CITY OF OAKLAND

CIVIL SERVICE BOARD MEETING AGENDA

Date: November 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-Harmon; Christopher Johnson; Jeffrey Levin**

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

OPEN SESSION AGENDA

ROLL CALL

1) OPEN FORUM

2) CONSENT CALENDAR: ACTION

a) Ratification of Provisional Appointments
- Application Developer III (ITD-2016-PA02)
- Information Systems Specialist I (ITD-2016-PA03)

b) Approval of Revised Classification Specifications
- Surveying Technician, Senior

3) OLD BUSINESS:

a) Approval of September 15, 2016 Civil Service Board Meeting Minutes ACTION

b) Approval of October 20, 2016 Civil Service Board Meeting Minutes ACTION

c) Determination of Schedule of Outstanding Board Items ACTION

a. Civil Service Board Meeting Schedule for December 2016

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

e) Supplemental Report - Quarterly Report per Section 3.04(f) of the Personnel Manual of the Civil Service Board ("Civil Service Rules") Providing Status of All Classification Specification Revisions Currently Under Review — INFORMATION

f) Review and Approval of Amended Changes to the Personnel Manual of the Port of Oakland for 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

4) NEW BUSINESS:

a) Approval of Request for Exemption of the Classifications of Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee from the Provisions of Civil Service — ACTION

NOTE: The Civil Service Board meets every month. All materials related to agenda items must be submitted ten (10) days before the date of the hearing. For any materials over 100 pages, please also submit an electronic copy of all materials.

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

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Agendas are available 72 hours in advance of the next meeting and may be viewed at the City Clerk's Office, #1 Frank H. Ogawa Plaza, 1st Floor. Materials are also available on the City's website at: http://www2.oaklandnet.com/Government/o/HumanResources/s/CivilServiceBoard.

CITY OF OAKLAND

MEMORANDUM

DATE: November 14, 2016

TO: The Honorable Civil Service Board

FROM: Angelina DeMaria
HR Analyst

THROUGH: Ian Appleyard, HRM Director
Secretary to the Board

THROUGH: Kip Walsh, HR Manager, Recruitment & Classification

SUBJECT: Request for Provisional Appointment in Classification of Application Developer III to be ratified at Civil Service Board Meeting of November 17, 2016

Attached is a request from the Information Technology Department to make a provisional appointment to an Application Developer III vacancy. The basis for this request is detailed in the attached Provisional Appointment Form as supporting documentation.

An Application Developer III defines data structures and application solutions that are appropriate to customer requirements; develops, supports, maintains, and tests software applications for business units; designs, develops, and implements various business-related applications; codes, documents, and implements project specifications; and provides technical advice and training.

The minimum qualifications for an Application Developer III are: possession of a Bachelor's degree from an accredited college or university in computer science, engineering, statistics or related field; and four years of data processing experience, including two years in systems programming.

The selected candidate meets the minimum qualifications of the Application Developer III classification with a Bachelor’s degree in Computer Science and over five years of work experience in application development. Recruitment and Classification is in the process of administering a Civil Service Examination to permanently fill this vacancy within 120 days. The job announcement opened on November 7, 2016.

The Human Resources Management Department recommends that the Civil Service Board ratify the provisional appointment for this Application Developer III position in the Information Technology Department beginning on November 7, 2016 and ending on or before March 7, 2017.

OAKLAND CIVIL SERVICE BOARD
PROVISIONAL APPOINTMENT REQUEST

SCHEDULED MEETING DATE FOR CONSIDERATION: ***November 17, 2016***

AREA REQUESTED

POSITION: *Application Developer III*
DEPARTMENT: *Information Technology Department*
APPOINTMENT DURATION: 120 days maximum

STATUS OF RECRUITMENT AND EXAMINATION PROCESS

DATE ELIGIBLE LIST EXPIRED OR WAS EXHAUSTED: 3/1/16
DATE PERSONNEL REQUISITION RECEIVED: 9/23/16
CURRENT STATUS OF EXAMINATION: Job Announcement scheduled to open November 7, 2016.

JUSTIFICATION

Reason Needed:

This provisional appointment is needed to fill one of three vacancies. The requisition requesting the provisional appointment was approved. A provisional appointment will allow the work to be performed while an eligibility list is being developed. The Application Developer III is required to define and develop data structures/application solutions that are appropriate to City agency requirements.

Other Alternatives Explored and Eliminated:
None.

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

The negative impacts of not having this vacancy filled while an eligibility list is established are delays of Information Technology projects related to Oracle and Public Safety.

ADDITIONAL INFORMATION

Recruitment and Classification Staff Recommendation, including following pertinent information:

- Summary of Application Qualifications✓
- Current Residency Status: *Not an Oakland Resident*
- Current Employment Status *Not a City employee*

CITY OF OAKLAND

MEMORANDUM

DATE: November 14, 2016

TO: The Honorable Civil Service Board

FROM: Angelina DeMaria
HR Analyst

THROUGH: Ian Appleyard, HRM Director
Secretary to the Board

THROUGH: Kip Walsh, HR Manager, Recruitment & Classification

SUBJECT: Request for Provisional Appointment in Classification of Information Systems Specialist I to be ratified at Civil Service Board Meeting of November 17, 2016

Attached is a request from the Information Technology Department to make a provisional appointment to an Information Systems Specialist I vacancy. The basis for this request is detailed in the attached Provisional Appointment Form as supporting documentation.

An Information Systems Specialist I assists with the analysis, configuration, installation, and support of personal computers and mobile computing devices, software, and networks in City Departments and receives assignments that are routine in nature.

The minimum qualifications for an Information Systems Specialist I are: possession of an Associate's Degree from an accredited college or university in Information Technology, or a related field, and six months of hands-on experience in performing analysis, installation, and support of microcomputer hardware and software *or* two (2) years of responsible work experience in performing analysis, installation, and support of microcomputer hardware and software.

The selected candidate meets the minimum qualifications of the Information Systems Specialist I classification with five years of responsible work experience in Information Systems analysis, installation and support. Recruitment and Classification is in the process of administering a Civil Service Examination to permanently fill this vacancy within 120 days. The job announcement opened on October 31, 2016.

The Human Resources Management Department recommends that the Civil Service Board ratify the provisional appointment for this Information Systems Specialist I position in the Information Technology Department beginning on November 7, 2016 and ending on or before March 7, 2017.

OAKLAND CIVIL SERVICE BOARD
PROVISIONAL APPOINTMENT REQUEST

SCHEDULED MEETING DATE FOR CONSIDERATION: ***November 17, 2016***

AREA REQUESTED

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

STATUS OF RECRUITMENT AND EXAMINATION PROCESS

DATE ELIGIBLE LIST EXPIRED OR WAS EXHAUSTED: 5/13/04
DATE PERSONNEL REQUISITION RECEIVED: 9/29/16
CURRENT STATUS OF EXAMINATION: Job Announcement opened October 31, 2016.

JUSTIFICATION

Reason Needed:

This provisional appointment is needed to fill one **(1)** current vacancy. The requisition requesting the provisional appointment was approved. A provisional appointment will allow the work to be performed while an eligibility list is being developed. The Information Systems Specialist I is needed to provide daily information systems support to public safety systems, desktop and systems administration support.

Other Alternatives Explored and Eliminated:
None.

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

The negative impacts of not having this vacancy filled while an eligibility list is established are delays in timely responsive service to Public Safety Systems.

ADDITIONAL INFORMATION

Recruitment and Classification Staff Recommendation, including following pertinent information:

- Summary of Application Qualifications✓
- Current Residency Status: *Not an Oakland Resident*
- Current Employment Status *Not a City employee*

CITY OF OAKLAND

MEMORANDUM

DATE: November 17, 2016

TO: The Honorable Civil Service Board

FROM: Jaime Pritchett
Principal Human Resource Analyst

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

THROUGH: Ian Appleyard, Director of Human Resources Management
Secretary to the Board

SUBJECT: Approval of Classification Specification for Surveying Technician, Senior

Based upon a classification review at the request of the Oakland Public Works (OPW) Department, staff has proposed the revision of the **Surveying Technician, Senior** classification specification. The classification specification was approved in February 1996 and has not been revised since creation.

The Oakland Public Works Department has a critical need to modify this classification. There was a recent retirement and the vacancy will impact operations if the position is not filled promptly. Recruitment activities are being initiated now to ensure that the vacancy can be filled expeditiously once the revisions to classification specification are approved.

A variety of modifications have been proposed:

- The Definition section has been slightly refined.
- The Distinguishing Characteristics section has been expanded to more clearly describe the role and level of the classification.
- The Examples of Duties section is being modified to more accurately reflect the work that is assigned, including computers and related software programs/applications.
- The Knowledge and Abilities section has been expanded to include references to computer systems and software applications.
- The Minimum Qualifications section has been rephrased.
- Under the License or Certificate section, the incumbents will be required to possess a Certificate as a Land Surveyor-in-Training (LSIT) that is valid in the state of California.
- Minor formatting changes have been made to align the classification specification with the current template.

The Service Employees International Union (SEIU, Local 1021) was notified of the proposed revisions to the classification specification. An initial meeting took place between representatives from Local 1021, Employee Relations, Human Resources Management, and OPW on September 16, 2016. At that meeting, Local 1021 representatives requested additional time to discuss potential concerns with their members. A subsequent meeting between all involved parties took place on October 12, 2016, and the union confirmed that there are no objections to the proposed revisions to the classification specification.

Additionally, no determination has been rendered yet regarding the "common class" status of the Surveying Technician, Senior classification. The “Common Class” Project is currently underway, and more information will be available at a later date.

Staff recommends that the Civil Service Board approve the classification specification for Surveying Technician, Senior as amended.

Attachments: Revised classification specification for Surveying Technician, Senior

CITY OF OAKLAND

SENIOR SURVEYING TECHNICIAN

Class Code: ET133 FTE **Civil Service Classified**

DEFINITION

Under general supervision in the Oakland Public Works Department, ~~to~~ sets up and operates survey instruments; ~~to~~ performs complicated technical surveying work; ~~to~~ acts as ~~lead~~Chief of Party as needed; ~~and~~ performs other support functions for a field survey crew; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is a journey level classification in the Surveying Technician series, which involves~~d in~~ construction and boundary, and position control surveying while providing lead direction to assigned staff. The incumbent performs both routine and difficult tasks which require~~s~~ extensive ~~job~~ knowledge of survey principles, operations, and techniques. This classification is distinguished from the lower level Surveying Technician in that incumbent of the latter performs the most routine and basic ~~tasks~~ types of surveying duties.

The incumbent ~~R~~receives direct supervision from the Chief of Party or may receive supervision from the City Surveyor~~.~~ and ~~P~~provides lead direction to Surveying Technician.

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

Set up and operate precise surveying instruments and/or GPS collection/positioning devices to measure or establish locations, angles, distances, and elevations.

Interpret construction plans and specifications.

Obtain data for construction, map making, and other engineering purposes.

Set and mark survey monuments; recover buried monuments.

Conduct routine and minor surveys under general direction.

Clean and maintain survey instruments and equipment.

Research maps, deeds, and other survey records.

Update and maintain the City's Survey Related Records and assist the general public in locating available information relating to prior City surveys.

Verify line and check grades during construction.

Assist Chief of Party with daily crew operation.

Compile field notes and sketches of readings and observations.

Perform computer assisted survey data collection, design and drafting.

Provide drawings using computer aided design (AutoCad) or similar programs, as necessary.

Compile Topographic and Boundary survey~~s~~ using AutoCad software under the direction of a

licensed surveyor.

Operate a motor vehicle in the performance of assigned duties.
~~Perform related duties as required.~~

KNOWLEDGE AND ABILITIES

Knowledge of:

- Surveying instruments and equipment.
- Basic surveying and construction techniques, principles, and practices.
- Mathematics through trigonometry including surveying applications.
- Engineering/surveying maps and records.
- Public contact skills.
- Safe work practices.
- Computer systems and software applications.

Ability to:

- Use and maintain surveying instruments and equipment.
- Operate a computer; use computer aided design software (such as AutoCad.
- Understand and follow oral and written directions.
- Provide direction and training to Surveying Technician.
- Perform physically strenuous tasks, such as lifting or moving materials up to 75 lbs; working in limited space areas i.e., drainage structures and pipe lines; walking and carrying equipment up and down steep hills and uneven and aggressive (i.e., Poison Oak, heavy brush, native animals, etc.) terrain.
- Communicate effectively.
- Drive a City vehicle.
- Utilize computer systems and software applications.
- 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 and Experience:

Two years college course work in civil engineering or related discipline including course work in surveying and two years of experience in field surveying.

OR

Three years of experience in field surveying with ~~the completion of the equivalent of the twelfth grade~~a high school diploma or equivalent.

~~**OR**An acceptable combination.~~

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 Certificate as a ***Land Surveyor In Training*** issued by the State of California or one issued by another state of the United States and which is acceptable by the State of California for admission to the ***Land Surveyor*** examination.

OTHER REQUIREMENTS

None required.

DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY

Established: 02/22/1996 CSB Resolution #: 44352 Salary Ordinance #:
Exempted: Y ☐ N ☐ Exemption Resolution #:

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

(Previous title(s):)

CITY OF OAKLAND

CIVIL SERVICE BOARD MEETING MINUTES

Date: September 15, 2016

OPEN SESSION 5:30 p.m.

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

BOARD MEMBERS PRESENT:	**Lauren Baranco** **Andrea Gourdine, Chairperson** **David Jones, Vice Chair** **Christopher Johnson** **Jeffrey Levin (Arrived at 5:46pm)**
BOARD MEMBERS ABSENT:	**Alex Drexel** **Yvonne Hudson-Harmon**
STAFF PRESENT:	**Kip Walsh, Acting HRM Director/Secretary to the Board** **Michelle Meyers, Deputy City Attorney** **Sean Flaherty, HR Technician/Staff to the Board**

OPEN SESSION AGENDA

ROLL CALL

1) OPEN FORUM

2) CONSENT CALENDAR:

a) Approval of Employee Requests for Leave of Absence
- Library Aide, C. Flores (LIB-2016-LA07)
- Library Aide, C. Flores (LIB-2016-LA08)
- Librarian II, M. Medow (LIB-2016-LA09)
- Public Service Representative, Y. Brown (Finance-2016-LA01)
- Public Works Maintenance Worker, R. Pardo (OPW-2016-LA03)

b) Ratification of Provisional Appointments
- Administrative Services Manager I (HCD-2016-PA06)
- Contract Compliance Field Technician (CAO-2016-PA01)
- Contract Compliance Officer (CAO-2016-PA02)
- Contract Compliance Officer, Senior (CAO-2016-PA03)

c) Approval of Revised Classification Specifications
- Case Manager, Supervising

44823 A motion was made by Board Member Hudson-Harmon and seconded by Vice Chair Jones to approve the items on the Consent

Calendar.

Votes: Board Member Ayes: 4 – Baranco, Gourdine, Johnson, Jones
Board Member Noes: None
Board Member Abstentions: 0 – None
Board Members Absent: 3 – Drexel, Hudson-Harmon, Levin

3) OLD BUSINESS:

a) Approval of Meeting Minutes of August 18, 2016 Civil Service Board Meeting Minutes

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

b) Determination of Schedule of Outstanding Board Items

a. No New Items to Schedule

Received and filed.

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.

4) NEW BUSINESS:

a) Port of Oakland Civil Service Classifications: Update

Received and filed.

5) ADJOURNMENT

5:48 PM

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, October 20, 2016. All materials related to agenda items must be submitted by Thursday, October 13, 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:

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CITY OF OAKLAND

CIVIL SERVICE BOARD MEETING MINUTES

Date: October 20, 2016

OPEN SESSION 5:30 p.m.

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

BOARD MEMBERS PRESENT:	**Lauren Baranco** **Alex Drexel** **Yvonne Hudson-Harmon (Arrived at 5:45pm)** **David Jones, Vice Chair** **Christopher Johnson**
BOARD MEMBERS ABSENT:	**Andrea Gourdine, Chairperson** **Jeffery Levin**
STAFF PRESENT:	**Ian Appleyard, HRM Director/Secretary to the Board** **Kip Walsh, HRM Manager/Staff to the Board** **Michelle Meyers, Deputy City Attorney** **Sean Flaherty, HR Technician/Staff to the Board**

OPEN SESSION AGENDA

ROLL CALL

1) OPEN FORUM - 4 Speakers

Ron Brown from IFPTE Local 21 spoke expressing concerns regarding treating Port job classifications as common classes with different salaries between the City and the Port.

Karmen Ortloff from IFPTE Local 21 spoke expressing concerns that the Port Human Resources Manager position is treated as Exempt and should remain competitive.

Kimberly Moses from the Port SEIU 1021 spoke requesting that the Civil Service Board review the processes for the Port common job classifications.

Millie Cleveland from the Port SEIU 1021 spoke requesting that the Port and bargaining units should work collaboratively to work out the process for the Port common job classifications under one system.

Alicia Platt and Carletta Starks from IFPTE Local 21 turned in speaker cards but did not speak.

2) CONSENT CALENDAR:

a) Approval of Employee Requests for Leave of Absence
- Parking Control Technician, R. Harris (OPD-2016-LA01)

b) Ratification of Provisional Appointments
- Human Resource Analyst, Principal (HRM-2016-PA01)

c) Approval of Revised Classification Specifications
- Traffic Engineering Technician, Senior

44824 A motion was made by Board Member Johnson and seconded by Board Member Hudson-Harmon to approve the items on the Consent Calendar. The motion passed.

Votes: Board Member Ayes: 5 – Baranco, Drexel, Hudson-Harmon, Johnson, Jones
Board Member Noes: None
Board Member Abstentions: 0 – None
Board Members Absent: 2 – Gourdine, Levin

3) OLD BUSINESS:

a) Approval of Meeting Minutes of August 18, 2016 Civil Service Board Meeting Minutes

44825 A motion was made by Board Member Hudson-Harmon and seconded by Board Member Drexel to approve the August 18, 2016 Civil Service Board Meeting Minutes. The motion passed.

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

b) Approval of Meeting Minutes of September 15, 2016 Civil Service Board Meeting Minutes

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

c) Determination of Schedule of Outstanding Board Items

a. No New Items to Schedule

Received and filed.

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

Received and filed.

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 Status of All Classification Specification Revisions Currently Under Review

Received and filed.

b) Letter of Request for Outside Hearing Officer in Case Number OPD-2015-AP03

44826 A motion was made by Board Member Drexel and seconded by Board Member Johnson to refer the Appeal of Probationary Release (OPD-2015-AP03) to an external hearing officer. The motion passed.

Votes: Board Member Ayes: 5 – Baranco, Drexel, Hudson-Harmon, Johnson, Jones
Board Member Noes: None
Board Member Abstentions: 0 – None
Board Members Absent: 2 – Gourdine, Levin

c) Final Proposed Amended Changes to Port Personnel Rules and Procedures

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

5) ADJOURNMENT

6:18 PM

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, November 17, 2016. All materials related to agenda items must be submitted by Thursday, November 7, 2016. For any materials over 100 pages, please also submit an electronic copy of all materials.

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CIVIL SERVICE BOARD
APPEALS & HEARINGS CALENDAR
PENDING LIST – November 17, 2016

1. UNDER REVIEW

Case Number	Classification	Dept.	Action Pending	Date Received	Notes
OPD-2015-AP03	Complaint Investigator II (Uribe)	OPD	6.05 Appeal of Probationary Removal/Demotion	Oct 26, 2015	Hearing set for 3/6/2017 before outside hearing officer, John Kagel
EWD-2015-AP01	Urban Economic Analyst III (Ralston)	EWD/ONI	10.03 Appeal of Discipline	Aug 20, 2015	Union advised that Ralston will proceed with his appeal and will be represented by separate counsel; No update.
OFD-2016-AP01	Firefighter (Keefer)	Fire	6.05 Appeal of Probationary Removal/Demotion	Jan. 25, 2016	Referred to outside hearing officer. In settlement discussion.
OFD-2016-AP02	Firefighter (Hung)	Fire	6.05 Appeal of Probationary Removal/Demotion	Jan. 21, 2016	Referred to outside hearing officer. In settlement discussion.

CITY OF OAKLAND

STAFF REPORT

DATE: November 17, 2016

TO: THE HONORABLE CIVIL SERVICE BOARD

FROM: Kip Walsh, HR Manager, Staff to the Board

THROUGH: Ian Appleyard, HR Director, 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 October 20, 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 October 28, 2016 there are a total of eighty one (81) employees in the TCSE (26), Annuitant (38), and ELDE (17) categories. Eight (8) assignments were closed, and six (6) new assignments were added. Of the total, six (6) are reported as non-compliant with Rule 5.06.

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

BACKGROUND

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

STATUS OF NONCOMPLIANT ASSIGNMENTS

Of the total eighty one (81) temporary assignments, we are reporting six (6) in this period as out of compliance with Rule 5.06.

- The four (4) non-compliant assignments (Animal Services and the Fire Department) are for TCSE assignments where Human Resources Management (HRM) staff are working with the departments to resolve outstanding classification and compensation questions.
- The ELDE in Human Services showing as out of compliance is for an assignment that is in the process of separation.
- The ELDE in OPD showing as out of compliance is active as of this writing.

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 October 28, 2016
B. TCSE/ELDE Compliance Trend Chart: As of October 28, 2016

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

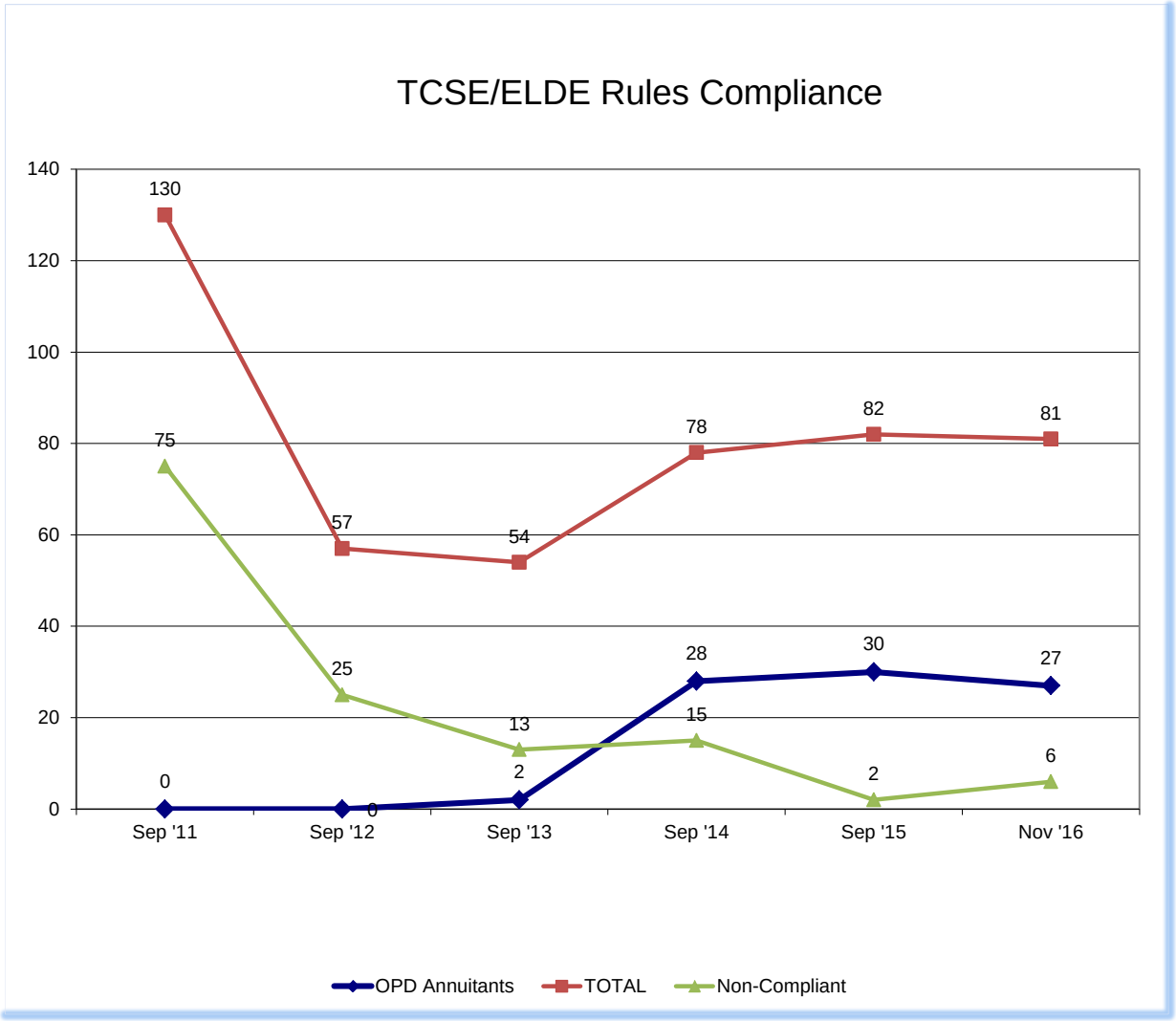
DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	NOTES	STATUS
CLOSED THIS PERIOD (8)							
CITY ADMINISTRATOR	Berens	Matthew	02611 - Contract Compliance Unit	8-Jun-15	ELDE	Provisional Appointment: 08/29/16	CLOSED
CITY ADMINISTRATOR	Dotson	Troy	02621 - Employment Services Unit	17-Aug-15	ELDE	Provisional Appointment: 08/17/16	CLOSED
CITY ADMINISTRATOR	San Miguel	Ronald	02611 - Contract Compliance Unit	1-Jun-15	ELDE	Provisional Appointment: 08/29/16	CLOSED
CITY ADMINISTRATOR	Sylvester	Barbara	02311 - Equal Opportunity Programs	25-Jan-16	TCSE	Appointed to City Service: 10/10/16	CLOSED
ECON & WORKFORCE	Schaffler	Kristy	85311 - Workforce Development	28-Mar-16	ELDE	Separation Date: 10/01/16	CLOSED
ECON & WORKFORCE	Zaremba	Kristen	85521 - Cultural Arts/PA	14-Sep-15	ELDE	Appointed to City Service: 09/12/16	CLOSED
HUMAN RESOURCES	Rogosin	Peter	05211 - Employment and Classification Unit	4-Apr-16	ELDE	Separation Date: 11/04/16	CLOSED
PLANNING & BUILDING	Silva Rodriguez	Adoracion	84412 - Admin: Building Inspection	27-Apr-15	TCSE	Appointed to City Service: 08/29/16	CLOSED
NEW THIS PERIOD (6)							
CITY ADMINISTRATOR	Brown	Kathleen	02491 - Oakland Animal Services	11-Oct-16	TCSE	Temporary supervisory and training operational support	NEW
CITY ATTORNEY	Ericsson	Kristin	04111 - City Attorney Administration Unit	26-Sep-16	Annuitant	Temporary operational support	NEW
CITY COUNCIL	Joyce	Lopes	00011 - Council Administration Unit	4-Oct-16	Annuitant	Temporary operational support	NEW
HOUSING	Caroline	Laron	89969 - Residential Rent Arbitration	15-Aug-16	Annuitant	Temporary Assignment supporting the Residential Rent Arbitration Program	NEW
HUMAN RESOURCES	Kovacs	Jill	05211 - Employment and Classification Unit	17-Oct-16	Annuitant	Temporary principal analyst support to address recruitment backlog.	NEW
POLICE	Wolfcale	William	101110 - Office of Chief - Administration	10-Oct-16	TCSE	Temporary operational support	NEW
COMPLIANT (69)							
CITY ADMINISTRATOR	Gonzales	Susan	02331 - Employee Relations	14-Sep-16	TCSE	Temporary operational support	COMPLIANT
CITY ADMINISTRATOR	Hollenbeck	Joy	02491 - Oakland Animal Services	14-Sep-15	TCSE	Part time veterinarian; pending compensation review.	COMPLIANT
CITY ADMINISTRATOR	Roy	Ayushi	02111 - City Manager Administration Unit	27-Jun-16	ELDE	City Communications support, project liasion and scheduling of tasks.	COMPLIANT
CITY ADMINISTRATOR	Steinzig	Raphaelle	02111 - City Manager Administration Unit	27-Jun-16	TCSE	and processes to make them easier to understand supporting City Communications.	COMPLIANT
CITY AUDITOR	Carnes	Mark	07111 - City Auditor Unit	7-Dec-15	TCSE	Temporary support of high volume work.	COMPLIANT
CITY AUDITOR	Hallock	Jenifer	07111 - City Auditor Unit	25-Apr-16	TCSE	Temporary operational support	COMPLIANT
CITY AUDITOR	Pringle	Kimberly	07111 - City Auditor Unit	16-Feb-16	TCSE	Temporary support of high volume work.	COMPLIANT
CITY CLERK	Abney	Michelle	03121 - City Clerk Unit	1-Aug-16	Annuitant	Temporary operational support of Election Services	COMPLIANT
CITY COUNCIL	Davenport Jr.	Kevin Mayo	00911 - Council At Large Unit	6-Sep-16	TCSE	Temporary operational support	COMPLIANT
ECON & WORKFORCE	Lang	Janice	85221 - Project Implementation:Staffing	30-Aug-15	TCSE	Temporary assigment to cover incumbent who is on FMLA	COMPLIANT
ECON & WORKFORCE	Muse	Angela	85311 - Workforce Development	5-Jul-16	TCSE	Providing data analysis to the Economic and Workforce Development Department.	COMPLIANT
ECON & WORKFORCE	Rodriguez	Sophia	85221 - Project Implementation: Staffing	28-Mar-16	TCSE	Project intern/support - temporary	COMPLIANT
ECON & WORKFORCE	Saxe	Joseph	85521 - Public Art	2-May-16	TCSE	Temporary assignment supporting Public Art	COMPLIANT
FINANCE	Collins	Maya	08222 - General Ledger	21-Dec-15	ELDE	Supporting Oracle upgrade project.	COMPLIANT
FIRE	Kaplan	Joshua	20711 - Emergency Services Program Unit	12-Mar-16	TCSE	CORE PT instructor; PT class in development	COMPLIANT
FIRE	Rodgers	Camille	20371 - Vegetation Management Unit	23-May-16	Annuitant	Management Supervisor conducts field inspections and follow ups with property	COMPLIANT
HOUSING	Piper	Susan	89919 - Admin: Housing & Community Development	16-Mar-15	Annuitant	Temporary Assignment supporting the City's Mandatory Seismic Retrofit Program	COMPLIANT
HUMAN SERVICES	Decuir	Roslynn	78241 - Year Round Lunch Program Unit	23-May-16	TCSE	Acting as Food Program Coordinator as required By California Department of Education and USDA in compliance for the Summer Food Service Program.	COMPLIANT
HUMAN SERVICES	Gilmore	Andrea	75621 - Oakland Paratransit for the Elderly and Disabled Un	18-Jul-16	ELDE	Temporary operational support during Cityspan/OPED transition	COMPLIANT
HUMAN SERVICES	Murillo	Alberto	78311 - Policy & Planning	18-Apr-16	TCSE	Administrative and Summer Parks Program temporary support	COMPLIANT
HUMAN SERVICES	Pragasa	Romulo	78241 - Year Round Lunch Program Unit	30-Jun-15	Annuitant	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	Shah	Mona	78311 - Policy & Planning	15-Aug-16	ELDE	Temporary project and planning support	COMPLIANT
HUMAN SERVICES	Walcott	Diana	75631 - Senior Center Unit	15-Aug-16	ELDE	Assist with Head Start/CA State Preschool Program compliance	COMPLIANT
INFORMATION TECHNOLOGY	Macias	Dalia	46461 - Project Coordination	9-May-16	ELDE	Temporary operational support for Radio Shop	COMPLIANT
INFORMATION TECHNOLOGY	Moulton, Sr.	Kofi	46461 - Project Coordination	25-Jan-16	ELDE	Temporary operational support for Oracle Project	COMPLIANT
INFORMATION TECHNOLOGY	Salisbury	Janet	46411 - Administration	29-Feb-16	ELDE	Temporary role as Project Manager II until list can be generated.	COMPLIANT
INFORMATION TECHNOLOGY	Treglown	Donna	46321 - Systems & Database Administration	10-Feb-16	Annuitant	Temporary operational support	COMPLIANT
MAYOR	Hegler	Terrell	01111 - Mayor - Administration Unit	15-Apr-16	ELDE	Administrative support serving as Assistant to the Deputy Chief of Staff	COMPLIANT
MAYOR	Karchmer	Joanne	01111 - Mayor - Administration Unit	22-Aug-16	TCSE	Temporary operational support	COMPLIANT
MAYOR	O'Doherty	Keara	01111 - Mayor - Administration Unit	15-Apr-16	TCSE	Administrative support serving as Special Assistant/Office Manager	COMPLIANT
PARKS & RECREATION	Lewis	Theda	504320 - Malonga Casquelourd Center	25-Apr-16	ELDE	Representative managing Single Room Occupancies at the Malonga Casquelourd	COMPLIANT
PLANNING & BUILDING	Block	LaVonce	84421 - Engineering: Permit Center	16-Mar-15	TCSE	Serving as temporary administrative support	COMPLIANT
PLANNING & BUILDING	Chaney-Williamson	Sylvia	84229 - Zoning	29-Feb-16	Annuitant	Temporary support of planning compliance backlog	COMPLIANT
PLANNING & BUILDING	Mao	Tiffany	84421 - Engineering: Permit Center	6-Jun-16	TCSE	Assisting Engineering Services Unit with records research, filing, reviewing construction plans and specifications.	COMPLIANT
PLANNING & BUILDING	Patricia	McGowan	84111 - Admin: Planning, Building & Neighborhood Preservation	15-Aug-16	ELDE	Assist with implementation of environmental program to preserve Oakland Army Base	COMPLIANT
PLANNING & BUILDING	Silva Rodriguez	Adoracion	84412 - Admin: Building Inspection	27-Apr-15	TCSE	Serving as temporary administrative support	COMPLIANT

As of: October 28, 2016

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

DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	NOTES	STATUS
PLANNING & BUILDING	Smart	Gloria	84421 - Engineering: Permit Center	16-Mar-15	TCSE	Serving as temporary administrative support	COMPLIANT
POLICE	Byer	Judy	106610 - Background & Recruiting	12-Mar-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	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	Gatke	James	102120 - Property and Evidence	11-Apr-16	ELDE	Until recruitment to fill currently vacant position is completed	COMPLIANT
POLICE	Gonzales	Jesse	106610 - Background & Recruiting	23-Apr-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Green	Doretha	103310 - Communications Unit	2-Feb-15	Annuitant	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Grieve	Irma	103310 - Communications Unit	13-Feb-15	Annuitant	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	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	Hill	Barbara	103310 - Communications Unit	2-Feb-15	Annuitant	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Johnson	Steven	106610 - Background & Recruiting	18-Jan-14	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Johnson	Carmen	106610 - Background & Recruiting	18-Jan-14	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Juarez	Edward	106610 - Background & Recruiting	28-Feb-15	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Lau	Peter	106610 - Background & Recruiting	10-Oct-15	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Leaks	Delores	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Lighten	Ronald	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Mestas	Alfred	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Nguyen	Hung	106610 - Background & Recruiting	30-Jan-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Parker	Norma	106610 - Background & Recruiting	17-Mar-14	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Pressnell	Edward	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Quintero	Joseph	106610 - Background & Recruiting	12-Oct-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Richardson	Darryl	106510 - Fiscal Services	6-Sep-16	TCSE	Temporary fiscal operational support	COMPLIANT
POLICE	Smith	Phyliss	103310 - Communications Unit	20-Jul-15	Annuitant	Retired Dispatcher providing coverage pending permanent appointments.	COMPLIANT
POLICE	Taylor	Mayumi	106610 - Background & Recruiting	23-Sep-13	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Thurston	Steven	106610 - Background & Recruiting	30-Jan-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Yelder	Ronald	106610 - Background & Recruiting	30-Jan-16	Annuitant	Per MOU Agreement; Annuitant supporting OPD backgrounding.	COMPLIANT
PUBLIC WORKS	Corso	Debra	30112 - Human Resources	22-Sep-16	Annuitant	Temporary operational support	COMPLIANT
PUBLIC WORKS	Fine	Sarah	30275 - IPPD Plans and Programming	16-Feb-16	ELDE	Temporary operational support	COMPLIANT
PUBLIC WORKS	Hernandez	Carlos	85311 - Workforce Development	18-Jul-16	ELDE	Providing support to East Bay Bike Sharing Project.	COMPLIANT
NON-COMPLIANT (6)							
CITY ADMINISTRATOR	Rozycki	Ari	02491 - Oakland Animal Services	18-Feb-15	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	Revised class spec under further review by HRM Class/Comp	NON-COMPLIANT
FIRE	Kelly	Michael	20815 - U.S.A.R	24-Jan-05	Annuitant	USAR Cache Mgr - highly specialized intermittent assignment.	NON-COMPLIANT
HUMAN SERVICES	Norris	Tabia	78251 - Youth Services	21-Sep-15	ELDE	Pending approval of PT classification.	NON-COMPLIANT
POLICE	Causapin	Nicole	102322 - Targeted Enforcement Task Force	27-Oct-15	ELDE	Until recruitment to fill two currently vacant PET positions is completed	NON-COMPLIANT

As of: October 28, 2016


TCSE/ELDE Rules Compliance
140
120
100
80
60
40
20
0
130
57
54
78
82
81
75
25
13
15
2
6
0
0
2
28
30
27
Sep '11
Sep '12
Sep '13
Sep '14
Sep '15
Nov '16
OPD Annuitants
TOTAL
Non-Compliant

CITY OF OAKLAND

STAFF REPORT

DATE: November 17, 2016

TO: THE HONORABLE CIVIL SERVICE BOARD

FROM: Jaime Pritchett, Principal Human Resource Analyst

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

THROUGH: Ian Appleyard, Director of Human Resources Management

SUBJECT: Supplemental Report - Quarterly Update Regarding Pending Classification Studies Pursuant to Rule 3.04(f) of the Personnel Manual (Civil Service Rules)

The required Quarterly Report for quarter end September 30, 2016, was an agenda item at the Civil Service Board meeting on October 20, 2016. Unfortunately, Attachments A and B were inadvertently omitted from the agenda packet. This is a reproduction of the informational report in its entirety, now including the intended attachments.

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

Attachments:

Civil Service Board Staff Report – Quarterly Report dated October 20, 2016
Attachment A – Classification Studies (Desk Audits) as of September 30, 2016
Attachment B – Classification Specifications under review as of September 30, 2016

CITY OF OAKLAND

STAFF REPORT

DATE: October 20, 2016

TO: THE HONORABLE CIVIL SERVICE BOARD

FROM: Jaime Pritchett, Principal Human Resource Analyst

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

THROUGH: Ian Appleyard, Director of Human Resources Management

SUBJECT: Quarterly Update Regarding Pending Classification Studies Pursuant to Rule 3.04(f) of the Personnel Manual (Civil Service Rules)

The Personnel Manual (Civil Service Rules) section 3.04 (f) "Quarterly Updates" requires that the Personnel Director provide quarterly updates regarding outstanding Classification Studies to the Board and include an explanation of the delay for all studies that have been in progress for more than one year. The Board was last provided with a report in July 2016. This report also provides an update on classification specifications that are currently under review.

Classification Studies

Attachment A is a report of all outstanding classification studies for the quarter ending September 30, 2016. During this reporting period, one (1) study was completed, one (1) study was canceled, and one (1) new study was received. There are now eleven (11) active classification studies involving eleven (11) incumbents.

Classification Specification Review

Attachment B is a report of outstanding requests for classification specification reviews for the quarter ending September 30, 2016, showing a total of sixty-four (64) classifications: during this reporting period there were four (4) classification revisions or creations completed and approved by the Civil Service Board; there is one (1) classification being advanced by HRM to the Board for the October 20, 2016, meeting; an additional eleven (11) are in the queue for discussion with the representative union and advancement to the Board in the near future; there are thirty-four (34) classification specification reviews assigned and under review by analysts; and there are an additional twenty-two (22) for which HRM has received requests that have not yet been assigned.

Status	Qty
Approved by CSB or Closed During Quarter	4
Scheduled to CSB for Approval	1
Under Review for Scheduling of Meet & Confer with Representative Union	11
Assigned to Analyst for Review	34
Pending for Assignment	22
TOTAL	**72**

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

Attachment A – Classification Studies (Desk Audits) as of September 30, 2016
Attachment B – Classification Specifications under review as of September 30, 2016

City of Oakland - Human Resources Management
Classification Studies

	Department	Classification	Date Received	Date Complete	Days Elapsed	Pending 1+ yr?	Status
1	EWD	Urban Economic Analyst II	12/4/2015			No	Final findings to be issued in October 2016.
2	HSD	Health & Human Services Program Planner	1/15/2016	7/6/2016	N/A	No	Canceled; employee resigned.
3	Finance	Parking Meter Collector Supervisor	2/16/2016	9/30/2016	227	No	Completed.
4	HSD	Health & Human Services Program Planner	3/9/2016			No	Final findings to be issued in October 2016.
5	City Attorney	Administrative Analyst I	3/24/2016			No	In progress.
6	EWD	Administrative Analyst II	3/31/2016			No	In progress.
7	PBD	Public Service Representative	3/31/2016			No	Drafting preliminary findings.
8	PBD	Public Service Representative	3/31/2016			No	Drafting preliminary findings.
9	PBD	Administrative Analyst II	4/1/2016			No	In progress.
10	ITD	Administrative Analyst II	4/4/2016			No	In progress.
11	PBD	Public Service Representative	4/25/2016			No	Drafting preliminary findings.
12	Finance	Payroll Personnel Clerk II	6/15/2016			No	Pending assignment
13	OPW	Program Analyst I	7/28/2016			No	New assignment.

City of Oakland - Human Resources Management
Status of Classification Specification Reviews

CLASS	DEPT	TITLE	REP	TYPE	NOTES
		CLOSED THIS QUARTER (4)			
AP382	OPW	ADA Projects Coordinator	TW1	SPEC REVISION	Approved at 8/18/16 CSB Meeting
SC113	HSD	Case Manager, Supervising	UH1	SPEC REVISION	Approved at 9/15/16 CSB Meeting
AP391	AUDITOR	Performance Auditor	TW1	SPEC REVISION	Approved at 7/21/16 CSB Meeting
MA160	OPD	Police Communications Manager	UM1	NEW SPEC	Approved at 8/18/16 CSB Meeting
		SCHEDULED (1)			
ET134	OPW	Traffic Engineering Technician, Senior	SD1	SPEC REVISION	Scheduled for 10/20/16 CSB Meeting
		PENDING MEET & CONFER (11)			
TR203	OPD	Animal Care Attendant	SC1	SPEC REVISION	Coordinating meeting dates with Local 1021
TC143	OFD	Fire Equipment Technician	SB1	SPEC REVISION	Coordinating meeting dates with Local 1021
TBD	OFD	Fireboat Attendant, PT	TBD	NEW SPEC	Coordinating meeting dates with Local 1021
TR164	OPD	Parking Control Technician	SC1	SPEC REVISION	Coordinating meeting dates with Local 1021
TR168	OPW	Parking Meter Repair Worker	SB1	SPEC REVISION	Held one meeting with Local 1021; collecting additional information; will schedule a follow-up meeting when research has concluded.
PS162	OPD	Police Communications Dispatcher	SC1	SPEC REVISION	Meetings are in progress with Local 1021
PS163	OPD	Police Communications Operator	SC1	SPEC REVISION	Meetings are in progress with Local 1021
TR175	OPW	Sewer Maintenance Leader	SC1	SPEC REVISION	Coordinating meeting dates with Local 1021
TR176	OPW	Sewer Maintenance Worker	SC1	SPEC REVISION	Coordinating meeting dates with Local 1021
ET133	OPW	Surveying Technician, Senior (Field)	SC1	SPEC REVISION	Meeting with Local 1021 on 10/12/16
TBD	OFD	US&R Logistics Specialist	TBD	NEW SPEC	Coordinating meeting dates with Local 1021
		IN PROGRESS (34)			
NEW	OPW	Capital Improvement Projects Coordinator, Assistant	TBD	NEW SPEC	Reviewing draft spec with applicable departments
PS107	OPD	Captain of Police	UN2	NEW SPEC	Collecting job analysis information for draft class spec
EM122	OPD	Chief of Police	UN1	NEW SPEC	Drafting new class spec
EM237	OPD	Chief of Police, Assistant	UN1	NEW SPEC	Preparing proposed spec revisions for department review
MA109	CAO	City Administrator Analyst	U31	NEW SPEC	Preparing proposed class spec for department review
TBD	OFD	CORE Instructor, PT	TBD	NEW SPEC	Drafting new class spec
EM135	OPD	Deputy Chief of Police	UN2	NEW SPEC	Drafting new class spec
AP252	CITYWIDE	Development Specialist III	TW1	SPEC REVISION	Preparing proposed spec revisions for department review

City of Oakland - Human Resources Management
Status of Classification Specification Reviews

CLASS	DEPT	TITLE	REP	TYPE	NOTES
EM103	FINANCE	Director of Finance	UK1	NEW SPEC	Drafting new class spec
EM264	DOT	Director of Transportation	UK1	NEW SPEC	Drafting new class spec
PP121	OPW	Environmental Services Intern	TW1	NEW SPEC	Exempt clarification follow-up; review of positions and incumbents is in progress
PS129	OFD	Fire Fighter	FQ1	SPEC REVISION	Finalizing proposed spec revisions with department
PS184	OFD	Fire Fighter Paramedic	FQ1	SPEC REVISION	Finalizing proposed spec revisions with department
SC159	HSD	Head Start Nutrition Coordinator	TW1	SPEC REVISION	Preparing proposed spec revisions for department review
PP128	HSD	Head Start Program Coordinator	TW1	SPEC REVISION	Preparing proposed spec revisions for department review
SS129	HRM	Human Resource Clerk	TA1	SPEC REVISION	Preparing proposed spec revisions for department review
TC117	HRM	Human Resource Technician	TW1	SPEC REVISION	Preparing proposed spec revisions for department review
PS194	OPD	Lieutenant of Police	PP1	NEW SPEC	Collecting job analysis information for draft class spec
SS142	CITYWIDE	Management Intern	TA1	NEW SPEC	Exempt clarification follow-up; review of positions and incumbents is in progress
PS161	OPD	Police Cadet	UG1	NEW SPEC	Draft developed; pending sup review & dept feedback
NEW	OPD	Police Communications Dispatcher, Senior	TBD	NEW SPEC	Finalizing proposed class spec with department
PS164	OPD	Police Communications Supervisor	UH1	SPEC REVISION	Finalizing proposed spec revisions with department
PS168	OPD	Police Officer	PP1	SPEC REVISION	Collecting job analysis information for revisions to class spec
PS170	OPD	Police Property Specialist	SC1	SPEC REVISION	Pending department feedback
EM200	FINANCE	Purchasing Manager	UM1	NEW SPEC	Drafting new class spec
PS179	OPD	Sergeant of Police	PP1	NEW SPEC	Collecting job analysis information for draft class spec
TBD	PBD	Special Activity Enforcement Officer	TBD	NEW SPEC	Reviewing draft spec
IS119	PBD	Specialty Combination Inspector	SD1	SPEC REVISION	Preparing proposed spec revisions for department review

City of Oakland - Human Resources Management
Status of Classification Specification Reviews

CLASS	DEPT	TITLE	REP	TYPE	NOTES
IS120	PBD	Specialty Combination Inspector, Senior	SD1	SPEC REVISION	Preparing proposed spec revisions for department review
AP340	ITD	Telephone Services Specialist	IE1	SPEC REVISION	Awaiting proposed spec revisions from department
TR186	OPW	Traffic Sign Maker	SC1	SPEC REVISION	Preparing proposed spec revisions for department review
NEW	FINANCE	Treasurer, Assistant	UM2	NEW SPEC	Drafting new class spec
TR188	OPW	Tree High Climber	SC1	SPEC REVISION	Received proposed spec revisions from department; under review prior to submission to union
TR189	OPW	Tree Trimmer	SC1	SPEC REVISION	Received proposed spec revisions from department; under review prior to submission to union
		PENDING ASSIGNMENT (22)			
EM118	CITYWIDE	Assistant to the Director	UM1	SPEC REVISION	UM1/UM2 follow up; update draft spec
EM143	PBD	Building Official	TBD	NEW SPEC	Changeover in dept staff; confirm request.
EM127	CLERK	City Clerk, Assistant	UM1	SPEC REVISION	UM1/UM2 follow up; update draft spec
MA113	CAO	Controller	UK2	DRAFT/REVISE	Pending analyst assignment
EM220	PBD	Director of Building & Planning	UK1	NEW SPEC	Pending analyst assignment.
NEW	EWD	Director of Economic & Workforce Development	UK1	NEW SPEC	Draft pending CAO approval
EM154	HCDD	Director of Housing & Community Development	UK1	NEW SPEC	Draft pending CAO approval
SS120	ATTY	Exec Asst to Asst City Attorney	UM1	SPEC REVISION	UM1/UM2 follow up; update draft spec
SS121	CAO	Executive Asst to the Assistant City Administrator	U31	SPEC REVISION	Draft pending CAO approval
SS126	CAO	Executive Asst to the City Administrator	U31	SPEC REVISION	Draft pending CAO approval
PS135	OFD	Firefighter/Fireboat Engineer	FQ1	SPEC REVISION	Review of draft pending
PS137	OFD	Firefighter/Fireboat Operator	FQ1	SPEC REVISION	Under dept review for US Coastguard licensing
TR140	OPW	Gardener Crew Leader	SC1	SPEC REVISION	New assignment
TR141	OPW	Gardener I	SC1	SPEC REVISION	New assignment
TR142	OPW	Gardener II	SC1	SPEC REVISION	New assignment
EM242	CAO	Inspector General	UK1	NEW SPEC	Initially approved by CSB 4/11/13; June 2013 - new revisions under discussion
EM177	CAO	Manager, Contract & Employment Services	UM1	SPEC REVISION	UM1/UM2 follow up; update draft spec
NEW	CAO	Neighborhood Services Program Manager	TBD	NEW SPEC	Pending analyst assignment

City of Oakland - Human Resources Management
Status of Classification Specification Reviews

CLASS	DEPT	TITLE	REP	TYPE	NOTES
SS164	CITYWIDE	Planning Intern/Housing Intern	UG1	SPEC REVISION	Broaden existing class to include Housing or merge with/revise Student Trainee. Cleanup and clarification of intern classifications
AP282	PBD	Planning Investigator	SD1	SPEC REVISION	New assignment
AF034	CAO	Real Estate Collections Officer	SD1	SPEC REVISION	Changeover in dept staff; confirm request
TR178	OPW	Stationary Engineer	SB1	SPEC REVISION	New assignment

PORT OF OAKLAND

MEMO

To: The Honorable City of Oakland Civil Service Board

Through: Ian Appleyard, Director, Human Resources Management and Secretary to the Board

From: Christopher Boucher, Director of Human Resources CB

Date: October 14, 2016

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

The Port of Oakland (the "Port") has completed its meet and confer process with all affected bargaining units with regards to the proposed changes to the Port Personnel Rules and Procedures ("Personnel Rules"). In addition to the changes noted in the Port's memo to the Civil Service Board ("CSB") dated June 6, 2016, and those summarized in the table as shown in Attachment # 1, based on feedback from the bargaining units, the following changes were added to the final revisions:

- Section 10.03 was clarified to state "Secretary to the Civil Service Board" instead of "Secretary to the Board" to clarify that appeals of disciplinary actions shall be submitted to the City's Personnel Director/Secretary to the Civil Service Board, and not the Port's Secretary of the Board.

- Section 10.05(b) was clarified to state "Civil Service Board Secretary" instead of "Board Secretary" to reflect the same.

Accordingly, pursuant to Section 2.08.050 of the Oakland Municipal Code, the Port respectfully requests the CSB to approve the proposed changes to the Personnel Rules as submitted in Attachment # 2 and to do so by simple majority vote, finding that the Port's rules are consistent with the City's civil service rules. Following the CSB's approval, and in accordance with Section 2.08.050, the Board of Port Commissioners will be requested to promulgate the Personnel Rules as amended.

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

Attachments: 1) Summary table of proposed amendments in track changes format
2) Final proposed amended changes to Port Personnel Rules

~~July 75~~October 14, 2016 (Port)

PERSONNEL RULES AND PROCEDURES OF THE PORT OF OAKLAND

(Established by Port Ordinance No._____)

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Port Personnel Rules and Procedures – DRAFT

INTRODUCTION

Pursuant to the City of Oakland Charter ("Charter"), Article VII (Port of Oakland), Section 700~~, et. seq.,~~ authorizes and establishes the Port Department to promote and more definitely insure the comprehensive and adequate development of the Port of Oakland ("Port") through continuity of control, management and operation; Section 701 ~~and~~ vests exclusive control and management of the Port Department with the Board of Port Commissioners ("Board"). For purposes of these personnel rules only, the terms "Port Department" and "Port of Oakland" shall have the same meaning and shall be used interchangeably. As provided in Section 714, and subject to certain exceptions, all permanent places of employment in and under the Board shall be included within the personnel system of the City of Oakland ("City") subject to the provisions of Article IX.

Consistent with Article IX, Section 900 ("Personnel Policy") of the 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, 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 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 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 Port's labor relations policies are governed by the Meyers-Milias-Brown Act (MMBA), Government Code section 3500 et seq. By Ordinance No. 1688 ("An Ordinance Establishing Rules and Regulations for the Administration of Port of Oakland Employer-Employee Relations"; "EERO"), the Port adopted rules and regulations governing Employer-Employee Relations. Under the Port's EERO, and the MMBA, the Port recognizes certain employee organizations as the exclusive representative of certain Port employees for purposes of labor relations. For represented employees, the 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 EERO. Whenever any amendments to these Rules fall within the scope of bargaining under the MMBA, EERO or other applicable laws, they shall be subject to meet and confer.

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RULE 1 - DEFINITIONS

Section 1.01 – Glossary of Terms.

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

(a) Absence – an absence occurs when there is an incumbent, and that individual is expected to be off the job for a period of 120 days or less.

(b) Actual Time in Class – paid service in a class plus unpaid leaves of absence of thirty (30) consecutive days or less. Unpaid leaves of absence of greater than thirty (30) consecutive days shall not be counted as actual time in class unless required by law or memorandum of understanding. For the purpose of Section 9.02(b), disciplinary suspensions shall not be counted as actual time in class.

(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 the Port department.

(f) Appointment – the designation of a person by the Appointing Authority to become an employee in a position, and her/his induction into employment in such position.

(g) Board of Port Commissioners – A body composed of seven members appointed by the City Council upon nomination by the Mayor that is vested with the exclusive control and management of the Port Department (Charter, Article VII, 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).

(i) Candidate – a person participating in a selection process.

(j) Certification – the 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.

(k) Charter – the Charter of the City of Oakland.

(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.

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(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.

(n) Classification Plan – an orderly arrangement of titles and descriptions of separate and distinct classes in the competitive civil service.

(o) Clear and Convincing Evidence – proof that is so clear, explicit and unequivocal as to leave no substantial doubt in a reasonable mind.

(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.

(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.

(r) Competitive Civil Service – 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.

(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 Port's Director of Human Resources as the minimum acceptable which candidates must possess in order to competently perform the duties of a position.

(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.

(u) Day – a day shall be a calendar day unless otherwise specified. A working day shall be any day that the Port is regularly open for business.

(v) Demotion – a change of an employee in the Port service from a position of one (1) class to a position of another class for which a lower schedule of pay is prescribed.

(w) Discharge – separation from employment as a disciplinary measure or for failure to maintain requirements of minimum qualifications.

(x) Domestic Partner – a person who has registered for a Certification of Domestic Partnership and who is in a committed relationship with a Port 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.

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

(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.

(aa) Employee – a person legally occupying a position in the Port service in accordance with applicable rules and procedures of the Port and shall include those Port positions referenced in Article VII, Sections 706 and 714 and in Article IX, Section 902(c).

(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 Port'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 is exempt from the City's Personnel System (Charter, Article VII, Section 714) and that is employed and appointed by the Board of Port Commissioners (Charter, Article VII, Section 706(21)); the Executive Director shall be the chief executive and administrative officer of the Port and shall be in charge of the Board's business and properties and shall be responsible for their ~~to~~ efficient~~ly~~ and economical~~ly carry out such~~ use. Specific examples of the Executive Director's duties and responsibilities are set forth in Article IX of the -Board's Bylaws~~functions~~.

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

(ee) Director of Human Resources – a classification exempt from the City's Personnel System (Charter, Article IX, Section 902(c)) that directs the Port of Oakland's Human Resources functions in accordance with the mission, goals, and objectives as articulated by the Executive Director and/or Chief Financial Officer and approved by the Board of Port Commissioners; ensures Port compliance with Federal, State and local ordinances pertaining to employee/labor relations, recruitment and selection, staffing, classification and compensation, benefits administration, organizational development and the full range of human resources activities. The analogous City classification is the City's Personnel Director.

(~~ff~~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.

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Port Personnel Rules and Procedures – DRAFT

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

(hh~~gg~~) Part-time Employee – a person occupying a position in the Port 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 the Port department.

ii. Exempt – employee working in an exempt position on a part-time basis.

(ii~~hh~~) Permanent Employee – an employee who has satisfactorily completed a probation period and whose regular appointment has been approved by the appointing authority.

(jj) Personnel Director – a position appointed by the City Administrator and responsible for the efficient operations of the Personnel Department of the City, per Section 2.01 of the City of Oakland Personnel Manual.

(kk~~ii~~) Position – an individual employment in a particular class.

i. Limited Duration - a position created for a specific purpose or due to an urgent need of limited duration.

ii. Exempt - a position not included in the competitive civil service by reason of the Charter or exemption by the Civil Service Board.

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.

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.

(ll~~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.

(mm~~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.

(nn~~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.

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(oo~~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.

(pp~~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.

(qq~~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.

(rr~~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.

(ss~~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.

(tt~~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.

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

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

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

(xx~~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.

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

(zz~~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.

(aaa~~yy~~)Shall and May – "shall" is mandatory and "may" is permissive.

(bbb~~zz~~) Suspension – the temporary separation of an employee from her/his position with loss of pay and as a disciplinary measure.

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

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

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(eee~~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 Port's Director of Human Resources and the consent of the appointing authorities concerned, provided the positions are in the same or similar class.

(fff~~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.

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

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RULE 2 - ORGANIZATION, RULES AND PROCEDURES

Section 2.01 – Duties of the Port's Executive Director. The Port's Executive Director shall be responsible for the management of Port personnel 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 Port's Executive Director shall have the following duties and, at his/her discretion, may delegate them to the Port's Director of Human Resources:

(a) Direct the efficient operation of Port personnel;

(b) Prepare and maintain the Port Personnel 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 at the Port of Oakland and maintain eligible lists of qualified candidates;

(e) Perform other duties as the Board of Port Commissioners may assign.

Section 2.02 – 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 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, 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 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

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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 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.

Section 2.04 – 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 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.

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 2.06 – Port Department. The Board of Port Commissioners is hereby authorized to establish personnel rules and procedures, subject to approval by the Civil Service Board, consistent with the Charter and Oakland Municipal Code Section 2.08.050 and to provide for the administration of such rules for employees of the Port Department.

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RULE 3 - CLASSIFICATION OF POSITIONS

Section 3.01 – Competitive Civil Service. All positions in the Port shall be in the competitive civil service except those positions designated in 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 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 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 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 Port 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

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plan; and the position shall be related to other positions of its kind in the Port service.

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

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

Section 3.04 - Administration and Maintenance of the Classification Plan.

(a) Responsibilities of the -Personnel Director and the Civil Service Board: The Civil Service Board shall oversee and the Personnel Director -shall administer and maintain the classification plan.

(b) Creation of New Classifications: New classifications in the competitive Civil Service shall be subject to meet and confer to the extent required by law and shall become effective upon approval by the Civil Service Board as is consistent with City Charter Section 706(21) and Oakland Municipal Code Section 2.08.050 and ratification by the Board of Port Commissioners. In recommending the establishment of a new classification, the 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 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 regularly scheduled meeting of the Board of Port Commissioners.

In the event that the Port and affected union do not come to agreement on the proposed amendments, the amendments shall be calendared for approval at the next regularly scheduled meeting of the Civil Service Board. The union and the Executive Director or his/her designee shall have the opportunity to be heard by

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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 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 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 Executive Director or his/her designee a request for a classification study. The Executive Director or his/her designee shall review such 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 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 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 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 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 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

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inception of the classification study. 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, the 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 the Port's Human Resources Department.

When a class study involving multiple positions is initiated by the 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 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 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 classifications at the Port consistent with the City's Personnel System . If these standards are met, the classification shall be placed in the competitive civil service in the same manner as any new classification.

(b) In the event a position in such a classification has an incumbent, and the incumbent meets the minimum requirements for the classification, has lawfully

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served for at least one year in the position performing the same or similar duties, and has standard or above performance ratings, the Executive Director or his/her designee shall grant the incumbent permanent status in the competitive civil service and shall notify the incumbent of such decision.

(c) Should a position be occupied by an incumbent whose service is less than one year and/or does not possess the minimum qualifications, such employee shall be declared a provisional employee and may continue in that status for a period not to exceed 120 days from date of such declaration. The position shall then be treated as being vacant and open to competitive examination. Upon appointment of a candidate from an eligible list, the classification shall be deemed classified.

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

Section 4.01 – Recruitment. The Port 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 Port employees, depending on the Port's needs. The Port will give reasonable notice to all of its employees concerning the Port'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 Port will make Port application forms available to all prospective applicants. In compliance with Labor 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 Port, 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 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 Port. 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 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) Applicant is not currently employed by the Port:

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

(b) All applicants:

i. The applicant has practiced, or attempted to practice, any deception or fraud in her/his application, or in demonstrating her/his eligibility or in securing her/his appointment.

ii. The applicant has been convicted of an offense which excludes the applicant from eligibility for the position based on applicable law or which in the judgment of the Executive Director or his/her designee renders the applicant unsuitable for the position. The 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 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 Executive Director or his/her designee, in keeping with the provisions of section 4.10 of these Rules.

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

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

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

Section 4.09 – Administration of Examinations. Each examination shall be conducted by the Executive Director or his/her 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 Executive Director or his/her designee. The 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 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 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. The applicants must submit satisfactory written proof of residency as determined by the 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.

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

Section 4.16 – Eligibility for Promotional Examination. At the discretion of the 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 Executive Director or his/her designee may order an examination limited to specific full-time and part time Port employees who meet the minimum qualifications of the class to be examined.

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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 Executive Director or his/her designee has established the eligible list.

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 Executive Director or his/her designee no later than thirty (30) days after the establishment of the eligible list resulting from the examination. The 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 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 Executive Director or his/her designee or the Civil Service Board.

Section 4.20 – The Establishment of Eligible Lists. The 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.

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 Executive Director or his/her designee.

From the reports of the scoring and/or rating of the examination process, the 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 Executive Director or his/her designee may determine the total number of persons who shall constitute the list of eligibles.

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Eligible lists shall become effective upon approval by the 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 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 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 Executive Director or his/her designee may designate alternative lists, to include a transfer or eligible list for comparable classes.

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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 Executive Director or his/her designee within five (5) working days of the date of notification. The 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 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 Port's Executive Director or his/her designee-. The decision of the Executive Director or his/her designee may be appealed to the Civil Service Board.

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RULE 5 - CERTIFICATION AND APPOINTMENT

Section 5.01 – Power of Appointment and Types of Appointments. All appointments to Port positions in the competitive civil service shall be made by the 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 Port service to be filled by appointments: permanent vacancies, temporary vacancies, and absences. Permanent vacancies shall be filled by: appointment from an eligible list, reinstatement, re-employment, transfer or reassignment. Temporary appointments shall be made in accordance with section 5.06 of these Rules.

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

Section 5.02 – Procedure for Certification to Fill Vacancies in the Competitive Civil Service. Whenever a vacancy is to be filled other than by transfer, reassignment (including reassignment to accommodate a disability), demotion or re-employment, the 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 ~~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 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 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- 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 Executive Director or his/her designee- shall certify the highest ranking eligibles willing to accept employment. However, the Executive Director or his/her designee may require additional and special qualifications and experience for the position. The Executive Director or his/her designee must provide a statement of valid reasons for such additional and special qualifications and experience; notice of these special qualifications shall be a term of the job announcement. The Executive Director or his/her designee shall certify the highest ranking eligibles who possess the necessary qualifications for selective certification in accordance with section

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5.02 of these Rules. The 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 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: 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 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 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 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

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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 Executive Director or his/her designee may appoint an employee to the exempt limited duration employee classification to meet the 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 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 Port employees and are not eligible for retirement, health or other fringe benefits.

(f) Grant Funded Limited Duration Appointments: The Executive Director or his/her designee may appoint grant funded limited duration employees to meet the 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. 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 Executive Director or his/her designee may also reassign an employee in a position in the competitive civil service to a position of a similar class under his/her jurisdiction for which the maximum base rate of pay is the same.

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Section 5.08 – Transfer of Employees. The transfer of a classified Port employee from a position under the jurisdiction of 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 to another department within the Port 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 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 Executive Director or his/her designee, with notice to the employee. Vacancies may, with the consent of the 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 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 Executive Director 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 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 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.

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. 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.

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 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. 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 Executive Director or his/her designee shall file with the ~~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 Executive Director or his/her designee shall notify the- 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; 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 Executive Director or his/her designee- provided that:

(a) Upon removal by the 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 at the Port or the City in another position in the competitive civil service, the employee shall be notified in writing by the Port's Department of Human Resources within five (5) working days of removal that he/she may be reinstated to his/herthe 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 his/herthe 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 Executive Director or his/her designee.

(d) If reinstatement is effected by the Executive Director or his/her designee, the employee shall be appointed to a vacant position in his/herthe former classification. If none is immediately available, it shall be the responsibility of the Executive Director or his/her designee- to provide such a vacancy as expeditiously as possible without violating the rules of any applicable Port/Union MOU, or these Port Personnel 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 his/her probationary period shall be limited to the following:

(a) Failure of the Executive Director or his/her designee to comply with section 6.04 of these Rules;

(b) Failure of the 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.

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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 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 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 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 Executive Director or his/her designee, to the appellant or her/his attorney and/or representative, and to the Port Attorney;

2. A copy of the appeal to the Executive Director or his/her designee and the Port Attorney; a copy of the answer of the 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.

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ix. Hearings may be continued beyond the period originally scheduled or recessed until a future date agreeable to the Civil Service Board and the parties for good reason. Provided, however, that if such request is made by the appellant or her/his attorney of record and the Civil Service Board sustains the appeal, the Civil Service Board may rule that the appellant shall receive no pay for the period of time during which such continuance was granted.

x. Based on the evidence presented at the hearing, the Civil Service Board shall render its decision which may be:

a. to sustain the action of the appointing authority concerned;

b. to sustain the appeal and reinstate the appellant in accordance with subsection xi below.

xi. The words "probationary period" as defined in section 6.01 of these rules shall be construed to mean a period of probation consistent with the letter and spirit of these rules; if an appeal is sustained hereunder, the Civil Service Board may determine that there has been an interruption in the probationary period from the date of the cause giving rise to the appeal hereunder, to the date of the decision by the Civil Service Board, and the probationary period of the appellant may be extended by the length of such interruption.

(b) Burden Of Proof: In any appeal under this section, the burden of proof shall be upon the appellant, and the evidence in support of the allegations made in such appeal must be clear and convincing.

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RULE 7 - PERFORMANCE EVALUATIONS

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

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

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

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

The Port's Director of Human Resources shall provide 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 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 department within the Port, as designated by the Executive Director or his/her designee.

Each rating supervisor, designated by the 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 Port's Director of Human Resources. The Port's Director of Human Resources shall be responsible for distributing employee performance

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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 Port's Director of Human Resources.

The performance evaluations of employees as maintained by the 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 Executive Director and his/her designee. Any employee shall be entitled to be informed by the Port's Director of Human Resources only as to the performance evaluations recorded for herself/himself and those employees who work under her/his supervision.

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RULE 8 - VACATIONS AND LEAVES OF ABSENCE

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

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

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

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

i. Employees who, by Charter, 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 Board of Port Commissioners.

(c) Specific Inclusions

i. Port employees: Persons who are employed on an exempt part-time basis' and who have worked at least 1,730 hours in the preceding calendar year, and not less than 140 hours in any month during the year.

ii. Employees who work on a permanent part-time basis in a classified position and who have worked at least 50 percent or more of each normal work week during the preceding calendar year.

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

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vacation during the following calendar year, in addition to her/his then current vacation.

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

(f) Deferred Vacation. Each employee is entitled to defer up to one years' vacation accrual to the succeeding calendar year.

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(g) Effect of Leaves of Absence Without Pay Upon Vacation. A Port employee who is granted a leave of absence without pay for a period in excess of thirty (30) consecutive days shall not earn vacation credits for the period in excess of thirty (30) consecutive days, except as otherwise required by law or the terms of any applicable Port/Union MOU.

(h) Computation of Vacation Leave Upon Separation or Extended Military Leave.

i. Compensation for Unused Vacation for Separated Port Employee. The Port shall pay a separated Port employee, or her/his estate, for earned vacation leave that he/she has accumulated.

ii. Method of Payment for Unused Vacation. Upon separation from~~of~~ Port 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 separation shall be the amount paid to the employee.

a. For the purpose of computing the number of working days of vacation due an employee upon termination, an employee shall be allowed credit for one full day if he/she has served one-half or more of the total number of calendar days in the month in which he/she separates, plus the credit earned before that month; but no allowance shall be granted for service of less than this amount.

(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

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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.

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, 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.

(b) Rate At Which Employees Shall Earn Sick Leave.

i. Each employee, upon completion of three (3) months of service with the Port, 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 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).

(d) Disposition of Sick Leave Credits of Separated Employees.

Except as hereinafter set forth, if an employee separates or is separated for any reason whatsoever, all accumulated sick leave shall be cancelled; provided, however, that such employee who returns to work with the Port of Oakland within one year of such separation shall be again credited with the amount of accumulated sick leave he/she had at the time he/she separated. An employee who is re-appointed or reinstated in this manner shall earn sick leave at the rate of one

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working day per month, unless her/his previous service with the Port of Oakland amounted to less than three (3) months of service.

If an employee with not less than ten years total Port of Oakland employment, uninterrupted by a single period of absence in excess of one year, 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.

(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 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 a Port employee shall include spouse, registered domestic partner, child, including biological, adoptive, stepchild, foster, legal ward or a child of a person standing in loco parentis, who is either under the age of 18 or an adult dependent child, parent, including biological, adoptive, stepparent, foster, a legal guardian or other person who stood in as loco parentis when the employee was a child, grandparent, grandchild, sibling or parent in law.

(f) Limitations on Sick Leave. Sick leave shall not be granted to a Port employee who is absent from duty due to an injury incurred while regularly working for an employer other than the Port of Oakland.

(g) Effect of Leaves of Absence Without Pay Upon Sick Leave. A Port employee who is granted a leave of absence without pay for a period in excess of thirty (30) consecutive days shall not earn sick leave credits for the period in excess of thirty (30) consecutive days, except as otherwise required by law or the terms of any applicable Port/Union MOU.

(h) Verification of Illness - Abuse of Sick Leave. A department head, or his/her designee, who reasonably suspects an abuse of paid sick leave, may require of any employee under her/his jurisdiction, who has been on sick leave for one or more working days, a doctor's certificate or other authoritative verification for the employee's subsequent use of paid sick leave, certifying that the illness was "bona fide." He/she also may require that the employee be examined by the City-selected occupational physician for the purpose of determining whether he/she is, in fact, fit for duty and able to return to her/his regular duties; the employee

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concerned shall be considered on an appropriate leave status until the City-selected occupational physician releases her/him for duty.

Abuses of the sick leave privilege will result in discipline up to and including discharge from 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 Executive Director or his/her designee, a Port employee is unable to perform her/his work properly due to illness, he/she may direct that the employee be examined by the City-selected occupational physician. If the City-selected occupational physician finds that the Port employee is physically or mentally unfit to properly perform her/his duties, the employee may use his/her accrued sick leave and/or other appropriate leave, as allowed under applicable laws (e.g., FEHA, CFRA, ADA, FMLA, Pregnancy Disability Leave Law), these rules, and the employee's Port/Union MOU, if any.

(k) Return to Duty from Extended Sick Leave. In all instances Port employees returning to duty after extended sick leave (ten days or more), or when due to the nature of the injury or illness, it is in the best interest of the Port service, medical clearance must be obtained from the City-selected occupational physician prior to the Port employee's return to duty. Persons on leave as described in Section (j) above will also be contacted by the City- selected occupational physician for medical clearance given their anticipated return to duty date.

(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.

Section 8.03 – Parental Leave. The Executive Director or his/her designee may grant parental leave, with or without pay, to any employee under her/his jurisdiction as is consistent with the CFRA, the Pregnancy Disability Leave Law, these rules and the 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.

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i. When a 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 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 a 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 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.

<u>Section 8.05 - Family Death Leave</u>. Leaves of absence with pay due to a death of a 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) <u>Eligibility for Family Death Leave</u>. In order to be eligible for family death leave, a Port employee must have worked full-time for the Port of Oakland for a period of time in excess of three (3) months.

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(b) Schedule of Allowances. In the event or a death within her/his immediate family, a 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) Exceptional Cases. In special or unusual cases, the Executive Director or his/her designee, within his/her discretion and after taking into consideration the operational needs of the Port, may grant a family death leave to allow a Port employee to attend funeral or memorial services for someone other than those included within the definition of the immediate family under Section, 8.02 (e) (ii) 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 8.06 - Miscellaneous Leaves of Absence. Miscellaneous leaves of absence other than vacation and sick leave may be granted by the Executive Director or his/her designee within his/her discretion and after taking into consideration the operational needs of the Port, unless otherwise provided. Department heads may grant leaves of absence without pay for periods not in excess of three working days; provided, however, that no Port employee shall be granted a total of more than five working days of such leave without pay in any one calendar year.

(a) Procedure for Granting Leaves of Absence. A Port employee may be granted a leave of absence only if:

i. The employee makes a written request to her/his department head at least five working days prior to the effective date of the request, stating her/his specific reasons for the request.

ii. The 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 Port service or classified positions in the Port service financed in whole or in part by Federal or tax exempt foundations shall be granted for the entire period during which the employee serves in such positions. A leave of absence without pay of thirty (30) consecutive days or less shall not impact seniority.

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, in the opinion of the Executive Director or his/her designee and after taking into consideration the operational needs of the Port, appear to be proper and in the best interest of the Port, 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 Port.

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 Port of Oakland.

iii. To permit the Port employee to take care of urgent or most important personal business which cannot feasibly be accomplished by someone else.

iv. To permit the Port employee who is a victim of domestic violence and/or a victim of sexual assault to take off to seek medical attention, to obtain services from a domestic violence program or psychological counselling, or to participate in safety planning.

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.

(d) Leaves of Absence With Pay. In addition to those leaves of absence with pay that are provided for elsewhere in these rules, a leave of absence with pay may be granted to a Port employee under special circumstances that, 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 Port to grant such leave request. In no case shall leave with pay be granted in excess of three working days in any calendar year.

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Leave of absences with pay may be granted to a 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. A leave of absence with pay for jury duty may be approved by the Executive Director or his/her designee and will not be counted as regular leave with pay. 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 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 Port continuously for a period of not less than six months and her/his services must have been thoroughly satisfactory.

Section 8.07 - 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 the Executive Director or his/her designee, may be terminated.

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 8.08 – Authorization to Approve Leaves. 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 - Military Leave of Absence. A military leave of absence shall be granted to a Port employee in accordance with applicable Federal (USERRA) and State (Military and Veteran's Code) laws and applicable Port/Union MOU, if any.

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

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

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

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

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

If further staff reductions are required after temporary and probationary Port employees in the affected class are separated, then the least senior permanent Port employee shall be laid off.

In conducting a layoff, the Executive Director or his/her designee shall create a seniority list of the Port employees in the affected classes, compiled on a Port-wide basis, in accordance with the method described in subsections (a) and (b) below. If the affected class has been deemed a City/Port common class, the Executive Director or his/her designee shall forward to the Personnel Director a seniority list for such class. If the Port incumbent in the position to be eliminated is more senior than another incumbent in the same class at the Port, then the least senior Port incumbent shall be moved to a position in the same class in another city Department, provided that he/she has more seniority than

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the least senior City incumbent in such other City Departments, and if so, the least senior City incumbent citywide shall be laid off. If not, the least senior Port incumbent shall be laid off.

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

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.

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 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 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 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.

(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 Port and City 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.

(c) Reversion to Former Class: 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 both to personnel with tenure in a class so affected, and to individuals serving probationary periods in such class at the time of layoff.

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.

Section 9.03 – 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 Port-wide basis for Port initiated 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. The -Executive Director 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 Executive Director or his/her designee-, in her/his discretion, may extend the active period of the reinstatement list.

Section 9.04 – 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 9.05 – Resignation. 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 Executive Director or his/her designee may, in her/his discretion, permit a resignation to be rescinded. The Executive Director or his/her designee may, in her/his discretion, require employees separating from Port employment to undergo an exit interview.

Whenever (a) an allegation is made that the resignation is due to undue pressure or threats, or (b) in the opinion of the Director of Human Resources, resignations within the Port are excessive, the Director may- investigate the causes of such resignations and report the same to the Executive Director, the Board of Port Commissioners and the Civil Service Board.

Section 9.06 - Retirement. Any person who is employed in the Port service who shall become eligible to retire, and whom shall be retired or pensioned under the provisions of any present or subsequent retirement laws, shall be deemed, for the purposes of these rules, to have been separated from the Port service in good standing.

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Section 9.07~~08~~ – Medical Separation. 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 Port will determine what accommodations, if any, will be reasonably provided to the Port employee in accordance with Port 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, a 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 federal Americans with Disabilities Act (ADA) and/or the state Fair Employment and Housing Act (FEHA), has determined that it cannot reasonably accommodate the employee and the employee is not eligible for a disability retirement under CalPERS.

Proof of the Port employee's disability is required and is subject to verification by the Port. When the Port requests a medical opinion as verification of the Port employee's disability, the Port 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 instructions given by the Port in the written notice provided to the Port employee. After review of the Port employee's timely response, if any, the Port 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 9.08 – 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 Executive Director or his/her designee and recorded as an automatic resignation. The Executive Director or his/her designee shall notify the Port employee at her/his last known address by regular and certified mail and notify her/his emergency contact on the form prescribed by the 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 9.09 – Termination of Seniority. Class seniority shall be terminated for Port employees who voluntarily separate from the Port and the break in service is two years or more.

RULE 10 - DISCIPLINARY ACTIONS, APPEALS AND HEARINGS

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

The Executive Director or his/her designee may temporarily suspend any Port employee for incompetency, neglect of duty or disobedience of orders and furnish a copy of the report to the subordinate suspended, upon her/his request therefore. The Executive Director or his/her designee shall thereupon, if demanded by the subordinate suspended, hear evidence for and against her/him, and shall thereupon affirm or revoke such suspension according as he/she or it finds the facts to warrant.

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

When a 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 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 Executive Director or his/her designee shall notify the City's Personnel Director, in the manner and form prescribed by

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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 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 Civil Service 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 Civil Service 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 10.04 - 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 (or his/her representative) and the Port 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 Port 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 Port 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 Port 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.

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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 and to the Executive Director or his/her designee and the Port Attorney's 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 but is reviewable by writ of mandamus in accordance with applicable law.

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

(a) Hearing Officer Selection and Authority.

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

Hearings shall be closed to the public. The costs of the Hearing Officer shall be borne by the Port. 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 Civil Service 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

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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 Executive Director or his/her designee and Port Attorney's Office. The Civil Service Board's determination shall be the final administrative decision but is reviewable by writ of mandamus in accordance with applicable law.

Section 10.06 – 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.

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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 discharged from the Port service.

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RULE 12 - INCOMPATIBLE ACTIVITY OF PORT 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 Port. No officer or employee of the Port 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 in which he/she is employed.

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 Port personnel. In making this determination, consideration shall be given to employment, activity or enterprise which: (a) involves the use for private gain or advantage of Port time, facilities, equipment and/or supplies, or the badge, uniform, prestige or influence of one's Port 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 Port officer or employee; or (c) involves the performance of an act in other than her/his capacity as Port 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)

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

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

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RULE 13 – PUBLIC RECORDS

Section 13.01 - Records Open to the Public. Except as provided in these rules, the California Public Records Act, and/or the rules and policies of the Board of Port Commissioners, the records of the Port's Human Resources 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 public records and shall be open to public inspection at the Port's Human Resources Department under reasonable conditions during business hours. However, the Executive Director or his/her designee may withhold employee personnel records and special reports if such records and reports are otherwise exempt from disclosure under applicable state and local laws.

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 Port shall be considered confidential and not subject to disclosure to members of the public.

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

SAVINGS CLAUSE

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

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APPENDIX A - GUIDELINES FOR FILLING VACANCIES

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

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

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a. The position may be left open for the duration of the vacancy; or

b. The duties of the position may be temporarily reallocated among existing positions; or

c. The position may be filled by provisional appointment, not to exceed 120 days. If no eligible list is posted before the 120 day period expires, additional provisional appointment(s) of different individual(s) may be made; or

d. The position may be filled by assignment of a current Port 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 Port 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:

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 assignment of a current Port 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

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

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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 Port 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)

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

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

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

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

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Introduction	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 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 pursuant to Article VII, Section 714 and/or Article IX, Section 902 of the	Pursuant to the City of Oakland Charter ("Charter"), Article VII, Section 700 authorizes and establishes the Port Department to promote and more definitely insure the comprehensive and adequate development of the Port of Oakland ("Port") through continuity of control, management and operation; Section 701 vests exclusive control and management of the Port Department with the Board of Port Commissioners ("Board"). For purposes of these personnel rules only, the terms "Port Department" and "Port of Oakland" shall have the same meaning and shall be used interchangeably. As provided in Section 714, and subject to certain exceptions, all permanent places of employment in and under the Board shall be included within the personnel system of the City subject to the provisions of Article IX. Consistent with Section 900 ("Personnel Policy") of Article IX 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

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	City of Oakland Charter as it may be amended. …	City Administrator shall be responsible for the administration of the City's comprehensive personnel system. … 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 pursuant to Article VII, Section 714 and/or Article IX, Section 902 of the City of Oakland Charter as it may be amended. …
Section 1.01(cc) – Executive Director	Executive Director: a classification that is exempt from the City's Personnel System (Charter, Article VII, Section 714) and that 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.	Executive Director: a classification that is exempt from the City's Personnel System (Charter, Article VII, Section 714) and that is employed and appointed by the Board of Port Commissioners (Charter, Article VII, Section 706(21)); the Executive Director shall be the chief executive and administrative officer of the Port and shall be in charge of the Board's business and properties and shall be responsible for their ~~to~~ efficient~~ly~~ and economical~~ly carry out such~~ use. Specific examples of the Executive Director's duties and responsibilities are set forth in Article IX of the Board's ~~functions~~Bylaws.

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Section 1.01(ee) – Director of Human Resources	*(No previous section exists; this is a new section added)*	Director of Human Resources – a classification exempt from the City's Personnel System (Charter, Article IX, Section 902(c)) that directs the Port of Oakland's Human Resources functions in accordance with the mission, goals, and objectives as articulated by the Executive Director and/or Chief Financial Officer and approved by the Board of Port Commissioners; ensures Port compliance with Federal, State, and local ordinances pertaining to employee/labor relations, recruitment and selection, staffing, classification and compensation, benefits administration, organizational development and the full range of human resources activities. The analogous City classification is the City's Personnel Director.
Section 1.01(jj) – Personnel Director	*(No previous section exists; this is a new section added)*	Personnel Director – a position appointed by the City Administrator and responsible for the efficient operations of the Personnel Department of the City, per section 2.01 of the City of Oakland Personnel Manual.
Section 2.06 – Port Department	The Board of Port Commissioners is hereby authorized to establish personnel rules and procedures consistent with the Charter and Oakland Municipal Code Section 2.08.050 and to provide for the administration of such rules for employees of the Port Department.	The Board of Port Commissioners is hereby authorized to establish personnel rules and procedures, subject to approval by the Civil Service Board, consistent with the Charter and Oakland Municipal Code Section 2.08.050 and to provide for the administration of such rules for employees of the Port Department.
Section 3.05(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 Executive Director or his/her designee must attest to the fact that the employee has performed these duties	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 Executive Director or his/her designee must attest to the fact that the employee has performed these duties for a period of one

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	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, the 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 the Port's Human Resources Department. …	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, the 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 the Port's Human Resources Department. …
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 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 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. …	Whenever a vacancy is to be filled other than by transfer, reassignment (including reassignment to accommodate a disability), demotion or re-employment, the 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 ~~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. …
Section 5.09 – Transfer List	Any permanent classified Port employee may request a transfer to another 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 Executive Director or his/her	Any permanent classified Port employee may request a transfer to another department within the Port 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 Executive Director or his/her designee, have their

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	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 Executive Director or his/her designee, with notice to the employee. Vacancies may, with the consent of the Executive Director or his/her designee, be filled from the transfer list.	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 Executive Director or his/her designee, with notice to the employee. Vacancies may, with the consent of the Executive Director or his/her designee, be filled from the transfer list.
Section 6.04 – Performance Rating During Probationary Period	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 Executive Director or his/her designee shall file with the 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. … …	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 Executive Director or his/her designee shall file with the ~~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. …
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; 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 Executive Director or his/her designee	At any time during the probationary period (entrance appointment to a classified position – one (1) year; 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 Executive Director or his/her designee provided that:

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	provided that: (a) Upon removal by the 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 at the Port or the City in another position in the competitive civil service, the employee shall be notified in writing by the 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 Executive Director or his/her designee. (d) If reinstatement is effected by the 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 Executive Director or	(a) Upon removal by the 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 at the Port or the City in another position in the competitive civil service, the employee shall be notified in writing by the ~~Port's~~ Department of Human Resources within five (5) working days of removal that he/she may be reinstated to ~~the~~ his/her 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~~ his/her 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 Executive Director or his/her designee. (d) If reinstatement is effected by the Executive Director or his/her designee, the employee shall be appointed to a vacant position in ~~the~~ his/her former classification. If none is immediately available, it shall be the responsibility of the Executive Director or his/her designee to provide such a vacancy as expeditiously as possible without violating the rules of any applicable

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	his/her designee to provide such a vacancy as expeditiously as possible without violating the rules of any applicable Port/Union MOU, or these Port Personnel Rules and Procedures concerning layoffs and without the necessity of creating an additional position.	Port/Union MOU, or these Port Personnel Rules and Procedures concerning layoffs and without the necessity of creating an additional position.
Section 8.01(h)(ii) – Method of Payment for Unused Vacation	Upon separation of Port 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 separation shall be the amount paid to the employee. … …	Upon separation ~~of~~ from Port 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 separation shall be the amount paid to the employee. …
Section 8.02(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 ~~Physician~~ physician 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 ~~Physician~~ physician releases her/him for	A department head, or his or her designee, who reasonably suspects an abuse of paid sick leave, may require of any employee under her/his jurisdiction, who has been on sick leave for one or more working days, a doctor's certificate or other authoritative verification for the employee's subsequent use of paid sick leave, certifying that the illness was bona fide. He/she also may require that the employee be examined by the City selected occupational physician for the purpose of determining whether he/she is, in fact, fit for duty and able to return to her/his regular duties; the employee concerned shall be considered on an appropriate leave status until the City selected

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	duty. ~~Obvious a~~Abuses of the sick leave privilege will result in ~~suspension of those privileges for a period of six months. Determination of abuse and the suspension of privileges will be made by the Civil Service Department and the City Physician, and any such suspension shall be by order of the Board. Further disciplinary action by the appointing authority may be taken where deemed appropriate~~discipline up to and including discharge from employment.	occupational physician releases her/him for duty. Abuses of the sick leave privilege will result in discipline up to and including discharge from employment.
Section 8.03 – Parental Leave	~~An appointing power~~The Executive Director of his/her designee may grant ~~a~~ maternity leave, with or without pay to any employee under her/his jurisdiction~~, subject to~~ as is consistent the ~~following regulations:~~ ~~(a) No leave may be granted for a period exceeding one year.~~ ~~(b) 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 and safety, upon recommendation of the City Physician; or for reasons of unsatisfactory work performance due to the Employee's physical condition~~Disability Leave Law, these rules and the employee's Port/Union MOU, if applicable. ~~(c) Before returning to duty following a maternity leave, an employee shall present to the City Physician a statement from her own physician stating that she is physically able to return to work. (C.S. Res. 4347-7-10/11/79)~~	The Executive Director of his/her designee may grant ~~maternity~~ parental leave, with or without pay to any employee under her/his jurisdiction as is consistent the CFRA, the Pregnancy Disability Leave Law, these rules and the employee's Port/Union MOU, if applicable.

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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.~~02~~ 03 of these rules. Port-initiated ~~Layoffs~~ 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. Among Port employees possessing the requisite skills for selective certification the provisions of section 9.~~02~~ 03 shall apply. The criteria applied in determining the particular Port employee(s) to be moved or laid off and the order of layoff shall be those criteria as specified in section 9.02. ~~[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]~~	Whenever there shall be need for a layoff, the staff shall be reduced in accordance with the procedure set forth in section 9.03 of these rules. In the event of a layoff involving a common class, the controlling principle shall require, for the purposes of a Port-initiated layoff, that a Port incumbent first exhaust seniority-based bumping within the Port before the incumbent can use his/her seniority to bump a less senior City employee, Likewise, for a City-initiated layoff in a common class, the City incumbent must first exhaust seniority-based bumping within the City before the incumbent can use his/her seniority to bump a less senior Port employee. Consistent with the controlling principle articulated above, Port-initiated layoffs shall be on a Citywide basis within each common class subject to a reduction in force; provided, however, that an incumbent who was selectively certified to a position in accordance with Section 5.03 may not be displaced by another employee lacking the skills required for the selective certification to the position. Among Port employees possessing the requisite skills for selective certification the provisions of section 9.03 shall apply. The criteria applied in determining the particular Port employee(s) to be moved or laid off and the order of layoff shall be those criteria as specified in section 9.02. Port employees who are laid off shall have their names placed on the appropriate reinstatement list ranked by seniority from highest to lowest. Port employees on the reinstatement list shall be entitled to reappointment to positions in the same classes where such positions are to

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		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.
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 of his/her designee shall create a seniority list of the Port employees in the affected classes, compiled on a ~~City~~Port-wide basis, in accordance with the method described in subsections	Whenever it becomes necessary to reduce Port staff under the provisions of section 9.01 of these rules, no permanent Port employee in the affected class shall be laid off while there are employees without status in the same class. Employees without status in such class shall be separated in the following order: (1) temporary; (2) probationary. Pursuant to City Charter section 9.02(e), "no…contract for service shall result in the loss of employment or salary by any person having permanent status in the competitive service." Any alleged violation(s) of the Charter section shall be adjudicated through the grievance process of the affected Memorandum of Understanding. If further staff reductions are required after temporary and probationary Port employees in the affected class are separated, then the least senior permanent Port employee shall be laid off. In conducting a layoff, the Executive Director of his/her designee shall create a seniority list of the Port employees in the affected classes, compiled on a Port-wide basis, in accordance with the method described in subsections (a) and (b) below. If an affected class is a common class with the City, the Executive Director or his/her designee shall forward to the Personnel Director a seniority list for such class. If the Port incumbent in the position to be eliminated is more

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

Rule Section / Title	Previous Port Proposed Amendments	City Attorney's Proposed Amendments to Previous Port Proposed Amendments
	(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]~~ …	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. …
Section 9.02(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 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.	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 Port and City 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.

CITY OF OAKLAND

MEMORANDUM

DATE: November 17, 2016

TO: The Honorable Civil Service Board

FROM: Jaime Pritchett
Principal Human Resource Analyst

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

THROUGH: Ian Appleyard, Director of Human Resources Management
Secretary to the Board

SUBJECT: Approval of Request for Exemption of the Classifications of Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee from the Provisions of Civil Service

This request to formally exempt the Fire and Police Trainee classifications from the provisions of civil service is related to several discussions that took place before the Civil Service Board last year. Concerns were conveyed by the public during open forum, which evolved into the Board directing staff to prepare various reports in response to questions about the Fire Fighter Trainee hiring process.

The **Fire Fighter Trainee**, **Fire Fighter Paramedic Trainee**, and **Police Officer Trainee** classifications have historically been treated as exempt under Section 9.02(d) of the Oakland Charter. The length of the training academies was consistent with the provision for part-time employees who are regularly employed for less than one-half the established working hours in a year. However, the Police academy now exceeds this duration and there is potential for the Fire academy to do the same. As a result, Human Resources Management is seeking formal exemption under Section 9.02(f) of the Oakland Charter to preserve the "at-will" status of the trainee classifications and ensure the greatest accountability for trainees in public safety academies.

Staff met with representatives from the Oakland Police Officers' Association (OPOA) and International Association of Fire Fighters (IAFF, Local 55) to discuss the exempt status of the applicable trainee classifications. Neither union raised any concerns about the City's proposal to formally exempt the trainee classifications.

The exemption resolution was discussed at the Finance & Management Committee meeting on September 27, 2016, and advanced to City Council for approval on October 4, 2016. City Council endorsed the resolution recommending exemption from civil service pursuant to Charter Section 9.02(f).

Staff recommends that the Civil Service Board approve the request to exempt the Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee classifications from the provisions of civil service, in accordance with the most appropriate charter provision.

Attachments: City Council Staff Report
City Council Resolution 86401 C.M.S. recommending exemption from Civil Service

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OFFICE OF THE CITY CLERK
OAKLAND
2016 SEP 15 PM 1:56

CITY OF OAKLAND

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Kip Walsh
Acting HRM Director

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

DATE: September 2, 2016

City Administrator Approval Date: 9/14/16

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

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

BACKGROUND / LEGISLATIVE HISTORY

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

ANALYSIS AND POLICY ALTERNATIVES

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

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Finance & Management Committee
September 27, 2016

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

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

FISCAL IMPACT

There is no fiscal impact related to this action.

PUBLIC OUTREACH / INTEREST

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

COORDINATION

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

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

SUSTAINABLE OPPORTUNITIES

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

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

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

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ACTION REQUESTED OF THE CITY COUNCIL

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

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

Respectfully submitted,

KIP WALSH
Acting Director, Human Resources Management

Prepared by: Jaime Pritchett
Principal Human Resource Analyst

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September 27, 2016

Approved as to Form and Legality
CIVIL SERVICE BOARD NOVEMBER 17 2016
City Attorney

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OAKLAND

OAKLAND CITY COUNCIL

2016 SEP 15 PM 1:56

RESOLUTION No._____C.M.S.

Introduced by Councilmember _____

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

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

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

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

RESOLVED, the City Council of the City of Oakland hereby recommends to the Civil Service Board that the classifications of Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee be exempted from the requirements of civil service; and be it

FURTHER RESOLVED, that the Civil Service Board is hereby requested to approve such exemption

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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

Approved as to Form and Legality
CIVIL SERVICE BOARD NOVEMBER 17 2016
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2016 SEP 15 PM 1:56

RESOLUTION No. 86401 C.M.S.

Introduced by Councilmember _____

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

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

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

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

RESOLVED, the City Council of the City of Oakland hereby recommends to the Civil Service Board that the classifications of Fire Fighter Trainee, Fire Fighter Paramedic Trainee, and Police Officer Trainee be exempted from the requirements of civil service; and be it

FURTHER RESOLVED, that the Civil Service Board is hereby requested to approve such exemption

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 04 2016

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND [redacted] -7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Gibson McElhaney - 1

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