissions or Committees as necessary; manages the Division operations; supervises assigned staff; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

This is a single-incumbent, managerial position in the Economic and Workforce Development Department. This incumbent is responsible for supporting and advancing citywide arts programs and initiatives. The incumbent is also responsible for facilitating communications with non-profit cultural organizations, arts organizations, and individual artists within Oakland. The duties performed involve the exercise of considerable discretion and latitude of judgment in the formulation and development of policies and procedures.

The incumbent receives general supervision from the Director of Economic and Workforce Development and exercises supervision over professional, technical and other assigned staff.

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

Manage and direct the Cultural Affairs Division; set goals and objectives; determine and implement policies and procedures; and provide programs and services to the City.

Select, train, supervise and direct staff; assign duties and evaluate work performance.

Develop and administer the Division budget; approve contracts and expenditures.

Develop or direct the preparation of reports; present reports to the Mayor, the City Council, the City Administrator and related Commissions and Committees

Represent the Division in various public meetings, including City Council meetings.

Provide leadership and direction to the Public Art Advisory Committee, Funding Advisory Committee, and other commissions and committees as necessary including managing staff that directly support those committees and commissions.

Represent the City, providing liaison to the public and the local arts community; make presentations at regional, state and national conferences.

Respond to requests from the Mayor, the City Council, or the City Administrator's Office for specific information, reports and/or policy recommendations.

Provide project management services that are specifically related to the Cultural Affairs Division; coordinate the work of architects, art organizations, property management firms, artists, and others; work with other City departments on related projects and initiatives.

Perform detailed research and analysis, feasibility studies; make recommendations; issue reports.

KNOWLEDGE AND ABILITIES

- Current trends and themes in public art, cultural arts, creative placemaking and their role in the health and vitality of cities.
- Understanding of the needs of artists and arts organizations to grow and thrive in cities.
- Visual and performing arts management.
- Public Art best practices and procedures.
- Fundraising techniques, grant processes and procedures.
- Budget and grant development and administration; program marketing.
- Facility and program development.
- Project management and the procurement of professional services.
- Public contact and community relation practices.
- The principles of supervision, training and evaluation.

Ability to:

- Communicate effectively orally and in writing with a variety of constituent groups.
- Make careful and complete analyses of information; make or implement recommendations on courses of action.
- Prepare reports of a budgetary, technical and evaluative nature.
- Keep current with art issues in the community.
- Administer a variety of budgets and grants.
- Utilize concepts and techniques of organizational development.
- Follow oral and written directions.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

MINIMUM QUALIFICATIONS

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 arts administration or public administration or a related degree. A Master's degree is desirable.

Experience:

Five years of progressively responsible work experience in arts administration and program development, including a minimum of two years of public or governmental administrative experience, and two years in a supervisory role.

LICENSE OR CERTIFICATE

A successful incumbent in this position is expected to operate automotive vehicles in the performance of 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. The individual who is 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 REQUIREMENTS

None required.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY			
Established:	/ /	CSB Resolution #:	Salary Ordinance #:
Exempted:	Y <input type="checkbox"/> N <input type="checkbox"/>	Exemption Resolution #:	
Revision Date:	/ /	CSB Resolution #:	
Re-titled Date:	/ /	CSB Resolution #:	Salary Ordinance #:
(Previous title(s):)			

CITY OF OAKLAND



150 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612 - 2019

EMPLOYEE RELATIONS
D. LaWanna Preston
 Director

TDD (510) 238-6930
 (510) 238-3112

July 30, 2013

**Final Agreement between the City of Oakland and the International Federation of
 Professional and Technical Engineers, Local 21
 Regarding UM1/UM2 Bargaining Unit Assignment**

Background

Appendix J of the 2008-2011 Local 21 MOU ("Side Letter Regarding Civil Service Status of UM1") was a side letter agreement detailing the process to resolve disputes between the City and the Union regarding unit designation of classifications that were at that time assigned to the UM1 bargaining unit.

Two previous agreements, one issued on June 18, 2010 and one issued on May 9, 2011, provided for the disposition of all but five of the classifications that were discussed. The May 9, 2011 agreement outlined the process by which the exempt status of the remaining classifications would be resolved. Since May 2011, the City has been engaged in classification studies of all incumbents and positions of the remaining classifications and has provided recommendations to the Union. The City and the Union met on several occasions and at the last of those meetings, held on January 7, 2013 final resolution was reached, with the exception of the status of classifications listed in Section F below, which will be referred to the Civil Service Board for final resolution.

The City and Union wish to enter into an agreement regarding the bargaining unit assignment of all classifications that were part of the original sideletter agreement. This agreement catalogs all of the final agreements related to the bargaining unit designations for classifications formerly in unit UM1 and supersedes all prior agreements.

Bargaining Unit Assignment Agreements

- A. The parties agree the following classifications are appropriately assigned to the UM1 bargaining unit:

Classifications in UM1

1. Assistant to the Director*
2. Assistant to the Director, PPT*
3. City Auditor, Assistant*
4. City Clerk, Assistant*
5. Curator of Art, Chief
6. Curator of Education, Chief

7. Curator of History, Chief
8. Curator of Natural Science, Chief
9. Deputy Director, Economic Development & Employment
10. Deputy Director, Housing
11. Deputy Director, Program Planning & Development
12. Deputy Director/Building Official
13. Deputy Director/City Planner
14. Engineer, Civil Principal
15. Fire Division Manager
16. Legal Communications Officer
17. Manager, Agency Administrative
18. Manager, Building Services
19. Manager, Cable TV Station
20. Manager, Capital Improvement Program
21. Manager, Contract & Employment Services
22. Manager, Crime Laboratory
23. Manager, Electrical Services
24. Manager, Emergency Services
25. Manager, Environmental Services
26. Manager, Equipment Services
27. Manager, Human Services (new)
28. Manager, Information Systems
29. Manager, Legal Administrative Services
30. Manager, Museum Operations
31. Manager, Museum Services
32. Manager, Park Services
33. Manager, Parks & Recreation Zone
34. Manager, Planning & Building Operations
35. Manager, Public Works Operations
36. Manager, Recreation Services
37. Manager, Senior Services
38. Manager, Support Services (retitled from Support Services Administrator)
39. Manager, Youth Services
40. Performance Audit Manager
41. Project Manager III
42. Project Manager III, PPT
43. Special Assistant to the Mayor II (retitled from Special Assistant to the Mayor)*

The classifications listed above have been referred to the Civil Service Board for exemption from the competitive civil service and exempted, except that classifications marked with an asterisk (*) have been determined to be exempt by Charter section 902b.

B. The parties agree the following classifications shall be assigned to the UM2 bargaining unit:

Classifications in UM2

1. Administrative Services Manager II
2. Business Analyst IV (retitled from: Business Analyst Supervisor)
3. Chief Conservator
4. City Architect, Assistant
5. City Council Office Administrator
6. Community Restoration Emergency Planning Coordinator
7. Computer Operations Supervisor
8. Emergency Services Manager, Assistant
9. Environmental Program Supervisor
10. Financial Analyst, PPT
11. Financial Analyst, Principal
12. Librarian, Administrative
13. Library Automation Supervisor
14. Manager, Community Housing Services
15. Manager, Development/Redevelopment Program
16. Manager, Inspection Services
17. Manager, Marketing Program (retitled from: Marketing & Information Services Manager)
18. Manager, Oracle Applications (new)
19. Manager, Real Estate Services
20. Manager, Rent Adjustment Program (new)
21. Manager, Sustainability Program (new)
22. Manager, Technology Program (new)
23. Manager, Zoning
24. Open Government Coordinator
25. Parking Supervisor
26. Police Program & Performance Auditor
27. Production Control Supervisor
28. Project Manager II
29. Project Manager II (PPT)
30. Recreation General Supervisor
31. Recreation Services Manager, Assistant to
32. Recycling Supervisor
33. Solid Waste/Recycling Program Supervisor
34. Spatial Data Administrator
35. Support Services Administrator
36. Volunteer Program Coordinator, Supervising

The classifications listed above in this section shall be part of the competitive civil service and governed by the Civil Service Rules. Employees whose classifications are reallocated to the UM2 bargaining unit shall be granted seniority based on their cumulative service in that classification, subject to any other provisions of the Civil Service Rules. In recognition of the fact that all classifications within the UM2 bargaining unit are governed by the Civil Service Rules, including

Rule 9.01 and Rule 9.02, the City and Union agree that section 14.10 (Reduction in Force) of the MOU shall apply to all represented employees in bargaining unit UM2.

C. The parties agree the following classifications will be administratively deactivated:

Classifications to be Deactivated

1. Data Administrator
2. Legislative Services Coordinator
3. Manager, Community Assistance Program
4. Manager, Comprehensive Planning
5. Manager, Cultural Arts
6. Manager, Grants
7. Manager, Housing Development
8. Manager, Neighborhood Development
9. Manager, Rehabilitation Services
10. Museum Public Program Supervisor
11. Secretary, Administrative

The City and the Union agree that these classifications are no longer in use and shall therefore be deactivated. Should the City decide at some future date to reactivate some or all of these classifications, it shall first meet and confer with the Union regarding the proper unit designation and Civil Service status of those classifications.

D. The parties agree the following classification will be moved out of UM1 and into TA1:

Classification Reassigned to TA1

1. Special Assistant to the Mayor I (retitled from: Administrative Assistant to the Mayor)

E. The parties acknowledge the following classifications were moved out of UM1 and into UK2; the classifications are no longer represented by the Union:

Classifications Reassigned to UK2

1. Manager, Claims & Risk
2. Manager, Treasury
3. Revenue & Tax Administrator
4. Manager, Affirmative Action

F. The parties met and determined they could not reach an agreement on the proper bargaining unit designation for the following classifications:

1. Executive Assistant/Executive Assistant to the Agency Director (combined classifications)

2. Executive Assistant to the Assistant City Attorney
3. Manager, Citywide Records

Pursuant to the Side Letter Regarding Civil Service Status of UM1, the parties agree that the City may seek Civil Service exemption of these classifications by the Civil Service Board. Both the City and the Union shall be provided with the opportunity to present arguments for or against exempting these classifications, and the Civil Service Board shall then determine the final disposition of these classifications.

Classification Assignments of Incumbents

- G. The parties agree the following incumbents in the classifications of Administrative Services Manager II and Project Manager II shall be assigned to the following civil service classifications in bargaining unit UM2:

Administrative Services Manager II Incumbents

Incumbent Name	Department	Classification
Davila, Robert	Parks & Recreation	Administrative Services Manager II
Fitzgerald, Garrett	Public Works	Manager, Sustainability Program ¹
Howell, Donna	City Administrator	Administrative Services Manager II
Morgan, Thomas	Public Works	Administrative Services Manager II
Roberts, Samee	City Administrator	Manager, Marketing Program ¹
Silva, Felicia	Police Department	Administrative Services Manager II
To, Annie	Administrative Services	Administrative Services Manager II
Tom, Gene	Library	Administrative Services Manager II
Valle, Neil	Human Services	Administrative Services Manager II

Project Manager II Incumbents

Incumbent Name	Department	Classification
Lai, Myron	Information Technology	Manager, Oracle Applications ²
Leung, Onyx	Information Technology	Manager, Oracle Applications ²
McCabe, John	Public Works	Manager, Technology Program ^{1,2}
Soo Hoo, Lily	Public Works	Project Manager II ³
Taylor, Connie	Housing & Community Dev.	Manager, Rent Adjustment Program ^{1,2}

¹ Single-incumbent classification.

² Classifications to be retired through attrition.

³ Currently single-incumbent but will be used with Selective Certification going forward.

- Parties agree that where incumbents are placed in new classification assignments, the original classification shall be treated as “divided” pursuant to Civil Service Rule 9a and incumbents’ seniority shall be credited for all time in the Administrative Services Manager II or the Project Manager II classification.

- Parties agree that as incumbents leave the positions in the new classifications of Oracle Applications Manager and Technology Program Manager, the classifications will be retired and not used again. The positions will be reallocated to the classification of Business Analyst IV unless a change in job duties and the scope of the position warrants further review.
- Parties agree that when the incumbent leaves the position in the new classification of Rent Adjustment Program Manager, the classification will be retired and not used again. The position will be reallocated to the classification of Development/Redevelopment Program Manager unless a change in job duties and the scope of the position warrants further review.
- Parties agree that when filling positions in the Administrative Services Manager II and the Project Manager II classifications where the assignments are specialized to a particular program or project area appropriate to the classifications, section 5.03 of the Civil Service Rules governing Selective Certification shall be utilized to distinguish the position’s specialty area.

H. The parties agree the following incumbents and vacant positions in the classification of Administrative Services Manager II shall be assigned to the following exempt classifications in bargaining unit UM1:

Administrative Services Manager II Positions

Incumbent Name	Department	Classification
Taylor, Sandra	Human Services	Manager, Human Services
VACANT (formerly: Bedford, Sara)	Human Services	Manager, Human Services
Lopez, Yolanda	Public Works	Manager, Support Services

<u>City</u> Name	Date
<i>Lananna Preston</i>	<i>7/30/13</i>
<i>Tom "Tip" Nash</i>	<i>7/30/13</i>

<u>Union</u> Name	Date
<i>Christine Cas...</i>	<i>7/30/13</i>
<i>Jeffrey...</i>	<i>7/30/13</i>



MEMORANDUM

DATE: March 17, 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 Neighborhood Services Coordinator

Based upon questions that arose during a meeting on February 18, 2016, with the International Federation of Professional and Technical Engineers (IFPTE, Local 21) about a selective certification for this classification, staff has proposed the revision of the **Neighborhood Services Coordinator** classification specification. It was formally established in 2008 and has not been revised since that time.

During the course of the discussion with Local 21, a variety of modifications were proposed. Refinements have been made to the Definition, Distinguishing Characteristics, Examples of Duties, and Knowledge and Abilities sections. There is currently a desirable certification but it is no longer applicable and the language is being deleted. Lastly, a few format changes were made to align the classification specification with the current template.

There is one vacancy. A recruitment and selection process will be initiated in the near future to fill the position.

City staff and Local 21 representatives agreed to make minor modifications during the meeting on February 18, 2016. The union confirmed via email on March 4, 2016, that there are no objections to the proposed revisions.

Staff recommends that the Civil Service Board approve the classification specification for Neighborhood Services Coordinator as amended.

Attachments: Revised classification specification for Neighborhood Services Coordinator



NEIGHBORHOOD SERVICES COORDINATOR

Class Code: SC190 FTE

Civil Service Classified

DEFINITION

Under ~~the~~ direction ~~of the Office of the City Administrator in conjunction with~~ in the Oakland Police Department, coordinates and provides crime prevention services and resources; develops and strengthens leadership skills of community members; facilitates resolution of neighborhood issues in direct support of the philosophy, strategies, and techniques of community policing; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

This is a journey level classification. Incumbents perform community outreach and act as a liaison between community groups and the Oakland Police Department. Incumbents also address crime prevention needs and establish a rapport with local groups, organizations, and businesses.

~~The~~ Incumbents receives direct supervision from ~~the Neighborhood Services Manager management staff~~ and may receive general supervision from supervisors and managers at the Oakland Police Department.

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

Prepare and analyze complex reports; and maintain records.

Respond to inquiries or requests for service from interested community groups and citizens; identifies problems and implements problem-solving strategies utilizing appropriate community resources.

Plan, implement, coordinate, activate and evaluate a comprehensive community resource network in a particular neighborhood that directly supports community- policing efforts.

Solicit community participation, support and input in determining crime prevention needs; approach individuals, businesses, community organizations, and school officials for assistance with problem solving in the community.

Establish and maintain positive relationships with individuals, businesses, community organizations, school officials and local government staff to assess that programs and activities are meeting the existing and changing needs of the community; represent the Police Department at ~~the~~ community meetings and events.

Attend Neighborhood Crime Prevention Council meetings; provide technical assistance to Neighborhood Crime Prevention Council leaders and members in the areas of problem solving, crime prevention, capacity building, community engagement, and leadership and organizational development. Utilize community outreach strategies such as canvassing, flyering, one-one-ones to disseminate information, and generate referrals and interest in programs such as the Neighborhood Crime Prevention Councils and Neighborhood Watch. Partner with Problem

~~Community Resource Solving~~ Officers and others to research issues and solve problems, both in the field and in the office. Insure that Neighborhood Crime Prevention Council leaders and members are informed about the block, neighborhood, citywide approach to community policing as outlined in Resolution 79235.

Work with Neighborhood Watch captains, businesses/merchants, faith communities, schools, community based organizations and other stakeholders to develop their leadership and collaborative problem-solving skills, strengthen their groups, and involve them in the Neighborhood Crime Prevention Councils; and facilitate problem-solving in partnership with the police department and other staff. Work with Neighborhood Watch captains to help them network with each other and NCPC leaders on the beat. Insure that Neighborhood Watch captains are informed about the block, neighborhood, citywide approach to community policing as outlined in Resolution 79235.

Conduct and analyze community needs assessment surveys for improving programs and services; participate in community planning or advisory activities.

Coordinate, promote, and host special events and programs including National Night Out and the annual Community Summit.

Assist in the development of short and long term program planning; ~~assist in the development of program and~~ goals.

Coordinate and participate in the design, preparation and distribution of publicity including press releases, brochures, and flyers; promote community-policing efforts through the news media.

Serve as staff resource to citizen-based Neighborhood Crime Prevention Councils.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Oral and written presentation skills; and report preparation and analysis.
- Records management and general office procedures and equipment.
- The principles of community organizing; techniques to address and improve the needs of the community.
- Needs assessment methodologies; and principles and practices of leadership development.
- Public relations and marketing techniques.

Ability to:

- Plan, utilize and evaluate problem-solving strategies in response to community needs.
- Analyze criminal activity data and identify trends.
- Analyze potential problem situations and respond appropriately.
- Solve problems, ~~and~~ make decisions, ~~;~~ and work independently.
- Develop and maintain positive work relationships with community leaders, co-workers, organizations, businesses, citizens and other City departments.
- Train individuals on relevant topics such as meeting facilitation, agenda development, problem solving, media relations, public speaking, and mediation.
- Organize and provide leadership and direction in a diverse community.
- Elicit community and organizational support for programs.

- Communicate effectively and persuasively in both oral and written form; speak effectively in large and small group settings.
- Coordinate a variety of programs and activities inter-departmentally and with outside agencies.
- Develop residents' leadership skills ~~so they can organize effectively~~ to solve problems in their neighborhoods by organizing effectively.
- Learn the organizational structure of the City government; various criminal and vehicle codes.
- Explain Police Department regulations and procedures.

MINIMUM QUALIFICATIONS

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

Education:

Bachelor's degree from an accredited college or university in public administration, communications, social science, political science or a related field. Experience may be substituted for education on a year-for-year basis.

Experience:

Four (4) years of progressively responsible work experience in community-based or crime prevention programs or community organizing with a high degree of public contact including identifying and developing leaders and providing training.

LICENSE OR CERTIFICATE

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.

~~Possession of certification in Theory and Practice of Grassroots Community Organizing is highly desirable.~~

OTHER REQUIREMENTS

Bilingual skills in Spanish, Cantonese, Mandarin and Vietnamese are highly desirable and may be required depending on assignment.

Must pass a thorough background investigation.

<u>DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY</u>			
Established:	03/06/2008	CSB Resolution #:	44513
Exempted:	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Exemption Resolution #:	
Revision Date:	n/a	CSB Resolution #:	
Re-titled Date:	n/a	CSB Resolution #:	
		Salary Ordinance #:	
(Previous title(s): n/a)			



MEMORANDUM

DATE: March 17, 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 Process Coordinator III

Based upon a classification review at the request of the Planning and Building Department, staff has proposed the revision of the **Process Coordinator III** classification specification. It was established in 1995 and has not been revised since creation.

A variety of modifications have been proposed to the classification specification. Refinements have been made to the Definition and Distinguishing Characteristics sections. The Experience section has been modified to more accurately convey the required background for this position. There is currently a required certificate but the language is vague and the requirement is no longer necessary. Instead, the certification should be desirable and the most appropriate certification has been specified. Lastly, format changes were implemented to align the classification specification with the current template.

There is one vacancy. A recruitment and selection process will be initiated in the near future to fill the position.

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 representatives met on February 18, 2016, and agreed to minor modifications during that meeting. There are no objections to the proposed revisions.

Staff recommends that the Civil Service Board approve the classification specification for Process Coordinator III as amended.

Attachments: Revised classification specification for Process Coordinator III



PROCESS COORDINATOR III

Class Code: SC202

Civil Service Classified

DEFINITION

Under direction in the Planning and Building Department, To coordinates permit applications for development projects through to completion; ~~to~~ serves as liaison between applicants and City staff; ~~to~~ investigates and resolves problems as they arise; ~~to~~ expedites the design review and permit process; ~~and to~~ assigns and reviews the work of Process Coordinator II's; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS:

This is an advanced journey level classification in the Process Coordinator series whose incumbents are responsible for the coordination of permit applications. Incumbents handle complex permit processing assignments and supervise assigned staff. This classification is distinguished from the lower level Process Coordinator II in that incumbent of the latter performs the less complex technical and administrative work in permit processing.

~~SUPERVISION RECEIVED AND EXERCISED~~

~~The incumbent R~~ receives general supervision from ~~the CRDC Manager or other M~~ management staff, ~~and P~~ provides general supervision to Process Coordinator II's, and provides technical direction to assigned staff.

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

Coordinate the design and plan review process for permits with City staff and other agencies.

Plan and coordinate team review meetings; monitor information for accuracy and compliance.

Interpret relevant codes and regulations, including design criteria and building codes, to contractors, property owners, building professionals and the general public; explain technical provisions and special requirements.

Assist subordinate staff in the resolution of processing problems or complex applications.

Review existing conditions of buildings and proposed construction work.

Accept pre-application submittals for design and plan review; assign reviews to teams.

Conduct meetings and workshops to explain the regulatory process and the approval procedure for permits; meet with citizen groups.

Monitor performance standards and make recommendations for improvements to Management staff and Deputy Officials.

Supervise, train, and evaluate assigned staff.

Prepare routine correspondence and reports.

Operate a motor vehicle in the performance of assigned duties.

~~Perform other duties as assigned.~~

QUALIFICATIONS KNOWLEDGE AND ABILITIES

Knowledge of:

- Municipal zoning and subdivision regulations; design review standards.
- Building codes and regulations.
- Basic construction methods and materials.
- Automated permit management systems; personal computer applications.
- Filing and record keeping systems.
- Contractor's license law.
- Blueprint reading and interpretation.

Ability to:

- Interpret building ordinances, codes and regulations.
- Review floor plans, elevations, sections and pictorial drawings.
- Communicate effectively in both oral and in written form.
- Supervise, train, and evaluate subordinate staff.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

EXPERIENCE AND EDUCATION MINIMUM QUALIFICATIONS

~~Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:~~
Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.

Education:

An Associate's Arts Degree from an accredited college or university in a technical field related to building or urban planning. A Bachelor's Degree in planning or a construction related field is highly desirable.

Experience:

Four years of progressively responsible experience ~~comparable to Permit Technician, Building Inspector, or Planning Investigator in the City of Oakland~~ in permit processing, building inspections or building plan review and design including the interpretation of building codes and zoning ordinances.

LICENSE OR CERTIFICATE

Successful incumbents in this position are expected to operate automotive vehicles in the performance of 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.

CERTIFICATE

~~Possession of a technical certificate in a building or urban planning field.~~ A Permit Technician Certification from the International Code Council (ICC) is desirable.

OTHER REQUIREMENTS

None required.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY

Established 07/27/1995 CSB Resolution #: 44339 Salary Ordinance #:

Exempted: Y N Exemption Resolution #:

Revision Date: / / CSB Resolution #:

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

(Previous title(s):)

Date: January 21, 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; Christopher Johnson; Jeffrey Levin, (one vacancy)

STAFF TO THE BOARD: Anil Comelo, HRM Director/Secretary to the Board
Jim Hodgkins, Deputy City Attorney
Kip Walsh, Recruitment & Classification Manager/Staff to the Board
Sean Flaherty, HR Clerk/Staff to the Board

OPEN SESSION

ROLL CALL

1) OPEN FORUM– No speakers

2) CONSENT CALENDAR:

- a) Approval of Employee Requests for Leave of Absence
 - Library Assistant, Ana Lara (LIB-2016-LA01)
 - Sign Maintenance Worker, Keturah Stallworth (OPW-2016-LA01)

- b) Ratification of Provisional Appointments
 - Home Management Specialist II (HCD-2016-PA01)
 - Home Management Specialist II (HCD-2016-PA02)
 - Program Analyst I (HCD-2016-PA03)

- c) Approval of Revised Classification Specifications
 - Cable Television Production & Operations Manager (formerly Cable Operations Coordinator)
 - Capital Improvement Project Coordinator
 - Planner V
 - Transportation Planner, Senior
 - Aviation Facilities Manager (Port of Oakland)

44799 A motion was made by Board Member Johnson and seconded by Vice Chairperson Jones to approve the items on the Consent Calendar.

Votes: Board Member Ayes: 4 - Baranco, Gourdine, Jones, Johnson
Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: 2 – Drexel, Levin

3) OLD BUSINESS:

a) Approval of Meeting Minutes:

(1) Approval of December 17, 2015 Civil Service Board Meeting Minutes

Member Johnson noted that the voting record for item (xx) had been recorded incorrectly and asked staff to check the record and make the correction. Kip Walsh, HR Manager, affirmed that staff would review and amend to record the vote correctly.

44800 The minutes for the December 17, 2015 Civil Service Board Meeting were approved as amended following a motion by Vice Chairperson Jones and seconded by Board Member Baranco.

(2) Approval of Revised November 19, 2015 Civil Service Board Meeting Minutes

44801 The minutes for the November 19, 2015 Civil Service Board Meeting were approved as amended in the revised version submitted to the Board for review following a motion by Vice Chairperson Jones and seconded by Board Member Johnson.

b) Determination of Schedule of Outstanding Board Items

- No New Items to Schedule

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

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

44802 A motion was made by Vice Chairperson Jones and seconded by Board Member Johnson requesting that City staff submit the draft Personnel Manual of the Port of Oakland to the City Attorney's Office for review and comment before the Civil Service Board takes any action.

Votes: Board Member Ayes: 4 - Baranco, Gourdine, Jones, Johnson
 Board Member Noes: None
 Board Member Abstentions: None
 Board Members Absent: 2 – Drexel, Levin

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

Received and filed.

ADJOURNMENT:

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday February 18, 2016. All materials related to agenda items must be submitted by Thursday February 11, 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, 2nd floor
Oakland, CA 94612
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.

1. FOR SCHEDULING

Case Number	Classification	Dept.	Action Pending	Date Received	Notes
OPD-2016-AP01	Police Records Specialist (James)	OPD	3.04 (e) Appeal Regarding Changes in Classification	Jan. 13, 2016	Request to schedule to 3/17/16 CSB

2. REFERRED TO OUTSIDE HEARING OFFICER

Case Number	Classification	Dept.	Action Pending	Referral Date	Notes
OFD-2015-AP01	Captain of Fire (Gascie)	OFD	4.19 Appeal of Examination Results	July 16, 2015	Hearing dates scheduled for Mar. 10&11, 2016
OPW-2015-AP01	Heavy Equipment Service Worker (Lemi)	Public Works	6.05 Appeal of Probationary Removal/Demotion	July 16, 2015	Hearing dates scheduled for April 28, 2016
OPR-2014-AP01	Gardener Crew Leader (Gold)	Parks & Recreation	6.05 Appeal of Probationary Removal/Demotion	Dec 18, 2014	2 nd Hearing dates scheduled for Feb. 2016
EWD-2015-AP01	Urban Economic Analyst III (Ralston)	EWD/ONI	10.03 Appeal of Discipline	Aug 20, 2015	Hearing dates scheduled for Mar. 8&9, 2016

3. UNDER REVIEW

Case Number	Classification	Dept.	Action Pending	Date Received	Notes
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	Referred to City Attorney
OFD-2016-AP01	Firefighter (Keefer)	Fire	6.05 Appeal of Probationary Removal/Demotion	Jan. 25, 2016	Referred to City Attorney
OFD-2016-AP02	Firefighter (Hung)	Fire	6.05 Appeal of Probationary Removal/Demotion	Jan. 21, 2016	Referred to City Attorney

4. CLOSED

Case Number	Classification	Dept.	Action Pending	Date Received	Notes
CAO-2015-AP02	Administrative Assistant II	CAO	3.04 (e) Appeal Regarding Changes in Classification	Dec 10, 2015	Incumbent withdrew 1/29/16



CITY OF OAKLAND

STAFF REPORT

DATE: March 17, 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

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 January 21, 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 March 7, 2016 there are a total of seventy-four (79) employees in the TCSE (31), Annuitant (29), and ELDE (19) categories. Twelve (12) assignments were closed and ten (10) 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 CURRENT ASSIGNMENTS

Three (3) TCSE 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 three (3) 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: February 18, 2016

Page 2

- For the assignment in the City Administrator's Animal Services Department, the non-compliant assignment is a part-time veterinarian. 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 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.

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:

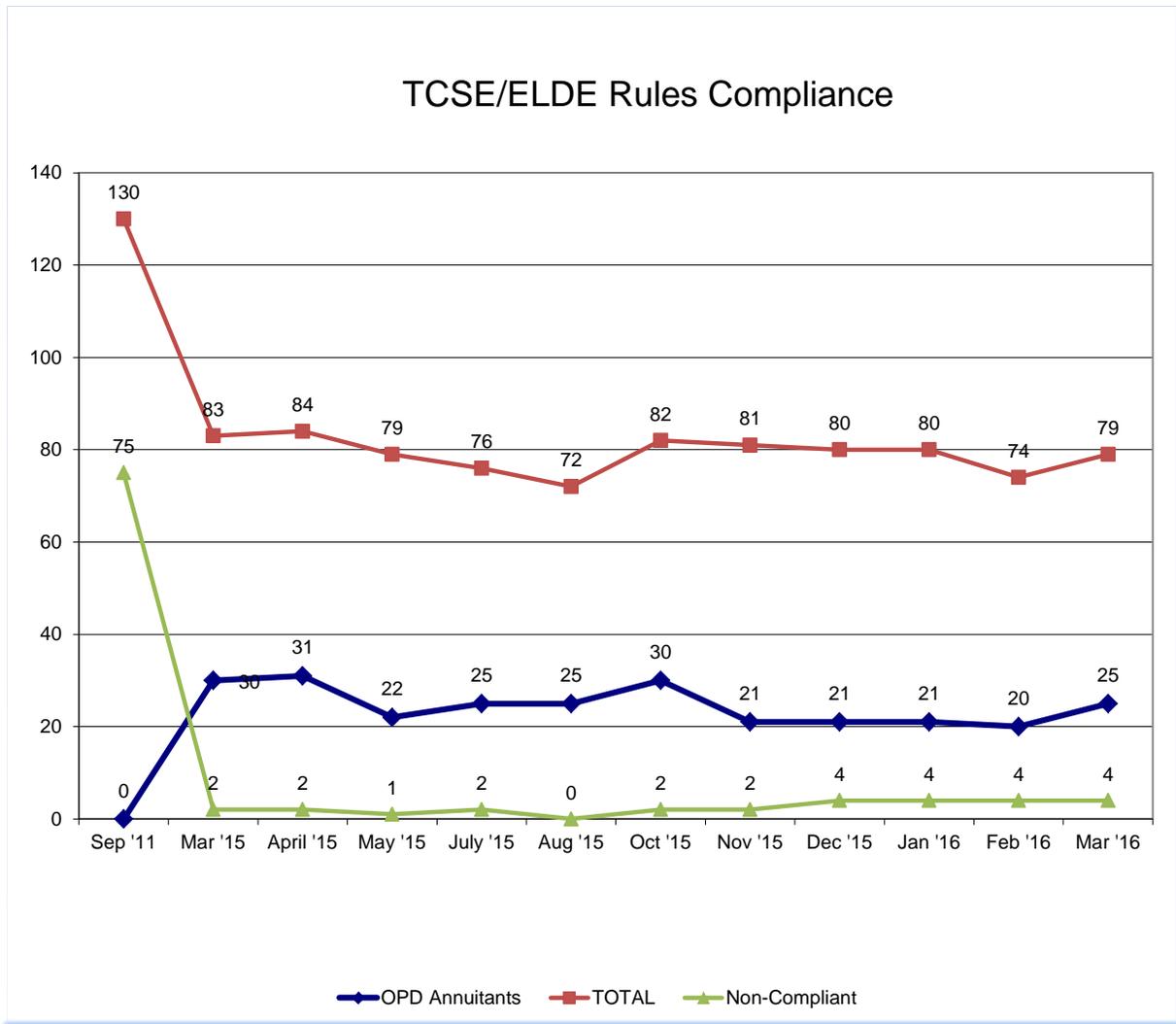
- A. TCSE/ELDE Report: For Payroll Reporting Period ending February 8, 2016
- B. TCSE/ELDE Compliance Trend Chart: As of February 8, 2016

**CIVIL SERVICE BOARD
FEBRUARY 2016 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS**

DEPT	LAST NAME	FIRST NAME	ORG	JOB DATE	TYPE	NOTES	STATUS
CLOSED THIS PERIOD (12)							
CITY ADMINISTRATOR	Kenny	Catherine	02111 - City Manager Administrative	26-May-15	ELDE	Assignment ended.	CLOSED
CITY CLERK	Starling	Lane	03211 - KTOP Operations	1-Jul-03	TCSE	Appointed to newly created part time classification.	CLOSED
HOUSING	Hall	Pamela	89919 - Admin: Housing & Community Development	6-Jun-15	TCSE	Appointed provisionally pending civil service exam.	CLOSED
HUMAN SERVICES	Chaney-Williamson	Sylvia	78241 - Year Round Lunch Program Unit	16-Jun-14	Annuitant	Assignment ended.	CLOSED
INFORMATION TECHNOLOGY	Garcia	Cherelyn	46461 - Project Coordination	29-Jul-15	Annuitant	Mobile radio installation coordination and inventory control	CLOSED
PLANNING & BUILDING	Bailey-Curry	Azaria	84454 - Inspections: Neighborhood Preservation	5-Jan-15	ELDE	Appointed provisionally pending civil service exam.	CLOSED
POLICE	Denson	Benjamin	106610 - Background & Recruiting	17-Mar-14	Annuitant	Assignment ended.	CLOSED
POLICE	Thomas	Mark	106610 - Background & Recruiting	18-Jan-15	Annuitant	Assignment ended.	CLOSED
POLICE	Lau	Peter	106610 - Background & Recruiting	17-Mar-14	Annuitant	Assignment ended.	CLOSED
POLICE	Valladon	Robert	106610 - Background & Recruiting	17-Mar-14	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	CLOSED
PUBLIC WORKS	Maher	Sean	30682 - Env Svcs Recycling & Solid Waste	3-Jan-15	ELDE	Assignment ended.	CLOSED
WORKFORCE DEVELOPMENT	Noguera	Jacqueline	85311 - Workforce Development	30-Mar-15	TCSE	Assignment ended.	CLOSED
COMPLIANT (75)							
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	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	NEW
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.	NEW
CITY AUDITOR	Carnes	Mark	07111 - City Auditor Unit	7-Dec-15	TCSE	Temporary support of high volume work.	NEW
CITY AUDITOR	Pringle	Kimberly	07111 - City Auditor Unit	16-Feb-16	TCSE	Temporary support of high volume work.	NEW
CITY COUNCIL (DISTRICT 1)	Chafe	Zoe	00111 - District One Unit	22-Dec-15	TCSE	Providing support to Councilmember on highly specialized project.	COMPLIANT
FINANCE	Collins	Maya	08222 - General Ledger	21-Dec-15	ELDE	Supporting Oracle upgrade project.	COMPLIANT
HOUSING	Conde	Ahmed	89919 - Admin: Housing & Community Development	27-Apr-15	ELDE	Temporary Assignment supporting the City's Mandatory Seismic Retrofit Program	COMPLIANT
HOUSING	Dillard	Ellen	89979 - Commercial Lending	16-Feb-15	ELDE	Temporary assignment pending approved budget for permanent position.	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 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	Dupree	Kathryn	78235 - HS Central Office Administration	16-Jun-14	Annuitant	Temporary assignment to backfill for employee leave.	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	Norris	Tabia	78251 - Youth Services	21-Sep-15	TCSE	Pending approval of PT classification.	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	Ruhland	Lisa	78235 - HS Central Office Administration	5-Mar-15	ELDE	Temporary assignment pending recruitment for permanent position.	COMPLIANT
HUMAN SERVICES	Smith	Anita	78231 - HS Classroom & Seasonal	19-Jan-16	TCSE	Providing training for CLASS requirements.	NEW
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	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
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 termination paperwork not yet processed in payroll.	COMPLIANT
PLANNING & BUILDING	Brown	Shaneice	84412 - Admin: Building Inspection	23-Jun-14	TCSE		COMPLIANT
PLANNING & BUILDING	Dumford	Kevin	8454 - Inspections:Commercial Building	17-Aug-15	ELDE	Pending recruitment	COMPLIANT
PLANNING & BUILDING	Elsworth	Ellen	84421 - Engineering: Permit Center	28-Feb-15	ELDE	Temporary assignment to Brooklyn Basin project.	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	Johnson	Samuel	84421 - Engineering: Permit Center	23-Nov-14	TCSE	Temporary assignment supporting City Clerk's records management 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	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.	NEW
POLICE	Causapin	Nicole	102322 - Targeted Enforcement Task Force	27-Oct-15	TCSE	Unit recruitment to fill two currently vacant PET positions is completed	COMPLIANT
POLICE	Lloyd	Jessica	102322 - Targeted Enforcement Task Force	24-Aug-15	TCSE	Unit 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

**CIVIL SERVICE BOARD
FEBRUARY 2016 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS**

DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	NOTES	STATUS
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	Hart	Rutherford	106610 - Background & Recruiting	23-Sep-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	Hung	Nguyen	106610 - Background & Recruiting	30-Jan-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	NEW
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	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.	NEW
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.	NEW
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	Corso	Debra	30112 - Human Resources	22-Sep-14	Annuitant	Temporary backfill for LOA.	COMPLIANT
PUBLIC WORKS	Fine	Sarah	30275 - IPPD Plans and Programming	16-Feb-16	ELDE	Temporary operational support	NEW
PUBLIC WORKS	Ogbamichael	Lettebrhan	30244 - Sanitary Sewer Design	23-Jun-14	Annuitant	Permanent assignment pending Add/Delete following budget action.	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
NON-COMPLIANT (4)							
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



To: The Honorable Civil Service Board of the City of Oakland

From: Christopher Boucher, Port Director of Human Resources

Through: Anil Comelo, Secretary to the Civil Service Board

Date: **December 8, 2015**

Subject: Report to the Civil Service Board on the Status of Revisions to the Personnel Rules and Procedures of the Port of Oakland

Introduction:

On December 3, 2015, Port Human Resources staff presented the revised draft of the Personnel Rules and Procedures of the Port of Oakland to the Board of Port Commissioners (Attachment One). This draft of the Port personnel rules represents the culmination of the Port's efforts to harmonize its personnel rules with the City of Oakland's Personnel Manual, and integrate changes proposed by its labor representatives.

Background:

Port and City Human Resources staff agreed to work together on a proposed draft of Port personnel rules that used the City's Personnel Manual as a baseline document with amendments to meet the Port's operational needs. On April 17, 2014, the CSB concurred with Port and City Human Resources staff on a revised draft of Port personnel rules to be shared with its labor representatives. Port staff then presented this draft to the Board of Port Commission on September 11, 2014, got direction to meet and confer with the Port's four labor unions: SEIU 1021, IFPTE-Local 21, IBEW-Local 1245, and WCE.

On September 18, 2014, Port staff began meeting and conferring with its unions over the revised rules and concluded the process on September 30, 2015 after sending the attached draft to all unions to inform them of the next steps. During the meet and confer process, union representatives provided feedback and proposed changes to the rules. Port staff considered labor's feedback and accepted changes after vetting them through the Port Attorney's Office. Port staff strove to keep this process as transparent as possible by sharing any proposed changes from one union with all other labor representatives, in case those changes merited further discussion.

In summary, during the meet and confer process, the union representatives sought to clarify further the relationship of the Port with the City and the Civil Service Board ("CSB") in the Port personnel rules, as follows:

- The Port Commission was not the only appointing authority at the City
- Classifications created by the Port would require CSB approval
- The Port Executive Director has authority to initiate class studies for Port classifications
- Port employees may also review their exam results (similar to current provision for City employees)
- Applicable provisions in a Memorandum of Understanding between the Port and labor union would supersede Port personnel rules
- Port initiated layoffs may impact City employees in common classes
- City's Personnel Director will notify the Port HR Director of a reinstatement in case the Personnel Director accepts an employee's appeal who has been separated due to absence without leave under rule 9.08 (Separation due to Absence Without Leave)

A more detailed summary table of all the changes made to the rules as a result of the meet and confer process with each union's feedback is attached to this report for the Board's review (Attachment Two).

Next Steps:

Port staff will present the changes to the Personnel Rules and Procedures of the Port of Oakland at the December 17, 2015 CSB meeting. If the CSB approves the attached draft of the rules, Port staff will present it to the Board of Port Commissioners for approval and promulgation by Ordinance at its regularly scheduled meeting on January 28, 2016.

Changes proposed to the rules proposed by the unions appear in bold or strikethrough text.

Port Rule/Section	IBEW Local 1245	IFPTE Local 21	SEIU Local 1021	WCE	Unions' Position
<p>Rule 1 – Definition (e) – Appointing Authority (pg.3)</p>			<p>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 the Port department.</p>		<p>SEIU proposed language to clarify that the Port was not the only appointing authority at the City of Oakland.</p>
<p>Rule 1 – Definition (r)– Competitive Civil Service (pg. 4)</p>			<p>All positions now existing or hereafter created under the Port Department and approved by the Civil Service Board, but not including those positions specifically exempted from the competitive civil service pursuant to Article VII, Section 714 and/or Article IX, Section 902 of the Charter or otherwise exempted by the Civil Service Board.</p>		<p>SEIU proposed language to clarify that the creation of Port positions requires CSB approval.</p>
<p>Rule 2.02 - Duties of the Civil Service Board (pg. 9 & 10)</p>		<p>(b) Review and approve amendments to the Personnel 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;</p> <p>(c) Study, investigate and research into such areas and matters as the City Administrator, or the Council through the City Administrator, the Board of Port Commissioners, or the Executive Director through the Board of Port Commissioners, may request,</p>			<p>IFPTE proposed the removal of the City Administrator because the City Administrator does not propose changes to Port Rules.</p>

Port Rule/Section	IBEW Local 1245	IFTPTE Local 21	SEIU Local 1021	WCE	Unions' Position
		<p>or as it may deem advisable; (h) Perform such other duties and functions as the City Administrator or Executive Director may from time to time request.</p>			
<p>Rule 2.04 – General Appeal Procedures (pg. 11)</p>			<p>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 Port’s Executive Director or his/her designee shall also have an opportunity to be heard by the Civil Service Board who shall issue a final decision regarding the dispute.</p>		<p>SEIU proposed adding Civil Service to this section to clarify that the “Board” is referring to the Civil Service Board and not the Board of Port Commissioners.</p>
<p>Rule 3.04(c) - Creation of New Classes (pg. 13)</p>			<p>[First Paragraph, Second sentence]: “In the event that the affected union agrees with the proposed amendments, the amended class specification shall be effective upon approval by the Executive Director or his/her designee, subject to the following: first, ratification on a consent calendar at the next regularly scheduled meeting of the Civil Service Board; second, adoption on a consent calendar at the next</p>		<p>Port and SEIU reached an agreement that “ratification” was not the right term for class specification amendments at the Port; since the CSB approves amendments to classifications and the Board of Port Commissioners adopt the modified classification. The Port and SEIU also agreed to adopt the same language</p>

Port Rule/Section	IBEW Local 1245	IFTPTE Local 21	SEIU Local 1021	WCE	Unions' Position
			regularly scheduled meeting of the Board of Port Commissioners.”		to clarify the process for approval of changes to job descriptions.
Rule 3.04(d) - Classification Studies (pg. 14)			<p>Section 3.04(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.</p>		SEIU proposed to add “ Port ” to this provision to clarify that the Port Executive Director could initiate and conduct studies only for Port positions.
Rule 4.18 – Notice and Review of Results of Examinations (pg. 21)				A candidate who is a current Port or City employee may, upon request, inspect her/his own examination papers and the grading thereof during the first 30 days after the Port’s Executive Director or his/her designee has established the eligible list.	WCE proposed to add “ Port or ” to the first sentence in the second paragraph to allow for candidates that are also Port employees to request and review their examination results.
Rule 5.01 – Power of Appointment and Types of Appointments (pg. 24)			All appointments to Port positions in the competitive civil service shall be made by the 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.		SEIU proposed to add “ Port ” to clarify that the Port’s Executive Director has jurisdiction only on Port positions.

Port Rule/Section	IBEW Local 1245	IFPTE Local 21	SEIU Local 1021	WCE	Unions' Position
<p>Rule 8.01 - Vacation Leave, Authority. (pg. 35)</p>	<p>8.01(b)(iv) Exclusions - 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 Board of Port Commissioners.</p>				<p>IBEW proposed the modified language to clarify that employees are exempt from Rules if applicable MOU terms exist.</p>
<p>Rule 8.01(e)(vi) – Rate at Which Vacation Leave Shall Accrue... (pg. 37)</p>		<p>Should read “a” four day work week vs. “the” four day work week</p>			<p>IFPTE proposed this change because currently no four day work week plan exists.</p>
<p>Rule 8.01(f) – Deferred Vacation (pg. 37)</p>		<p>Each employee who is entitled to defer up to one year’s 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.</p>			<p>IFPTE proposed to harmonize this section with what currently exists in Port MOUs and Port policy for automatic carryover of one year’s vacation accrual.</p>
<p>Rule 8.02 – Sick Leave General. (pg. 38)</p>	<p>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, 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.</p>				<p>IBEW proposed to place back “Charter”, add “terms of any applicable” and “provision” to clarify that employees are excluded from the Rules only when applicable MOU terms exist.</p>
<p>Rule 8.02(h) – Verification of Illness (pg. 40)</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 selected occupational Physician for the</p>			<p>IFPTE proposed to add “selected occupational” in place of City Physician because currently such position does not exist and it is not defined in the Definitions section of the rules. City Physician was replaced</p>

Port Rule/Section	IBEW Local 1245	IFPTE Local 21	SEIU Local 1021	WCE	Unions' Position
		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 Physician releases her/him for duty.			with City selected occupational physician throughout Rule 8.
Rule 8.03 – Maternity Leave (pg. 41)		The Executive Director or his/her designee may grant parental maternity leave, with or without pay, to any employee under her/his jurisdiction as is consistent with the			IFPTE proposed to insert a gender neutral term instead of the gender specific term in this provision.
Rule 8.06(c)(iv) - Limitation Upon Leaves of Absence Without Pay (pg. 45)		To permit the Port employee to settle domestic problems who is a victim of domestic violence and/or a victim of sexual assault to take time off to seek medical attention, to obtain services from a domestic violence program or psychological counseling or to participate in safety planning.			IFPTE proposed to replace the term “domestic problems” with the language in the law on domestic violence protections.
Rule 9.01 - Layoffs. (pg. 47)	Port initiated layoffs 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.				IBEW proposed to add “Port initiated” and “City-wide” in this provision to clarify that the Port can initiate layoffs that can affect the City. IBEW was concerned that eliminating “City-wide” may eliminate employees’ right to “bump” over to the City in case of a layoff.
Rule 9.03 – Reinstatement List. (pg. 49)	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 Port-wide basis for Port initiated				IBEW proposed to add “for Port initiated layoffs” to clarify that any reinstatement list will be ranked on a Port-wide basis by Port seniority when opportunities for reinstatement arise at the

Port Rule/Section	IBEW Local 1245	IFTPTE Local 21	SEIU Local 1021	WCE	Unions' Position
	layoffs, from highest to lowest seniority. The reinstatement list will be used by the Executive Director or his/her designee when a vacancy arises in the same or lower class.				Port for employees who have been laid off from the Port.
Rule 9.07– Medical Separation. (pg. 50)	The Port may medically separate an employee when the Port, through the interactive process as required by the Americans With Disability Act (ADA) , has determined that it cannot reasonably accommodate the employee and the employee is not eligible for a disability retirement under CalPERS.				IBEW proposed to add “as required by the Americans With Disability Act (ADA)” to clarify that the Port would adhere to the law while engaging in the interactive process with employees.
Rule 9.08 - Separation Due to Absence Without Leave (pg. 51)			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.	WCE proposed to add this language to clarify the process of reinstatement under this section.

Additional changes proposed by WCE were the following:

1. Remove the word “Port” in front of “Executive Director” throughout the rules because the correct title is Executive Director and defined in the Personnel Rules as a position appointed by the Board of Port Commissioners.
2. Replace the word “termination” with “separation” throughout the rules as termination is not defined in the Personnel Rules.

September 15, 2014 (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. 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.

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 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, ~~EERR~~[EERO](#) or other applicable laws, they shall be subject to meet and confer.

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.~~

- ~~(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

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:

- ~~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.

~~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 PersonnelPort’s Director of Human Resources and the consent of the appointing authorities concerned, provided the positions are in the same or similar class.

| ~~xxix.~~ (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.

DRAFT

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;

- (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

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 2.1006~~ – 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 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.~~

RULE 3 - CLASSIFICATION OF POSITIONS

Section 3.01 – Competitive Civil Service. All positions in the [CityPort](#) 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

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 CityPort 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 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 ratification on a consent calendar at the next regularly scheduled meetings of the Board~~Civil Service Board~~; second, adoption on a consent calendar at and the next regularly scheduled meeting of the Board of Port Commissioners.

In the event that the CityPort 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 adoption 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 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.

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 PersonnelPort'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 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 PersonnelPort'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.

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](#):

- 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

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

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 CityPort 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 PersonnelPort’s Executive Director or his/her designees, promotional examinations may be administered to candidates who meet the minimum qualifications or occupy

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 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.

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;

- (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~~ or his/her designee . The ~~Personnel Director's Port's Executive Director or his/her designee~~ decision may be appealed to the Civil Service Board.

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 CityPort 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~~

~~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.

- (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.

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

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

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 ~~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;

- (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 [CityPort](#) Attorney;
 2. A copy of the appeal to the [appointing authority Executive Director or his/her designee](#) and the [CityPort](#) 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.

- 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.

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 [CityPort](#) 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.

Section 7.04 - Assistance by the ~~Personnel Port's~~ Director of Human Resources. The ~~Personnel Port'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 ~~Personnel Port's~~ Director of Human Resources.

The performance evaluations of employees as maintained by the ~~Personnel Port'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.

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. Port employees: Persons who are employed on an exempt part-time basis² 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. 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

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

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 a~~ 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 year's 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. ~~AA~~ 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 upon ~~Termination Separation~~ or Extended Military Leave.
- i. Compensation for Unused Vacation for ~~Terminated Separation 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 ~~that which~~ 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 separation~~, 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 ~~terminates separates,~~ plus the credit earned before that month; but no allowance shall be granted for service of less than this amount.

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)~~

(j) 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)~~

(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 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 child 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, child, sister, brotherparent, 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 CityPort of Oakland.
- (g) Effect of Leaves of Absence Without Pay Upon Sick Leave. ~~AnA 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 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 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 termination discharge of from 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 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~~ 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 Physician~~ City selected occupational physician. If the ~~City Physician~~ City selected occupational physician 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~~ of the injury or illness, it is in the best interest of the City/Port service, medical clearance must be obtained from the ~~City Physician~~ City selected occupational physician 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 Physician~~ City selected occupational physician 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 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.~~
- c. ~~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.

~~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.

~~(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)~~

- (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 ~~an~~ 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. ~~An~~ 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 CityPort service or classified positions in the CityPort 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

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~~which, in the opinion of the ~~appointing authority~~Executive Director or his/her designee 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 ~~to settle domestic problems~~who is a victim of domestic violence and/or a victim of sexual assault to take time off to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning.
 - 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~~which are provided for elsewhere in these rules, a leave of absence with pay may be granted to ~~ana~~Port employee under special circumstances ~~that~~which, 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~~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.

~~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. ~~A~~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 CityPort 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.

~~A~~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 ~~M~~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.

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 of these rules.

~~Port initiated~~ Layoffs shall be on a Citywide ~~Port-wide~~ 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 Port employees possessing the requisite skills for selective certification the provisions of section 9.0203 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]~~

~~Employees~~ Port employees who are laid off shall have their names placed on the appropriate reinstatement list ranked by seniority from highest to lowest. ~~Employees~~ 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. ~~[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]~~

~~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 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.

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 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~~ 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 CitywidePort-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,

- (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 CityPort 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 authority Executive Director, the Board of Port Commissioners and the Civil Service Board.

Section 9.060607 - Retirement. Any person who is employed in the CityPort 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 CityPort service in good standing.

Section 9.070708 – Medical Separation. ~~As~~ 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, ~~ana~~ Port 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 Americans With Disability Act (ADA), has determined that it cannot reasonably accommodate the employee and the employee is not eligible for a disability retirement under CalPERS.

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 Personnel Port’s Executive Director or his/her designee and recorded as an automatic resignation. The ~~appointing authority~~ Executive Director or his/her designee shall 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

Section 10.01- Disciplinary Action. All personsPort 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 BoardExecutive 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 superintendentThe Port Executive Director or foreman in charge of municipal workhis/her designee may temporarily suspend any subordinate then under her/his discretionPort employee for in-competencyincompetency, 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 ControllerThe Executive Director or Boardhis/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.

EmployeesPort employees in the competitive civil service may be dismisseddischarged, demoted, fined, or suspended without pay for just cause.

When ~~ana Port~~ 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 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.

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.

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.

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.

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 (30th) 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:

- (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.

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)

EmployeesPort 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. EmployeesPort 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.

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.

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:

- 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

- 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).

~~[Amended CSB June 9, 2011 to add classification of Gardener I]~~

DRAFT



MEMORANDUM

DATE: December 17, 2015

TO: The Honorable Civil Service Board

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

SUBJECT: Project Plan for Review of City and Port Classifications within the Context of a
Classification Plan for the City of Oakland

It has been the goal of the Civil Service Board to bring into alignment the Civil Service Rules for the City and the Port. Now that this long-standing goal is being realized, City and Port Human Resources staff have begun the work of evaluating classifications that have been established to determine whether they are common to the operations of both the City and the Port. In the first step of this process, many classifications have been determined to be unique to the operations of one or the other organization – for example, Airport-specific classifications exist only in Port operations; Head Start and other Human Services classifications exist only in City operations. Staff currently estimate that there are 300 classifications that remain to be reviewed through the lens of their commonality in the comprehensive classification plan for the City.

The following is a proposed schedule in 2016 of the various steps necessary to complete this project:

Dec – Jan	RFP to select a consultant to conduct the classification
Jan – May	Consultant to perform classification tasks
June	Staff to review results with consultant
July-September	Labor negotiations with bargaining groups
November	Presentation to CSB

Staff from both the City and the Port will be available to discuss any questions you may have.



MEMORANDUM

DATE: March 17, 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 Specifications for Planner III, Planner III - Historic Preservation, and Planner IV

Based upon a classification review at the request of the Planning and Building Department, staff proposed revision of the **Planner III** and **Planner IV** classification specifications and creation of the **Planner III - Historic Preservation** classification specification. Planner III and Planner IV were originally established in 1995. Planner III - Historic Preservation has only existed as a working draft. Once approved, the revised and new classification specifications will be used for recruitment activities in the near future.

All of the classifications were on the agenda for the November 19, 2015, Civil Service Board meeting. Concerns were raised by the Board at that meeting regarding supervisory responsibilities as described in the classification specifications and as compared to other City classification series. Staff from Human Resources Management and the Planning & Building Department reviewed the concerns during several meetings over the last few months. Based on current operations and organizational structure, the City has opted to maintain the option for Planner III staff to supervise. Additional modifications have been proposed to address the supervisory aspects of these classifications with regard to the concerns raised by the Board. Further, there is a new proposal that the Planner IV classification could be used as either a supervisor or technical expert.

Here is a summary of the proposed modifications to the classifications:

- New language has been added to align it with the current classification specification template.
- Slight modifications have been made to the Examples of Duties and Knowledge and Abilities sections to better characterize the work and required knowledge and skills.
- Refinements have been made to the Definition and Distinguishing Characteristics sections, including the option for Planner IV to supervise or serve as a technical expert.
- The Education section has been broadened to include other applicable fields.
- The Experience section has been slightly modified.

The International Federation of Professional and Technical Engineers (IFPTE, Local 21) was notified of the additional proposed revisions to the classification specifications on December 15, 2015. City staff and union representatives met on three occasions during the last few months (December 17, 2015; January 21, 2016; and February 18, 2016) to collaborate on how best to balance the Department's operational needs, the concerns of the affected incumbents as conveyed by the union, and the concerns raised by the Civil Service Board related to supervisory duties.

The classification specifications were refined once more following email exchanges with Local 21 during the week of March 7, 2016. Having considered all relevant factors, the City has opted to maintain the supervisory nature, as originally approved in 1995, which allowed for Planner III incumbents to supervise staff. Per the last communication between Local 21 and HRM regarding the classification specifications, the union has no objections to the proposed revisions to Planner III and Planner IV or the creation of Planner III - Historic Preservation.

Additionally, no determination has been rendered yet regarding the “common class” status of the Planner series. Planning is currently underway for the “Common Class” Project, which will begin in early 2016.

Staff recommends that the Civil Service Board approve the classification specifications for Planner III and Planner IV as amended and the classification specification for Planner III - Historic Preservation as newly proposed.

Attachments: Revised classification specifications for Planner III and Planner IV
Proposed new classification specification for Planner III - Historic Preservation



PLANNER III

**Class Code: AP274 FTE,
AP370 PPT**

Civil Service Classified

DEFINITION

Under direction in the Planning and Building Department, ~~to~~ plans, organizes, reviews, and participates in complex planning and zoning projects; ~~to~~ develops studies, designs and plans of current projects or phases of the General Plan; ~~to~~ monitors the preparation of Environmental Impact Reports; ~~to~~ makes presentations to community groups; ~~and to~~ may provide lead direction to or supervision of assigned staff; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is an advanced journey level classification. Incumbents perform major projects with little supervision. This classification differs from Planner IV in that Planner III ~~acts in either a lead or supervisory capacity and~~ performs less complex or difficult tasks and may supervise a small work unit.

~~SUPERVISION RECEIVED AND EXERCISED~~

Incumbents ~~R~~receives direction from a Planner IV, Planner V or a division manager; and may ~~P~~rovides lead direction to or supervision ~~of over a~~ Planner I, Planner II, assigned clerical or technical staff.

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

Plan, conduct, and serve as project leader on research studies; prepare reports and recommendations regarding land use, zoning, urban design, environmental impact, and community needs.

Perform research and analysis pertaining to elements of the General Plan, neighborhood plans, and special projects.

Process planning permits, environmental review applications, subdivision modifications (parcel maps, tract maps, and parcel map waivers), and plan check modifications/additions/alterations to structures.

Render decisions on minor zoning and subdivision applications.

Monitor the preparation of environmental impact studies; work with consultants in the preparation of Environmental Impact Reports.

Provide direction to the zoning staff who advise property owners, developers, and the public about zoning and subdivision ordinances.

Consult with other City departments, community organizations, and public agencies regarding their interests in zoning, subdivisions, and general plan development.

Make presentations to the City staff, neighborhood groups and professional organizations.

Provide information and assistance on projects to developers, property owners, and the general public regarding laws, policies, regulations, standards, and planning procedures.

Handle complaints and answer questions from the public regarding planning and zoning.

Prepare or review the preparation of written communications, including analytical reports, commentaries, correspondence, and drafts of proposed revisions to ordinances, resolutions, and procedures.

May provide lead direction to or schedule, assign, supervise, and evaluate assigned staff.

Drive a vehicle to make site inspections and to make presentations to community groups during office hours or in the evening.

~~Perform related duties as assigned.~~

KNOWLEDGE AND ABILITIES

QUALIFICATIONS

Knowledge of:

- Theories, concepts, and principles of urban planning, urban design, and land use.
- Federal, state, and local laws, regulations, and codes governing planning and zoning.
- Research and statistical methodology.
- Computer systems and applications.
- Public speaking principles and practices.
- Public contact and community relations.
- Principles of supervision and development.

Ability to:

- Plan, organize, direct and evaluate planning projects.
- Interpret federal and state regulations pertaining to city planning and land use.
- Handle stressful and sensitive situations with tact and diplomacy.
- Coordinate functions and activities between departments and outside agencies.
- Establish cooperative relationships with developers, architects, and the public.
- Communicate effectively in both oral and written form.
- Prepare reports, proposals, and other written materials.
- Supervise, train and evaluate assigned staff.
- Use personal computer and software applications.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

MINIMUM QUALIFICATIONSEXPERIENCE AND EDUCATION

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 planning, architecture,

landscape, urban studies, geography or a related field.

~~OR~~

A Master's degree from an accredited college or university in city or urban planning may be substituted for one year of work experience.

Experience:

Four years of progressively responsible urban planning experience.

LICENSE OR CERTIFICATE

Successful incumbents in this position are expected to operate automotive vehicles in the performance of 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.
~~Possession of a valid California Driver's License.~~

OTHER REQUIREMENTS

ADDITIONAL QUALIFICATION

None required.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY

Established: 06/08/1995 CSB Resolution #: 44337 Salary Ordinance #:
Exempted: Y N Exemption Resolution #:

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

(Previous title(s):)



PLANNER III, HISTORIC PRESERVATION

Class Code: AP380 FTE
AP276 PPT

Civil Service Classified

DEFINITION

Under direction in the Planning and Building Department, ~~T~~erves as staff to the Landmarks Preservation Advisory Board; ~~t~~o conducts technical analyses of historic buildings for proposed demolition or alteration; ~~t~~o prepares mandated documents for landmark designation; administers preservation incentives and regulations under the Historic Preservation Element of the Oakland General Plan; conducts and/or advises on design, development, and environmental review; to prepares federal and state grant applications for historical and architectural surveys; ~~t~~o conducts field surveys and historical research; ~~and t~~o makes presentations to various groups; may supervise assigned staff; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS~~SUPERVISION RECEIVED AND EXERCISED~~

This is an advanced journey level classification. Incumbents perform major projects with little supervision. This classification differs from the higher level Planner IV in that Planner III – Historical Preservation ~~the former acts in either a lead or supervisory capacity and performs less complex or difficult tasks and may supervise assigned staff or a small work unit.~~

Incumbents Receives direction from ~~the Manager, Development Controls or the Manager, Planning Services~~ a Planner IV, Planner V or a division manager; ~~and may P~~rovides lead direction to supervision of ~~over~~ interns, volunteer staff, consultants, and assigned professional, technical or clerical staff.

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

Serve as staff to the Landmarks Preservation Advisory Board; prepare the agenda and attachments; present issues and, as appropriate, advise the Board; record decisions taken by the Board.

Conduct design reviews of proposed work on historic buildings; act as case planner for major development projects involving historic resources; prepare reports.

Undertake a technical analysis of any proposed demolition of historic structures; investigate the merit and validity of applicant's reasons for demolition; develop strategies to preserve the structure.

~~Make a~~ Conduct technical analysis of proposed alterations to historic structures for compliance with zoning regulations and standard historic criteria; work with the applicant and the applicant's architect to arrive at an acceptable design solution.

Prepare mandated documents for landmark designation; advise property owners regarding ~~the provisions of~~ landmark designation and the designation process; assemble and condense public comment on proposed nominations.

~~Prepare an annual grant application for funds to conduct historical and architectural surveys of designated areas for historical preservation.~~

Conduct field and intensive surveys in selected areas of the City; make visual inspections of surveyed properties; photograph and document properties in survey areas.

Prepare regulations and policies related to historic preservation.

Analyze public records for historical information; research and evaluate information gathered for each surveyed property; prepare State Historical Resource forms and maintain inventory documentation.

Administer the annual Mills Act program; assist applicants with Mills Act and other preservation incentives including State Historical building code, façade improvement program, and investment tax credits.

Develop or assist with developing preservation policy such as Preservation Element implementation or revision, drafting ordinances and zoning text, and researching and enacting incentive and mitigation programs.

Carry out City responsibilities under Certified Local Government program.

~~Prepare service contracts; select consultants and interns; approve payment requests.~~

Provide liaison and information on surveyed properties historic resource matters to City departments and the public including support for planning efforts and environmental review under application guidelines and regulations.

~~Make presentations to department staff, the City Council, neighborhood groups, and professional organizations.~~

Provide information and assistance to property owners and the general public regarding landmark designation and application, property histories, incentives and regulations, and rehabilitation and design principles.

Make presentations to department staff, the City Council, neighborhood groups, and professional organizations.

Research and write reports; and correspondence, ~~and reference books.~~

May provide lead direction to or schedule, assign, supervise, and evaluate assigned staff.

Prepare service contracts; select consultants and interns; approve payment requests.

Drive a vehicle to site inspections and make presentations to community groups during office hours or in the evening.

~~Perform related duties as assigned.~~

KNOWLEDGE AND ABILITIES/QUALIFICATIONS

Knowledge of:

- Theories, concepts, and principles of architecture and design review.
- Historical and architectural documentation, architectural preservation.
- Building construction methods and materials.
- Federal, state, and local laws, regulations, and codes governing the preservation of historical landmarks/properties and environmental review.

- Computer systems and applications.
- Public contact and community relations.
- Principles of supervision and development.

Ability to:

- Plan, organize, and evaluate urban design or historical preservation projects.
- Find creative solutions for the preservation of historical structures.
- Interpret federal, ~~and~~ state, and local regulations pertaining to city historical landmarks, ~~and~~ preservation, and environmental review.
- Write grant applications.
- Negotiate and administer service contracts; provide direction to consultants and interns.
- Coordinate functions and activities between the department and ~~independent~~ other agencies.
- Establish cooperative relationships with property owners, architects, and the public.
- Communicate effectively in both oral and written form.
- ~~Prepare reports, proposals, and written materials of an analytical, financial, technical or evaluative nature.~~
- Supervise, train and evaluate assigned staff.
- Use personal computer and software applications.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

MINIMUM QUALIFICATION EXPERIENCE AND EDUCATION

Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable. Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

A Bachelor's degree from an accredited college or university in planning, architecture, architectural history, urban design or a related field.

OR

A Master's degree from an accredited college or university in city planning, urban design or preservation may be substituted for one year of work experience.

Experience:

Three years of progressively responsible experience in urban design, architectural preservation, preservation planning, historical research, or a related field.

LICENSE OR CERTIFICATE

Successful incumbents in this position are expected to operate automotive vehicles in the performance of 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.~~Possession of a valid California Driver's License.~~

OTHER REQUIREMENTS/ADDITIONAL QUALIFICATION

Certain positions may require qualification under 36 Code of Federal Regulation Part 61.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY			
Established:	/ /	CSB Resolution #:	Salary Ordinance #:
Exempted:	Y <input type="checkbox"/> N <input type="checkbox"/>	Exemption Resolution #:	
Revision Date:	/ /	CSB Resolution #:	
Re-titled Date:	/ /	CSB Resolution #:	Salary Ordinance #:
(Previous title(s):)		



PLANNER IV

CIVIL SERVICE BOARD MARCH 17 2016

Class Code: AP403 FTE

Civil Service Classified

DEFINITION

Under direction in the Planning and Building Department, To plans, supervises, coordinates and participates in complex planning and zoning services; to administer the environmental planning program; to represent the Department at the City Planning Commission and public agencies; to drafts ordinances and resolutions; to makes presentations to various groups; may and to trains and supervises assigned staff or serve as a technical expert in a designated specialty area; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is typically a first level supervisory classification; incumbents may instead be assigned to serve as a technical expert in a highly specialized area. Planner IVs are assigned in one of two ways: 1) to serve as a supervisor over assigned staff and oversee their assigned projects or 2) to serve as a technical expert within a specialized field. Incumbents typically supervise a unit in the Developmental Controls or Planning Services Divisions Bureau of Planning. This classification differs from Planner III in that Planner III the latter acts in either a lead or supervisory capacity and performs less complex or difficult tasks and may supervise a smaller or medium-sized work unit.

SUPERVISION RECEIVED AND EXERCISED

Incumbents rReceives direction from the Developmental Controls Manager or Planning Services Manager a Planner V or a division manager and may e-

Exercises general supervision over professional, technical a Planner I, Planner II, Planner III and or assigned clerical or technical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Develop and implement unit goals, objectives, policies, and priorities.

Plan, coordinate, direct and prepare complex projects and studies, including phases of the General Plan, current plans, and special studies.

Process planning permits, environmental review applications, subdivision modifications (parcel maps, tract maps, and parcel map waivers), and plan check modifications/additions/alterations to structures.

Render decisions on minor zoning and subdivision applications.

Administer the environmental planning program for the City Monitor the preparation of environmental impact studies; secure and analyze Environmental Impact Reports; make determinations of environmental impact of projects; present findings to the Planning Commission and other agencies.

Establish work programs for assigned staff; outline technical approaches and methodology.

Write and edit reports, agendas, and minutes for the City Planning Commission; provide meeting support services to the Commission.

Draft ordinances, resolutions, and reports for presentation to the City Council.

Make presentations to the City Council, City Planning Commission, neighborhood groups and professional organizations.

Coordinate and assist in the preparation of long-range plans with City departments and public agencies.

Act as technical advisor within a field of specialization to City staff, public agencies and members of the public.

~~May train, supervise, and evaluate subordinate staff.~~

Handle complaints and answer questions from the public regarding planning and zoning.

Operate a motor vehicle in the performance of assigned duties.

~~Perform related duties as assigned.~~

KNOWLEDGE AND ABILITIES/QUALIFICATIONS

Knowledge of:

- Theories, concepts, and principles of urban planning, urban design, and land use.
- Federal, state, and local laws, regulations, and codes governing planning and zoning.
- Research and statistical methodology.
- Computer systems and applications.
- Public speaking principles and practices.
- Public contact skills.
- Principles of supervision and development.

Ability to:

- Plan, organize, direct and evaluate complex planning projects.
- Interpret federal and state regulations pertaining to city planning and land use.
- Handle stressful and sensitive situations with tact and diplomacy.
- Coordinate functions and activities between departments and outside agencies.
- Establish cooperative relationships with developers, architects, and the public.
- Communicate effectively in both oral and written form.
- Prepare reports, proposals, and other written materials.
- Supervise, train and evaluate assigned staff, **if assigned**.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

MINIMUM QUALIFICATION EXPERIENCE AND EDUCATION

Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable. Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Bachelor's degree from an accredited college or university in planning, architecture, landscape architecture, urban studies, geography or a related field.

OR

A Master's degree from an accredited college or university in city or urban planning may be substituted for one year of experience.

Experience:

Five years of progressively responsible urban planning experience. ~~including~~ At least one year of experience providing lead direction or supervising staff is desirable.

LICENSE OR CERTIFICATE

Successful incumbents in this position are expected to operate automotive vehicles in the performance of 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.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY			
Established	06/27/1995	CSB Resolution #:	44339 Salary Ordinance #:
Exempted:	Y <input type="checkbox"/> N <input type="checkbox"/>	Exemption Resolution #:	
Revision Date:	/ /	CSB Resolution #:	
Re-titled Date:	/ /	CSB Resolution #:	Salary Ordinance #:
(Previous title(s):)		



MEMORANDUM

DATE: March 17, 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 Street Sweeper Operator

Based upon a classification review at the request of the Oakland Public Works (OPW) Department, staff has proposed the revision of the **Street Sweeper Operator** classification specification. The classification specification was established in August 1992 and has been revised twice – March 2010 and March 2012.

OPW has an urgent need to fill one vacancy in this classification. Recruitment activities will be initiated immediately to ensure the vacancies are filled expeditiously.

The following modifications have been proposed:

- Correct the title of the department.
- Ensure that computer skills are more clearly reflected in the Knowledge and Abilities section.
- Revise the Experience section of the Minimum Qualifications - the department would like to propose that fewer months of experience (two instead of six months), in addition to the existing training course requirement, are actually sufficient to acquire and demonstrate the relevant background and experience as an operator.

The Service Employees International Union (SEIU, Local 1021) was notified of the proposed revisions to the classification specification on January 20, 2016, and on February 19, 2016. City staff and union representatives met on February 25, 2016, and the union asked questions of the subject matter expert regarding computer usage. The subject matter expert cited two examples of computer usage: (1) when incumbents from the classification are receiving standby pay and they are responsible for updating work orders in the system, and (2) when incumbents log in bi-weekly to a computer terminal to enter their timesheet coding. SEIU was given a deadline of March 2, 2016, to provide a written response specifying any additional or lingering concerns. SEIU responded on March 1, 2016, and further indicated that they do not support the addition of statements regarding computer systems and software applications.

Technology is continuously evolving and the entire City workforce is expected to have some interaction with computers. In light of the union's concerns and to ensure that the computer usage would remain minimal at this time, the City has added qualifying language to the Knowledge and Abilities statements. The City has added the word "basic" to the "Knowledge of computer systems and applications" statement and the phrase "to perform basic operations" to

the “Ability to use a personal computer, mouse and keyboard” statement. While the anticipated computer work will continue to be minimal, the City maintains that the addition of this language is necessary.

Additionally, no determination has been rendered yet regarding the “common class” status of Street Sweeper Operator. Planning is currently underway for the “Common Class” Project, which will begin in early 2016.

Staff recommends that the Civil Service Board approve the classification specification for Street Sweeper Operator as amended.

Attachments: Revised classification specifications for Street Sweeper Operator



STREET SWEEPER OPERATOR

Class Code: TR181 FTE

Civil Service Classified

DEFINITION

Under general supervision in the [Oakland](#) Public Works [AgencyDepartment](#), uses a full range of technical skills to operate a street sweeper and related equipment used to keep the streets, gutters, parking lots, courtyards, and freeway underpasses clear of dirt and debris; and perform related duties as assigned.

DISTINGUISHING CHARACTERISTICS

Street Sweeper Operator is a classification where incumbents operate motorized street cleaning equipment. This class is distinguished from the higher level Public Works Supervisor I, which is a first line supervisory classification responsible for field supervision in multiple areas in the [Oakland](#) Public Works [AgencyDepartment](#).

[The incumbent](#) ~~R~~ receives general supervision from a Public Works Supervisor I.

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

Operate street sweeper vehicles with a gross weight rating of 26,001 lbs or more and related equipment in order to sweep/clean streets and gutters on assigned routes; sweep parking lots, courtyards, freeway underpasses and overpasses.

Transport trash to dump and/or drop boxes; clear debris from right-of-way; clean storm drains and inlets.

Inspect tools and equipment for safety and mechanical defects; schedule preventative maintenance; service tools and equipment (maintaining spray nozzles and adjusting gutter brooms and rear main broom as needed).

Perform all daily routine maintenance and adjustments in accordance with the daily vehicle checklist and the manufacturer's vehicle operator instruction manual to ensure proper operations of vehicle.

Evaluate prospective equipment for maintenance use.

Complete daily reports.

Conduct on-the-job training.

Respond to service requests and questions from the public, agencies or City departments.

Identify and report hazardous tree conditions and defective street cleaning signs, or any other hazard in the public right-of-way.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Principles, methods and techniques of equipment operation.
- Occupational hazards and standard safety precautions necessary in the performance of

assigned duties.

- State and City traffic laws.
- Service requirements of a motorized street sweeper.
- Oakland City street systems.
- Computer systems and basic applications.

Ability to:

- Operate a street sweeper skillfully and safely.
- Perform daily maintenance on equipment.
- Perform manual labor.
- Train new employees.
- Follow oral and written directions.
- Perform on-the-job training.
- Maintain work records; perform data entry.
- Use a personal computer, mouse and keyboard to perform basic operations.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

MINIMUM QUALIFICATIONS

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

Education:

~~Equivalent to the completion of the twelfth grade~~ High school diploma or equivalent.

Experience:

~~Six (6)~~ Two (2) months of experience with the City of Oakland operating a street sweeper, dump truck or related equipment plus the successful completion of the City's Street Sweeper Operator Training Course.

LICENSE OR CERTIFICATE

Possession of a valid California Driver's License, Class B, with the ability to drive vehicles with air brakes to be maintained throughout employment with the City of Oakland. License requirements are subject to changes in State and Federal law, and the City of Oakland must comply with mandated changes at all times.

OTHER REQUIREMENTS

None required

HUMAN RESOURCES MANAGEMENT DEPT. USE ONLY

Established: 08/13/1992 CSB Resolution #: 44266 Salary Ordinance #:
Exempted: Y N Exemption Resolution #:

Revision Date: 03/10/2010 CSB Resolution #: 44338 Salary Ordinance #:
Revision Date: 03/08/2012 CSB Resolution #: 44544 Salary Ordinance #:

(Previous title(s):)

Aki James


January 13, 2016

Anil Comelo
Secretary of the Board
150 Frank Ogawa Plaza
Oakland, CA 94612

Re: Appeal to Classification Study – Police Records Specialist

Dear Mr. Comelo:

First of all, I'd like to thank all Human Resources Management (HRM) personnel who have worked on this classification study. Ms. Angelina DeMaria and Ms. Jaime Pritchett have always been available for my various inquiries during the process. Mr. Eric Williams conducted comprehensive interviews with my supervisor and me, then meticulously analyzed and summarized my current duties. I appreciate their hard work on this classification – thank you!

However, I've found several issues that were simply not true in Mr. Williams' Position Audit Report, and I would therefore like to dispute HRM's findings. I believe that these errors may have been due to misunderstanding or miscommunication, and I hope that when you review my case, you will agree.

CIVILIANIZED POLICE DUTIES

In order to put more officers into the field, the Oakland Police Department (OPD) has civilianized several sworn positions/duties. I believe that the civilianized police duties assigned to me since 2013 do not align with my current classification as Police Records Specialist (PRS), which is considered to be an entry-level administrative position in the organization.

I was originally assigned to the Use of Force Custodian position in 2011. When the Force Board Coordinator position was civilianized in June 2013, it made sense to my supervisors to make me responsible for handling the tasks associated with it. As civilianization continued, I took on two more duties: producing reports for Use of Force Risk Management (in December of 2014) and Crowd Control (in October of 2015). Again, the Force Board Coordinator position and report production tasks had formerly been handled by a sworn officer.

Currently, my duties as the Use of Force Custodian have begun winding down, and will be completely eliminated in March 2016 when OPD implements the new PRIME server. However, the coordination and administrative work that I do in the Force Board Coordinator position have grown to become a major focus of my work. Additionally, I regularly read and review the

reports to ensure they are ready for the force boards reviews. This requires analysis and an in-depth knowledge of policy and processes. This is more than required of a Police Records Specialist.

OPD has made the decision to convene its Executive Force Review Board for all "In Custody Death" incidents. This has dramatically increased my Force Board Coordinator task load. When Mr. Williams review my case in September of 2015, the Department was holding one Force Review Board or Executive Force Review Board a month. This year, nine EFRBs are on the calendar already, and four FRBs and two EFRBs will be held before March 8. I am entirely responsible for coordinating each force review board meeting.

Due to the increased number of review boards being held, I believe my current duties should more accurately be redefined as:

- Use of Force Administrator – 40 %
- Force Board Coordinator – 60 %

FORCE BOARD COORDINATOR DUTIES

As Mr. Williams himself noted in response to another classification appeal (which I obtained through public records):

"...classification specifications were intentionally written broadly enough to capture the work of several positions in each classification, they will never specify every detail of an assignment. A position does not have to be carved out specifically and uniquely when there is a classification that sufficiently encompasses the work."

(Italics mine)

However, he made completely the opposite argument in my classification study, dismissing my Force Board Coordinator duties entirely in his evaluation. When other Coordinator positions in the City were suggested as comparable, his response was: "The incumbent indicated no involvement with these overall entities or functions, thus they will not be explored."

I monitor and coordinate multiple open FRB/EFRB cases and their deliverables on any given date, as Mr. Williams summarized my Force Board Coordinator duties in Appendix B:

"Coordinate the materials, schedules, persons and activities of the Force Review Board. Attend to the coordination of action items such as notice, training, discipline, etc., to ensure cases are resolved. Prepare materials for Level 2 Use of Force reviews."

The duties described above are clearly beyond the scope of the PRS classification.

There was a Force Board Coordinator in OPD before OPD civilianized the position. This position is vital to any law enforcement agency. Departmental General Order K-4.1 (Force Review Board; attached) was revised in December 2013 documenting the new civilianized Force Board Coordinator position that I took over in June 2013.

I suggest that the City of Oakland create a new classification, "Force Board Coordinator" that reflects the work being done here in OPD. I request that HRM reclassify me to a more appropriate job classification as a Force Board Coordinator and compensate me accordingly. Below are two City of Oakland coordinator position job descriptions that are very similar to my Force Board Coordinator duties at OPD.

Example #1: SPECIAL EVENTS COORDINATOR

- Plan, develop and coordinate special events, including the Oakland Municipal Band Concert Series, the Celebrate Oakland program and other City produced and sponsored events.
- Provide staff support to the Commission on Parks and Recreation, including training and technical assistance to Commission members and committees; provide liaison to other departments, and to the Council and Mayor.
- Convene meetings of special event and City representatives; coordinate public relations plans to meet the needs of special events; provide staff assistance to citizen advisory bodies and committees.
- Research and write feature stories, press releases, and public service announcements for print and broadcast media; design, edit and produce newsletters for specific programs.
- Serve as a resource for departmental staff in identifying and addressing public information needs.
- Prepare special or routine reports or publications on departmental activities; write reports or grants of a technical or evaluative nature.
- Respond to inquiries for information on department or program activities, including public speaking.

Example #2: OPEN GOVERNMENT COORDINATOR

- Receive Public Records Requests from outside agencies and the general public; coordinate response with departmental contact; provide advice and assistance; review confidential documents; consult with Deputy City Attorney regarding appropriateness of disclosure; prepare and send invoices for the cost of copies; maintain, track and archive requests and responses.
- Develop policies and procedures for public notice procedures for complying with public records requests as required by local and state laws. Serve as the liaison to the Office of the City Clerk regarding agenda items, public noticing procedures and city-wide records management. Research, compile and prepare a variety of reports.
- Monitor City Council and committee agendas to ensure that they are noticed properly and distributed in accordance with the Sunshine Ordinance and the Brown Act. Provide training to city staff and members of boards and commissions on policies and procedures related to the Sunshine Ordinance and Brown Act; interpret rules and procedures regarding posting of agendas and notices and requests for information and public records for the general public.
- Provide follow up and research on inquiries and problems which require routine and specialized knowledge; provide information which may require the use of judgment and the interpretation of City policies, procedures, and local and state laws.

PRODUCTION OF THE USE OF FORCE RISK MANAGEMENT REPORT and OTHER REPORTS / SPREADSHEETS

When Deputy Chief (DC) Oliver Cunningham, who oversaw the project in the beginning, told me that I would be in charge of the production of the Use of Force Risk Management Report, I recognized that this was a high profile/high visibility project for the entire organization. I immediately began producing various prototypes under DC Cunningham's supervision, designing new layouts, streamlining the contents of the existing reports, and running dozens of custom queries from the Use of Force database. This required in-depth analysis to ensure none of the key requirements of the policy are missed. An error could potentially cost the department compliance with the court ordered Negotiated Settlement Agreement. Fortunately, the work has remained of high quality and in-compliance with policy.

DC Cunningham and I brainstormed on numerous occasions before my final draft was completed, and he supported my ideas and innovations in our newly revised report. These included:

- Eliminated paragraphs of written analysis; instead, focused presenting the information using a clean, streamlined design with visual clarity so that it could be used and understood by a wider audience.
- Replaced "sworn language" with layman terms ("plain English"); translated CA Penal Code and Departmental Order K-3 (User of Force) into everyday language, making it accessible to a wider audience.
- Modified Use of Force Risk Management Reports to contain Levels 1 through 4 Use of Force incidents. Prior to my revision, these reports had not contained Level 1 Use of Force incidents because investigations for these are done by the Internal Affairs Division (IAD) and their details are not readily available outside IAD. With some investigation on my part, I successfully incorporated Level 1 Use of Force data into my final draft and created a single, integrated, comprehensive Use of Force Risk Management Report.
- Analyzed and evaluated each Use of Force incident to identify the initiating factor, reason of police presence, etc. for risk management purposes. Obtained and made use of PDRD (body-worn camera) footage, technician photos, supplemental reports and subject/witness statements as needed.
- Added content to the final draft, using my expertise as a Use of Force administrator to pull material from Use of Force Compliance, Risk Management Advisement and IAD findings, Type of Manual of Rules Violation, etc.

The first Use of Force Risk Management Report I produced (January 2015) was very well received internally; DC Downing and Lieutenant Sekou Millington even called it "phenomenal." It was featured in a CBS 5 evening news segment and OPD decided to make the report available for public view on its website.¹ Soon after, Lieutenant Millington, Training Section Commander, contacted me to revise/redesign the Training Section Vehicle Collision Report and Taser Analysis Report in a similar fashion. In fact, of the seven monthly and quarterly reports readily available for public view on the OPD website, I designed four; management-level personnel

¹ <http://www2.oaklandnet.com/Government/o/OPD/a/PublicReports/MonthlyReports/index.htm>

created the other three reports. This is part of the Department's commitment to the White House Police Data Initiative.

However, while Mr. Williams agreed that "one-off, [stet] unique reports are part of her responsibility," he regarded my various reports as simple because I use an existing common template (that I created) and obtain "readily available" data from an Access database. This could not be further from the truth, as can be seen in the descriptions of the complexity and scope of the projects provided above.

Mr. Williams also criticized, "...the reports can be best understood as the presentation of data in a clear, concise and easy to read format." However, designing something with a visual appeal does need a certain skill set and years of training in design. Also, designing something simple and streamlined does not mean "easy." Oftentimes this requires more sophisticated skills, discipline and training than creating something that appears more elaborate.

My approach towards providing information in a visually clear and appealing format has been proven right again and again, as OPD commanders, sworn members, civilian employees and outside agencies have expressed their appreciation for my new designs over the old versions/systems.

Mr. Williams' conclusion that the projects described above are appropriate PRS-level work is simply untrue.

OVERSEENG THE EXECUTION OF PROJECTS

Mr. Williams further stated that "the 'projects' referenced are the reports completed as a regular part of the incumbent's duties." He denied their merit as projects ("...they may be characterized as projects on an informal basis."). On the contrary, I consider certain tasks that I perform to be projects due to their scope and duration. Examples include my Force Board Coordinator duties, production of reports/spreadsheets, response to Public Records Requests, obtaining and providing information to assist the City Attorney for trial, and assisting the Microsoft team as a Subject Matter Expert. None of these are merely "projects on an informal basis."

I periodically receive high-volume, rush assignments calling for me to assist the City Attorney to prepare material and information to be used for a trial, or to respond to a public records request within a short timeframe. I organize and oversee small teams of officers and civilians to ensure that these assignments are completed on time. In Mr. Williams' opinion, my doing so did not meet the threshold for supervision, since I did not provide performance evaluations, approve vacation/leave, or assign regular schedules. However, most Administrative Analyst II or upper-level administrative positions held in OPD do not have direct subordinates and thus don't perform provide performance evaluations, etc. either.

I would argue that coordinating month-long projects, arranging staffing, materials, equipment and logistical support, and leading a small team of police officers through the duration of the project is well beyond the scope of the current PRS job classification.

CONCLUSION

I have developed and administered various projects from inception to completion since 2013 and have exceeded the organization's expectations. One success has led to another; my performance in civilianized positions has meant that I have been asked to take on others. I am grateful for the trust that the organization has in me; I feel respected and valued at OPD.

Please consider how the tasks I have taken responsibility for have freed many OPD commanders and officers from hours of administrative work, giving them more time for their most crucial task – community policing. Specifically, the reports I handle have allowed the following to concentrate on more important duties:

- DC D. Downing (Crowd Control Report)
- Lts. C. Gonzalez & D. Elzey (Use of Force Risk Management Report)
- Lt. H. Jordan (Vehicle Collision Report)
- Ofc. R. Kabahit (Taser Analysis Report)
- Lt. K. Mullnix, Sgt. M. Guttormson, Ofcs. B. Koch, R. Roche, D. Thurston (Force Board Coordinator duties)

Since I joined the Force Review/Executive Force Review Board team, I have restructured the old system, tirelessly tracking Force Review Board and/or Executive Force Review Board cases and deliverables that had previously fallen through the cracks, working with DC D. Downing (former Internal Affairs Division Commander) and Sgt. D. Carman (OPD policy & procedures expert).

I can truly say that I have been a part of the force that raised OPD's Force Review Board / Executive Force Review Board function to the level of compliance per the Negotiated Settlement Agreement.

I have redesigned various high profile/high visibility reports, including four out of seven reports on the OPD website for public view. Now, when the public seeks information, OPD Commanders or the OPD Media Relations Office can simply provide them a link to these reports, which are updated monthly.

I hereby sincerely request the Secretary of the Board to reconsider HRM's findings and assign me an appropriate job classification. Please let me continue to serve the organization that I love and am proud to be a part of.

Below are my "project" supervisors. Mr. Williams did not interview them in October of 2015 and some of them wish to be involved in my appeal process:

- Force Board Coordinator (Assistant Chief P. Figueroa, DC D. Outlaw)
- Use of Force Risk Management Report, Crowd Control Report (DC D. Downing)
- Use of Force Administrator (Lt. C. Mufarreh)
- Vehicle Collision Report, Taser Analysis Report (Lt. S. Millington)

Thank you for reviewing my appeal of classification study.



Aki James

Cc: Steve Pitocchi, Local 1021
Dana MacPherson, Local 1021
Jaime Pritchett, Principal Human Resource Analyst
Paul Figueroa, Assistant Chief of Police
Danielle Outlaw, Deputy Chief of Police
David Downing, Deputy Chief of Police
Chris Mufarreh, Lieutenant of Police
Randal Bandino, Sergeant of Police
Cee Belue, Department SPOC

LT. Gonzalez
(Level 2 & 3)

LT. Elzey
(Level 4)

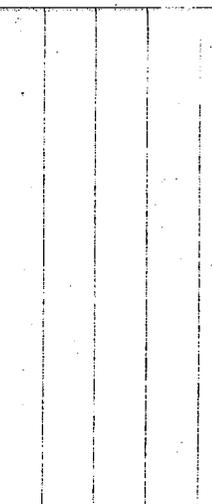
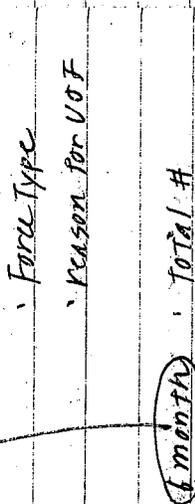
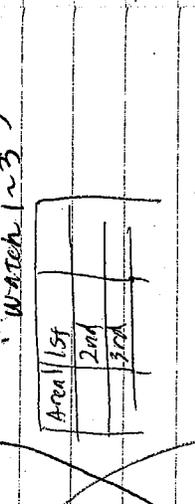
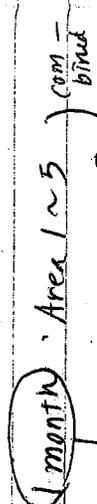
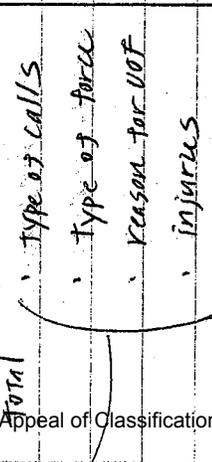
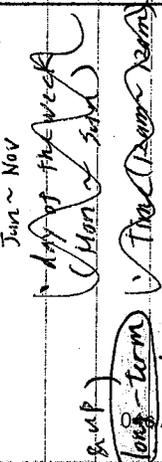
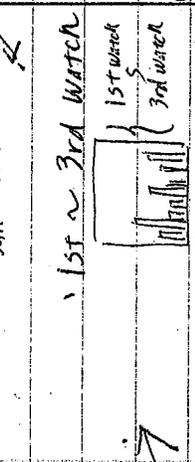
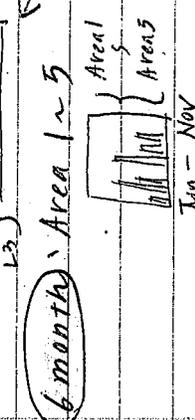
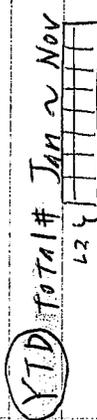
note: policy changed 12/16/13 D40 K3

start entering Area, Watch, Type of calls, Reason for UOF

missing / not rec'd UOF Report ← UOF Log only?

run another query for each report & make correction?

1/1/14



2013 & 2014
YTD overview (Dep. Total)

- 1 Dec Monthly Snapshot
- 2 Jul ~ Dec 6 month trend
- 3 (L2 & L3 only)

- 1 Area
- 2 Watch
- 3 Type of calls
- 4 Force Type
- 5 Reason
- 6 Injury

add L4 May 2015 ~

YTD Total # Jan ~ Nov

6 months Area 1 ~ 5

1st ~ 3rd Watch

James, Aki

From: Cunningham, Oliver
Sent: Monday, January 19, 2015 11:09 AM
To: James, Aki
Subject: RE: UOF Analysis Report (Dec 2014, prototype) in progress

Categories: AUDIT

Message received. Thanks and your prototype looks good. OKC

From: James, Aki
Sent: Thursday, January 15, 2015 4:51 PM
To: Cunningham, Oliver; Lozares, Demetrio; BFO Admin
Subject: UOF Analysis Report (Dec 2014, prototype) in progress

Hello Sirs,

I must prepare for IMT document request and PAS audit and need more time to bring you my UOF Analysis Report prototype.

Lt. Gonzalez' format:

YTD:

- Department Total

6 month breakdown:

- Area 1-5
- 1st Watch – 3rd Watch
- Day of the Week (Mon-Sun)

16 months+ ongoing total:

- Time (12 am – 12 am)
- Type of Calls
- Force Type
- Reason for UOF
- Injuries

Lt. Elzey's format:

1 month breakdown:

- Area 1-5
- 1st Watch – 3rd Watch
- Force Type
- Type of Calls/Reason for UOF combined

6 month total:

- Level 4 total Number

I am working to streamline two styles seamlessly. It will look like:

YTD overview:

James, Aki

From: James, Aki
Sent: Thursday, January 22, 2015 5:33 PM
To: Cunningham, Oliver
Cc: Lozares, Demetrio; Mufarreh, Chris; BFO Admin
Subject: UOF Analysis Report (Dec 1-31, prototype for approval)
Attachments: 150122 Monthly UOF Analysis Report (Prototype - Dec 2014).doc

Hello Sirs,

I have completed the prototype report for DC's approval. The report was divided as below:

YTD overview:

- Department Total

Monthly Snapshot (Dec):

- Area 1-5
- 1st Watch – 3rd Watch
- Type of Calls
- Force Type
- Reason for UOF
- Injuries

6 month Trend (Jul-Dec):

- Area 1-5
- 1st Watch – 3rd Watch
- Type of Calls
- Force Type
- Reason for UOF
- Injuries

Please give me any feedback to improve my report. The actual report will be for **01 Jan 15 – 31 Jan 15**, and I will provide it by **07 Feb 15**.

Thank you & have a wonderful evening!

Aki x 3977

James, Aki

From: Yu, Alan
Sent: Wednesday, January 21, 2015 3:58 PM
To: James, Aki
Subject: RE: Level 1 UOF questions for analysis report (due tomorrow)
Categories: AUDIT

Call – Attempt 913 Suicide with a Knife
Reason for UOF – 245 with a knife on officers
No OPD injuries.

From: James, Aki
Sent: Wednesday, January 21, 2015 2:37 PM
To: Yu, Alan
Subject: Level 1 UOF questions for analysis report (due tomorrow)

Hello Sgt. Yu, how are you?

I took over to create a monthly UOF analysis report from Lts. Gonzalez & Elzey... The report is due tomorrow & I need a couple of information regarding the Level 1 UOF 14F-0536 (IAD 14-0986) to complete the report.

- What type of call was it? (5150, battery, on view, special project, etc.)
- What was the reason for UOF? (subject resisting, subject attempted to flee, etc.)
- Were OPD member injured during the incident?

Could you please let me know when you have a chance? Thank you so much!!
Aki x 3977

OPD USE OF FORCE APPENDIX:

UOF in everyday

CIVIL SERVICE BOARD MARCH 17 2016

language

FORCE LEVEL 1

Any use of force resulting in death	Any unintentional firearm discharge w/injury
Any intentional firearm discharge at a person	Any intentional impact weapon strike to the head
Any force w/a substantial risk of causing death	Any UOF investigation that is elevated to a Level 1
Serious bodily injuries	

LEVEL 1 FORCE TYPE

1	Lethal Firearm Charge	5	Unintentional Firearm Discharge w/Injury
2	Force Resulting in Death	6	Force Results in Serious Bodily Injuries
3	Force Creating Substantial Risk of Causing Death	7	Carotid Restraint w/Loss of Consciousness
4	Intentional Strike to Head w/Impact Weapon	8	Other

FORCE LEVEL 2

Any strike to the head	Any unintentional firearm discharge w/o injury
Carotid restraint w/o the loss of consciousness	A police canine bites
Use of impact weapons w/contact	Any use of force w/injury

LEVEL 2 FORCE TYPE

9	Strike to the head	12	Impact/Impromptu Weapon w/Contact
10	Carotid Restraint w/o Loss of Consciousness	13	Any UOF Resulting in Injury
27	Unintentional Firearm Discharge w/o Injury	14	Police K9 Bites
		15	Other

FORCE LEVEL 3

Oleoresin Capsicum/Pepper Spray applied to a person	The baton used for a non-striking purpose
The use of a Taser	A Weaponless Defense Technique: hand/palm/elbow strikes, kicks, leg sweeps, takedowns
Any impact weapon w/o contact	An on-duty firearm discharge at an animal

LEVEL 3 FORCE TYPE

11	Taser Deployment	18	Taser Fired but Probes Miss
16	Weaponless Defense Technique	19	Non-Striking Use of Baton
17	O/C Applied to a Person	20	Attempted Impact Weapon Strike but Miss
17a	Other Chemical Agent Applied to a Person	21	On-Duty Firearm Discharge at Animal

FORCE LEVEL 4

A firearm intentionally pointed at a person	An on-duty firearm discharge to dispatch an injured animal
A Weaponless Defense Technique: hair grab, pressure to mastoid or jaw line, shoulder muscle grab	A Weaponless Defense Technique Control Hold: escort (elbow), twist lock, arm-bar, bent-wrist

LEVEL 4 FORCE TYPE

22	Intentionally Pointing a Firearm at a Person	25	Weaponless Defense Technique Control Hold: escort (elbow), twist lock, arm-bar, bent-wrist
23	Weaponless Defense Technique: hair grab, pressure to mastoid, shoulder grab	26	Level 3 UOF Reduced to Level 4 UOF
24	On-Duty Firearm Discharge to Dispatch an Injured Animal	28	Police K9 Deployment w/o Contact

	Aki Notes	Level 1	Level 2	Level 3	Level 4
5150		CIVIL SERVICE BOARD	MARCH 17	2016	
911 Hangup					
Armed w/Gun	<i>armed 5150, brandishing firearm</i>				
Armed w/Weapon	<i>armed 5150, knife, golf club, bat</i>				
Arson					
Assault					
Assault w/Deadly Weapon	<i>shooting, stabbing, w/veh</i>				
Assisting Outside Agencies					
Attempt Suicide					
Battery					
Burglary	<i>auto burglary</i>				
Carjacking					
Citizen On View	<i>citizen spotted susp/stolen veh</i>				
Civil Stand By					
Civil Unrest/Sideshow					
Disturbance					
Domestic Disturbance/Violence					
Fight in Progress					
Flag Down					
Forgery					
Gunshots/Shot Spotter					
Incorrigible Juvenile					
Kidnapping					
Loitering/Narcotic Activity					
Missing Person					
On View	<i>license plate reader, susp spotted</i>				
Ongoing Investigation	<i>searching for susp</i>				
Operation Arrest Team	<i>SWAT, call out activated</i>				
Protest					
Residential Robbery	<i>home invasion</i>				
Robbery					
Search Warrant					
Security Check					
Sexual Assault					
Special Event					
Special Project					
Stolen Vehicle					
Subject at Hospital					
Surveillance					
Suspicious Person/Vehicle					
Theft	<i>auto clout, parking meters</i>				
Tracking Stolen Device					
Trespassing					
Unknown					
Vicious Dog					
Welfare Check	<i>unresponsive person</i>				

Monthly & Quarterly Reports

Monthly Reports

- Shotspotter
- Staffing
- YTD Use of Force
- YTD Vehicle Collision
- YTD Vehicle Pursuit

Quarterly Reports

- Crowd Control
- Internal Affairs Division

Monthly Reports

ShotSpotter Report

ShotSpotter technology helps police fight gun violence, delivering instant, precise and detailed data that alerts them to gunfire and helps them respond more quickly, more safely and more effectively.

- [September 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK055297\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK055297)
- [August 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054791\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054791)
- [July 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054453\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054453)
- [June 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054115\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054115)
- [May 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054114\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054114)
- [April 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054113\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054113)
- [March 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK052533\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK052533)
- [February 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK051945\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK051945)
- [January 2015 \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK051459\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK051459)

ShotSpotter reports from prior years can be accessed on our [Crime Statistics page \(/Government/o/OPD/s/Statistics/index.htm\)](/Government/o/OPD/s/Statistics/index.htm).

Monthly Staffing Reports

Staffing Reports 2015

- [August 2015 Staffing Report \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK056182\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK056182)
 - [May 2015 Staffing Report \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054652\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054652)
 - [April 2015 Staffing Report \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054042\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054042)
 - [March 2015 Staffing Report \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054041\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK054041)
 - [January 2015 Staffing Report \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK053166\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK053166)
-

Staffing Reports 2014

- [December 2014 Staffing Report \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK053165\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK053165)
- [November 2014 Staffing Report \(/Government/o/OPD/a/PublicReports/MonthlyReports/OAK053167\)](/Government/o/OPD/a/PublicReports/MonthlyReports/OAK053167)

James, Aki

From: Downing, David
Sent: Wednesday, October 07, 2015 10:08 AM
To: James, Aki
Subject: RE: Crowd Control Report

They will let me know today. The report it's self is very much improved. It looks much cleaner and is easier to read. Even with the colors, it prints out in black and white and is still readable. Thank you for getting this done. I have also given you permission to the crowd control community of practice box account.

David E. Downing
Deputy Chief of Police
Oakland Police Department
ddowning@oaklandnet.com
(510) 238-7620

From: James, Aki
Sent: Wednesday, October 7, 2015 10:04 AM
To: Downing, David
Subject: RE: Crowd Control Report

Thank you for the info & letting me know a correction to make! I'll deliver you the "draft #2" after you confirm there are no more events in the last quarter.

Have a wonderful day!
Aki x 3977

From: Downing, David
Sent: Wednesday, October 07, 2015 9:52 AM
To: James, Aki
Subject: RE: Crowd Control Report

Aki,

I have added one more protest to the spreadsheet. It was on 14 Aug 15. It was the vigil for Joe Bart and Black Lives Matter. I would also like you to move the Oakland Marathon from the concert and event category over to the Street Fair and Parade events. I am checking with special events to see if there were any other sporting events from 27-30 Sep 15.

David E. Downing
Deputy Chief of Police
Oakland Police Department
ddowning@oaklandnet.com
(510) 238-7620

From: James, Aki
Sent: Monday, October 5, 2015 3:08 PM
To: Downing, David
Cc: Mufarreh, Chris; BFO Admin
Subject: RE: Crowd Control Report

Hello Chief,

Here's my prototype for the project! I was faithful to the template, but couldn't help adding some subtle colors & graphs to make it pretty. I double-checked the numbers. For the summary/comment, I don't think I am qualified to write it, since I've never attended the incident commander meetings, etc... I left a space for your comment.

Please let me know how you think – have a wonderful evening!

Aki x 3977

From: Downing, David
Sent: Thursday, October 01, 2015 8:42 AM
To: James, Aki
Cc: Bandino, Randal V; Mufarreh, Chris
Subject: Crowd Control Report

Aki,

As we discussed today, here is the data for the crowd control report and the last quarter's report as an example. Your deadline for the 3rd Quarter Crowd Control Report will be 14 Oct 15. You can always send me a draft report so you can check to see if you are doing the report correctly.

David E. Downing
Deputy Chief of Police
Oakland Police Department
ddowning@oaklandnet.com
(510) 238-7620

James, Aki

From: Millington, Sekou
Sent: Wednesday, March 25, 2015 3:39 PM
To: Cunningham, Oliver; James, Aki; BFO Admin
Cc: Mufarreh, Chris
Subject: RE: Prototype for Collision Report

Money well spent, thanks again.

From: Cunningham, Oliver
Sent: Wednesday, March 25, 2015 3:35 PM
To: James, Aki; Millington, Sekou; BFO Admin
Cc: Mufarreh, Chris
Subject: RE: Prototype for Collision Report

Fantastic work. Thanks Mom and Dad!!!

From: James, Aki
Sent: Wednesday, March 25, 2015 3:32 PM
To: Cunningham, Oliver; Millington, Sekou; BFO Admin
Cc: Mufarreh, Chris
Subject: RE: Prototype for Collision Report

Chief, here's my prototype. Lt. Millington will be correcting my wordings, etc.

Again, designing is my strength – my parents paid gazillion dollars for my art degree... Please think of me when you have similar projects, because I'd love to use my skills for OPD.

Thank you for letting me do this project!
Aki x 3977

From: Cunningham, Oliver
Sent: Wednesday, March 25, 2015 3:25 PM
To: Millington, Sekou; BFO Admin; James, Aki
Cc: Mufarreh, Chris
Subject: RE: Prototype for Collision Report

Please send me the report.

From: Millington, Sekou
Sent: Wednesday, March 25, 2015 3:19 PM
To: BFO Admin; James, Aki
Cc: Mufarreh, Chris; Cunningham, Oliver
Subject: RE: Prototype for Collision Report

Thank you for the speedy work.

From: BFO Admin
Sent: Wednesday, March 25, 2015 3:05 PM
To: James, Aki; Millington, Sekou
Cc: Mufarreh, Chris; Cunningham, Oliver
Subject: RE: Prototype for Collision Report

Thank you Aki. Awesome work as usual!

Thank you,

Randy Bandino
Sergeant of Police
BFO Administration
Room 126: (510) 238-2782

Mission:

"The Mission of the Oakland Police Department is to provide the Community of Oakland an environment where they can live, play, and thrive free from crime and fear of crime"

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From: James, Aki
Sent: Wednesday, March 25, 2015 3:03 PM
To: Millington, Sekou
Cc: BFO Admin
Subject: Prototype for Collision Report

Hello Lt,

It took much less than I thought, since Lt. Jordan's report was already clean & streamlined.

Here's my prototype for your request – please feel free to correct awkward wordings, etc. Please let me know if your admin staff needs training in Excel & Word.

I truly enjoyed this project & am very flattered by your kind remarks. Thank you & have a wonderful day!

Aki x 3977

James, Aki

From: Outlaw, Danielle
Sent: Tuesday, December 22, 2015 5:44 PM
To: James, Aki
Subject: Re: Force Board Coordinator Weekly Spreadsheets (22Dec15)

Thank you for this summary. Very easy to follow!

DO

Danielle M. Outlaw
 Deputy Chief of Police
 Bureau of Services

On Dec 22, 2015, at 2:59 PM, James, Aki <AJames2@oaklandnet.com> wrote:

Hello Sir & Ma'am,

Please see attached Force Board Coordinator Weekly Spreadsheets.

SUMMARY:

#1 FRB & EFRB Schedule:

- **15F-0230 (IAD 15-0436): CANCELLED PER COP REQUEST**
- **15F-0348: FRB on 12Jan15, 0900-1030**
- **15F-0415: READY FOR FRB (Due: Feb 17th)**
- **15F-0256: READY FOR FRB (Due: Feb 18th)**
- **15F-0399: READY FOR FRB (Due: Mar 8th)**
- **15F-0208: READY FOR FRB (Due: Mar 8th)**

#2 OPEN EFRB Cases:

- **15F-0230 (IAD 15-0436): CANCELLED PER COP REQUEST**
- **15F-0473 (IAD 15-0617): IAD investigation in progress**
- **15F-0316 (IAD 15-0618): IAD investigation in progress**
- **15F-0332 (IAD 15-0645): IAD investigation in progress**
- **15F-0345 (IAD 15-0672): IAD investigation in progress**
- **15F-0432 (IAD 15-0900): IAD investigation in progress**
- **15F-0439 (IAD 15-0917): IAD investigation in progress**
- **15F-0468 (IAD 15-0948): IAD investigation in progress**

#3 OPEN FRB Cases:

- **15F-0208: READY FOR FRB (Due: Mar 8th)**
- **15F-0256: READY FOR FRB (Due: Feb 18th)**
- **15F-0348: FRB on 12Jan15, 0900-1030**
- **15F-0399: READY FOR FRB (Due: Mar 8th)**
- **15F-0415: READY FOR FRB (Due: Feb 17th)**

#4 OPEN Deliverables:

- **Capt. Hamilton (EFRB 15-0109, Due: Jan 2016)**
- **Lt. Millington (EFRB 15-0581, Due: Jan 8th)**
- **Capt. Coleman (EFRB 15-0581, Due: Jan 8th)**

- **Sgt. McGuinn** (EFRB 15-0581, Due: Jan 8th)
- **Sgt. Trevino** (EFRB 15-0581, Due: Jan 8th)
- **Sgt. Martin** (EFRB 15-0581, Due: Jan 8th)
- **Lt. Millington** (FRB 15F-0104, Due: Jan 15th)

*** Hello Rachel, please check **PINK CELLS** in **#2 (Open EFRB) & #3 (Open FRB)** spreadsheets, and let me know if there are any changes from the last week, e.g. newly opened IAD case, etc...

*** EFRB (FRB) must be scheduled **within 45 day (90 days)** from the date that **all UOF-RELATED investigation is closed.**

Happy Holidays to you & your family!
Aki James x 3977

<1 FRB & EFRB Schedule.xls>

<2 OPEN EFRB Cases.xls>

<3 OPEN FRB Cases.xls>

<4 OPEN Deliverables.xlsx>

James, Aki

From: James, Aki
Sent: Thursday, January 07, 2016 3:47 PM
To: Birch, Timothy
Subject: UOF 2007-2015
Attachments: 160107 UOF 2007-2015 (T. Birch).xlsx

Hello Tim again,

Ahhhh, it was easy, other than I don't have older data (only handful 2006s in the database). I attached the spreadsheet, so you can create bar/pie charts to go with the raw data.

Thank you for the flexible due date for the yearbook. It's niiice to go home on time to be with my K9 kids, ***so thank you @***

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Level 1	13	12	9	7	15	8	5	1	11
Level 2	169	98	76	75	58	43	30	9	12
Level 3	206	149	165	108	89	71	63	43	39
Level 4	1487	1904	1929	1756	1328	1124	738	557	438
Total	1875	2163	2179	1946	1490	1246	836	610	500

Have a wonderful evening,
 Aki x 3977

From: James, Aki
Sent: Wednesday, January 06, 2016 9:42 AM
To: Birch, Timothy
Cc: Burgess, Kristin
Subject: UOF total 2015

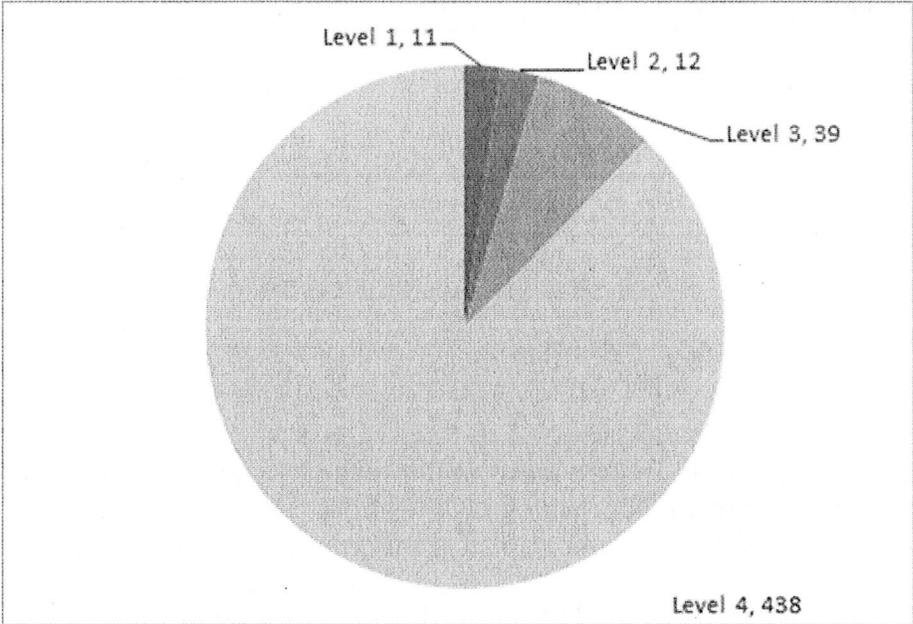
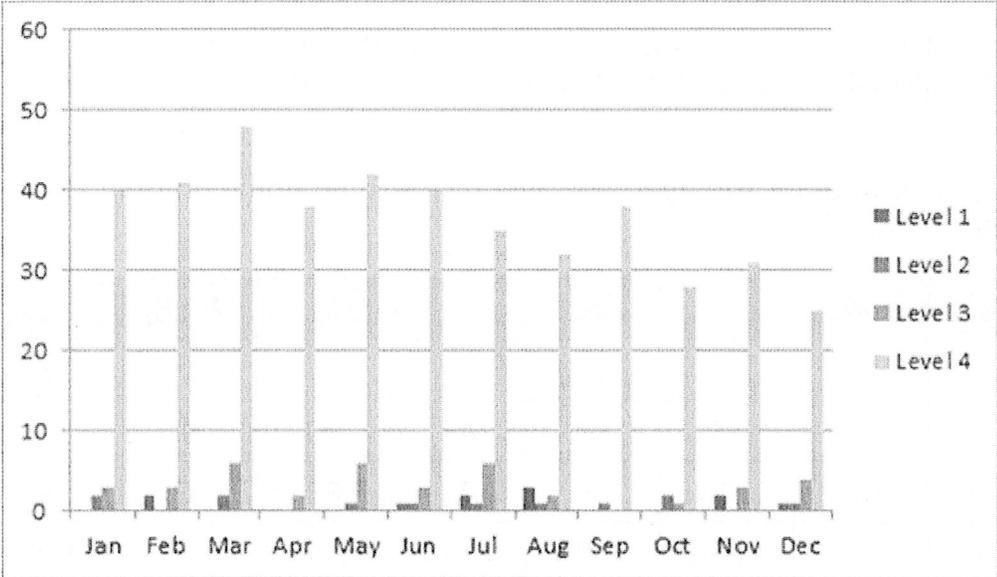
Good morning Tim,

My concern was, lots of Level 4 UOF Reports in Dec were still in progress as of today. So I added the Level 4 UOF Reported to Comm in Dec, which UOF Report not completed or received. I think 25 is a very close/accurate number, but it may change by the end of Jan.

For Level 1, 2, 3 UOF, a Facesheet will be sent on the same day for the timely data entry, so all number in Dec should be captured in the database.

Please note: Level 1 UOF number includes "In Custody Death" incidents, with or without UOF, since they now go EFRB with a Level 1 UOF investigation.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Level 1	0	2	0	0	0	1	2	3	0	0
Level 2	2	0	2	0	1	1	1	1	1	2
Level 3	3	3	6	2	6	3	6	2	0	1
Level 4	40	41	48	38	42	40	35	32	38	28
Month Total	45	46	56	40	49	45	44	38	39	31



Please let me know if you have any questions!
 Aki x 3977

Cadet Unit Breakdown: BEFORE

Total Cadets- 289

Gender

Male- 194

Female 95

Race

Caucasian :

Male- 68

Female- 17

African American:

Male- 42

Female- 46

Hispanic-

Male- 41

Female- 19

Asian-

Male- 37

Female- 8

Other-

Male- 6

Female- 5

Transitioned to Academy

OPD Academy-	96
Other Academy-	20

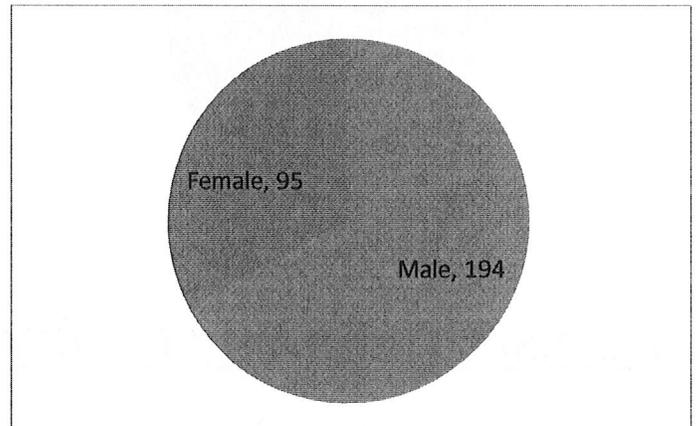
Rank Obtained

Chief-	1
Assistant Chief-	1
Deputy Chief-	1
Captain-	1
Lieutenant-	4
Sergeant-	10
POT / Officer-	78

TOTAL CADETS (289)

GENDER:

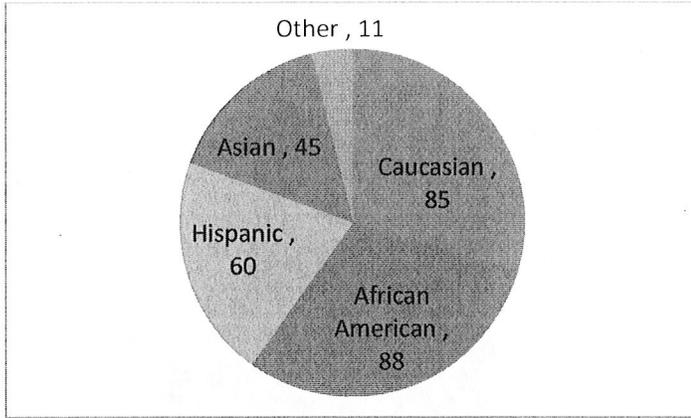
Male	194
Female	95
Total	289



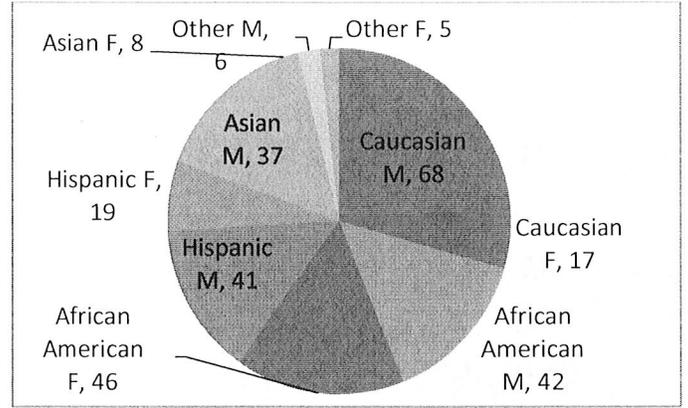
RACE:

Caucasian	Male	68	85
	Female	17	
African American	Male	42	88
	Female	46	
Hispanic	Male	41	60
	Female	19	
Asian	Male	37	45
	Female	8	
Other	Male	6	11
	Female	5	
		Total	289

Race:

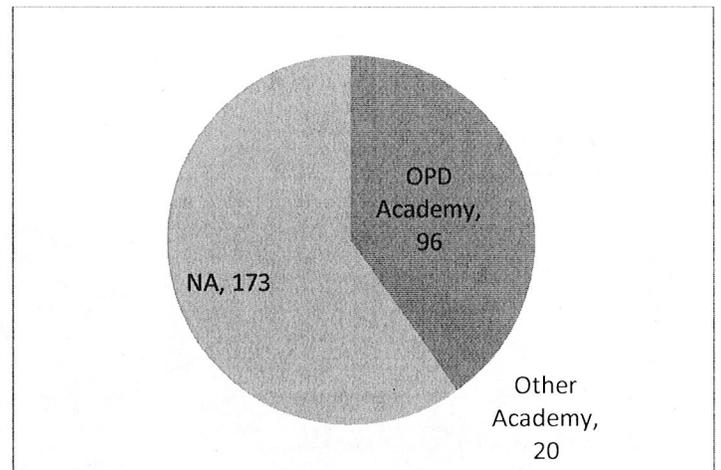


Race & Gender: CIVIL SERVICE BOARD MARCH 17 2016



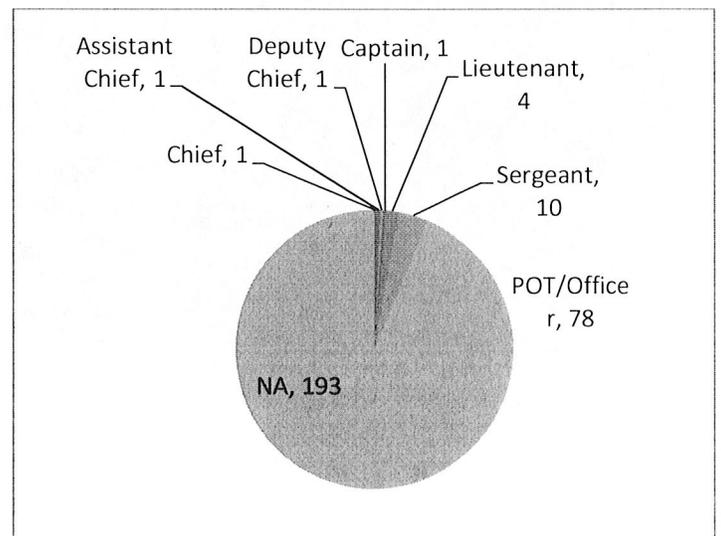
TRANSITIONED TO ACADEMY:

OPD Academy	96
Other Academy	20
NA	173
Total	289



RANK OBTAINED:

Chief	1
Assistant Chief	1
Deputy Chief	1
Captain	1
Lieutenant	4
Sergeant	10
POT/Officer	78
NA	193
Total	289





DEPARTMENTAL
GENERAL
ORDER

K-4.1

Index as:

Force Review Boards

Effective Date:
16 Dec 15

Evaluation Coordinator:
BOS Deputy Chief

Evaluation Due Date:
16 Dec 18

Automatic Revision Cycle:
3 Years

FORCE REVIEW AND EXECUTIVE FORCE REVIEW BOARDS

The purpose of this order is to set forth Departmental policy and procedures for police boards to review Level 1 and Level 2 Use of Force incidents and investigations, In-Custody Death incidents and investigations and Vehicle Pursuit Related Death incidents and investigations.

The Department convenes two categorical review boards to accomplish this objective:

1. Force Review Board (**FRB**)
2. Executive Force Review Board (**EFRB**)

I. FORCE REVIEW BOARD AND EXECUTIVE FORCE REVIEW BOARD

- A. Force Review Boards are convened to analyze and assess performance of Oakland Police Department members in the following:
 1. Use of Force (**UOF**) incidents and investigations
 2. In-Custody Death (**ICD**) incidents and investigations
 3. Vehicle Pursuit Related Death (**VPRD**) incidents and investigations
 4. Use of Force incidents, investigated administratively and/or criminally by the Department or outside law enforcement agency, at the direction of the Chief of Police (**COP**).
- B. The Board shall assess and determine concluding recommendations for the COP about the force used and performance by Department members (e.g. use of PDRD, on-scene preliminary investigation, etc.) and whether it was compliant, as applicable, with Department policies, and procedures and training. The review process is intended to help the Department achieve its goal of using the least amount of force possible consistent with safety of all

DEPARTMENTAL GENERAL ORDER
OAKLAND POLICE DEPARTMENTK-4.1 Effective Date
16 Dec 15

persons. The Oakland Police Department has a reverence for all life. This policy shall not be construed as altering the standard of review as to the reasonableness of the use of force set forth in Department General Order K-3. Therefore, the discipline standards regarding the use of force or other performance of a Department member that otherwise complies with Department policy (including, but not limited to General Order K-3) currently used by the Department will not be changed by this order. Those standards will remain the same as those in use prior to this order taking effect.

- C. The Board shall analyze the UOF incident, to include the circumstances and performance of Department members during and proximate to the event (e.g. including force options and discretionary decision making, etc.), and identify any and all necessity, deficiency or exceptional performance as they relate to:
1. Department policy or procedure revision;
 2. Department policy or procedure origination;
 3. Justification for the original encounter, detention or arrest, as applicable.
 4. Any tactics, strategies, and options pursued as events unfolded that may have led to the use(s) of force.
 5. Training revision or origination, to include:
 - a. Sphere in which training shall be provided;
 - b. Fundamental curricula;
 - c. Method of presentation of the training;
 - d. Requirements for testing or demonstrated performance;
 - e. Timelines for implementation and conclusion of training;
and
 - f. Process for monitoring Department member performance subsequent to policy and/or training revision or origination;
 6. Supervision, Management and Leadership;

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7. Investigative deficiencies, to include objective evidence analysis, related to:
 - a. On-Scene and preliminary investigation; and
 - b. Follow-up investigation;
8. Assignment to the Criminal Investigative Division (**CID**), Internal Affairs Division (**IAD**), or other investigative entity;
9. Equipment:
 - a. Functionality;
 - b. Procurement; and
 - c. Elimination;
10. Consideration of exemplary, commendable, or otherwise notable performance by Department members.

D. Force Review Board

The FRB is convened to analyze and assess the factual circumstances during and proximate to all Level 2 UOF incidents and to establish concluding recommendations to the COP from those circumstances.

E. Executive Force Review Board

The EFRB is convened to analyze and assess the factual circumstances during and proximate to all:

1. Level 1 UOF incidents and investigations;
2. ICD incidents and investigations;
3. VPRD incidents and investigations; or
4. UOF incidents, investigated administratively and/or criminally by the Department or outside law enforcement agency, at the direction of the COP; and

Establish concluding recommendations to the COP from those circumstances.

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NOTE: A firearm discharge at an animal shall be reviewed by the EFRB at the direction of the COP.

II. **AUTHORITY AND TRAINING OF FORCE REVIEW AND EXECUTIVE FORCE REVIEW BOARDS**

A. Force Review and Executive Force Review Boards shall have the authority to:

1. Direct Department personnel to appear before the Board;
2. Request any private person to appear as a witness;
3. Access, in accordance with legal parameters and respect for confidentiality:
 - a. CID investigations;
 - b. IAD investigations;
 - c. Use-of-Force investigative reports; and
 - d. Any reports, documents, recordings, transcripts, diagrams, testimony and evidence which directly relate to the Board's responsibility;
4. With a majority vote, determine findings, conclusions and recommendations to be provided to the COP;
5. Recommend the COP direct the Criminal Investigations Division to originate or supplement an investigation;
6. Direct the Internal Affairs Division to originate or supplement an investigation; and
7. Complete steps necessary to fulfill the responsibilities of the Board as specified in Part I.

B. Board Member and Commander Training

1. The Training Section Commander shall ensure that all designated Force Review and Executive Force Review Board members receive continuing professional training, to include but not limited to:
 - a. Department UOF policies and procedures;

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- b. Force application;
 - c. Curricula and demonstrations regarding arrest and control techniques used for the Academy, CPT, line-up and other related training;
 - d. Departmental force investigation procedures;
 - e. Legal updates on force law; and
 - f. Executive Force Review Board members shall also receive updates about officer-involved shootings, vehicle pursuits and in-custody death investigations.
2. Frequency of training
- a. Board members shall minimally receive the above training on an annual basis, or as deemed necessary by the COP, and the training shall be logged and tracked by the Training Section.
 - b. All Captains of Police and higher ranks shall minimally receive the above training on an annual basis, or as deemed necessary by the COP, to ensure their readiness to serve as a board member. The training shall be logged and tracked by the Training Section.
3. The Board Chairperson shall ensure Board members are provided information obtained from force incidents which have occurred in various jurisdictions to enhance their knowledge and expertise.

III. CONVENING FORCE REVIEW AND EXECUTIVE FORCE REVIEW BOARDS

- A. Review boards shall not be convened if any incident or complaint which involved the use of force remains under investigation by the Internal Affairs Division and/or the Criminal Investigations Division, if the investigation or allegation reasonably relates to the issues to be analyzed by the Board.
- B. Upon notice of a scheduled FRB or EFRB, the Internal Affairs Division Commander or Bureau of Field Operations Administration (**BFO Admin**), as applicable, shall provide the relevant investigative files to the Board Chairperson within four (4) calendar days of receipt.

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- C. Scheduling Responsibility of Board Chairpersons
1. The FRB Chairperson shall convene an FRB within 90 days of receipt of the Use of Force Report packet from the IAD and/or BFO Admin.
 2. The EFRB Chairperson shall convene an EFRB within 45 days of receipt of the UOF/ICD/VPRD Report from the IAD.
 3. The COP, with cause, shall revise the Board hearing dates as deemed necessary, on a case by case basis.
- D. A BFO Admin Commander, as designated by the COP, shall be responsible for ensuring the tasks of Force Board Coordinator (**FBC**) are completed in accordance with this order. The designated Commander shall assign the position of FBC to a member or employee from within BFO Admin. The FBC shall track the status of all force review boards to include, but not limited to:
1. Date, time and location of the Board;
 2. Board members in attendance;
 3. Names, identification numbers, assignment and case numbers of the incident being heard by the Board;
 4. Names, identification numbers, assignment and role of all individuals presenting to the Board;
 5. Roster of all evidence presented, e.g. audio, video, diagrams, replicas, sketches, transcripts;
 6. Date the Force Review Board Report is submitted to the COP;
 7. Findings and recommended conclusions of the Board;
 8. Implementation of the approved recommendations in accordance with the provisions in Part V of this order; and
 9. The FBC shall review all force board cases for issues specific to training and forward such issues to the Training Division Commander. The Training Division Commander shall be responsible to implement training recommendations by the Board to the individual, unit or Department upon receipt, as specified in Part

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VI of this order. The Training Division Commander shall be prepared to discuss training related issues at that Board.

IV. FORCE REVIEW AND EXECUTIVE FORCE REVIEW BOARD MEMBERSHIP

A. The FRB is comprised of the following participants:

1. Voting Board Members

The COP shall designate three (3) commanders, Captain of Police or higher rank, as voting members. The COP will designate one of the voting board members as the Chairperson.

2. Non-voting Board Members

- a. Training Section Commander
- b. Legal representative from the Office of the City Attorney
- c. Investigative representative from the IAD, if case was investigated administratively by the IAD.

3. Mandatory Presenters

- a. Investigator of the Use of Force incident;
- b. Involved personnel, as directed by the Chairperson; and
- c. Relevant Departmental subject matter experts in the use of force, tactical decision making, emergency vehicle operation and pursuits.
- d. Other personnel, as directed by the Chairperson.

4. The Chairperson or their designee shall have the authority to direct the presence of any Department member to an FRB. The Chairperson shall have the authority to request the presence of individuals not employed by the Oakland Police Department.

5. In the event any of the three Board members is unable to attend the scheduled FRB, the COP or the Assistant Chief of Police (**ACOP**) shall designate another Captain of Police of higher rank in their place.

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6. All Board members shall be physically present at each hearing (e.g. no call-in or off site participation.)

B. The EFRB is comprised of the following participants:

1. Voting Board Members:

The COP shall designate one (1) Deputy Chief of Police or higher rank and two (2) commanders, Captains of Police or higher rank, as voting members. The COP will designate one of the voting board members as Chairperson. The Chairperson shall be a Deputy Chief of Police or higher rank.

2. Non-voting Board Members:

- a. Training Section Commander;
- b. Legal representative from the Office of the City Attorney;
and
- c. IAD Commander

3. Mandatory Presenters

- a. Investigator of the Use of Force Report;
- b. Homicide investigator(s) assigned to the case;
- c. CID Commander;
- d. Traffic Investigator (if VPRD);
- e. Relevant Departmental subject matter experts in the use of force, tactical decision making, emergency vehicle operation and pursuits; and
- f. Involved personnel, as directed by the Chairperson

4. The Board Chairperson or their designee shall have the authority to direct the presence of any Department member to an EFRB. The Board Chairperson shall have the authority to request the presence of individuals not employed by the Oakland Police Department.

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5. In the event any of the three Board members is unable to attend the scheduled FRB, the COP or ACOP shall designate another Captain of Police of higher rank in their place.
6. The Board Chairperson shall ensure a Department member/employee is present at Force Review and Executive Force Review Boards to take thorough and accurate minutes of the hearing.
7. The Board Chairperson shall ensure that only essential members and employees are present at the hearing, and shall ensure the highest regard for issues of confidentiality given the role of individuals who are present.
8. The Board Chairperson shall ensure that all members and employees conduct themselves in a professional manner and maintain a professional bearing throughout the proceeding (See Manual of Rules Section 314.07, CONDUCT TOWARDS OTHERS-DEMEANOR.)

V. FRB and EFRB RESPONSIBILITIES

A. Review Board Preparation

1. Force Review Board

- a. The FRB Chairperson shall contact the IAD to ascertain whether a force complaint investigation is in process. If a force complaint investigation is in process, the FRB Chairperson shall schedule the Board after the completion of the internal investigation, but prior to the determination of Finding by the Office of the Chief of Police.
 - 1) The COP has the authority to make a determination of finding without convening an FRB; however the COP may, after making a determination of finding, send the case to an FRB to address risk management issues (e.g. training, tactics, equipment, etc.)
- b. The FRB Chairperson shall ensure FRB voting and non-voting members are provided copies (electronic versions may suffice) of the following at least seven (7) calendar days prior to the Board:

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- 1) The Use of Force Report;
 - 2) A copy of the appropriate offense report;
 - 3) Ancillary documents, to include but not limited to:
 - a) Supplemental Reports;
 - b) Technician Reports; and
 - c) Written statements;
 - 4) Detail of involved personnel;
 - 5) Communications Section audio tape;
 - 6) PDRD video, if available;
 - 7) CAD purge;
 - 8) Medical reports;
 - 9) Photographs;
 - 10) Training records and use of force records of involved personnel; and
 - 11) Applicable Department policies and publications.
2. Executive Force Review Board
- a. The EFRB Chairperson shall contact the IAD to ascertain whether a force and/or force complaint investigation is in process. If a force and/or force complaint investigation is in process, the EFRB Chairperson shall schedule the Board after the completion of the internal investigation, but prior to the determination of Finding by the Office of the Chief of Police.
 - b. The EFRB Chairperson shall contact the CID to ascertain whether a criminal investigation is in process. If a criminal investigation is in process, the EFRB Chairperson shall schedule the Board after the completion of the CID investigation.

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- c. The EFRB Chairperson shall ensure each voting and non-voting member receives copies (electronic versions may suffice) of the following information at least seven (7) calendar days prior to the Board:
- 1) UOF, ICD or VPRD Report;
 - 2) Homicide Follow-Up Investigation, when appropriate;
 - 3) Vehicle Pursuit Report, when appropriate;
 - 4) Appropriate offense report;
 - 5) Ancillary documents;
 - a) Vehicle Collision Report, when appropriate;
 - b) Follow-up investigation;
 - c) Supplemental Reports;
 - d) Technician Reports; and
 - e) Written statements;
 - 6) Transcripts of recorded statements;
 - 7) Daily Detail of involved personnel;
 - 8) Communications Section audio tape;
 - 9) PDRD video, if available;
 - 10) CAD purge;
 - 11) Medical/Coroner reports;
 - 12) Scene diagram;
 - 13) Photographs;

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- 14) Training and use of force history of involved personnel; and
 - 15) Applicable Department policies and publications.
3. The FRB and EFRB Board Chairperson shall ensure each Board member has reviewed all relevant documentation and evidence prior to the hearing. The Chairperson shall ensure each Board member is prepared for discussion at the hearing, and has prepared a roster of anticipated points-of-interest and inquiry.
 4. The FRB and EFRB Board Chairperson shall ensure that cross contamination of information and data does not occur during the course of the hearing (e.g. CID personnel becoming aware of information obtained by IAD during the administrative interrogation of the subject Department member.)
 5. The FRB and EFRB Board Chairperson shall ensure that all documents, evidence, and methods of presentation (e.g. PowerPoint, expert documents, etc.) are retained with the custodian of records for the hearing.

VI. FORCE REVIEW AND EXECUTIVE FORCE REVIEW BOARD PROCEDURES AND RESPONSIBILITIES

- A. The FRB/EFRB Chairperson shall preside over hearing regarding the analysis of the use of force incident, to include but not limited to:
 1. A presentation by assigned investigators and review of the use of force investigation report and all relevant documents and materials;
 2. As determined by the EFRB Chairperson, prior to the EFRB, the voting members may conduct a walk-through of the incident at the scene with the IAD or CID Investigators;
 3. Board discussion regarding:
 - a. Assessment and determination of concluding recommendations for the COP about the force used and performance by Department members (e.g. use of PDRD, on-scene preliminary investigation, etc.);
 - b. Whether it was compliant, as applicable, with Department policies, procedures and training when considering objectively reasonable standards and the law;

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- 4) Requirements for testing or demonstrated performance;
 - 5) Timelines for implementation and conclusion of training; and
 - 6) Process for monitoring Department member performance subsequent to policy and/or training revision or origination;
- f. Supervision, Management and Leadership, including the considerations by any involved on-scene or off-scene supervisor of the following:
- 1) The possible deployment of the Tactical Team;
 - 2) Potential and available de-escalation techniques;
 - 3) Environmental conditions, including the time of day, lighting conditions, traffic conditions, and whether there was time to safely remove or redirect pedestrians and other passersby; and
 - 4) The use of tactical communications.
- g. Investigative deficiencies, to include objective evidence analysis, related to:
- 1) On-Scene and preliminary investigation; and
 - 2) Follow-up investigation;
- h. Assignment to the Criminal Investigative Division, Internal Affairs Division, or other investigative entity;
- i. Equipment:
- 1) Functionality;
 - 2) Procurement; and
 - 3) Elimination; and;
- j. Records documenting any training received by the involved officer(s) and his/her supervisor(s) in tactical

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- communications, tactical training, de-escalation training, and other relevant training; and
- k. Consideration of exemplary, commendable, or otherwise notable performance by Department members.
5. If additional follow-up is required, to come to a recommendation of finding, the FRB/EFRB Chairperson shall advise and direct the appropriate entity of the specific issues to be addressed, and shall assign a due date not to exceed 30 calendar days. Upon completion of the follow-up investigation the FRB/EFRB shall be re-convened for additional presentation and a vote.
 - a. The Board Chairperson may consult with the COP to not re-convene an FRB or EFRB, upon completion and review of the follow-up investigation. The COP has the authority to make a determination of finding without re-convening an FRB or EFRB.
 6. A vote(s) regarding policy compliance:
 - a. If a majority vote for non-compliance is reached on any Department policy issue, the Board Chairperson shall identify the violation and MOR section, and determine whether it is a Class I or Class II violation.
 - b. The Board Chairperson shall forward any recommendation for a non-compliance sustained finding, or any other sustained findings, to the COP.
 - c. Subsequent to the approval of the FRB/EFRB report by the COP, discipline shall be determined in accordance with Department General Order V-T, DEPARTMENT DISCIPLINE POLICY.
 - d. Follow-up of Board recommendations shall be accomplished in accordance with the provisions of Part VI of this order.
 7. Any determination of criminal misconduct shall be documented and forwarded to the COP, without delay. The COP shall determine the appropriate course of action, to include options such as referral to the Criminal Investigations Division or request for outside law enforcement entities to conduct a criminal investigation. Considerations shall include but are not limited to:

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- a. Nature and scope of the offense;
 - b. Statute of limitations;
 - c. Number of internal Department and external personnel who may be involved as potential suspects or witnesses;
 - d. Evidence;
 - e. Criminal allegations which are in process of investigation or which investigation has been completed;
 - f. Administrative investigations which are in process of investigation, are pending investigation, or which investigation has been completed;
 - g. Internal Department timelines regarding administrative processes;
 - h. Confidentiality, whistle-blower and Department expertise considerations; and
 - i. Ethical, legal and professional interaction between the criminal investigators and internal affairs investigators.
8. Any and all additional allegations of misconduct that were identified during the review and cannot be resolved without further administrative investigation shall be referred to the COP, without delay. The COP shall determine an appropriate course of action. Considerations shall include but are not limited to:
- a. Nature and scope of the alleged misconduct;
 - b. Statute of limitations;
 - c. Number of internal Department and external personnel who may be involved as potential suspects or witnesses;
 - d. Evidence;
 - e. Criminal allegations which are in process of investigation or which investigation has been completed;
 - f. Administrative investigations which are in process of investigation, are pending investigation, or which investigation has been completed;

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- g. Internal Department timelines regarding administrative processes; and
 - h. Confidentiality, whistle-blower, and Department expertise considerations.
9. The Board Chairperson shall document and forward to the COP, without delay, when a determination is made by the Board that potential criminal and/or administrative conduct, either by the Department member directly involved in the UOF event or by Department members who were associated with the event:
- a. Was identified and investigated by the appropriate entity, but not to the reasonable satisfaction of the Board, or
 - b. Was not identified nor investigated when it should reasonably have been.

The COP shall determine an appropriate course of action, to include, but not limited to, informal and formal discipline.

10. Force Review and Executive Force Review Board Report

The Board Chairperson shall be responsible for the completion, staffing and provisions of the FRB/EFRB report. The original report shall be provided to the COP within **30 calendar** days following the completion of the FRB/EFRB hearing.

- a. The content of the FRB/EFRB report shall include, but not be limited to:
 - 1) Summary of the incident;
 - 2) Summary of the Board's deliberations and investigative steps;
 - 3) Rationale for the majority vote. If the vote is not unanimous, the rationale for the dissenting vote will be documented as well;
 - 4) Individual recommended findings determined by the Board regarding the Use of Force and associated administrative misconduct allegations, which are

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determined by majority vote, and shall be either:

- a) Compliant with Department policy; or
- b) Not Compliant with Department policy

If Not Compliant with Department policy, the report shall include the factual circumstances regarding the determination;

- 5) Based on the Board's deliberations, its conclusive determinations as to whether the actions of the police officer created or contributed to the exigency leading to the use of force. This would also include the tactical directions of supervisors whether on scene or not. If the board makes a determination the officer's action or supervisor's direction created or contributed to the exigency it shall provide a rationale for that decision to include one or more of the following:
 - a. Misconduct of a member/employee, including the policy and/or rule violated;
 - b. Inadequate training provided;
 - c. Inadequate policy direction;
 - d. Other consideration(s).
- 6) In either a majority determination of recommending a Compliant or Not Compliant Use of Force and other associated administrative allegations, the Board Chairperson shall ensure the report factually and thoroughly documents the considerations and arguments made by all Board members who assent and dissent in the final determination;
- 7) Allegations of administrative misconduct or criminal activity which are alleged as a result of the Board hearing;
- 8) Information directly related to considerations outlined in Part I of this order;
- 9) Recognition of superior tactics or techniques;

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- 10) Recommendations to update current equipment inventory, or study, test and procure new equipment; and
 - 11) Recommendations to develop or revise Departmental policy and procedures.
11. The COP shall review each Force Review and Executive Force Review Board Report and make a determination regarding:
- a. Necessity for additional follow-up; and
 - b. Concurrence with the Board's recommended finding(s); or
 - c. Non-concurrence with the Board's recommended finding(s)

If the COP does not concur with any of the Board's findings or recommendations, the basis for such disagreement shall be documented as addenda to the report.

12. Upon a final determination and direction by the COP, BFO Admin shall distribute copies of the Force Review or Executive Force Board Report, sans redactions, to:
- a. ACOP;
 - b. Deputy Chiefs of Police or Directors;
 - c. Chain-of-Command of involved member(s) or employee(s);
 - d. Each involved member or employee, as deemed appropriate by the COP;
 - e. Office of Inspector General;
 - f. Internal Affairs Division; and
 - g. Any additional distribution as determined appropriate and relevant (e.g. Training Division, Field Training Program, Communications, etc.)

NOTE: The COP may consider providing a summary of the report when considering the content, issues of legal and ethical confidentiality and role of the report recipient.

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13. BFO Admin shall be the custodian of record and shall maintain the endorsed **original** Force Review Board Report. BFO Admin shall enter the findings of the specific Board and make adjustments, as necessary, to the database.
14. Upon a final determination by the COP, the Board Chairperson shall ensure all letters of commendation, supervisory note entries, awards recommendations and related, which are recommended by the Board and endorsed by the COP, shall be completed and the Department member/employee notified.

VII. BOARD RECOMMENDATION FOLLOW-UP

- A. When the Force Review or Executive Force Review Board Report includes a recommendation(s) for non-disciplinary corrective measures for specific personnel (e.g., training, referral to counseling, etc.), the recommendation shall be reviewed by the COP. Upon approval or modification, the responsibility for implementation shall be assigned to the appropriate Deputy Chief of Police.
 1. The assigned Deputy Chief of Police shall ensure the approved recommendations are implemented then prepare and forward a memorandum documenting the completion of the recommendations to the Board Chairperson, the COP, the BFO Admin and the Training Section Commander within 60 calendar days of receipt, unless extended by the COP.
 2. Training need requests and assessments shall be made in accordance to Training Bulletin V-B, TRAINING NEEDS ASSESSMENT.
- B. When the report includes Board recommendations for Department-related service (e.g., policy revision, equipment evaluation, new Training Bulletin), and such recommendations are approved by the COP, such tasks shall be assigned to the appropriate Deputy Chief of Police or Director, at the discretion of the COP. The BFO Administrative Unit shall be notified of such assignment.

The Deputy Chief of Police shall ensure timely implementation of the approved recommendations and present a status update to the command staff on an on-going basis at executive staff meetings. Recommendations shall be placed on the agenda as deliverables until completed.

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- C. The BFO Admin shall monitor, document and advise the COP, via the chain of command, the status of the implementation of Board recommendations and advise the COP when:
1. Implementation is completed;
 2. An extension has been requested and the reason for the extension request; or
 3. Implementation has not been completed within 60 calendar days following the assignment to do same.

VIII. RECORDS RETENTION AND REPORTING

- A. The custodian of record shall merge the **original** FRB and EFRB Reports and additional documents/material placed in the Force Review Binder or packet with the Control File. The custodian of record shall retain the file consistent with the Department records retention policy.
- B. The Chairperson shall be responsible for ensuring both the FRB and EFRB conduct a monthly review and analysis of all uses of force and in-custody death investigations examined by the Board to identify any patterns and practices that may have policy, procedure, or training implications. Focus of the Boards shall include but not be limited to both positive and deficient aspects of:
1. Supervision
 2. Management
 3. Notifications
 4. Training, policy and procedures
 5. On-scene investigation
 6. Scope as it relates to Part I of this order

The Board Chairperson shall be responsible for the preparation and provision of the monthly analysis report to all Chief Officers and Director(s) no later than 10 calendar days from the date of the Board's review of previous month's data.

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- C. The IAD shall serve as the custodian of records for the **original** Level 1 Use of Force, In-Custody Death, or Vehicle Pursuit-Related Death Report packets and original Force Review Board Report, unless otherwise directed by the COP. BFO Admin shall serve as the custodian or record for all remaining Use of Force investigation packets.

By order of



Sean Whent
Chief of Police

Date Signed: 12-16-15

I. POLICE RECORDS SPECIALIST SUMMARY

Education, Ability, Supervisor, etc.
12th grade education or equivalent
Ability to type 35 WPM
Ability to operate modern office machines, e.g. large volume copiers
Knowledge of general office procedures
Report to Sergeant of Police, Police Records Supervisor, Police Officer
May provide direction to Office Assistant II
Sample Duties:
Routine, entry-level administrative works in the organization
<ul style="list-style-type: none"> ○ Data entry ○ Filing & scanning documents ○ Store & issue supplies ○ Reception duties ○ Balance payrolls, etc.

II. FORCE BOARD COORDINATOR (Jun 2013)

Summary
Report directly to AC Figueroa → DC Outlaw (current)
Duties performed by Lt. Mullnix, Sgt. Guttormson, Officers Thurston, Roche, Koch
Former FBC suspended from the task
Tracked down & closed out-of-compliance FRB/EFRB cases & deliverables: e.g. Scott Olsen case during Occupy Oakland, investigated by outside contractors
Built new system to monitor force/IAD/division level investigations & deliverables → "Famous spreadsheets" (Fed Monitors)
Studied past FRB/EFRB Reports → developed FRB/EFRB guidelines to cover key requirements during the hearings
Weekly summary: report FRB/EFRB case & deliverable status to OPD Commanders, City Attorney's Office, IAD, OIG, Policy & Publication
Study FRB case & assemble digital view files: identify involved officers, obtain related body-worn camera & surveillance footage/missing reports, provide technical support in viewing files, label each videos for quick UOF replay
Departmental General Order K-4.1 was revised in Dec 2013, 1st time documenting civilian FBC position that I took over
Currently track & monitor 8 IAD investigations, 7 force investigations, 0 division level investigations & 39 deliverables

Part of the team that raised FRB/EFRB function to the level of compliance per NSA
All FRB/EFRB deliverables in 2015 were documented & implemented (OIG audit) → Became a hub to also monitor/track training points & policy changes (Mar 2016)
New classification "FORCE BOARD COORDINATOR" in OPD
HR to E. Nettles classification study (Apr 2015)
<i>"...classification specifications were intentionally written broadly enough to capture the work of several positions in each classification; they will never specify every detail of an assignment. A position does not have to be carved out specifically and uniquely when there is a classification that sufficiently encompasses the work."</i>
HR to A. James classification study (Dec 2015)
(When other coordinator positions were suggested as comparable) <i>"The incumbent indicated no involvement with these overall entities or functions, thus they will not be explored."</i>
<i>"Your job is nothing to do with Special Event Coordinator, who goes outside."</i>
Similar Duties from other Coordinator classifications
HOUSING DEVELOPMENT COORDINATOR III
Plan, coordinate and implement housing development and emergency housing programs and projects from the initial proposal through construction, marketing, and initial occupancy or sale; monitor projects for compliance with budget, schedule, and standards; resolve problems as they occur with developers, contractors, owners or tenants.
Assure compliance with federal, state, and local regulations; review and recommend payments to developers who comply.
Provide technical assistance to developers of affordable housing and to providers of emergency and transitional housing.
Draft resolutions, ordinances, and project reports for the City Council and the Oakland Redevelopment Agency.
Research and prepare long-range plans and special studies to meet program goals and objectives.
Respond to public inquiries regarding housing development programs.
Attend site and project board meetings, City department meetings, and community meetings.
Prepare and maintain records and reports.
HOUSING DEVELOPMENT COORDINATOR IV
Plan, organize, coordinate, implement and administer major housing development and redevelopment and emergency housing programs and projects.
Provide project development and management from the initial proposal through construction, marketing, and initial occupancy or sale; monitor projects for compliance with budget, schedule, and standards; resolve problems as they occur with developers, owners, contractors or tenants.
Assure compliance with federal, state, and local regulations; review and recommend payments to developers who comply.
Research and prepare long-range plans and special studies to meet program goals and objectives.
Provide technical assistance to developers of affordable housing and to providers of emergency and transitional housing.
Prepare research and statistical reports on housing needs and accomplishments in the City of Oakland.
Select, train, supervise, and evaluate subordinate staff.
Respond to public inquiries regarding housing programs.

Prepare and maintain records and reports.
CAPITAL IMPROVEMENT PROJECT COORDINATOR
Define project goals and objectives; manage and implement project scope, establish schedules and finalize cost estimates; monitor and track project progress and expenditures to meet project budget.
Plan, coordinate, control and direct functional City staff, contractors and vendors to meet defined goals and objectives on schedule, within budget and to the client's satisfaction.
Serve as primary point-of-contact for all communications for the client, Public Works Department, the City, contractors, vendors and community groups; establish communications protocol; and make presentations.
Prepare a variety of complex computer-generated reports of a general or technical nature regarding projects for the City Administrator, City Council, client department, and Public Works Department Director.
Maintain project records including contracts, specifications, reports, and studies.
Track and monitor all project activities; prepare budget reports and cost control analysis; and ensure projects are executed within approved scope, budget and schedule.
Participate in public relations efforts; makes presentations to City staff, City Council, boards and commissions, neighborhood groups and the general public.
SPECIAL EVENTS COORDINATOR
Plan, develop and coordinate special events, including the Oakland Municipal Band Concert Series, the Celebrate Oakland program and other City produced and sponsored events.
Provide staff support to the Commission on Parks and Recreation, including training and technical assistance to Commission members and committees; provide liaison to other departments, and to the Council and Mayor.
Convene meetings of special event and City representatives; coordinate public relations plans to meet the needs of special events; provide staff assistance to citizen advisory bodies and committees.
Research and write feature stories, press releases, and public service announcements for print and broadcast media; design, edit and produce newsletters for specific programs.
Serve as a resource for departmental staff in identifying and addressing public information needs.
Prepare special or routine reports or publications on departmental activities; write reports or grants of a technical or evaluative nature.
Respond to inquiries for information on department or program activities, including public speaking.
OPEN GOVERNMENT COORDINATOR
Receive Public Records Requests from outside agencies and the general public; coordinate response with departmental contact; provide advice and assistance; review confidential documents; consult with Deputy City Attorney regarding appropriateness of disclosure; prepare and send invoices for the cost of copies; maintain, track and archive requests and responses.
Develop policies and procedures for public notice procedures for complying with public records requests as required by local and state laws. Serve as the liaison to the Office of the City Clerk regarding agenda items, public noticing procedures and city-wide records management. Research, compile and prepare a variety of reports.

Monitor City Council and committee agendas to ensure that they are noticed properly and distributed in accordance with the Sunshine Ordinance and the Brown Act. Provide training to city staff and members of boards and commissions on policies and procedures related to the Sunshine Ordinance and Brown Act; interpret rules and procedures regarding posting of agendas and notices and requests for information and public records for the general public.
Provide follow up and research on inquiries and problems which require routine and specialized knowledge; provide information which may require the use of judgment and the interpretation of City policies, procedures, and local and state laws.
LEGISLATIVE SERVICES COORDINATOR
Prepare and mail all City Council and Committee meeting agendas; assemble background materials for agenda packets.
Notify City Manager, City Attorney and Councilmembers of meeting dates and locations; locate Councilmembers to assure the existence of a quorum.
Schedule meetings, staffing, facility, materials, equipment and logistical support; supervise arrangements and equipment prior to meeting.
Assign and perform research and follow-up on Council and committee actions with appropriate correspondence and notification.
Maintain legislative files regarding City Council and Committee actions, meeting agendas and other legislative documents.
Respond to inquiries from the public, City officials or departments regarding City Council actions.
Community Development Program Coordinator
Plan, organize, direct, review, and implement Community Development Block Grant programs for housing, neighborhood revitalization, and economic development.
Establish guidelines and procedures for locally-administered programs.
Interpret government regulations and procedures for citizens, community groups, and local government representatives.
Provide coordination between citizen groups and City departments.
Respond to public complaints and inquires.
Prepare and maintain records and reports.

III. UOF RISCK MANAGEMENT REPORT (Dec 2014)
IV. CROWD CONTROL REPORT (OCT 2015)

Summary
Report directly to DC Cunningham →DC Downing (current)
BFO 1 Area Commander Lt. Gonzalez created Level 2&3 UOF RM Report
BFO 2 Area Commander Lt. Elzey created Level 4 UOF RM Report
Lts trained me how to evaluate each UOF incident (35-50 incidents/month) using body-worn camera footage, individual crime reports, witness statements, surveillance camera footage

Lts trained me how to obtain the crucial data for Risk Management Purpose: initiating factor/reason for UOF, reason of police presence, type of call, area, watch, Force Type, etc.
Sgt. Ramirez trained me to run custom queries from UOF Database in 2014
Innovation, Research, New Design
Brainstormed w/DC Cunningham & produced several prototypes in Dec-Jan
Positive feedbacks on Lt. Gonzales' colored graphs → eliminated written analysis; aimed visually appealing, clean layouts, easy to read & grasp the data, "Oakland UOF at a glance"
Streamlined the contents: YTD Overview, Monthly Snapshot, 6 Month Trend
Translated CA Penal Code into layman terms, e.g. 211 → Robbery, 459 → Burglary, etc.
Translated the UOF policy into layman terms
Include Level 1 UOF data in the report by following up with IAD investigators
Followed up when UOF occurred outside the City (e.g. nature of the incident, reason of police presence)
Followed up when Subject made a complaint (e.g. type of violation, IAD findings)
Monitored UOF with the compliance yet to be determined (e.g. Force Investigation in progress, FRB/EFRB to determine the compliance, etc.)
Added new contents: Force Compliance, Risk Management Advisement, IAD findings, Type of Violation, etc.
Positive feedbacks
"Phenomenal" (DC Downing, Lt. Millington)
Featured in the CBS 5 news segment
Released to the public view on the OPD website; White House Police Data Initiative
Highly regarded by City Council Members
Designed Vehicle Collision Report, Pursuit Report, Taser Analysis Report per request
Designed 4 out of 7 monthly/quarterly reports on the OPD website (3 by management-level)
Assigned to produce Crowd Control Report in Oct 2015, formerly created by DC Downing ("Smarter than me!")
HR Comments
"Bunch of bar graphs"
Use existing common template & readily available data from database; plug-in new numbers monthly
"Unique reports are part of her responsibility"
"This type of work is well captured within the task statements of the PRS classification specification in the following statements:"
<ul style="list-style-type: none"> • Access and input automated criminal history data systems. • Maintain internal manual and automated recordkeeping systems and provide information in compliance with federal and state regulations. • Coordinate and conduct transactions with other employees, sworn and civilian staff, and the public in matters requiring knowledge and analytical application of Police Department rules, policies and procedures. • Type reports, data, and forms.
Reports by Other Coordinator Classification

<ul style="list-style-type: none"> • Prepare a variety of complex computer-generated reports of a general or technical nature regarding projects for the City Administrator, City Council, client department, and Public Works Department Director. (CAPITAL IMPROVEMENT PROJECT COORDINATOR)
<ul style="list-style-type: none"> • Prepare special or routine reports or publications on departmental activities; write reports or grants of a technical or evaluative nature. (SPECIAL EVENTS COORDINATOR)
<ul style="list-style-type: none"> • Research, compile and prepare a variety of reports. (OPEN GOVERNMENT COORDINATOR)

V. OVERSEEING OTHER PROJECTS

FRB/EFRB Deliverables Examples
Investigate the location & number of WRAPs available to the department and how many numbers are in possession of the Rip Hobble.
Purchase a wireless microphone for video recorder for crime scene walk-through.
Document addressing OPD and jurisdiction. Should OPD have relived BART PD on scene and take command and control of the incident?
Ensure crime lab determines exact location bullet recovered from fence to corroborate susp's location at time of shooting.
Research recording devices that have longer recording capacity (memory), battery life, and are more durable.
Respond to Deputy Chief Outlaw regarding what the department is doing about officers who opt to work special assignments or other field related duties and do not have a PDRD personally assigned to them.
Put in place, within the CID Policy and Procedure Manual, verbiage which states the criteria for CID to request a District Attorney's Office review of a death case deemed an accident, including In-Custody Deaths, to ensure the District Attorney's Office declination to review is documented and included in the investigation.
Confirm the status of deployment of shotguns and 12 gauge less lethal drag stabilized flexible baton round (bean bag) for BFO 1 and BFO2 respectively.
Confirm training on dealing with persons with a mental illness is current and updated.
Verify the laser attached to officer's authorized personally owned shotgun has been removed & inspected.
Other Projects Examples
Production of reports/spreadsheets
Public Records Requests
Assisting the City Attorney during trial: e.g. month-long project, providing the City Attorney 2000+ redacted UOF Reports by arranging staffing, materials, equipment & logistic support; trained, supervised & led a team of 5 police officers through the duration of the project
Assisting the Microsoft team in implementing the new server
Developed & administered various projects from inception to completion, have been continuously asked to take on others

HR Comments
"The 'projects' referenced are the reports completed as a regular part of the incumbent's duties."
"They may be characterized as projects on an informal basis."

VI. CONCLUSION

HR base to deny A. JAMES' reclassification (Position Audit Report)		
<ul style="list-style-type: none"> Supervisory duties →A. James doesn't provide performance evaluations, approve vacation/leave, etc. 		
<ul style="list-style-type: none"> Work coming from the desk of sworn officers →A. James only produces simple reports 		
<ul style="list-style-type: none"> Overseeing the execution of projects →A. James only produces simple reports 		
<ul style="list-style-type: none"> Complex functions within Microsoft Office Suite →A. James only uses simple functions in Word & Excel 		
HR to E. Galang (Accountant II) classification study (Jan 2015)		
a) Reassign out-of-class work to the newly hired Accountant III →Are duties from Police commanders " <i>appropriate to PRS</i> "? Were OPD commanders doing " <i>PRS appropriate</i> " tasks before I took them over?		
b) Allow E. Galang to continue the work as it does not represent a majority of work completed (15%) →A. James new duties since 2013 (70%+)		
Freed OPD Commanders of countless hours of administrative work		
<ul style="list-style-type: none"> DC Downing →Crowd Control Report 		
<ul style="list-style-type: none"> Lts. Gonzalez & Elzey →UOF Risk Management Report 		
<ul style="list-style-type: none"> Lt. Jordan →Vehicle Collision Report 		
<ul style="list-style-type: none"> Lt. Mullnix, Sgt. Guttormson →Force Board Coordinator 		
OPD Commanders/Managers who wish to be interviewed by HR		
Commander's Name	Role	Related Aki James' duties
Assistant Chief P. Figueroa	Former FRB/EFRB Chair	Force Board Coordinator, UOF Risk Management Report
Deputy Chief D. Outlaw	FRB/EFRB Chair (current)	Force Board Coordinator
Deputy Chief D. Downing	FRB/EFRB Voting Member, Aki's chain of command	Force Board Coordinator, UOF Risk Management Report, Crowd Control Report, UOF Administrator
Deputy Chief O. Cunningham	FRB/EFRB Voting Member	Force Board Coordinator, UOF Risk Management Report
Captain A. Toribio	FRB/EFRB Voting Member	Force Board Coordinator
Sergeant D. Carman	Former OPD Policy Expert, FRB/EFRB Technical Writer	Force Board Coordinator
Lieutenant C. Bolton	Office of Inspector General	Force Board Coordinator
Ms. K. Burgess	Office of Inspector General	Force Board Coordinator
Lieutenant S. Millington	Training Commander	Vehicle Collision Report, Pursuit Report, Taser Analysis Report

Lieutenant C. Mufarreh	Aki's chain of command	UOF Administrator
Sergeant R. Bandino	Aki's chain of command	UOF Administrator



STAFF REPORT

DATE: March 17, 2016

TO: THE HONORABLE CIVIL SERVICE BOARD

FROM: Jaime Pritchett, Principal Human Resource Analyst

THROUGH: Kip Walsh, Human Resources Manager

THROUGH: Anil Comelo, Director of Human Resources Management

SUBJECT: Report Regarding the Appeal of Classification Study Results for the Police Records Specialist Position Held by Aki James

RECOMMENDATION

Staff recommends that the Civil Service Board deny the appeal of classification study results for the Police Records Specialist position held by Aki James and uphold the findings of the Position Audit.

SUMMARY

At the request of the incumbent, a Police Records Specialist position in the Oakland Police Department (OPD) was evaluated to determine whether the position was appropriately classified or if the preponderance of work being performed demonstrated that the position should be reclassified to another position at a “coordinator” level. Human Resources Management (HRM) staff conducted a study of the position and issued a finding that the position was appropriately classified. The incumbent, Aki James, has submitted to the Civil Service Board an appeal of HRM’s findings. Staff recommends that the Civil Service Board deny the appeal of classification study results for the Police Records Specialist position held by Ai James on the basis that the concerns raised and information provided by the appellant do not support a finding that the Position Audit conducted by HRM should be overturned.

BACKGROUND

Aki James submitted a Position Description Questionnaire (“PDQ,” Attachment A), which was received on April 7, 2015, requesting that her position be reclassified from Police Records Specialist to Housing Development Coordinator IV, Special Events Coordinator, Open Government Coordinator or Disability Benefits Coordinator as listed on Page 8 of the PDQ under Section K - Comments. Staff from HRM met with the appellant on September 29, 2015, and with the appellant’s supervisor on October 14, 2015. The information was analyzed and the final findings were released to the appellant in a “Letter of Determination” (Attachment B) and “Position Audit Report” (Attachment C) on December 18, 2015. The appellant was informed of her right to appeal pursuant to Civil Service Rule Section 3.04 (e), and she submitted a request for appeal on January 13, 2016 (Attachment D).

Per Civil Service Rule Section 3.04 (e), an employee who does not agree with the outcome of a classification study “shall have an opportunity to be heard by the Board before the Personnel Director’s decision becomes final.” All parties shall be able to present their positions orally or in

writing and the Board will issue “a final and binding decision regarding the classification issue in dispute.”

On February 3, 2016, HRM staff met with the appellant, Ms. James, per the Human Resources Director. The purpose of the meeting was to determine if any pertinent information had been erroneously omitted, which would result in further evaluation and possible revision of the final findings. While the information was framed in a different way during that meeting, the statements from the appellant were consistent with the information that was previously submitted and evaluated. She did not provide any evidence of duties that exceeded administrative/technical support work or required analysis to make recommendations regarding outcome. Following that meeting, the appeal was calendared for March 17, 2016.

ANALYSIS

The purpose of a classification study is to evaluate the tasks and duties assigned to the position (not the incumbent) and determine whether those duties align with current classification or if there is a better fit within the classification structure. As a rule of thumb, more than half of the assigned duties must be encompassed by a classification for it to be deemed a suitable match.

HRM staff conducted this assessment and the results demonstrated that the assigned duties suitably align with the current classification – Police Records Specialist. The full analysis is contained in the “Analysis of Classification Request” section of the Position Audit Report (Attachment C, Pages 4-7).

The Police Records Specialist classification is defined to include the following kinds of duties:

- Coordinate with sworn and civilian staff, and the general public transactions involving warrants, records, subpoenas and other litigation-related requests;
- Maintain complex internal automated record systems, and access and update state and federal criminal history data systems;
- Act as cashier for department; and
- Assist callers and visitors by supplying information or directing requests.

It is characterized as “a specialized clerical classification in the Police Department” that is not described as entry-level. Further, “the complexity of training, regulations and procedural structure has the potential for significant consequence of error in the majority of transactions involving automated records systems.” This classification notably performs a critical role as part of the overall operations at OPD. It was established in August 1992, and it is very likely that it will be among the classifications that are targeted for updating this year.

In contrast, the specified “coordinator” classifications (Special Events Coordinator and Open Government Coordinator) operate at a different level in the organization and require a Bachelor’s degree and three or four years of progressively responsible experience. The Special Events Coordinator now operates out of the Office of the City Administrator and is responsible for coordinating city-wide and high-profile events including the Art & Soul Festival on an annual basis. The Open Government Coordinator ensures compliance with the Brown Act and the Sunshine Ordinance related to timely publication and distribution of agendas and notices and response to requests for information and public records by members of the public and agencies.

Additionally, the incumbent operates on a city-wide basis to ensure that “access to public information and records [is] in compliance with state and local laws related to the disclosure, timely publication and distribution of agendas and notices.” The classification specification was established in March 2008.

The appellant provided several reasons for appealing the decision (Attachment D). The City’s response to each of the appellant’s points is provided below.

Reason #1: The Oakland Police Department has civilianized police duties related to the Use of Force Custodian and Executive Force Review Board that do not align with the entry-level Police Records Specialist.

City response: The Use of Force Custodian duties were previously performed by a sworn officer. In terms of operational efficiency, OPD has the right to assign duties to other classifications as long as they are in alignment with and are appropriate for a given classification. Producing reports and updating records is consistent with the Police Records Specialist classification. Additionally, Police Records Specialist is not an entry-level position. Rather, it is viewed as a specialized clerical classification that operates with the potential for a significant consequence of error. The Use of Force Custodian duties will be discontinued once a new system (PRIME) is implemented in 2016.

Reason #2: The Force Board Coordinator duties are expanding since Force Review Boards and Executive Force Review Boards are being held more frequently and now cover additional types of use of force.

City response: Volume is not a factor in classification studies. The duties related to scheduling and preparing for each review are routine and administrative in nature and include selecting dates based on participants’ availability, photocopying materials, generating reports, and tracking deliverables. The assigned duties do not include meeting minutes or making recommendations.

Reason #3: The City of Oakland does not have a Force Board Coordinator classification but it has two other similar classifications (Special Events Coordinator and Open Government Coordinator) that are expected to perform similar duties.

City response: In the overwhelming majority of cases, a reclassification is recommended when the current duties and tasks of the position do not match the current classification allocation. Existing classifications are always considered to ensure that there is no other classification that might be a better fit. Keeping in mind that classification specifications are intentionally written broadly enough to capture the work of several positions in each classification, they will never specify every detail of an assignment. A position does not have to be carved out specifically and uniquely when there is a classification that sufficiently encompasses the work.

The appellant suggested that the Special Events Coordinator and Open Government Coordinator classifications are similar to her assignment. In fact, they operate at a different level in the organization and require a Bachelor’s degree and three or four years of progressively responsible experience to carry out significantly different roles that have city-wide implications.

Special Events Coordinator

This classification “provide[s] information services to City staff, the public, and the mass media for the Office of Parks and Recreation; and to plan[s], coordinate[s] and implement[s] special events promoting departmental programs and services.” This classification now operates out of the Office of the City Administrator and is responsible for coordinating city-wide and high-profile events including the Art & Soul festival on an annual basis. The classification specification was established in April 1993 and is in need of revision.

Open Government Coordinator

This is a single incumbent position that ensures “all departments and agencies comply with the Brown Act and the Sunshine Ordinance requiring timely publication and distribution of agendas and notices, timely response to requests for information and public records by outside citizens and agencies.” Additionally, the incumbent operates on a city-wide basis to ensure that “access to public information and records [is] in compliance with state and locals laws related to the disclosure, timely publication and distribution of agendas and notices.” The classification specification was established in March 2008.

HRM found no meaningful relationship between the Special Events Coordinator and Open Government Coordinator classifications and the appellant’s role in relation to the Force Board.

Additionally, HRM’s assessment is that the role of coordinating the activities of the Force Board does not require the creation of a new classification. The related duties are encompassed by the following task statements from the Police Records Specialist classification specification:

- Access and input automated criminal history data systems.
- Maintain internal manual and automated recordkeeping systems and provide information in compliance with federal and state regulations.
- Coordinate and conduct transactions with other employees, sworn and civilian staff, and the public in matters requiring knowledge and analytical application of Police Department rules, policies and procedures.
- Type reports, data, and forms; store and issue supplies.
- Perform reception duties; accept applications; greet visitors and the general public; respond to phone requests.
- Locate and correct errors in internal data systems.
- Provide direction and on-the-job training to assigned personnel.
- Operate personal computers and/or computer terminals.

Reason #4: The appellant was responsible for redesigning and reformatting the layout and content of existing Use of Force Risk Management reports.

It is notable that the report improvements have been well- received, and HRM staff did not intend to oversimplify the work involved in preparing them. However, these reports do not involve analysis and the appellant is not responsible for making recommendations for actions beyond the actual format/content of the report. In terms of determining the initiating factor of the Use of Force incident, “examine” or “review” would be more appropriate terms to describe how each incident should be categorized. Generating reports is a necessary administrative support function that aligns with the duties as assigned to Police Records Specialists.

Reason #5: The appellant oversees the execution of projects.

The appellant is assigned to carry out “projects” related to her on-going duties. Responses to Public Records Requests and providing materials for litigation efforts can be time-consuming and voluminous depending on the depth of inquiry. It requires organization and an understanding of the department’s operations and guidelines to respond appropriately. Additional staff may be involved, and it is reasonable to assign a lead person to oversee the tasks. The appellant is not supervising staff; rather, her position must coordinate the efforts. Again, volume is not a classification factor. These duties are sufficiently administrative in nature and can be viewed as aligning with duties that are typically assigned to Police Records Specialists.

Reason #6: The appellant suggests that her performance and contributions have been significant for OPD.

In discussions with Police Department representatives, HRM staff learned that her supervisors have seen the appellant as remarkably effective in her role and highly valued for her contributions. However, a classification study is not an evaluation of the performance of the individual; rather, it is an evaluation of the duties assigned to the position that is held by the individual. The appellant possesses several years of experience and is skilled with computer operations. Her efforts have streamlined and revised reports that can now be digested more easily. She is dedicated to the position, which is no doubt valued by the organization. However, knowledge, skills, education, supervisory ratings or any other performance, competency or evaluation are not factors considered within a classification study.

CONCLUSION:

The existing classification of Police Records Specialist more than adequately captures the workload of the appellant. Additionally, the City’s position is that the assigned work is dissimilar to other “coordinator” classifications in the organization in a number of ways - most importantly in the manner of analysis that must be performed in order to complete the assignments within each of the “coordinator” classifications. Therefore, creating a new “Force Board Coordinator” classification is not a recommended course of action.

The examination of the rationale submitted by the appellant has not provided sufficient evidence that the work performed by the appellant exceeds the currently allocated Police Records Specialist classification. As a result, the City recommends that the Civil Service Board uphold the findings of the original report and deny the appeal provided by the appellant.

RECOMMENDATION:

Staff recommends that the Civil Service Board deny the appeal of classification study results for the Police Records Specialist position held by Aki James on the basis that the concerns raised and information provided by the appellant do not support a finding that the Position Audit conducted by the Human Resources Management Department should be overturned.

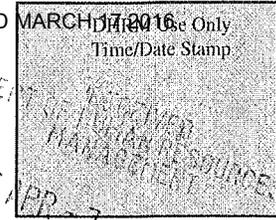
For questions regarding this report, please contact Jaime Pritchett, Principal Human Resource Analyst, at (510) 238-4735.

Attachments

- A. Position Description Questionnaire from Aki James that was received on April 7, 2015
- B. Letter of Determination that was prepared by the Human Resources Management Department and issued on December 18, 2015
- C. Position Audit Report that was prepared by the Human Resources Management Department and issued on December 18, 2015
- D. Written notice of appeal from Aki James dated January 13, 2016
- E. Classification specification for Police Records Specialist
- F. Classification specification for Special Events Coordinator
- G. Classification specification for Open Government Coordinator



DEPARTMENT OF HUMAN RESOURCES MANAGEMENT
RECRUITMENT & CLASSIFICATION DIVISION



Interoffice Letter

TO: City Employees
FROM: Classification Supervisor
RE: Policy on Classification Studies

Requests for Classification Studies can only be approved for incumbents that meet the following **criteria**:

1. The position held by the incumbent must be classified (not exempt from Civil Service).
2. The incumbent must have served at least one year in the position per Section 3.05 of the Personnel Manual.

A completed Position Description Questionnaire (PDQ) form must be submitted along with the Classification/Compensation Request Form to initiate your classification study. Upon receipt, DHRM staff will be assigned to conduct an analysis to determine if the position that you currently fill has been assigned to the correct job classification in the City's classification plan. Once your paperwork has been reviewed, the DHRM Analyst will contact you to set up a meeting to interview you and review your work products. This is commonly referred to as the "desk interview." A Position Audit Report will be issued, which verifies and augments the information you provided in the PDQ form along with additional information provided by your supervisor. Based on this analysis, our staff will make a recommendation regarding your position to your department head. It is important to understand that reclassification is not automatic, and an employee working in a position that performs duties outside of his/her assigned classification does not have the right to be placed into a higher level job.

Based upon the outcome of the classification study, the final recommendation may include any of the following options:

- A. No change in job classification is required. The position is appropriately classified.
- B. Some duties and responsibilities currently being performed by the incumbent are not appropriate for his/her current classification/position; the duties should be reassigned to others in the organization. The incumbent should remain as classified.
- C. The duties and responsibilities of the position are not consistent with the classification allocation, and the incumbent should be reclassified to a different classification.
 1. If reclassification to a higher grade is recommended and the department concurs, the incumbent may recognize an increase in salary. However, *it is not the City's policy to award retroactive pay.*
 2. If the analysis indicates that the incumbent should be reclassified to a lower position or in cases of a citywide or department-wide class study, the employee will be "Y" rated in compliance with Section 3.06b of the Personnel Manual. While this outcome is less common, it does occur.
- D. As specified in Section 3.04e of the Personnel Manual, in the event an incumbent does not agree with the outcome of her/his Classification study, the employee has the right to file an appeal within fifteen (15) working days of notice after which a hearing will be held and the Civil Service Board will issue a final decision in the matter.
- E. In the event the City of Oakland experiences a reduction-in-force to balance a budget deficit and if a higher classification is recommended, your new classification may be impacted.
- F. Any salary changes that result from a final classification action are effective one pay period following final approval and notification as described in Section 3.05d of the Personnel Manual.

I have read and fully understand this advisory:

Aki James
Print Name

Aki James
Signature of Incumbent

4/6/15
Date



**DEPARTMENT OF HUMAN RESOURCES MANAGEMENT
RECRUITMENT & CLASSIFICATION DIVISION**

POSITION DESCRIPTION QUESTIONNAIRE
PART I: INCUMBENT DATA

The purpose of this Position Description Questionnaire (PDQ) form is to obtain information about your current position including the duties you perform, your level of authority and responsibility, and the skills and abilities needed. The information you provide will be used to determine the correct classification of the position you hold. We recommend you first read through the entire document so that you understand the information we are asking for in each section. It is very important that you provide accurate, detailed information about your current job duties.

DIRECTIONS:

1. Please complete all sections of the questionnaire and give specific examples that accurately describe your work. Please review your answers for specificity and completeness.
2. When complete, make a copy for your own records and forward the original documents to your supervisor.
3. If you have any questions, please email the Classification Unit at class.comp@oaklandnet.com.

SECTION A - BACKGROUND INFORMATION

Name: Aki James	
Email: ajames2@oaklandnet.com	Phone Number: (510) 238-3977
Department/Division/Unit: OPD BFO Admin	
Work Location Address: 455 7th St, Oakland CA 94607	
Current Classification: (Exact Title) Police Records Specialist	<input checked="" type="checkbox"/> FT <input type="checkbox"/> PPT <input type="checkbox"/> PT <input type="checkbox"/> Other:
Current Working Title, if applicable: (concurrent with present work duties being performed) I became Force Board Coordinator, task described in DGO K-4.1 in June 2013	
# of months performing current duties: 21	Are you receiving "acting pay"? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If so, how long?
Have you ever participated in a Classification Study, requested a desk audit, or been reclassified? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, please provide the estimated date and describe the final outcome:	
Have you ever competed in a selection process for any other position with the City of Oakland? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, please specify for which recruitments using exact titles:	

FORM #05211-0002
REV. 01.31.11

SECTION B - DUTIES

In one or two sentences, please state the overall purpose of your job:
 Use of Force Custodian and Force Board Coordinator at OPD.

1. Please list the major and essential duties you currently perform and describe in detail what you do.
2. For each duty listed, provide your best estimate of the frequency by inserting the corresponding number that best describes the amount of time spent.
3. In the right hand column, provide your best estimate of the percent of your total working time normally spent on each task so that the total percentage for all duties = 100%.

Duties	Frequency	
	Frequency	Percentage
Serve as the primary point-of-contact regarding OPD UOF. Provide technical assistance and research on UOF inquiries which require specialized knowledge; provide information which may require the use of judgment and the interpretation of City/OPD policies, procedures, and local and state laws. Receive Public Records Requests from outside agencies and the general public; provide advice and assistance; review confidential documents, consult with Deputy City Attorney regarding appropriateness of disclosure; estimate and track the cost of the projects, maintain, track and archive requests and responses.	1 = Daily	15
Research, compile and prepare a variety of complex administrative reports including Monthly UOF Risk Management Reports (task formerly performed by Lts. C. Gonzalez & D. Elzey), Bi-Weekly Compliance Update Reports, IPAS Custodian of Record Review Reports, etc. Re-formatted Vehicle Collision Risk Management Report & Taser Analysis Report for Training Section.	2 = Weekly	25
Maintain thorough and confidential records, logs, and database; plan and coordinate data gathering for auditing requirements; develop and recommend changes to policies and procedures.	1 = Daily	20
Plan, coordinate and facilitate Executive Force Review Boards/Force Review Board to ensure compliance with OPD Departmental General Order K-4.1; Monitor and track open case status to ensure the timeliness of the investigation, work closely with Command Staff, Deputy City Attorneys & Federal Monitors.	2 = Weekly	15
Research, assemble and review FRB presentation materials to ensure the contents are complete for the FRB hearing. Coordinate room reservations, materials, equipment and logistics and clerical support; supervise arrangement and equipment prior to EFRB/FRB.	3 = Monthly	15
Assign and follow-up on the EFRB/FRB deliverables with appropriate correspondence and notification. Monitor and track the EFRB/FRB deliverable to ensure the timely completion in compliance with OPD Departmental General Order K-4.1.	2 = Weekly	10
Total (must be add up to 100%);		100

SECTION C - IMPORTANT & ESSENTIAL KNOWLEDGE, SKILLS AND ABILITIES (KSAs)

Knowledge: refers to the concepts and information gained through experience, training and/or education and can be measured through testing.

Skills/Abilities: refers to the proficiency and capability which can be demonstrated and are typically manual in nature and/or can be measured through testing.

What are the knowledge, skills and abilities needed to perform this job?

Knowledge of:

Principles and practices of project management and records management systems.

State and local laws regarding the handling of documents and request.

Methods of research, analysis and preparation of written reports.

Writing composition, layout and editing techniques.

Development and schedule controls.

Personal computer systems and applications.

Ability to:

Perform duties under stressful circumstances where it is required to observe and enforce deadlines.

Set priorities, work independently and manage a number of concurrent projects.

Establish, evaluate and implement administrative/operational practices and procedures.

Establish professional working relationships with Federal Monitors and the general public.

Coordinate, schedule and prepare Force Review Boards and Executive Force Review Boards.

Prepare and present complex and comprehensive reports, e. g. Monthly UOF Risk Management Report.

Manage workloads by setting priorities and meeting critical deadlines for completion of assignments.

What additional knowledge and skills could be learned on the job?

Management-level training in Access, Excel and PowerPoint to produce complex queries, reports and presentations.

SECTION D - WRITTEN PROCEDURES/GUIDELINES/MANUALS/POLICIES

If you have any procedure manuals, guidelines, policies, references, tables, laws, rules, etc. to assist you in performing your duties and responsibilities, please identify and describe such materials and how they are used:

I consult with Departmental General Order K-3 (Use of Force Policy) and Departmental General Order K-4.1 (Force Review Boards) to ensure the compliance with current OPD Policies.

I consult with Deputy City Attorney regarding appropriateness of disclosure of information and documents.

SECTION E - DECISION MAKING/PROBLEM SOLVING

List examples of decisions or commitments you regularly make without prior approval. Who is directly affected and how?

When I assemble the presentation materials for Force Review Boards, I review the Use of Force investigative files and determine whether a certain report or a surveillance video must be included in the presentation. If the file must be included in the presentation, I search, research and retrieve them and make sure the files will be viewed during Force Review Board.

What types of questions or issues would you usually take to your supervisor for advice or resolution? Give specific examples.

In a situation like when a Level 3 Type Use of Force was reported as a Level 2 User of Force incident, I must consult with my supervisor or the report author how I proceed, since Force Type may affect Officer's records and depending on Force Level of the incident, Force Review Board may be convened.

When UOF information that are not public records is requested by outside agencies or the general public, I must consult with Deputy City Attorneys for the appropriateness of disclosure and the same time, ensure that OPD complies with the Brown Act and the Sunshine Ordinance.

Briefly describe two typical problems or difficult/sensitive situations you have been called upon to deal with in performing your duties and how you dealt with/solved each situation.

An evening before Executive Force Review Board, a Deputy City Attorney called me and told me that she couldn't access the view files on Box.com. She suggested me that I would print out thousands pages of files and deliver them to her; however, OPD did not practice that anymore. I provided her a technical support on the phone instead, working with her step by step to ensure that she could view the files.

I was aware that one FRB case investigation was getting closer to the OPD deadline before it would become out of compliance. I followed up with the investigator on a weekly basis and shared my concern. The case was closed on a division level a couple of days prior to the OPD deadline.

SECTION F - SUPERVISION EXERCISED

Do you directly supervise anyone? No Yes

If yes, please specify number of staff and identify the exact classification titles:

Due to the sheer volume of some projects, e. g. redacting hundreds of Use of Force Reports with a short turnaround, my supervisor may assign extra personnel to assist me. I supervised two Police Records Specialists and four Police Officers in the separate occasions through the completion of the projects.

SECTION G - EQUIPMENT AND MACHINE OPERATION/COMPUTER SOFTWARE

In the performance of your duties, are you required to operate any equipment such as computers and software, calculators, forklifts, copiers, fax machines, hand/power tools, etc.? No Yes

If yes, please list the equipment, machines, tools and/or software programs that you use and the purposes for which you use them.

Equipment, Machine, Software, etc. and Purpose

1	Microsoft Access, Excel, Word to run queries and prepare reports.
2	Microsoft Outlook to coordinate Force Review Boards and Executive Force Review Boards.
3	
4	
5	
6	
7	
8	

Does your work require you to drive an automobile or other vehicle? No Yes

If yes, describe the type of vehicle, the purpose of use, and frequency:

SECTION H - WORKING RELATIONSHIPS/HUMAN INTERACTION

Please list your contacts below. For each type of contact, indicate the purpose of the contact by inserting one of the corresponding numbers provided below on each line.

PURPOSE OF CONTACTS	
1 = Provide information/service 2 = Coordinate services, projects, and/or activities 3 = Solve problems for services, projects, and/or activities 4 = Supervise and direct others	5 = Negotiate within policy 6 = Negotiate involving policy changes 7 = Other (specify below in remarks)
Type of Contact (List Classification titles)	MAIN PURPOSE
1 Within work section/unit: Deputy Chief O. Cunningham, Lieutenant C. Mufarreh, Sergeant R. Bandino (supervisors, commanders)	3
2 Within Department: Deputy Chief D. Downing, Deputy Chief D. Outlaw, Deputy Chief O. Cunningham, Captain A. Toribio (Voting Members for FRB/EFRB)	2
3 Within City: R. Fierro, A. Sotelo, T. Hynes (Deputy City Attorneys)	2
4 Vendors or outside agencies: Various outside law enforcement agencies and attorneys for UOF inquires & requests	1
5 Other Federal, State, local or non-profit agencies: Chief C. Reynolds, Lt. Col. J. Brown, E. Daigle, Esq., Commander J. Girvin (Federal Monitors)	1
6 Committees, Boards & Commissions: NA	Select One
7 General public: The general public, groups, organizations for UOF inquires & requests	1
8 Other (specify): NA	Select One

SECTION I - PHYSICAL ACTIVITIES/REQUIREMENTS

This section helps us understand the physical activities and requirements that are absolutely necessary for you to successfully perform your job.

Does your work require any physical exertion such as bending, lifting, carrying, climbing or work in tight spaces, etc? No Yes

If yes, describe the circumstances of such activities and indicate corresponding amounts of weight, if applicable.

SECTION J - QUALIFICATIONS

EDUCATION						
Name, City and State of High School, Colleges/Universities	Units Completed		Course of Study/Major	Type of Degree?	Completed?	
	Semester	Quarter			Y	N
College of the Siskiyous			Liberal Arts	AA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Academy of Art University			Illustration	BA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
Other relevant courses and training	Name & Location of Institute		Length of course	Date Completed		
Microsoft Office	Cypress Technology Center, West Oakland		12 weeks	5/31/2003		
Professional licenses or certificates	Certificate Number		Date Issued	Expiration Date		

SECTION K - COMMENTS

Is there an existing City classification which you believe captures the work that you perform?
 No Yes
 If yes, provide exact classification title:
 Housing Development Coordinator IV, Special Events Coordinator, Open Government Coordinator, Disability Benefits Coordinator

I certify to the best of my knowledge that the information contained in this questionnaire is an accurate description of my current duties and responsibilities as required by the position I hold.

Ahi James
 Signature of Employee

4/6/15
 Date

DHRM USE ONLY	
<input type="checkbox"/> Complete PDQ = assign to staff	
<input type="checkbox"/> Incomplete PDQ = return to department	
Analyst: _____	Date: _____
Comments/notes:	

SECTION C - COMMENTS

The incumbent's responses to the questionnaire adequately describe the duties, authority and responsibility of the work currently performed. <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
The incumbent's responses to the questionnaire <input type="checkbox"/> overstate / <input checked="" type="checkbox"/> understate the duties, authority and responsibility of the work currently performed.
<p>Comments:</p> <p>The incumbents added responsibilities were formerly assigned to sworn officers (Lieutenant of Police) which was transferred to her, a PRS, by the deputy chief due to her highly efficient work ethic and ability to multi-task meeting specific time lines.</p>

I have reviewed the incumbent's responses to Part I of the Position Description Questionnaire (PDQ) Form. I understand that the documents are time sensitive and need to be submitted to DHRM's Classification Supervisor within two weeks of receiving Part I from the incumbent.

R. B. ... 7638
Signature of Supervisor

6 APR 15
Date

Signature of Agency Head/Director

Date



150 Frank H Ogawa Plaza 2nd Floor
Oakland, CA 94612
(510) 238-3112

HUMAN RESOURCES MANAGEMENT
Recruitment and Classification

December 18, 2015

CERTIFIED MAIL #7011 2970 0004 1806 2873

Aki James

Re: Classification study – Police Records Specialist

Dear Ms. James:

The Human Resources Management Department has completed a review of your current position, Police Records Specialist. The findings recommend that your position remain as allocated. The outcome of the audit was based on: your Position Description Questionnaire Form; meetings with you, your supervisor, and other subject matter experts; and a comparison of the duties and responsibilities of your position to other City of Oakland classifications. The final findings are included with the enclosed Position Audit Report.

These findings serve as notification that your position is at the appropriate level and is performing work within the scope of your current classification.

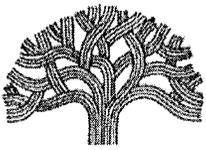
If you would like to appeal this decision, you may do so pursuant to Section 3.04 (e) of the Civil Service Rules. Appeals must be sent to the Secretary to the Board, Anil Comelo, within fifteen (15) business days of this notification. Therefore, any correspondence from you must be received in our office by the close of business, 5:00 p.m., Wednesday, January 13, 2016.

If you have any questions or comments regarding the study that was conducted by Eric Williams, Human Resource Analyst, please call me at (510) 238-4735.

Sincerely,

Jaime Pritchett
Principal Human Resource Analyst

cc: Steve Pitocchi, Local 1021
Dana MacPherson, Local 1021
Cee Belue, Department SPOC
Kip Walsh, HR Manager
Jaime Pritchett, Principal HR Analyst
HR History File



HUMAN RESOURCES MANAGEMENT

RECRUITMENT & CLASSIFICATION DIVISION

POSITION AUDIT REPORT

GENERAL INFORMATION

Incumbent	Aki James	Department & Division/Unit	OPD
Current Classification	Police Records Specialist	Date PDQ Submitted	4/7/2015
Requested Classification	Various	Analyst Assigned	Eric Williams
<u>Recommendation</u>	Police Records Specialist		

Incumbent Employment History (as reported by incumbent)		
Title	Start	End
Police Records Specialist - Personnel	2009	2011
Police Records Specialist – BFO Admin	2011	Present

The incumbent currently holds one of several Police Records Specialist positions within the Oakland Police Department.

The following was the timeline for data collection:

Incumbent	9/29/2015
Current Supervisor	10/14/2015

OUTLINE OF POSITION INFORMATION

Duties Performed by Incumbent

The incumbent, as currently assigned, is primarily responsible for providing administrative support for the Bureau of Field Operations (BFO) of the Oakland Police Department. For the purpose of this classification study, the duties as initially reported in the Position Description Questionnaire (PDQ) have been characterized differently below to facilitate a complete understanding of the position. (The original duties as provided by the incumbent are contained in Appendix A – Original Submission of Duties.) The incumbent and supervisor have acknowledged and are in agreement that the assigned duties may be outlined in the following manner:

Duties	Current Percentage
Production of Reports	33%
Force Board Coordinator	33%
Data Entry/Access Quality Control	33%

A detailed list of tasks can be found in Appendix B – Task and Duty Statements.

Education/Experience

Minimum Qualifications for Police Records Specialist

Experience: One year of full-time work experience comparable to Office Assistant II or Administrative Assistant I in the City of Oakland or equivalent experience.

Education: Equivalent to completion of the twelfth grade. Additional business or computer courses are desirable.

Incumbent Education/Experience

Experience: 6+ years in current role

Education: A.A. in Liberal Arts, B.A. in Illustration

Essential Knowledge Skills and Abilities

The Classification Specification for Police Records Specialist indicates the following are essential knowledge and abilities.

Knowledge of:

- General office procedures.
- Word processing, spreadsheet, and/or database programs.
- Problem-solving techniques.
- Modern police recordkeeping procedures.
- Organization, procedures and operating details of the assigned department.

Ability to:

- Type at a speed of 35 words per minute.
- Make arithmetic calculations with speed and accuracy.
- Operate modern office machines, including computer terminals, microfiche readers and large volume copiers.
- Learn the organization, procedures and operating details of the City.
- Follow oral and written directions.
- Work irregular days and hours.
- Exercise considerable independent judgement in interpreting and applying Police Department policies and procedures and complying with federal and state regulations.
- Work in a highly-structured, rank-oriented environment.
- Analyze situations and adopt effective courses of action.
- Establish and maintain effective working relationships with those contacted in the performance of required duties.

The incumbent has also suggested that the following items are essential to performing the job as currently assigned.

Knowledge of:

- Principles and practices of records management systems
- State and local laws regarding the handling of documents and requests
- Methods of research, analysis and preparation of written reports
- Writing composition, layout and editing techniques
- Development and schedule controls
- Personal computer systems and applications

Ability to:

- Perform duties under stressful circumstances where it is required to observe and enforce deadlines
- Set priorities, work independently and manage a number of concurrent projects
- Establish, evaluate and implement administrative/operational practices and procedures
- Coordinate, schedule and prepare Force Review boards and Executive Force Review Boards
- Prepare and present complex and comprehensive reports (e.g., monthly UOF risk management report)

Written Procedures guidelines, manuals and policies – Departmental Order K-3 (Use of Force Policy), Departmental General Order K-4.1 (Force Review Boards).

Supervision Exercised – Periodic training and work direction given to support staff for large assignments such as public information requests requiring large amounts of information (email, documents, reports) to be scanned, redacted and compiled.

Equipment Use

The incumbent utilizes the following equipment to perform the assigned duties: personal computer and software applications (Microsoft Office Suite) and general office equipment (fax, scan, copy, etc.)

Physical Activity – No physical activity required.

ANALYSIS OF CLASSIFICATION REQUEST

History of Department and Evolution of Duties

The incumbent has served in the job classification (Police Records Specialist) since her initial hire in 2009. According to the incumbent, she was transferred to her current role (also as a PRS) within the BFO unit in 2011. Upon initially transferring this unit, she was primarily responsible for: Use of Force (UOF) Custodian (data entry, document scanning, etc.), UOF informational inquiries, and preparation of materials for the Internal Personal Assessment System (IPAS) audit.

She has since acquired additional responsibilities in these domains. Currently, she performs work in three primary areas: Production of Reports, Force Board Coordinator and Data Entry/Access Quality Control. These duties can be seen in greater detail in Appendix B – Task and Duty Statements. As time has passed, she has been assigned additional areas of responsibility within these primary areas. An example of a recently assigned task is the Quarterly Crowd Control Report, which was reassigned from the desk of a sworn officer. In recent years, additions to the incumbent's workload have occurred in this manner – additional assignments that fall under the existing domains of work that is currently performed, thus increasing the volume of work for which the incumbent is responsible.

Depth and Breadth of Duties

The specifics of the work performed can be understood in the following manner:

Produce Reports – An item of interest is compiled or required for department function, an audit or another process requiring monitoring. Each of these items is routinely produced on a predictable schedule. For instance, the Office of the Inspector General report (OIG) is a bi-weekly report that requires approximately 2 hours for the incumbent to produce, refine/edit and submit. Another example is the IPAS Audit that is prepared quarterly and has multiple sections discussing the various levels of use of force, their frequencies and so forth. This report requires approximately one full working day to complete. The report process does not deviate from this schedule, and it is expected that each is produced for various audiences on strict timelines using readily available data from an Access database.

Force Board Coordinator – The Force Board is a body tasked to review Use of Force by sworn officers who are on patrol. There are levels of force (1 through 4 with 1 being the most severe) that require review for internal application of department procedures and examines elements of reasonableness, procedure and application of force in each instance. The incumbent: schedules the voting members, federal monitors, City Attorney, presenters, etc.; reserves the room; creates the presentation materials (for UOF Level 2 only); and tracks the timelines for case review and any deliverables to the sworn members involved.

Data Entry and Quality Control – Upon completion and reporting of an incident, an officer will submit his/her use of force data. This report is then entered into an Access database for use in the reports described above. At this juncture, the incumbent enters this data and monitors the inputs for quality and accuracy. The incumbent also scans any necessary accompanying documents such as videos, audio files or other items. This represents the final step in the acquisition and approval of reports, with preceding steps to include review and approval from various sworn personnel in the chain of command.

On occasion, a supervisory level individual will request an impromptu report of some irregular nature for reporting purposes outside of the routine reports discussed above. The incumbent will attend to these reports as well.

At the present time, the system is undergoing a change that will ultimately require officers to remotely enter data on the scene immediately into the system. This is the implementation of "IPAS2". The incumbent currently provides input to the implementation team as to elements in data entry and retrieval processes so that the system can be implemented with this end user function in mind.

A subset of this duty is related to certain public records requests. In cases where the data volume is very large, the incumbent will coordinate a small team to redact, organize and compile data for the dissemination to the requestor. This requires setting the expectation, providing training on what needs to be done and keeping the team on task.

Summary

The supervisor concurs that the breakdown of duties detailed above is an accurate representation of the incumbent's daily work responsibilities.

Addressing the Rationale for Reclassification

Since the incumbent's transfer to the position in 2011 (as reported by the incumbent), additional assignments continue to be added to her daily workload. A variety of classifications have been suggested by the incumbent that might be a better fit for the position. Examples of these are: Housing Development Coordinator IV, Special Events Coordinator, Open Government Coordinator, and Disability Benefits Coordinator. In each case, the incumbent indicated no involvement with these overall entities or functions, thus they will not be explored.

During the course of the audit, several aspects were presented by the incumbent that merit consideration. They are as follows:

- Supervisory duties
- Work coming from the desk of sworn officers
- Overseeing the execution of projects
- Complex functions within Microsoft Office Suite

While no specific classification was asserted for reclassification (outside of those suggested above), the evaluation of these components are necessary in consideration of a matching classification that may be a better fit for the incumbent's current workload.

Supervisory Duties – The incumbent indicates that she performs “supervisory duties” that are in excess of her existing classification and contributing to a reclassification. The incumbent will periodically receive an assignment in the form of a public records request. In the event that the request is very large, the incumbent requires additional assistance to complete the request in a timely manner. In these instances, sworn officers and other staff may be assigned to assist the incumbent in completing the request. Her role is then to instruct them on what needs to be completed, what information should be redacted and how to generally organize and process the materials for dissemination to the requestor.

These types of duties do not meet the threshold for supervision as the incumbent does not provide performance evaluations, approve vacation/leave, assign their regular schedule or any of the other types of duties required to constitute a supervisory level responsibility. The incumbent's supervisor has indicated that this description is an accurate representation of her duties in this area.

Work Coming from the Desk of Sworn Officers - While the origin of an assignment is a factor to consider, it is ultimately the level of the duty itself that is of primary importance to evaluate.

The reporting duties discussed in Appendix B – Task and Duty statements under the “Report Production” heading detail the reporting assignments of the incumbent.

These reports are produced from an Access database and primarily take the form of data presented in graphs, bar charts and tables. The reports contain some dialogue but are mostly absent of discussion and/or conclusions derived from the data. In this way, the reports can be best understood as the presentation of data in a clear, concise and easy to read format. The reports also follow a common template for continuity of reports; as such the incumbent is not required to produce a completely new report from scratch to meet various unique requests on a routine basis. The incumbent has, however, produced and/or refined such templates in the past to improve the overall delivery of the data.

While one-off, unique reports are part of her responsibility. The vast majority take the form of periodic data updates using an existing template.

This type of work is well captured within the task statements of the Police Records Specialist classification specification in the following statements:

- Access and input automated criminal history data systems.
- Maintain internal manual and automated recordkeeping systems and provide information in compliance with federal and state regulations
- Type reports, data, and forms.
- To coordinate with sworn and civilian staff, and the general public transactions involving warrants, records, subpoenas and other litigation-related requests; to maintain complex internal automated record systems, and access and update state and federal criminal history data systems

These statements capture the entirety of this process and are not suggestive of out of class duties.

Overseeing the Execution of Projects – The incumbent suggested that the classification of Project Manager might be an appropriate fit due to the projects routinely overseen and completed. The Project Manager classification is ordinarily utilized for projects with scope and scale reaching large amounts of capital, dedicated teams and long term completion of projects such as roadways, etc.

In this case, the “projects” referenced are the reports completed as a regular part of the incumbent’s duties. While they may be characterized as projects on an informal basis, the scope and duration of the reports that the incumbent completes are characteristic of the duties and tasks contained within the Police Records Specialist classification and discussed in the section above.

Complex functions within Microsoft Office Suite – the incumbent states that she performs technical tasks that are outside of what would be expected of a Police Records Specialist. The types of technical elements performed are things such as the use of filters, equations and producing graphs and charts in Microsoft Excel.

While no specific task statements are dedicated to the use of such functions, the KSAs state that “knowledge of word processing, spreadsheet and/or database programs” are required minimum skills. The specific types of formulas utilized are summation (such as when totaling the number of incidents in a given parameter for a report) and the types of graphs are that of pie charts, bar charts and tables with accompanying legends. The incumbent does not use advanced functions such as V-lookup, If/Then, correlations or pivot tables that require detailed manipulation of data and complex equations based on multiple sheets of interacting data. In this case, the functions performed reasonably fall within “knowledge of spreadsheets.”

In summation, the factors presented do not provide evidence that a reclassification is appropriate. The preponderance of duties is captured by the current classification specification.

Results of Analysis

The current situation represents one in which the preponderance of the assigned duties fall within the existing classification. In this case, retaining the classification of the position held by the incumbent is appropriate – Police Records Specialist.

FINAL RECOMMENDATION AND SUMMARY

The position held by Aki James is primarily responsible for administrative support for the BFO unit of the Oakland Police Department. The incumbent is currently performing duties that are appropriately aligned with the existing position allocated. Therefore, Human Resources Management recommends that the position held by the incumbent remain as allocated.

RECOMMENDATION	
<input type="checkbox"/> Re-Classify to	
<input checked="" type="checkbox"/> Remain as Allocated	Police Records Specialist

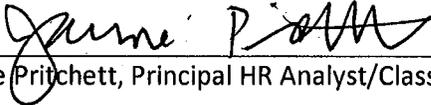
IMPLEMENTATION

Human Resources Management recommends that the Police Records Specialist position at the BFO Administration unit of the Police Department, held by Ms. Aki James, remain as allocated.

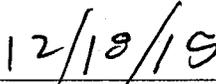
DRAFTED BY:

Eric Williams, Human Resource Analyst

APPROVAL FOR FORWARDING:



Jaime Pritchett, Principal HR Analyst/Classification Supervisor



Date

Appendix A – Original Submission of Duties

The following is a scan of the original submission:

3. In the right hand column, provide your best estimate of the percent of your total working time normally spent on each task so that the total percentage for all duties = 100%

Duties	Frequency	
	Frequency	Percentage
Serve as the primary point-of-contact regarding OPD UOF. Provide technical assistance and research on UOF inquiries which require specialized knowledge; provide information which may require the use of judgment and the interpretation of City/OPD policies, procedures, and local and state laws. Receive Public Records Requests from outside agencies and the general public; provide advice and assistance, review confidential documents, consult with Deputy City Attorney regarding appropriateness of disclosure; estimate and track the cost of the projects; maintain, track and archive requests and responses.	1 = Daily	15
Research, compile and prepare a variety of complex administrative reports including Monthly UOF Risk Management Reports (task formerly performed by Lts. C. Gonzalez & D. Eizey), Bi-Weekly Compliance Update Reports, IPAS Custodian of Record Review Reports, etc. Re-formatted Vehicle Collision Risk Management Report & Taser Analysis Report for Training Section.	2 = Weekly	25
Maintain thorough and confidential records, logs, and database; plan and coordinate data gathering for auditing requirements; develop and recommend changes to policies and procedures.	1 = Daily	20
Plan, coordinate and facilitate Executive Force Review Boards/Force Review Board to ensure compliance with OPD Departmental General Order K-4.1. Monitor and track open case status to ensure the timeliness of the investigation; work closely with Command Staff, Deputy City Attorneys & Federal Monitors.	2 = Weekly	15
Research, assemble and review FRB presentation materials to ensure the contents are complete for the FRB hearing. Coordinate room reservations, materials, equipment and logistics and clerical support; supervise arrangement and equipment prior to EFRB/FRB.	3 = Monthly	15
Assign and follow-up on the EFRB/FRB deliverables with appropriate correspondence and notification. Monitor and track the EFRB/FRB deliverable to ensure the timely completion in compliance with OPD Departmental General Order K-4.1.	2 = Weekly	10
Total (must be add up to 100%)		100

Appendix B – Task and Duty Statements

Report Production – Extract data; compile figures and outcomes; sum totals of complementing figures; display data in a framework easily digested by those in need of the data; field requests and data inquiries from multiple sworn parties.

Type and schedule of report

IPAS Audit – Quarterly – 1 full work day to complete

- Use of Force Levels 1 to 4 reporting
- In Custody Injury
- Officer involved with shooting without and IAD case

Office of the Inspector General (OIG) – Bi-Weekly – 1 to 2 hours to complete

- Internal Auditors Require monitoring of every element of Police function

Use of Force Custodian Report – Weekly – 1 hour

- Number of open cases, their levels, progress, and other pertinent details

Risk Management Report – Monthly – 3 to 4 full days

- 6 Area Captains require UOF data for their monthly briefings, contributes this element

One-off Reports – Varies – Varies

- Data requested from within and outside of unit
- May require permission of supervisor

Force Board Coordinator – Coordinate the materials, schedules, persons and activities of the Force Review Board. Attend to the coordination of action items such as notice, training, discipline, etc. to ensure cases are resolved. Prepare materials for level 2 Use of Force reviews.

Data Entry/Access Quality Control – Enter field data on Use of Force; retrieves data for use in reports; provide subject matter expertise to end user needs for implementation of new system.

Aki James


January 13, 2016

Anil Comelo
Secretary of the Board
150 Frank Ogawa Plaza
Oakland, CA 94612

Re: Appeal to Classification Study – Police Records Specialist

Dear Mr. Comelo:

First of all, I'd like to thank all Human Resources Management (HRM) personnel who have worked on this classification study. Ms. Angelina DeMaria and Ms. Jaime Pritchett have always been available for my various inquiries during the process. Mr. Eric Williams conducted comprehensive interviews with my supervisor and me, then meticulously analyzed and summarized my current duties. I appreciate their hard work on this classification – thank you!

However, I've found several issues that were simply not true in Mr. Williams' Position Audit Report, and I would therefore like to dispute HRM's findings. I believe that these errors may have been due to misunderstanding or miscommunication, and I hope that when you review my case, you will agree.

CIVILIANIZED POLICE DUTIES

In order to put more officers into the field, the Oakland Police Department (OPD) has civilianized several sworn positions/duties. I believe that the civilianized police duties assigned to me since 2013 do not align with my current classification as Police Records Specialist (PRS), which is considered to be an entry-level administrative position in the organization.

I was originally assigned to the Use of Force Custodian position in 2011. When the Force Board Coordinator position was civilianized in June 2013, it made sense to my supervisors to make me responsible for handling the tasks associated with it. As civilianization continued, I took on two more duties: producing reports for Use of Force Risk Management (in December of 2014) and Crowd Control (in October of 2015). Again, the Force Board Coordinator position and report production tasks had formerly been handled by a sworn officer.

Currently, my duties as the Use of Force Custodian have begun winding down, and will be completely eliminated in March 2016 when OPD implements the new PRIME server. However, the coordination and administrative work that I do in the Force Board Coordinator position have grown to become a major focus of my work. Additionally, I regularly read and review the

reports to ensure they are ready for the force boards reviews. This requires analysis and an in-depth knowledge of policy and processes. This is more than required of a Police Records Specialist.

OPD has made the decision to convene its Executive Force Review Board for all "In Custody Death" incidents. This has dramatically increased my Force Board Coordinator task load. When Mr. Williams review my case in September of 2015, the Department was holding one Force Review Board or Executive Force Review Board a month. This year, nine EFRBs are on the calendar already, and four FRBs and two EFRBs will be held before March 8. I am entirely responsible for coordinating each force review board meeting.

Due to the increased number of review boards being held, I believe my current duties should more accurately be redefined as:

- Use of Force Administrator – 40 %
- Force Board Coordinator – 60 %

FORCE BOARD COORDINATOR DUTIES

As Mr. Williams himself noted in response to another classification appeal (which I obtained through public records):

"...classification specifications were intentionally written broadly enough to capture the work of several positions in each classification, they will never specify every detail of an assignment. A position does not have to be carved out specifically and uniquely when there is a classification that sufficiently encompasses the work."

(Italics mine)

However, he made completely the opposite argument in my classification study, dismissing my Force Board Coordinator duties entirely in his evaluation. When other Coordinator positions in the City were suggested as comparable, his response was: "The incumbent indicated no involvement with these overall entities or functions, thus they will not be explored."

I monitor and coordinate multiple open FRB/EFRB cases and their deliverables on any given date, as Mr. Williams summarized my Force Board Coordinator duties in Appendix B:

"Coordinate the materials, schedules, persons and activities of the Force Review Board. Attend to the coordination of action items such as notice, training, discipline, etc., to ensure cases are resolved. Prepare materials for Level 2 Use of Force reviews."

The duties described above are clearly beyond the scope of the PRS classification.

There was a Force Board Coordinator in OPD before OPD civilianized the position. This position is vital to any law enforcement agency. Departmental General Order K-4.1 (Force Review Board; attached) was revised in December 2013 documenting the new civilianized Force Board Coordinator position that I took over in June 2013.

I suggest that the City of Oakland create a new classification, "Force Board Coordinator" that reflects the work being done here in OPD. I request that HRM reclassify me to a more appropriate job classification as a Force Board Coordinator and compensate me accordingly. Below are two City of Oakland coordinator position job descriptions that are very similar to my Force Board Coordinator duties at OPD.

Example #1: SPECIAL EVENTS COORDINATOR

- Plan, develop and coordinate special events, including the Oakland Municipal Band Concert Series, the Celebrate Oakland program and other City produced and sponsored events.
- Provide staff support to the Commission on Parks and Recreation, including training and technical assistance to Commission members and committees; provide liaison to other departments, and to the Council and Mayor.
- Convene meetings of special event and City representatives; coordinate public relations plans to meet the needs of special events; provide staff assistance to citizen advisory bodies and committees.
- Research and write feature stories, press releases, and public service announcements for print and broadcast media; design, edit and produce newsletters for specific programs.
- Serve as a resource for departmental staff in identifying and addressing public information needs.
- Prepare special or routine reports or publications on departmental activities; write reports or grants of a technical or evaluative nature.
- Respond to inquiries for information on department or program activities, including public speaking.

Example #2: OPEN GOVERNMENT COORDINATOR

- Receive Public Records Requests from outside agencies and the general public; coordinate response with departmental contact; provide advice and assistance; review confidential documents; consult with Deputy City Attorney regarding appropriateness of disclosure; prepare and send invoices for the cost of copies; maintain, track and archive requests and responses.
- Develop policies and procedures for public notice procedures for complying with public records requests as required by local and state laws. Serve as the liaison to the Office of the City Clerk regarding agenda items, public noticing procedures and city-wide records management. Research, compile and prepare a variety of reports.
- Monitor City Council and committee agendas to ensure that they are noticed properly and distributed in accordance with the Sunshine Ordinance and the Brown Act. Provide training to city staff and members of boards and commissions on policies and procedures related to the Sunshine Ordinance and Brown Act; interpret rules and procedures regarding posting of agendas and notices and requests for information and public records for the general public.
- Provide follow up and research on inquiries and problems which require routine and specialized knowledge; provide information which may require the use of judgment and the interpretation of City policies, procedures, and local and state laws.

PRODUCTION OF THE USE OF FORCE RISK MANAGEMENT REPORT and OTHER REPORTS / SPREADSHEETS

When Deputy Chief (DC) Oliver Cunningham, who oversaw the project in the beginning, told me that I would be in charge of the production of the Use of Force Risk Management Report, I recognized that this was a high profile/high visibility project for the entire organization. I immediately began producing various prototypes under DC Cunningham's supervision, designing new layouts, streamlining the contents of the existing reports, and running dozens of custom queries from the Use of Force database. This required in-depth analysis to ensure none of the key requirements of the policy are missed. An error could potentially cost the department compliance with the court ordered Negotiated Settlement Agreement. Fortunately, the work has remained of high quality and in-compliance with policy.

DC Cunningham and I brainstormed on numerous occasions before my final draft was completed, and he supported my ideas and innovations in our newly revised report. These included:

- Eliminated paragraphs of written analysis; instead, focused presenting the information using a clean, streamlined design with visual clarity so that it could be used and understood by a wider audience.
- Replaced "sworn language" with layman terms ("plain English"); translated CA Penal Code and Departmental Order K-3 (User of Force) into everyday language, making it accessible to a wider audience.
- Modified Use of Force Risk Management Reports to contain Levels 1 through 4 Use of Force incidents. Prior to my revision, these reports had not contained Level 1 Use of Force incidents because investigations for these are done by the Internal Affairs Division (IAD) and their details are not readily available outside IAD. With some investigation on my part, I successfully incorporated Level 1 Use of Force data into my final draft and created a single, integrated, comprehensive Use of Force Risk Management Report.
- Analyzed and evaluated each Use of Force incident to identify the initiating factor, reason of police presence, etc. for risk management purposes. Obtained and made use of PDRD (body-worn camera) footage, technician photos, supplemental reports and subject/witness statements as needed.
- Added content to the final draft, using my expertise as a Use of Force administrator to pull material from Use of Force Compliance, Risk Management Advisement and IAD findings, Type of Manual of Rules Violation, etc.

The first Use of Force Risk Management Report I produced (January 2015) was very well received internally; DC Downing and Lieutenant Sekou Millington even called it "phenomenal." It was featured in a CBS 5 evening news segment and OPD decided to make the report available for public view on its website.¹ Soon after, Lieutenant Millington, Training Section Commander, contacted me to revise/redesign the Training Section Vehicle Collision Report and Taser Analysis Report in a similar fashion. In fact, of the seven monthly and quarterly reports readily available for public view on the OPD website, I designed four; management-level personnel

¹ <http://www2.oaklandnet.com/Government/o/OPD/a/PublicReports/MonthlyReports/index.htm>

created the other three reports. This is part of the Department's commitment to the White House Police Data Initiative.

However, while Mr. Williams agreed that "one-off, [stet] unique reports are part of her responsibility," he regarded my various reports as simple because I use an existing common template (that I created) and obtain "readily available" data from an Access database. This could not be further from the truth, as can be seen in the descriptions of the complexity and scope of the projects provided above.

Mr. Williams also criticized, "...the reports can be best understood as the presentation of data in a clear, concise and easy to read format." However, designing something with a visual appeal does need a certain skill set and years of training in design. Also, designing something simple and streamlined does not mean "easy." Oftentimes this requires more sophisticated skills, discipline and training than creating something that appears more elaborate.

My approach towards providing information in a visually clear and appealing format has been proven right again and again, as OPD commanders, sworn members, civilian employees and outside agencies have expressed their appreciation for my new designs over the old versions/systems.

Mr. Williams' conclusion that the projects described above are appropriate PRS-level work is simply untrue.

OVERSEENG THE EXECUTION OF PROJECTS

Mr. Williams further stated that "the 'projects' referenced are the reports completed as a regular part of the incumbent's duties." He denied their merit as projects ("...they may be characterized as projects on an informal basis."). On the contrary, I consider certain tasks that I perform to be projects due to their scope and duration. Examples include my Force Board Coordinator duties, production of reports/spreadsheets, response to Public Records Requests, obtaining and providing information to assist the City Attorney for trial, and assisting the Microsoft team as a Subject Matter Expert. None of these are merely "projects on an informal basis."

I periodically receive high-volume, rush assignments calling for me to assist the City Attorney to prepare material and information to be used for a trial, or to respond to a public records request within a short timeframe. I organize and oversee small teams of officers and civilians to ensure that these assignments are completed on time. In Mr. Williams' opinion, my doing so did not meet the threshold for supervision, since I did not provide performance evaluations, approve vacation/leave, or assign regular schedules. However, most Administrative Analyst II or upper-level administrative positions held in OPD do not have direct subordinates and thus don't perform provide performance evaluations, etc. either.

I would argue that coordinating month-long projects, arranging staffing, materials, equipment and logistical support, and leading a small team of police officers through the duration of the project is well beyond the scope of the current PRS job classification.

CONCLUSION

I have developed and administered various projects from inception to completion since 2013 and have exceeded the organization's expectations. One success has led to another; my performance in civilianized positions has meant that I have been asked to take on others. I am grateful for the trust that the organization has in me; I feel respected and valued at OPD.

Please consider how the tasks I have taken responsibility for have freed many OPD commanders and officers from hours of administrative work, giving them more time for their most crucial task – community policing. Specifically, the reports I handle have allowed the following to concentrate on more important duties:

- DC D. Downing (Crowd Control Report)
- Lts. C. Gonzalez & D. Elzey (Use of Force Risk Management Report)
- Lt. H. Jordan (Vehicle Collision Report)
- Ofc. R. Kabahit (Taser Analysis Report)
- Lt. K. Mullnix, Sgt. M. Guttormson, Ofcs. B. Koch, R. Roche, D. Thurston (Force Board Coordinator duties)

Since I joined the Force Review/Executive Force Review Board team, I have restructured the old system, tirelessly tracking Force Review Board and/or Executive Force Review Board cases and deliverables that had previously fallen through the cracks, working with DC D. Downing (former Internal Affairs Division Commander) and Sgt. D. Carman (OPD policy & procedures expert).

I can truly say that I have been a part of the force that raised OPD's Force Review Board / Executive Force Review Board function to the level of compliance per the Negotiated Settlement Agreement.

I have redesigned various high profile/high visibility reports, including four out of seven reports on the OPD website for public view. Now, when the public seeks information, OPD Commanders or the OPD Media Relations Office can simply provide them a link to these reports, which are updated monthly.

I hereby sincerely request the Secretary of the Board to reconsider HRM's findings and assign me an appropriate job classification. Please let me continue to serve the organization that I love and am proud to be a part of.

Below are my "project" supervisors. Mr. Williams did not interview them in October of 2015 and some of them wish to be involved in my appeal process:

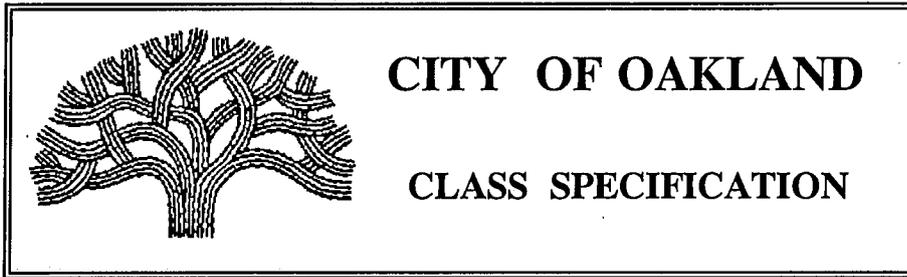
- Force Board Coordinator (Assistant Chief P. Figueroa, DC D. Outlaw)
- Use of Force Risk Management Report, Crowd Control Report (DC D. Downing)
- Use of Force Administrator (Lt. C. Mufarreh)
- Vehicle Collision Report, Taser Analysis Report (Lt. S. Millington)

Thank you for reviewing my appeal of classification study.



Aki James

Cc: Steve Pitocchi, Local 1021
Dana MacPherson, Local 1021
Jaime Pritchett, Principal Human Resource Analyst
Paul Figueroa, Assistant Chief of Police
Danielle Outlaw, Deputy Chief of Police
David Downing, Deputy Chief of Police
Chris Mufarreh, Lieutenant of Police
Randal Bandino, Sergeant of Police
Cee Belue, Department SPOC



Class Code: 1308

Rep. Unit: D

CSB Status: CC

POLICE RECORDS SPECIALIST

DEFINITION

To coordinate with sworn and civilian staff, and the general public transactions involving warrants, records, subpoenas and other litigation-related requests; to maintain complex internal automated record systems, and access and update state and federal criminal history data systems; to act as cashier for department; and to assist callers and visitors by supplying information or directing requests.

DISTINGUISHING CHARACTERISTICS

This is a specialized clerical classification in the Police Department. The complexity of training, regulations and procedural structure has the potential for significant consequence of error in the majority of transactions involving automated records systems.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Sergeant of Police, a Police Records Supervisor or a Police Officer, under the command of a Lieutenant of Police.

May provide lead direction to Office Assistant II's.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Access and input automated criminal history data systems.

Maintain internal manual and automated recordkeeping systems and provide information in compliance with federal and state regulations.

Coordinate and conduct transactions with other employees, sworn and civilian staff, and the public in matters requiring knowledge and analytical application of Police Department rules, policies and procedures.

Type reports, data, and forms; store and issue supplies.

Perform reception duties; accept applications; greet visitors and the general public; respond to phone requests.

Verify warrants and other information through computer terminals.

POLICE RECORDS SPECIALIST

PAGE 2

Check financial data; issue permits; balance payrolls, purchase orders, and vendor claims; file and maintain inventory records.

Receive money and issue receipts; may store and release money.

Locate and correct errors in internal data systems.

Provide direction and on-the-job training to assigned personnel.

Operate personal computers and/or computer terminals.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

General office procedures.

Word processing, spreadsheet, and/or database programs.

Problem-solving techniques.

Modern police recordkeeping procedures.

Organization, procedures and operating details of the assigned department.

Ability to:

Type at a speed of 35 words per minute.

Make arithmetic calculations with speed and accuracy.

Operate modern office machines, including computer terminals, microfiche readers and large volume copiers.

Learn the organization, procedures and operating details of the City.

Follow oral and written directions.

Work irregular days and hours.

Exercise considerable independent judgement in interpreting and applying Police Department policies and procedures and complying with federal and state regulations.

POLICE RECORDS SPECIALIST

PAGE 3

Work in a highly-structured, rank-oriented environment.

Analyze situations and adopt effective courses of action.

Establish and maintain effective working relationships with those contacted in the performance of required duties.

EXPERIENCE AND EDUCATION

Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of full-time work experience comparable to Office Assistant II or Administrative Assistant I in the City of Oakland or equivalent experience.

Education:

Equivalent to completion of the twelfth grade. Additional business or computer courses are desirable.

LICENSE OR CERTIFICATE

None required.

OTHER REQUIREMENTS

Must be eighteen (18) years or older.

Must pass a background investigation.

Must pass a Department of Justice fingerprint check, which allows special access to law enforcement data systems.

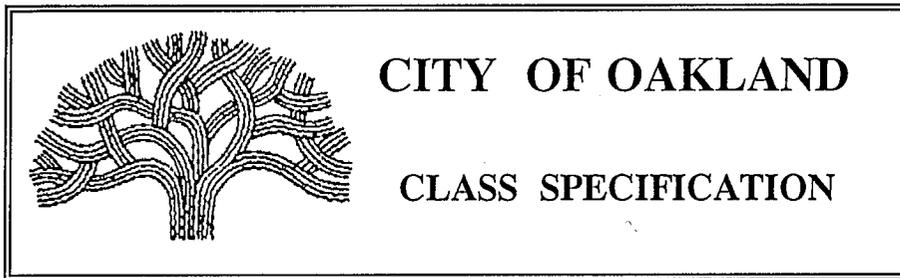
Must pass a six (6) hour Department of Justice training course regulating access to law enforcement data systems.

Must meet Department of Justice and other training mandates regulating access to law enforcement data systems.

Oakland Civil Service Board

Date approved: August 13, 1992; CSB #44266

Date revised:



Class Code: 5005

Rep. Unit: W

CSB Status: CC

SPECIAL EVENTS COORDINATOR

DEFINITION

To provide information services to City staff, the public, and the mass media for the Office of Parks and Recreation; and to plan, coordinate and implement special events promoting departmental programs and services.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Assistant Director, Parks and Recreation.

May provide lead direction to assigned clerical support staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Plan, develop and coordinate special events, including the Oakland Municipal Band Concert Series, the Celebrate Oakland program and other City produced and sponsored events.

Approve Special Condition Park Use Permits for special events, including running events, walking events, and other gatherings.

Provide staff support to the Commission on Parks and Recreation, including training and technical assistance to Commission members and committees; provide liaison to other departments, and to the Council and Mayor.

Convene meetings of special event and City representatives; coordinate public relations plans to meet the needs of special events; provide staff assistance to citizen advisory bodies and committees.

Establish relationships with the press, radio, television and other media for publicizing and promoting a particular event or program.

Research and write feature stories, press releases, and public service announcements for print and broadcast media; design, edit and produce newsletters for specific programs.

Represent department or program at conferences, seminars and various ad hoc meetings.

Serve as a resource for departmental staff in identifying and addressing public information needs.

SPECIAL EVENTS COORDINATOR

PAGE 2

Prepare special or routine reports or publications on departmental activities; write reports or grants of a technical or evaluative nature.

Respond to inquiries for information on department or program activities, including public speaking.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of mass communications and community relations.

Writing composition, layout and editing techniques.

Public contact and community relations techniques.

Project management techniques, and supervision.

Research methods and report preparation.

Event coordination and scheduling.

Promotion of public events.

Computer systems and applications.

Ability to:

Set priorities, work independently and manage a number of concurrent events.

Develop a public relations program.

Prepare press releases, public service announcements, feature articles.

Prepare concise technical, analytical and evaluative reports.

Communicate effectively orally and in writing with a number of constituent groups.

Coordinate, schedule and promote special events, department activities and programs.

Establish and maintain effective work relationships with those contacted in the performance of required duties.

SPECIAL EVENTS COORDINATOR

PAGE 3

EXPERIENCE AND EDUCATION

Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of progressively responsible experience in the media or as a public relations representative including one year as supervisor or lead staff.

Education:

Bachelor's degree in mass communications, journalism, or a related field from an accredited college or university. A Master's degree is desirable.

LICENSE OR CERTIFICATE

None required.

Oakland Civil Service Board:
Date approved: April 22, 1993; CSB #44280
Date revised:



OPEN GOVERNMENT COORDINATOR

Class Code: SC246 FTE

Exempt

DEFINITION

Under general supervision in the Office of the City Attorney, the incumbent ensures access to public information and records in compliance with state and local laws related to the disclosure, timely publication and distribution of agendas and notices; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is a single incumbent position responsible for ensuring that all departments and agencies comply with the Brown Act and the Sunshine Ordinance requiring timely publication and distribution of agendas and notices, timely response to requests for information and public records by outside citizens and agencies. This classification which is exempt from the regulations of the Civil Service Board performs duties which involve the exercise of considerable discretion and latitude of judgment in the preparation and handling of highly sensitive and confidential materials.

This position receives direction from the City Attorney.

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

Receive Public Records Requests from outside agencies and the general public; coordinate response with departmental contact; provide advice and assistance; review confidential documents; consult with Deputy City Attorney regarding appropriateness of disclosure; prepare and send invoices for the cost of copies; maintain, track and archive requests and responses. Develop policies and procedures for public notice procedures for complying with public records requests as required by local and state laws. Serve as the liaison to the Office of the City Clerk regarding agenda items, public noticing procedures and city-wide records management. Research, compile and prepare a variety of reports.

Monitor City Council and committee agendas to ensure that they are noticed properly and distributed in accordance with the Sunshine Ordinance and the Brown Act. Provide training to city staff and members of boards and commissions on policies and procedures related to the Sunshine Ordinance and Brown Act; interpret rules and procedures regarding posting of agendas and notices and requests for information and public records for the general public.

Provide follow up and research on inquiries and problems which require routine and specialized knowledge; provide information which may require the use of judgment and the interpretation of City policies, procedures, and local and state laws. Initiate and prepare biannual review of Conflict of Interest Code; coordinate departmental/agency updates; prepare ordinance; advise and respond to questions regarding positions and disclosure categories and submit for City Council approval. Lift, load and unload large stacks of documents.

KNOWLEDGE AND ABILITIES

Knowledge of: state and local laws regarding the conduct of public meetings and the handling of public documents and requests (i.e., The Brown Act, Public Records Act, and the City of Oakland's

**Open Government Coordinator
Page 2**

“Sunshine Ordinance”); governmental administration including municipal government administration, city legislation, elections laws, bond issues and other related activities; legal processes, procedures and language for noticing of agenda items and disclosure of public information and records; principles and practices of records management systems; basic computer applications and software; customer service and community relations skills; and methods of research, analysis and preparation of written reports.

Ability to: perform legislative duties under stressful circumstances where it is required to observe and enforce deadlines; establish, evaluate and implement administrative/operational policies, practices and procedures; read, interpret and apply state and local legal requirements for noticing, agendas, and responding to public records requests; manage records and filing systems; lift, load and unload boxes of documents weighing up to 40 lbs; communicate effectively in both oral and written form; establish and maintain effective work relationships with those contacted in the performance of required duties; and prepare and analyze complex reports of a general or technical nature.

MINIMUM QUALIFICATIONS

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 public administration, business administration or a related field.

Experience:

Four years of progressively responsible experience related to public entity legislative processes such as agenda management, public records, municipal government legislation or comparable private sector work.

LICENSE OR CERTIFICATE

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 REQUIREMENTS

Bilingual skills in English and a non-English Language are highly desirable.

<u>DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY</u>			
Established:	3/06/2008	CSB Resolution #:	44514
Exempted:	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	Exemption Resolution #:	77183
Revision Date:	n/a	CSB Resolution #:	
Re-titled Date:	n/a	CSB Resolution #:	
		Salary Ordinance #:	
(Previous title(s): n/a)			