

INTRODUCED BY COUNCILMAN _____


 Deputy CITY ATTORNEY
ORDINANCE No. 8979 C.M.S.

WCS/dr

AN ORDINANCE ADOPTED PURSUANT TO ARTICLE
VIII OF THE CHARTER TO PROVIDE A MODERN
SYSTEM OF PERSONNEL ADMINISTRATION.

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

SECTION I. Adoption of a Personnel System. In order to achieve the values of a modern system of personnel administration, enumerated in Section 800 of the Charter, and to provide for a personnel system based on merit as required by Section 804 of the Charter, including the constitution of a Civil Service Board in accordance with Section 501 of the Charter, the following personnel system is hereby adopted.

SECTION II. Administration. The City Manager shall be responsible for the administration of the personnel system, in accordance with Section 404 of the Charter and subject to the provisions of this ordinance. The City Manager shall appoint a Personnel Director who shall, subject to the direction of the City Manager:

(1) Be responsible for the efficient operation of the Personnel Department of the City.

(2) Prepare and maintain the Personnel Manual.

(3) Prepare and maintain the uniform position classification plan, including detailed position descriptions.

(4) Administer competitive examinations for positions in the classified civil service and maintain eligible lists of qualified candidates.

(5) Perform such other duties as the City Manager may assign.

SECTION III. Civil Service Board. It shall be the function and duty of the Civil Service Board to enforce, through general supervision of the personnel system, the provisions of this ordinance and of Article VIII of the Charter; to study, investigate and research into such areas and matters as the City Manager, or the Council through the City Manager, or the Board of Port Commissioners, may request, or as it may deem advisable; to make reports and recommendations in writing thereon and to formulate policy recommendations or recommended changes to the Personnel Manual for the better realization of the objectives of this personnel system, as set forth in Section 800 of the Charter; to approve the exception of positions under Section 802f of the Charter; to perform the appellate duties and functions hereafter described; to review and approve changes to the Personnel Manual, excepting those which are administrative in nature, proposed by the City Manager, provided that changes in which the Board does not concur may be made with the approval of Council; and to perform such other duties and functions as the City Manager may from time to time request. The following special provisions shall apply to the Civil Service Board.

1. Composition. The Board shall consist of seven members who will be appointed pursuant to Section 501 of the Charter, and who shall serve without compensation. Two members shall be appointed for a term of one year, two for two years, and three for four years, said terms to commence upon the date of appointment. Thereafter, each appointment shall be for a term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only.

2. Vacancy. A vacancy in the Board will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within ten days of appointment. A member may be removed pursuant to Section 501 of the Charter. Conviction of a felony, misconduct, incompetency, inattention to or inability to perform his duties, and unexcused absence from meetings pursuant to procedures adopted in accordance with subsection 4 below shall constitute cause for removal.

3. Officers, Meetings. Each year at its first regular meeting in July, the Board shall elect a chairman and vice-chairman from amongst its members. The Board shall meet at least once each month in the City Hall, at an established time suitable for its purpose. Such meetings shall be designated regular meetings. Meetings called by the Mayor or City Manager, and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of special meetings shall be given to the Board members, the Council, the City Manager, the Board of Port Commissioners, and the Public press at least twenty-four hours before the meeting is scheduled to convene.

4. Procedures. The Board shall, in consultation with the City Manager and with the approval of the Council, establish procedures for the conduct of its meetings. The affirmative vote of four members shall be required for the adoption of any motion. The Board shall make its reports, findings and recommendations in writing unless otherwise requested. All reports, findings and recommendations shall be made to the City Manager who shall forward those matters within the province of the Council, or the Board of Port Commissioners, as the jurisdiction may be.

5. Staffing. The City Manager shall provide the Board with assistance from City employees under his jurisdiction. The provisions of Section 221 of the Charter shall apply to members of the Board.

6. Appeals. An employee having permanent status in the competitive civil service shall have the right to appeal a suspension, fine, demotion, or discharge for incompetency, misconduct, or failure to properly perform his duties or to observe department rules and standards; provided that such appeal shall not involve considerations of the merits or necessity of any departmental practice, procedure, rules, regulations, orders, standards or level of service. Any such appeal shall be governed by the following procedures; provided that alternative procedures are not set forth in a memorandum of understanding approved by the City Council.

a. As soon as practicable but within a maximum of 72 hours after making the order of suspension, fine, demotion or discharge, the appointing authority or his designated representative shall serve on the affected employee written notice which shall fairly apprise the employee of the reasons for such action, such notice to be served in accordance with the Personnel Manual.

b. The employee who elects to appeal such disciplinary action shall file his appeal in writing, in the manner prescribed in the Personnel Manual, within ten calendar days of the date of such written notice. 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 thereafter be heard according to the provisions of the Personnel Manual, pursuant to Section IV of this ordinance.

c. Subject to the foregoing provisions, a supervisor may suspend any subordinate then under his direction for a period not to exceed one working day.

d. As used in this ordinance, the term "appointing authority" shall mean the City Manager, or the City Attorney, or the City Auditor, or the Board of Port Commissioners, as the jurisdiction may be.

SECTION IV. Personnel Manual. The Personnel Manual shall provide such administrative policies, procedures, rules, and regulations as may be appropriate to carry out the intent of the Charter and this ordinance for the administration of the civil service system. The Personnel Manual may include, but need not be limited to, the following matters: appeal procedures, classification of positions, salary administration, personnel records, selection, examination, eligible lists, probationary period, disciplinary actions, resignations and lay-offs, work schedules, leaves and vacations, training, and employee safety and health. The City Manager may provide in the Personnel Manual for special recognition, in an appropriate manner, other than by promotion or appointment, of City employees who have demonstrated outstanding merit in the service of the City of an extraordinary nature. The rules of the Civil Service Board in existence at the time of adoption of this ordinance, insofar as they are consistent with this ordinance, shall continue in effect until amended or revised by provision of the Personnel Manual, or by such rules as may be provided by the Board of Port Commissioners in a Personnel Manual for the Port Department.

SECTION V. Port Department. The Board of Port Commissioners is hereby authorized to establish personnel rules and procedures consistent with this ordinance and the Charter and to provide for the administration of such rules for employees of the Port Department. Until the Board of Port Commissioners adopts such personnel rules and procedures, the rules of the Civil Service Board, insofar as they are consistent with this ordinance, shall remain in effect with respect to Port employees.

SECTION VI. Nondiscrimination. No person employed in the service of the City, or seeking admission thereto, shall be employed, promoted, demoted, or dismissed, or discriminated against because of political opinions or affiliations, or because of race, color, ancestry, national origin, religious belief, or sex. It is the intent of this ordinance to facilitate the realization of equal employment opportunities in the City service. Such policies as the Council may adopt to that end shall be applicable to the entire personnel system.

IN COUNCIL, OAKLAND, CALIF., APR 2 1974, 19__

PASSED BY THE FOLLOWING VOTE:

COTO, SUTTER,
AYES - ~~BRISBEN~~ ~~BRISBEN~~, CHIALVO, ENG, MAGGIORA, OGAWA, ROSE, VUKASIN
AND PRESIDENT READING -9

NOES - 0

ABSENT - 0

ATTEST: _____

MAYOR OF THE CITY OF OAKLAND, CALIF.

ATTEST: _____

CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIF.