



## CIVIL SERVICE BOARD MEETING AGENDA

**Date: February 18, 2021**

**Open Session: 5:30 p.m.**

**Location: Via Zoom**

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**BOARD MEMBERS:** Chair, Andrea Gourdine; Vice Chair, Christopher Johnson; Lauren Baranco; Yvonne Hudson-Harmon; Brooke Levin; Carmen Martinez; Beverly A. Williams

**STAFF TO THE BOARD:** Ian Appleyard, HRM Director/Secretary to the Board  
Greg Preece, HR Manager/Staff to the Board  
Sally Nguyen, Counsel to the Board  
Jessica Rutland, Human Resource Technician

Pursuant to the Governor's Executive Order N-29-20, members of the Civil Service Board as well as the Director of Human Resources and the Counsel to the Board will join the meeting via phone/video conference and no teleconference locations are required.

### PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

#### OBSERVE:

- To observe the meeting by video conference, please click on this link:  
<https://us02web.zoom.us/j/83841329233?pwd=ZkxwQnFFdm8wWS9yTkUWmlwZUNldz09>  
at the noticed meeting time. Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193> - Joining-a-Meeting  
**Webinar ID: 838 4132 9233 (Note: Password "CSB218" may be required to connect.)**
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time:  
Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

**Webinar ID: 838 4132 9233 Passcode: 726274**

If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

#### COMMENT:

DUE TO THE SUSPENSION OF THE SUNSHINE ORDINANCE AND COUNCIL'S RULES OF PROCEDURES, ALL PUBLIC COMMENT ON ACTION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE MEETING UNDER ITEM 1. COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN FORUM AT THE END OF THE MEETING.

There are two ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “\*9” to request to speak when Public Comment is being taken on an eligible agenda Item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

If you have any questions, please email Greg Preece, Human Resources Manager at [GPreece@oaklandca.gov](mailto:GPreece@oaklandca.gov). – Human Resources Management Department.

## **OPEN SESSION AGENDA**

### **ROLL CALL**

#### **1) PUBLIC COMMENT:**

**COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT THIS TIME.  
COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING  
OPEN FORUM.**

**2) APPROVAL OF THE FEBRUARY 18, 2021 CIVIL SERVICE BOARD MEETING AGENDA** ACTION

**3) UPDATES, SECRETARY TO THE BOARD** INFORMATION

**4) CONSENT CALENDAR:** ACTION

a) Approval of Provisional Appointments (0)

- There are no provisional appointments this month.

b) Approval of Employee Requests for Leave of Absence (2)

- Human Services Department (1)
- Police Department (1)

## c) Approval of Revised Classification Specifications (2)

- Neighborhood Services Coordinator
- Permit Technician II

**5) OLD BUSINESS:**

- |   |             |
|---|-------------|
| a) Approval of January 21, 2021 Civil Service Board Meeting Minutes   | ACTION      |
| b) Determination of Schedule of Outstanding Board Items   | INFORMATION |
| 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 ELDE's and TCSEs in Accordance with the Memorandum of Understanding Between the City and Local 21 | INFORMATION |
| d) Update on Common Class Study   | INFORMATION |
| e) Deputy Director of Workplace and Employment Standards – Follow up discussion from the November 19, 2020 meeting  | INFORMATION |

**6) NEW BUSINESS:**

- |   |             |
|---|-------------|
| a) City Council Zero Tolerance Policy Legislation | INFORMATION |
| b) Update regarding Measure Q Hiring Efforts      | INFORMATION |

**7) OPEN FORUM****8) ADJOURNMENT**

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, March 18, 2021. All materials related to agenda items must be submitted by Thursday, March 4, 2021. For any materials over 100 pages, please also submit an electronic copy of all materials.

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

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



Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email [civilservice@oaklandca.gov](mailto:civilservice@oaklandca.gov) or call (510) 238-3112 or (510) 238-3254 for TDD/TTY five days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico [civilservice@oaklandca.gov](mailto:civilservice@oaklandca.gov) o llame al (510) 238-3112 o al (510) 238-3254 Para TDD/TTY por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議前五個工作天電郵 [civilservice@oaklandca.gov](mailto:civilservice@oaklandca.gov)

或致電 (510) 238-3112 或 (510) 238-3254 TDD/TTY



# MEMORANDUM

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**DATE:** February 18, 2021

**TO:** The Honorable Civil Service Board

**FROM:** Greg Preece, HRM Manager / Staff to the Board

**THROUGH:** Ian Appleyard, HRM Director / Secretary to the Board

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

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

<b>Employee Name</b>	<b>Classification</b>	<b>Department</b>	<b>Leave Duration</b>	<b>Category</b>
Castillo, Blanca	Early Childhood Instructor	Human Services	November 16, 2020- April 15, 2021	CSR 8.07 (c)
Liu, Samson	Police Officer	Police	February 27, 2021- February 26, 2022	CSR 8.07 (c)

**RECOMMENDATION:**

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

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# Unpaid Leave of Absence

Leave Type:

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

Employee's Name \_\_\_\_\_ Employee's ID \_\_\_\_\_ Today's Date \_\_\_\_\_

Department/Division \_\_\_\_\_ Employee Job Title \_\_\_\_\_

I Request: \_\_\_\_\_  Days  Hours From \_\_\_\_\_ To \_\_\_\_\_  
No. of Days or Hours      Select Days or Hours

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

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

\* Additional Information

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

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

approved via telephone Sept 18, 2020

\_\_\_\_\_  
Employee's Signature      Date

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

  
\_\_\_\_\_  
Department Head Approval      Date

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

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



# Unpaid Leave of Absence

Leave Type:

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

Employee's Name Samson Liu

Employee's ID 21735

Today's Date 1/7/21

Department/Division Police Dept.

Employee Job Title Police Officer

Request: 3385  
No. of Days or Hours

Days  Hours  
Select Days or Hours

From 27 Feb 21  
~~8 May 21~~

To 14 March 22  
~~26 Feb 22~~

Unpaid Leave Taken This Year?  Yes  No If yes, what type of leave \_\_\_\_\_

(Write appropriate code)

Comparison of Different Leave Types					
Leave Type	Maximum Duration	Keep Accrued Seniority?	Seniority?	Keep Health Benefits?	Other
FCL	4 mos*	Yes	No	Depends*	Comb. of paid & unpaid leave
FDN	5 days	Yes	No	Yes	Family death leave (paid) exhausted
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[Signature]  
Employee's Signature      1/7/21  
Date

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

[Signature]  
Department Head Approval      2/2/21  
Date

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

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



CITY OF OAKLAND

## MEMORANDUM

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**DATE:** February 18, 2021

**TO:** The Honorable Civil Service Board

**FROM:** Jaime Pritchett  
Principal Human Resource Analyst

**THROUGH:** Greg Preece, Human Resources Manager, Recruitment & Classification

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

**SUBJECT:** Approval of Revised Classification Specification for Neighborhood Services Coordinator

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Based upon a reorganization of the Neighborhood Services Coordinator staff from the Oakland Police Department (OPD) to the City Administrator's Office (CAO), staff has proposed revision of the **Neighborhood Services Coordinator** classification. It was established in March 2008 and last revised in March 2016.

Minor revisions were proposed to align the placement of staff and operations in the new division. This includes replacing references to OPD with CAO and deleting references to City of Oakland Resolution 79235 CMS.

There are three vacancies and seven filled position. The approved revised classification specification will be used to initiate the next recruitment and selection process.

The International Federation of Professional and Technical Engineers (IFPTE, Local 21) was notified of the proposal to reorganize staff and revise this classification. City and union representatives discussed the potential impacts at various meetings in 2020 and reached final agreement in January 2021. The last meeting was held on January 22, 2021. At that meeting, union representatives agreed to the final changes to the classification and confirmed that there are no remaining objections to the proposed changes.

Additionally, the Port of Oakland does not offer community crime prevention services and resources. Therefore, classifications that correspond with such programs do not exist at the Port.

Staff recommends that the Civil Service Board approve the revised classification specification of **Neighborhood Services Coordinator** as proposed.

**Attachments:** Proposed revised **Neighborhood Services Coordinator** classification specification



# NEIGHBORHOOD SERVICES COORDINATOR

Class Code: SC190 FTE

Civil Service Classified

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## DEFINITION

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

## DISTINGUISHING CHARACTERISTICS

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

Incumbents receive direct supervision from management staff of the Neighborhood Services Division of the City Administrator's Office ~~and may receive general supervision from supervisors and managers at the Oakland Police Department~~.

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

Prepare and analyze complex reports; and maintain records.

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

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

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

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

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

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

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

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

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

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

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

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

## **KNOWLEDGE AND ABILITIES**

Knowledge of:

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

Ability to:

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

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

**MINIMUM QUALIFICATIONS**

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

**Education:**

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

**Experience:**

Two (2) years of progressively responsible work experience in community-based or crime prevention programs or community organizing with a high degree of public contact. Experience identifying and developing leaders and providing training is highly desirable.

**LICENSE OR CERTIFICATE**

Individuals who are appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

**OTHER REQUIREMENTS**

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

Must pass a thorough background investigation, including fingerprinting and criminal record clearance.

<b><u>DEPT. OF HUMAN RESOURCES MANAGEMENT USE ONLY</u></b>			
Established:	03/06/2008	CSB Resolution #:	44513
Exempted:	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Exemption Resolution #:	
Revision Date:	03/17/2016	CSB Resolution #:	
Re-titled Date:	n/a	CSB Resolution #:	
		Salary Ordinance #:	
(Previous title(s): n/a )			



# MEMORANDUM

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**DATE:** February 18, 2021

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

**THROUGH:** Greg Preece, Human Resources Manager, Recruitment & Classification

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

**SUBJECT:** Approval of Revised Classification Specification for Permit Technician II

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Based upon a classification review at the request of the Planning & Building Department (PBD), staff has proposed revision of the **Permit Technician II** classification. It was established in August 1992 and has not been revised since that time.

A variety of revisions are proposed to ensure that the use and description are consistent with operational needs:

- Update language and formatting to be consistent with the current classification specification template.
- Refine the Distinguishing Characteristics section to convey the reporting structure.
- Enhance the Knowledge and Abilities section to reflect all necessary skillsets that are pertinent to this role.
- In the Experience section, the reference to ICBO has been replaced with a reference to the International Code Council (ICC).
- In the License or Certificate section, a valid Permit Technician certification from the ICC is being added; however, it is not required upon application and must be obtained during the probationary period (unless it is used as part of a pathway under the Experience section of the Minimum Qualifications to qualify for the recruitment process).
- Add Flexible Staffing to the classification so that Permit Technician I incumbents could potentially promote to Permit Technician II in compliance with the City's Flexible Staffing Policy.

There are two vacancies at the Permit Technician II level. The approved classification specification revision will be used to initiate the upcoming recruitment and selection process.

The Service Employees International Union (SEIU, Local 1021) was notified of the proposal to revise this classification. City and union representatives discussed the items at monthly meetings in November 2020 and January 2021. The union conveyed that there were initial concerns about the changes to the reporting structure. These concerns were fully vetted by subject matter experts and representatives from the union and the City. Alternative language was proposed to clarify the formal supervisory relationship while maintaining necessary sources of technical guidance and expertise. The last meeting was held on January 25, 2021. At that meeting, union representatives

**CIVIL SERVICE BOARD**

Subject: Permit Technician II – Revised Classification Specification Approval

Date: February 18, 2021

Page 2

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agreed to the final changes to the classification and confirmed that there are no remaining objections to the proposed revisions.

Additionally, this classification was included in the "Common Class" Project. More information regarding the status of this classification will be available at a later date.

Staff recommends that the Civil Service Board approve the revised classification specification of **Permit Technician II** as proposed.

**Attachments:** Proposed revised **Permit Technician II** classification specification



# PERMIT TECHNICIAN II

DRAFT

Class Code: ET131

Civil Service Classified

## DEFINITION

Under general supervision in the Planning and Building Department, To issue permits and reviews permit applications for all phases of construction and complex construction projects, and performs related duties as assigned.

## DISTINGUISHING CHARACTERISTICS

This is a journey-level classification in the Permit Technician series whose incumbents perform the full range of duties in the permit technician series. This position is distinguished from Permit Technician I, in that the incumbents perform more technical and detailed tasks and have greater knowledge of codes.

## ~~SUPERVISION RECEIVED AND EXERCISED~~

The incumbent R receives supervision from Supervising Inspectors classifications including Process Coordinator III or Administrative Analyst II and technical direction from Senior Specialty Combination Inspectors or designated Engineer.

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

Advise public on code requirements, permits, applications, and technical problems.

Process and issue construction permits.

Review plans, elevations, sections, drawings and other documents for proposed construction and remodeling.

Determine building code requirements for existing facilities and proposed work.

Calculate and assess appropriate fees.

Research original construction records for permit applications.

Check accuracy of records; compile and maintain permit records; retrieve and file documents.

Verify contractors' licenses, City business tax certificates, worker's compensation insurance and property ownership.

Update permit records and files.

Enter data into automated system.

~~Perform related duties as assigned.~~

With edits from Local 1021 Meeting on 2021-01-25 – final to CSB

## **QUALIFICATIONS KNOWLEDGE AND ABILITIES**

Knowledge of:

- Municipal zoning regulations.
- Drafting applications and principles.
- Basic electrical engineering principles and practices.
- Construction methods, tests, and inspections.
- Building and construction materials.
- Surveying principles and practices.
- ~~Automated permit management systems.~~
- Filing systems.
- ~~Customer service techniques involving t~~Telephone answering and visitor reception etiquette.
- Basic mathematics.
- Contractor's license law.
- Blueprint reading and interpretation.
- Basic mechanical system construction, materials, procedures, and practices.
- Inspection methods and procedures.
- ~~Building, plumbing, mechanical and electrical codes, and regulations.~~
- Computer systems and software applications including automated permit management systems.

Ability to:

- Review floor plans, elevations, sections, maps, photographs, and pictorial drawings.
- Review complex and varied applications and related materials to determine if they contain necessary information.
- Learn city ordinances and zoning regulations.
- Understand, interpret, and apply the department's policies, procedures, rules, and regulations and all laws and ordinances that govern the various applications for permits, clearances, and requests for services.
- Provide effective and courteous customer service; deal tactfully with a diverse public; resolve issues and provide guidance~~Interact with the public effectively and courteously.~~
- Follow oral and written directions.
- Communicate clearly and concisely in both oral and written form.
- Work quickly, accurately, and effectively.
- Operate standard office equipment.
- Utilize computer systems and software applications including automated permit management systems.
- Establish and maintain effective working relationships with those contacted in the performance of required duties. These duties may occur in a complex and demanding environment with significant public interaction.

## **EXPERIENCE AND EDUCATION MINIMUM QUALIFICATIONS**

With edits from Local 1021 Meeting on 2021-01-25 – final to CSB

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

**Education:**

~~High school diploma or E~~quivalent ~~to the completion of twelfth grade.~~

**Experience:**

~~An A.A. Associate's~~ degree in a construction inspection program or equivalent.

**OR**

~~International Code Council (ICC) I.C.B.O.~~ certification and one (1) year of full-time experience in construction trade or two (2) years of experience comparable to Permit Technician I in the City of Oakland.

**OR**

Completion of a recognized building trades apprenticeship program.

**OR**

Two (2) years of journey level experience in the building trades.

**LICENSE OR CERTIFICATE**

~~None required. Must obtain a valid Permit Technician certification from the International Code Council (ICC) by completion of the probationary period and maintain possession throughout the tenure of employment by renewing the certification on or before the expiration date.~~

**OTHER REQUIREMENTS**

~~None required.~~

**FLEXIBLE STAFFING**

Incumbents in the Permit Technician I classification are eligible to promote to the Permit Technician II classification in accordance with established City policy related to flexible staffing.

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

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

Revision Date:    /    /      CSB Resolution #:

With edits from Local 1021 Meeting on 2021-01-25 – final to CSB

Re-titled Date:     /   /           CSB Resolution #:	Salary Ordinance #:
(Previous title(s):     )	



## CIVIL SERVICE BOARD MEETING MINUTES - DRAFT

**Date: January 21, 2021**

**Open Session: 5:30 p.m.**

**Location: Via Zoom**

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**BOARD MEMBERS:** Chair, Andrea Gourdine (excused); Vice Chair, Christopher Johnson; Lauren Baranco; Yvonne Hudson-Harmon; Brooke Levin (excused); Carmen Martinez; Beverly A. Williams

**STAFF TO THE BOARD:** Ian Appleyard, HRM Director/Secretary to the Board  
Greg Preece, HR Manager/Staff to the Board  
Sally Nguyen, Counsel to the Board  
Jessica Rutland, Human Resource Technician

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- To observe the meeting by video conference, please click on this link:  
<https://us02web.zoom.us/j/82666908183?pwd=YTJ6TU5VSUN4eGZrRlVJMFQxYlNFdz09>  
at the noticed meeting time. Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193> - Joining-a-Meeting  
**Webinar ID: 826 6690 8183 (Note: Password "COOCSB" may be required to connect.)**
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time:  
Dial (for higher quality, dial a number based on your current location):  
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099  
or +1 301 715 8592 or +1 312 626 6799  
**Webinar ID: 826 6690 8183 Passcode: 492701**  
If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

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DUE TO THE SUSPENSION OF THE SUNSHINE ORDINANCE AND COUNCIL'S RULES OF PROCEDURES, ALL PUBLIC COMMENT ON ACTION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE MEETING UNDER ITEM 1. COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN FORUM AT THE END OF THE MEETING.

There are two ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “\*9” to request to speak when Public Comment is being taken on an eligible agenda Item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

If you have any questions, please email Greg Preece, Human Resources Manager at [GPreece@oaklandca.gov](mailto:GPreece@oaklandca.gov). – Human Resources Management Department.

## OPEN SESSION AGENDA

### ROLL CALL

#### 1) PUBLIC COMMENT:

**COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT THIS TIME.  
COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING  
OPEN FORUM.**

#### 2) APPROVAL OF THE JANUARY 21, 2021 CIVIL SERVICE BOARD MEETING AGENDA ACTION

**45028 A motion was made by Board Member Hudson-Harmon and seconded by Board Member Martinez to approve the January 21, 2021 Civil Service Board Meeting Agenda as presented. The motion passed.**

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

#### 3) UPDATES, SECRETARY TO THE BOARD INFORMATION

#### 4) CONSENT CALENDAR: ACTION

a) Approval of Provisional Appointments (1)

- Housing & Community Development (1)
- b) Approval of Employee Requests for Leave of Absence (3)
- City Auditor's Office (1)
  - Oakland Public Library (1)
  - Oakland Fire Department (1)
- c) Approval of Revised Classification Specifications (2)
- Senior Center Director
  - Inspector General

**45029 A motion was made by Board Member Baranco and seconded by Board Member Martinez to approve the January 21, 2021 Civil Service Board Meeting Consent Calendar as presented. The motion passed.**

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

## 5) OLD BUSINESS:

- a) Approval of December 17, 2020 Civil Service Board Meeting Minutes ACTION

**45030 A motion was made by Board Member Baranco and seconded by Board Member Williams to approve the December 17, 2020 Civil Service Board Meeting Minutes. The motion passed.**

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

- b) Determination of Schedule of Outstanding Board Items INFORMATION
- 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 ELDE's and TCSEs in INFORMATION

Accordance with the Memorandum of Understanding Between the City and Local 21

d) Update on Common Class Study INFORMATION

~~e) Deputy Director of Workplace and Employment Standards Follow up discussion from the November 19, 2020 meeting~~ INFORMATION

**\*Item 5e moved to February 18, 2021 Civil Service Board Meeting Agenda**

#### **6) NEW BUSINESS:**

a) City Council Zero Tolerance Policy Legislation INFORMATION

b) Update Regarding Measure Q Hiring Efforts INFORMATION

c) Quarterly Update per Section 3.04(f) of the Personnel Manual of the Civil Service Board (“Civil Service Rules”) Providing Status of all Classification Specifications Revisions Currently Under Review INFORMATION

#### **7) OPEN FORUM**

#### **8) ADJOURNMENT**

**45031 A motion was made by Board Member Hudson-Harmon and seconded by Board Member Williams to adjourn the meeting. The motion passed and the meeting was adjourned at 6:17pm.**

**Votes:** Board Member Ayes: 5 –Johnson, Williams, Baranco, Martinez, Hudson-Harmon

Board Member Noes: None

Board Member Abstentions:

Board Members Absent: Gourdine, Levin

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, February 18, 2021. All materials related to agenda items must be submitted by Thursday, February 4, 2021. For any materials over 100 pages, please also submit an electronic copy of all materials.

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

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



Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email [civilservice@oaklandca.gov](mailto:civilservice@oaklandca.gov) or call (510) 238-3112 or (510) 238-3254 for TDD/TTY five days in advance.

¿Necesita un intérprete en español, cantonés o mandarín, u otra ayuda para participar? Por favor envíe un correo electrónico [civilservice@oaklandca.gov](mailto:civilservice@oaklandca.gov) o llame al (510) 238-3112 o al (510) 238-3254 Para TDD/TTY por lo menos cinco días antes de la reunión. Gracias.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議前五個工作天電郵 [civilservice@oaklandca.gov](mailto:civilservice@oaklandca.gov)

或致電 (510) 238-3112 或 (510) 238-3254 TDD/TTY



**CIVIL SERVICE BOARD  
 APPEALS & HEARINGS CALENDAR  
 PENDING LIST –FEBRUARY 18, 2021**

**1. OPEN**

Case Number	Classification	Dept.	Action Pending	Hearing Date	Notes/Next Steps
OPD-2020-AP01	Police Officer	Oakland Police Department	10.03 – Appeal of Disciplinary Action	TBD	Appellant has requested an outside hearing officer.
OPW-2021-AP01	Maintenance Worker	Public Works	6.06- Limited employee rights during Probation	TBD	
HRM-2021-AP01	Benefits Representative	Human Resources Management	3.06(e)- Appeal to Board regarding Changes in Classification	TBD	

**2. OTHER PENDING ITEMS**

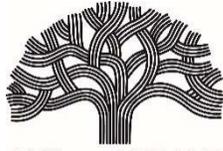
Date Requested	Subject	Report From	Date Due

**3. CLOSED**

Case Number	Classification	Dept.	Action Pending	Date Received	Notes

**4. UNDER REVIEW**

Case Number	Classification	Dept.	Action Pending	Action Date	Notes



CITY OF OAKLAND

# *STAFF REPORT*

**DATE:** February 18, 2021

**TO:** THE HONORABLE CIVIL SERVICE BOARD

**FROM:** Greg Preece, Human Resources Manager & Staff to the Board

**THROUGH:** Ian Appleyard, Human Resources 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

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## **SUMMARY**

Staff has prepared this report to provide the Civil Service Board with an update on compliance with the Civil Service Rules related to temporary employees since the last report at the January 21, 2021 meeting. 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.

A total of forty-five (45) employees were in the TCSE (9), TCSE/Annuitant (24), and ELDE (12) categories as of pay period ending January 22, 2021. Of the those, one (1) assignment is reported as non-compliant with Rule 5.06.

Reports showing all 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 NON-COMPLIANT ASSIGNMENTS**

Of the forty-five (45) temporary assignments, we are reporting one (1) in this period as out of compliance with Rule 5.06.

**HONORABLE CIVIL SERVICE BOARD**

Subject: Temporary Employees

Date: February 18, 2021

Page 2

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**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 Human Resources Manager Greg Preece at (510) 238-7334.

Attachments:

- A. TCSE/ELDE Report: For Payroll Period Ending January 22, 2021.
- B. TCSE/ELDE Compliance Trend Chart.

CIVIL SERVICE BOARD  
FEBRUARY 2021 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS

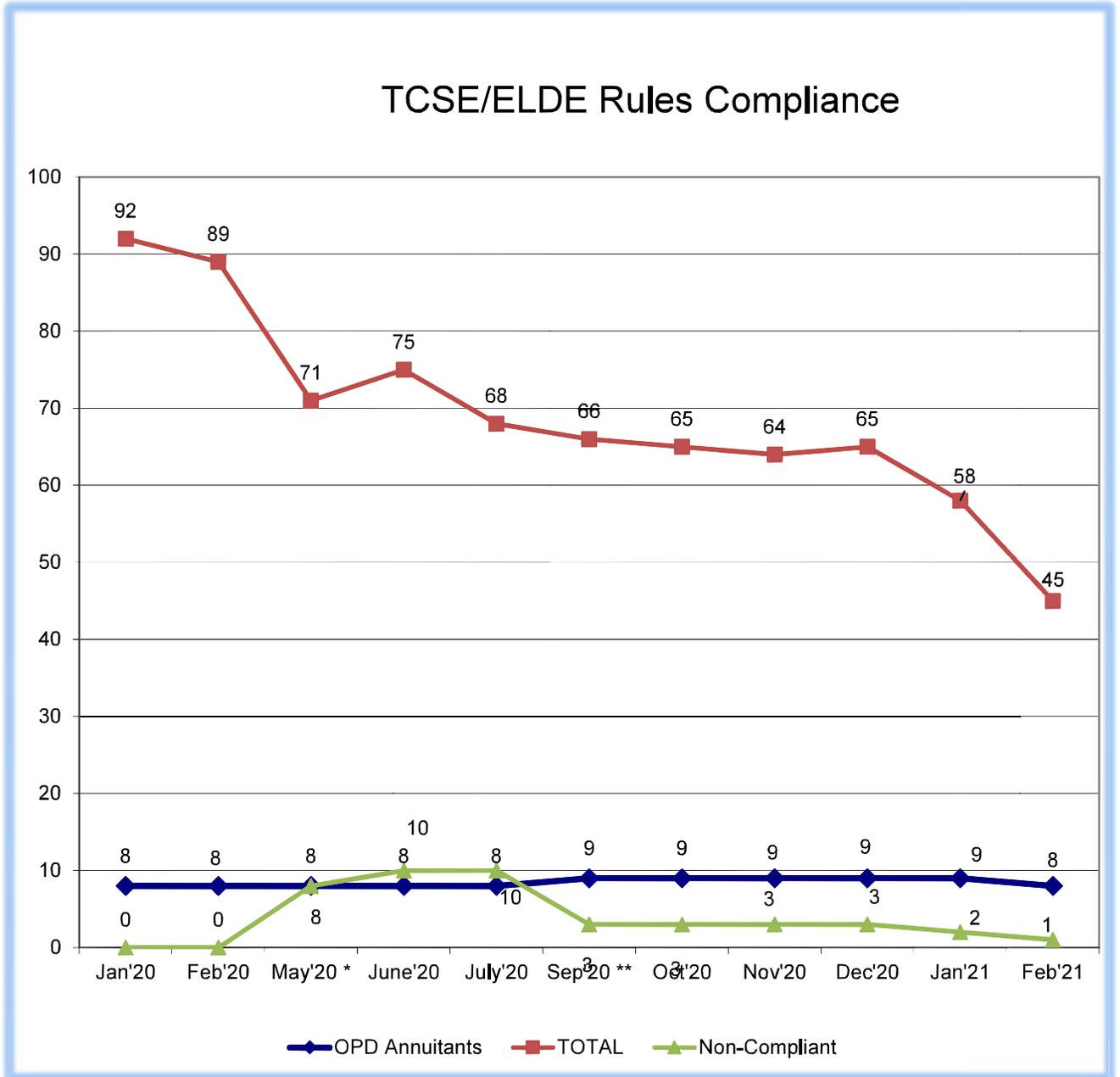
DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
<b>CLOSED THIS PERIOD (14)</b>								
CITY ADMINISTRATOR	Kennedy	Christopher	02112 - Communications and Media	3/25/2019	ELDE		Sole employee managing the back-end of the city's website and maintaining website functionality. This remains a critical role since so many services are now being delivered online while employees are working remotely. Traffic to the website has increased significantly (32%) since the SIP Order in March.	NON-COMPLIANT
CITY ATTORNEY	Hugo	Scott	04111 - City Attorney Administration	12/9/2019	ELDE		Legal Support in City Attorney Admin Unit	COMPLIANT
CPRA	Caro	Frida	662111 - Community Police Review Agency	9/8/2020	TCSE	547.50	Short-term staffing relief for assignments	COMPLIANT
CPRA	Carroll	Diane	66211 - Community Police Review Agency	10/3/2020	TCSE	420	Temporary assistance to cover while employees are on approved leave	COMPLIANT
DEPT. OF TRANSPORTATION	Jacob	Elisa	35121 - DOT Fiscal Services	8/22/2020	TCSE	112.5	Temporary Fiscal Assistance	COMPLIANT
DEPT. OF TRANSPORTATION	Mount	Doug	35247 - Mobility Management	2/5/2020	TCSE	958	Temporary Assistance in the Off-Street Parking Program	COMPLIANT
FIRE	Crowe	Olga	20711 - Emergency Services Program Unit	5/16/2020	ELDE		Critical Assistance in the Fire Emergency Operations Center and Planning Unit	COMPLIANT
HOUSING & COMMUNITY DEV.	Fa-Kaji	Marguerita	89969 - Residential Rent Arbitration	12/14/2019	ELDE		Temporary Assistance as a Hearing Officer in the Rent Control Board	COMPLIANT
HOUSING & COMMUNITY DEV.	Perez-Pacheco	Guadalupe	89939 - Municipal Lending	1/11/2020	ELDE		Assistance in the Housing Resource Center	COMPLIANT
HUMAN SERVICES	Nguyen	Hang Thi Ngol	75231 - Multipurpose Sr. Svc. Program Unit	5/16/2020	TCSE	0	Temporary Assistance in the Senior Services Unit	COMPLIANT
INFORMATION TECHNOLOGY	Huff	VaShone	46321 - Systems & Database Administration	11/16/2020	TCSE	202.50	Support Oak WiFi and Cares Act Funding	COMPLIANT
PLANNING & BUILDING	Chan	Mei	84111 - Admin. Planning & Building	2/8/2020	ELDE		Project Planning Assistance in the PBD Admin Unit	COMPLIANT
POLICE	Hicks	Mark	106610 - Background & Recruiting	9/23/2013	TCSE/ Annuitant	96	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
WORKPLACE & EMP SVCS	Sikes II	Spencer	67111 - Administrative Support	10/3/2020	TCSE	450	Assistance in the implementation of the Workers' Right to Recall Ordinance	COMPLIANT
<b>NEW THIS PERIOD (1)</b>								
FIRE	Santos	Grace	20110 - Fire Chief Unit	1/25/2021	ELDE		Temporary Admin Support to Fire Chief to cover LOA	COMPLIANT
<b>COMPLIANT (43)</b>								
CITY ADMINISTRATOR	Neditch	Nicole	02112 - Communications & Media	3/21/2020	ELDE		Support in Citywide Communications Unit	COMPLIANT
CITY ADMINISTRATOR	Park	Lauren	02491 - Oakland Animal Services	7/25/2020	TCSE	395.00	Additional Veterinarian Assistance	COMPLIANT
CITY AUDITOR	Edmonds	Michael	07111 - City Auditor Unit	1/12/2019	TCSE/ Annuitant	941	Assistant City Auditor; temporary assistance in peer review preparation and training staff	COMPLIANT
CITY ATTORNEY	Ericsson	Kristin	04111 - City Attorney Administration	1/14/2019	TCSE/ Annuitant	0	Temporary Support for Legal Administrative Assistant out on leave	COMPLIANT
CITY ATTORNEY	Rossi	Daniel	04311 - Advisory Unit	9/9/2020	TCSE/ Annuitant	210	Providing advising support for real estate loan projects	COMPLIANT
CITY CLERK	Mekki	Ihsan	03121 - City Clerk Unit	8/10/2020	TCSE	664.50	Temporary Reception Coverage/Assistance	COMPLIANT
CITY COUNCIL	Lopes	Joyce	00011 - Council Administration Unit	10/4/2016	TCSE/ Annuitant	0	Filing in for Council staff out on leave	COMPLIANT
CPRA	Wechter	Jason	66211 - Community Police Review Agency	9/19/2020	TCSE	524.50	Assistance in unit with increase in workload.	COMPLIANT

CIVIL SERVICE BOARD  
FEBRUARY 2021 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS

DEPT	LAST_NAME	FIRST_NAME	FIRST_NAME_ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
DEPT. OF TRANSPORTATION	Calabrese	Christine	35232 - Street Lighting Engineer	2/9/2019	TCSE/ Annuitant	426.00	Temporary assistance to complete AC Transit Bus Rapid Transit project.	COMPLIANT
DEPT. OF TRANSPORTATION	De La Torre	Juan	35224 - Great Streets Maintenance	2/22/2020	ELDE		Project Assistance in Street Maintenance Unit	COMPLIANT
DEPT. OF TRANSPORTATION	Kelley	Fred	35213 - Complete Streets Pavement &	1/10/2021	ELDE		Transition from retiring Assistant Director to new Assistant Director	COMPLIANT
DEPT. OF TRANSPORTATION	Martinez	Victorino	35224 - Great Streets Maintenance	2/22/2020	ELDE		Project Assistance in Street Maintenance Unit	COMPLIANT
DEPT. OF TRANSPORTATION	Neary	Michael	35211 - Department of Transportation	5/21/2018	TCSE/ Annuitant	163.00	Temporary assistance to develop, manage and implement the GoPort Program (transportation improvement)	COMPLIANT
ECONOMIC & WORKFORCE DEVELOPMENT	Lane	Patrick	85221 - Project Implementation: Staffing	11/2/2019	TCSE/ Annuitant	350	Assist with EWD Project Implementation	COMPLIANT
FINANCE	Bhatnagar	Amit	08211 - Accounting Administration Unit	1/8/2018	TCSE	605.00	Temporary project to develop Oracle Business Intelligence Enterprise Edition and Oracle Business Intelligence Applications.	COMPLIANT
FINANCE	Hatcher, Jr.	Lucius	08222 - General Ledger	12/14/2019	TCSE/ Annuitant	52.5	Temporary assistance with special projects and essential functions in Finance Department.	COMPLIANT
FINANCE	Treglown	Donna	08111 - Finance/Controller	6/18/2018	TCSE/ Annuitant	535.50	Temporary assistance to complete Capital projects and end of year fiscal reconciliations.	COMPLIANT
FINANCE	Woodard	Phyllis	08741 - Treasury/Payroll Unit	9/6/2019	TCSE/ Annuitant	802.50	Temporary project to help train new Senior HR Operations Technicians and assist with advanced level projects	COMPLIANT
FIRE	Gloria	Myra Eya	20110 - Fire Chief Unit	8/24/2020	ELDE		Temporary Assistance to cover for employee vacancy	COMPLIANT
FIRE	Hellige	Scott	20813 - Fire Boat	8/12/2019	TCSE/ Annuitant	133.00	Temporary project to train current staff and possible expand the limited use of the Sea Wolf fire vessel to respond to emergency situations	COMPLIANT
HUMAN SERVICES	Decuir	Roslynn	78241 - Year Round Lunch Program Unit	5/23/2016	TCSE	0	PT Food Program Coordinator; intermittent, pending creation of PT class; HRM staff	COMPLIANT
HUMAN SERVICES	Ho	Kathy	78231 - HS Classroom & Seasonal	1/13/2018	TCSE/ Annuitant	0	Temporary Assistance as Head Start Substitute Teacher	COMPLIANT
HUMAN SERVICES	Miller	Tamika	78411 - Community Housing Services	3/7/2020	ELDE		Temporary project planning - Homelessness	COMPLIANT
HUMAN SERVICES	Poston	Dorothy	75631 - Senior Center Unit	2/8/2020	TCSE/ Annuitant	888	Project Assistance in the Senior Services Section	COMPLIANT
HUMAN SERVICES	Shelton	Susan	78411 - Community Housing Services	9/11/2017	TCSE/ Annuitant	0	Temporary project; plan, facilitate and update Oakland Homeless Strategy	COMPLIANT
HUMAN SERVICES	Taylor	Shelley	78235 - HS Central Office Administration	11/28/2020	ELDE		ensuring all staff are in compliance with HS regs	COMPLIANT
HUMAN SERVICES	Williams	Patanisha	78311 - Policy & Planning	4/6/2020	TCSE	0	Temporary Assistance to cover for employee on approved leave.	COMPLIANT
HUMAN SERVICES	Zarate	Laura	78231 - HS Classroom & Seasonal	7/11/2020	ELDE		Temporary Assistance in Head Start Program	COMPLIANT
INFORMATION TECHNOLOGY	Fong	Kevin	46531 - Public Safety Applications	10/31/2020	TCSE	127.5	Temporary assistance supervising public safety and GIS applications.	COMPLIANT
POLICE	Birch	Tim	103110 - Bureau of Services - Admin Unit	10/31/2020	ELDE		Working with external vendors to bring OPD policies up to date.	COMPLIANT
POLICE	Covington	Donald	106610 - Background & Recruiting	4/23/2018	TCSE/ Annuitant	0	Per MOU Agreement; TCSE/ Annuitant supporting OPD background.	COMPLIANT
POLICE	Gray	Steve	106610 - Background & Recruiting	7/17/2017	TCSE/ Annuitant	0	Per MOU Agreement; TCSE/ Annuitant supporting OPD background.	COMPLIANT
POLICE	Johnson	Carmen	106610 - Background & Recruiting	1/18/2014	TCSE/ Annuitant	351	Per MOU Agreement; TCSE/ Annuitant supporting OPD background.	COMPLIANT
POLICE	Lighten	Ronald	106610 - Background & Recruiting	9/23/2013	TCSE/ Annuitant	434	Per MOU Agreement; TCSE/ Annuitant supporting OPD background.	COMPLIANT

CIVIL SERVICE BOARD  
FEBRUARY 2021 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS

DEPT	LAST_NAME	FIRST_NAME	FIRST_NAME_ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
POLICE	Manheimer	Susan	101110 - Office of Chief - Administration	4/4/2020	TCSE/ Annuitant	992	Interim Police Chief placement while recruitment is underway	COMPLIANT
POLICE	Mestas	Alfred	100610 - Background & Recruiting	1/27/2018	TCSE/ Annuitant	0	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Pressnell	Edward	100610 - Background & Recruiting	9/23/2013	TCSE/ Annuitant	308.5	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Quintero	Joseph	106610 - Background & Recruiting	10/12/2013	TCSE/ Annuitant	0	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
PUBLIC ETHICS	Ma	Vickie	65111 - Public Ethics Commission	11/30/2020	TCSE	136.50	Temporary Office Assistance with complaint handling.	COMPLIANT
PUBLIC WORKS	Makous	Danielle	30689 - Env Svcs Energy Group	8/22/2020	ELDE		Assistance in the Climate Group Administration	COMPLIANT
PUBLIC WORKS	Sanchez Roto	Victor	30551 - Facilities Administration	3/7/2020	ELDE		Temporary assistance to repair essential vehicles utilized for emergency services by the Police, Fire and Public Works depts.	COMPLIANT
PUBLIC WORKS	Vargas	Abel	30542 - Equipment Services	7/1/2019	TCSE/ Annuitant	648	Temporary support to help develop and facilitate Department Strategic Action Plan	COMPLIANT
PUBLIC WORKS	Weed	Jonelyn	30111 - Director & Human Resources Unit	12/16/2017	TCSE/ Annuitant	366		COMPLIANT
<b>NON-COMPLIANT (1)</b>								
PUBLIC WORKS	Lai	Jimmy	30541 - Equipment Services	7/25/2020	TCSE	1493	Temporary assistance to repair essential vehicles utilized for emergency services by the Police, Fire and Public Works depts.	NON-COMPLIANT



\* The March 2020 and April 2020 meetings were canceled due to COVID-19 shelter orders and no report was prepared.

\*\*There was also no report at the August 2020 meeting.



# DEPUTY DIRECTOR OF WORKPLACE AND EMPLOYMENT STANDARDS

DRAFT  
2020-10-5

**Class Code: EMXXX FTE**

**Exempt**

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## DEFINITION

Under administrative direction of the Director of the Workplace and Employment Standards, oversees, plans, and directs the daily operations of the Department of Workplace and Employment Standards (DWES) with responsibility for enforcing City of Oakland labor ordinances, resolutions, programs, and policies, including but not limited to the Minimum Wage and Sick Leave Ordinance (Oakland Municipal Code Chapter 5.92) and the Hotel Minimum Wage and Working Conditions Ordinance (Oakland Municipal Code Chapter 5.93); assists with utilizing a strategic enforcement model for coordinating community outreach efforts to educate workers and employers, providing advocacy and assistance to workers, receiving and processing complaints, investigating compliance, and enforcing remedies of violations related to workplace and employment standards; ensures participation among the local business community and compliance with applicable standards and regulations; assists the Director of Workforce and Employment Standards in directing the work of staff in contract administration, contract compliance and administration, ensuring compliance with all relevant policies and procedures; trains, evaluates, and supervises assigned staff; and performs related duties as assigned.

## DISTINGUISHING CHARACTERISTICS

This is a division head classification with responsibility for daily oversight of Workplace and Employment Standards operations and staff. Pursuant to the Oakland City Charter Article IX, Section 902(f), this position is at-will and exempt from the regulations of the Civil Service Board. This classification is distinguished from the Director of Workplace and Employment Standards, which is responsible for overseeing the entire DWES.

The incumbent receives supervision from the Director of Workplace and Employment Standards and exercises supervision over assigned professional, technical, and administrative staff.

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

Assist with planning, organizing, managing, and directing the City's workplace and employment standards operations, contract administration, contract compliance, and administration through subordinate staff; ensure compliance of operations with relevant labor ordinances, resolutions, programs, and policies.

Assist with overseeing the coordination of community outreach efforts to educate workers and employers and provide advocacy and assistance to workers; ensure participation among the local business community.

Assist with overseeing the receipt and processing of complaints, investigations related to compliance, and enforcement of remedies of violations related to workplace and employment standards.

Assist with developing and directing the implementation of goals, objectives, policies, procedures, and work standards for the department.

Serve as a liaison to public officials, employers and their employees, the business community,

members of policy and advisory boards, and community groups to coordinate and collaborate on the enforcement and implementation of policies, procedures, and objectives in meetings and during other discussions.

Monitor developments related to workplace and employment standards, contract and compliance administration, and remain current with emerging issues and industry trends; evaluate the potential impacts on City operations.

Act as an advisor to the Director of DWES and other City departments to provide recommendations and implement policy and procedure improvements.

Direct the preparation of a variety of complex reports and analyses relating to compliance activities including complaints, investigations, violations, and remedies; oversee studies and program evaluation data.

Attend and participate in meetings with the City Council and its committees.

Assist with the development and administration of the division's budget.

Select, supervise, train, and mentor staff; provide for staff development.

## **KNOWLEDGE AND ABILITIES**

Knowledge of:

- Federal, state, and local laws, regulations, and codes pertaining to labor, contract and employment law, employment standards and practices, purchasing, and compliance and enforcement.
- Laws, codes, charter provisions, rules, and regulations governing City operations and departmental activities.
- Management and supervisory principles and practices including selection, motivation, training, evaluation, and discipline.
- Development and implementation of goals, objectives, policies, procedures, and work standards including long and short-range planning.
- Public contact and community relations concepts including negotiation techniques and presentation skills.
- Investigative procedures and complaint resolution.
- Budget development and administration.
- Computer systems and software applications.

Ability to:

- Enforce relevant regulations and ensure compliance.
- Work effectively with a diverse community including public officials, employers and their employees, the business community, members of policy and advisory boards, and community groups.
- Identify challenges; analyze complex technical and administrative problems; evaluate alternative solutions; recommend or adopt effective courses of action.
- Develop and implement goals, objectives, policies, procedures, and work standards.
- Oversee investigations and complaint resolution.
- Prepare and administer a division's budget.
- Work in a collaborative and cooperative team environment; negotiate solutions, achieve

consensus, and contribute to compromise.

- Exercise sound independent judgment within general policy guidelines.
- Communicate clearly, concisely, and persuasively in both oral and written formats; speak effectively in large and small group settings; conduct staff meetings.
- Prepare comprehensive and complex reports and make presentations.
- Supervise, train, motivate, and evaluate assigned staff.
- Establish and maintain effective working relationships with those contacted in the performance of required duties.

**MINIMUM QUALIFICATIONS**

*The following qualifications are guidelines, as the appointing authority has broad discretion in filling positions in this classification.*

**Education:**

A Bachelor’s degree in business or public administration, finance, accounting, economics, sociology, social justice, construction or a related field. A Master’s degree is highly desirable.

**Experience:**

Four (4) years of progressively responsible managerial experience including the oversight of compliance with and enforcement of workplace and employment standards/laws, working conditions, contract administration, contract compliance, contracting law, and involvement with social justice initiatives and advocacy work including at least two (2) years of supervisory experience. Public sector experience is highly desirable.

**LICENSE OR CERTIFICATE**

Individuals who are appointed to this position will be required to maintain a valid California Driver's License throughout the tenure of employment OR demonstrate the ability to travel to various locations in a timely manner as required in the performance of duties.

**OTHER REQUIREMENTS**

None required.

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



CITY OF OAKLAND

## *STAFF REPORT*

**DATE:** February 18, 2021  
**TO:** THE HONORABLE CIVIL SERVICE BOARD  
**FROM:** Greg Preece, Human Resources Manager & Staff to the Board  
**THROUGH:** Ian Appleyard, Human Resources Director & Secretary to the Board  
**SUBJECT:** Zero Tolerance Policy Update

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This is an update to the June 16, 2020, resolution passed by the City Council establishing a Zero Tolerance Policy for racist practice, behaviors and actions in the City of Oakland.

On June 16, 2020 the City Council adopted Resolution No. 88167 C.M.S., which established a Zero Tolerance Policy for racist practice, behaviors and actions in the City of Oakland. This report provides an update on the actions taken to adhere to the policy. Specifically, the resolution resolves:

**(1) ESTABLISHING A ZERO TOLERANCE POLICY FOR RACIST PRACTICES, BEHAVIORS, AND ACTIONS WITHIN THE OAKLAND POLICE DEPARTMENT AND ALL CITY DEPARTMENTS, AGENCIES AND DIVISIONS, AND UNITS;**

**(2) URGING THE CIVIL SERVICE COMMISSION, PURSUANT TO ITS JURISDICTION, TO ADOPT RULES REQUIRING THE DISQUALIFICATION OF ANY APPLICANT FOR EMPLOYMENT FOR SPECIFIED REASONS, INCLUDING BUT NOT LIMITED TO THE UNIFORMED RANKS OF THE OAKLAND POLICE DEPARTMENT; AND**

**(3) DIRECTING THE CITY ADMINISTRATOR NOT TO HIRE, AND TO FIRE POLICE OFFICERS AND OTHER EMPLOYEES FOR SUCH SPECIFIED REASONS.**

As to section (2) of the Resolution:

**URGING THE CIVIL SERVICE COMMISSION, PURSUANT TO ITS JURISDICTION, TO ADOPT RULES REQUIRING THE DISQUALIFICATION OF ANY APPLICANT FOR EMPLOYMENT FOR SPECIFIED REASONS, INCLUDING BUT NOT LIMITED TO THE UNIFORMED RANKS OF THE OAKLAND POLICE DEPARTMENT**

In response to the adoption of Resolution No. 88167 C.M.S., the matter was brought to the Civil Service Board on July 16, 2020 with the resolution, report, and letter that was adopted by City Council. At that meeting, the Civil Service Board requested that a representative from the City Council's Office who sponsored the legislation would present to the Civil Service Board so they could better understand the directive.

**HONORABLE CIVIL SERVICE BOARD**

Subject: Zero Tolerance Policy Update

Date: February 18, 2021

Page 2

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On October 15, 2020, Pamela Ferran from City Councilmember Taylor's office presented the resolution to the Board. Board members raised the following questions:

- Does the policy apply to sworn Police Officers or all City employees?
- Is the final version of legislation been signed off?
- Are the Civil Service Rules the appropriate place to address this policy?
- Are there City policies and rules that already address these concerns?

As a follow-up, Ms. Ferran offered to prepare a memo to clarify the applicability of the policy and an update about the final version of the legislation. Attached you will find the memo and corresponding legislation.

On November 16, 2020, the Staff to the Board sent Administrative Instruction (AI) 71 (Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure) and Administrative Instruction 596 (City-wide Code of Conduct – Non-Sworn Employees) to the members of the Civil Service Board. Additionally, on December 17, 2020, the Staff to the Board sent four (4) Oakland Police Department rules and bulletins and three (3) policies from Oakland Fire Department, all related to anti-discrimination, to the Civil Service Board.

It is the opinion of Staff to the Board that the provided policies address the needs of the zero-tolerance policy and additional action by the Board is not necessary at this time. If additional information or direction from Council requires additional action from the Board, this item will be placed on the agenda.

For questions regarding this report, please contact Human Resources Manager Greg Preece at (510) 238-7334.

Attachments (5):

February 11, 2021 Memo and corresponding attachments from Council Member Taylor's Office



CITY OF OAKLAND

CITY HALL • ONE FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

OFFICE OF COUNCILMEMBER LOREN TAYLOR  
DISTRICT 6

(510) 238-7006  
District6@Oaklandca.gov

**AGENDA MEMORANDUM**

Date: February 11, 2021  
To: City Staff, Civil Service Board Members and Members of the Public  
From: Pamela Ferran, Chief of Staff, Councilmember Loren Taylor  
Subject: Zero Tolerance Policy For Racist, Behaviors, And Actions

City Staff, Civil Service Board Members and Members of the Public:

This memorandum is a response to a request for additional information by the City's Civil Service Board regarding the Zero Tolerance policy for racist behaviors and actions passed by the City Council on June 16, 2020. Councilmember Taylor requested an informational report on the status of the implementation of the Zero Tolerance policy and progress of recent investigations into potential hate speech and offensive conduct by members of the police department. This update was heard at the February 9, 2021 Public Safety Committee meeting. (**Exhibit A**, Councilmember Taylor's Memo) The City's Administration report is attached here as (**Exhibit B**)

Below are responses to the Civil Service Board's questions contained in the report:

**Does the policy apply to sworn Police Officers or all City employees?**

Yes, this policy applies to sworn Police officers and all City of Oakland employees. The Resolution states that the City of Oakland will not tolerate racism in any City department including our Police Department.

**Is the final version of legislation been signed off?**

The final version of this legislation was voted on and unanimously approved by Council. The City Attorney confirmed that the final version of the legislation included herein is the official record, for clarity they will sign off on a clean copy for the Clerk's file.

**Are the Civil Service Rules the appropriate place to address this policy?**

Yes, the Civil Service Rules are the appropriate place to address this policy since the Rules pertain to human resources matters within the City. The legislative intent of the Resolution is that prospective and current employees who exhibit racist behaviors suffer consequences such as exclusion from employment, discipline and/or separation from employment.



**Are there City policies and rules that already address these concerns?**

The City has administrative instructions address some but not all of these concerns. Administrative Instruction (AI) 71 (Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure) and Administrative Instruction 596 (City-wide Code of Conduct – Non-Sworn Employees) are identified in the Administration’s report. Additionally, the Administration’s report references four Oakland Police Department rules and bulletins and three policies from the Oakland Fire Department that relate to anti-discrimination.

I would like to thank the members of the Civil Service Board Members who have expressed interest in this policy and requested further clarity from our office. I am available for further questions from the Civil Service Board.

Sincerely,

*Pamela Ferran*

Pamela Ferran  
Chief of Staff  
Councilmember Loren Taylor, District 6



CITY OF OAKLAND

CITY HALL • ONE FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

COUNCILMEMBER LOREN TAYLOR  
DISTRICT 6

(510) 238-7006  
District6@Oaklandca.gov

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**AGENDA MEMORANDUM**

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Date: January 28, 2021  
To: Oakland City Councilmembers, Staff and Members of the Public  
From: Councilmember Loren Taylor  
Subject: Zero Tolerance Policy For Racist, Behaviors, And Actions

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Colleagues on the Committee, Staff and Members of the Public:

Across the nation there has recently been great attention paid to the culture of racism and bigotry that continues to persist across our country and even in our government institutions. These dangerous racist sentiments, behaviors, and actions have no place in the City of Oakland. On June 16, 2020, I co-authored and secured unanimous City Council approval for a Resolution Establishing A Zero Tolerance Policy For Racist Practices, Behaviors, And Actions Within The Oakland Police Department And All City Departments (**Attachment A**). The Agenda Memorandum that accompanied the Resolution emphasized the importance of this bold affirmation of our city's values (**Attachment B**). Through the resolution, we explicitly stated that the City of Oakland will not tolerate racism in any City department including our Police Department.

It is not enough to simply pass a resolution, but we must ensure that it is adopted and incorporated into our practices and operating procedures. Only by doing so will we continue the difficult task of repairing the trust that has been eroded between law enforcement, other city officials, and the members of community.

We are requesting an informational report from the City Administrator regarding the status of implementing the Council's Resolution Establishing A Zero Tolerance Policy For Racist Practices, Behaviors, And Actions Within The Oakland Police Department And All City Departments in light of the internal investigation launched by the Oakland Police Department (OPD) of potential offensive content on OPD employee social media accounts, and denouncing hate speech (**Attachment C**). This report should address the proposed use of third party reviewers in this and future investigations as well as current or planned social media policies within the city of Oakland and especially in OPD.



I respectfully request that the Public Safety Committee receive this informational report and forward it to the February 16, 2021 City Council meeting.

Yours in service of Oakland,

A handwritten signature in blue ink, appearing to read "Loren Taylor".

Loren Taylor  
Councilmember District 6



CITY OF OAKLAND

# INFORMATIONAL REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Tonya Gilmore  
Assistant to the City  
Administrator

**SUBJECT:** Zero Tolerance Policy

**DATE:** January 27, 2021

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City Administrator Approval

Date:

Jan 28, 2021

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## **RECOMMENDATION**

**Staff Recommends That City Council Receive An Informational Report From The City Administrator On The Actions Taken To Address The Zero Tolerance Policy For Racist, Practices, Behaviors, And Actions Within The City Of Oakland In Light Of The Internal Investigation Launched By The Oakland Police Department Denouncing Hate Speech.**

## **BACKGROUND / LEGISLATIVE HISTORY**

On June 16, 2020 the City Council adopted Resolution No. [88167](#) C.M.S., which established a Zero Tolerance Policy for racist practice, behaviors and actions in the City of Oakland. This report provides an update on the actions taken to adhere to the policy. Specifically, the resolution resolves:

- (1) ESTABLISHING A ZERO TOLERANCE POLICY FOR RACIST PRACTICES, BEHAVIORS, AND ACTIONS WITHIN THE OAKLAND POLICE DEPARTMENT AND ALL CITY DEPARTMENTS, AGENCIES AND DIVISIONS, AND UNITS;**
- (2) URGING THE CIVIL SERVICE COMMISSION, PURSUANT TO ITS JURISDICTION, TO ADOPT RULES REQUIRING THE DISQUALIFICATION OF ANY APPLICANT FOR EMPLOYMENT FOR SPECIFIED REASONS, INCLUDING BUT NOT LIMITED TO THE UNIFORMED RANKS OF THE OAKLAND POLICE DEPARTMENT; AND**
- (3) DIRECTING THE CITY ADMINISTRATOR NOT TO HIRE, AND TO FIRE POLICE OFFICERS AND OTHER EMPLOYEES FOR SUCH SPECIFIED REASONS.**

## **EXECUTIVE SUMMARY**

The resolution fundamentally establishes a zero-tolerance policy for racist practices, behaviors, and actions within the City of Oakland government. This explicit policy establishment is consistent with existing policies (as noted below) and strengthens direction and focus on the City's efforts to ensure its application in letter and in spirit.

Public Safety Committee  
February 9, 2021

**As to section (2) of the Resolution:**

**URGING THE CIVIL SERVICE COMMISSION, PURSUANT TO ITS JURISDICTION, TO ADOPT RULES REQUIRING THE DISQUALIFICATION OF ANY APPLICANT FOR EMPLOYMENT FOR SPECIFIED REASONS, INCLUDING BUT NOT LIMITED TO THE UNIFORMED RANKS OF THE OAKLAND POLICE DEPARTMENT**

In response to the adoption of Resolution No. 88167 C.M.S., the matter was brought to the Civil Service Board on July 16, 2020 with the resolution, report and letter that was adopted by City Council. At that meeting, the Civil Service Board requested that a representative from the City Council's Office who sponsored the legislation would present to the Civil Service Board so they could better understand the directive.

On October 15, 2020, Pamela Ferran from City Councilmember Taylor's office presented the resolution to the Board. Board members raised the following questions:

- Does the policy apply to sworn Police Officers or all City employees?
- Is the final version of legislation been signed off?
- Are the Civil Service Rules the appropriate place to address this policy?
- Are there City policies and rules that already address these concerns?

As a follow-up, Ms. Ferran will prepare a memo to the Board to clarify the applicability of the policy and an update about the final version of the legislation. The Staff to the Board will provide existing policies and procedures that apply to this issue.

On November 16, 2020, the Staff to the Board sent Administrative Instruction (AI) 71 (Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure) and Administrative Instruction 596 (City-wide Code of Conduct – Non-Sworn Employees) to the members of the Civil Service Board. Additionally, on December 17, 2020, the Staff to the Board sent four Oakland Police Department rules and bulletins and three policies from Oakland Fire Department, all related to anti-discrimination, to the Civil Service Board.

The next step for the Civil Service Board is to receive a memo for Councilmember Taylor's Office and the receive a memo from the Staff to the Civil Service Board. The matter will be placed on the February 18, 2021 agenda.

**As to section (3) of the Resolution:**

**DIRECTING THE CITY ADMINISTRATOR NOT TO HIRE, AND TO FIRE POLICE OFFICERS AND OTHER EMPLOYEES FOR SUCH SPECIFIED REASONS.**

The Oakland Police Department has taken the following actions to ensure that the intent of the Resolution is applied.

**Part One: Hiring and Recruiting**

The Oakland Police Department (OPD) Recruiting and Background Unit is committed to seeking out and hiring the very best candidates to serve the Oakland community. Key priorities for Oakland police are to hire local, diverse, and culturally competent, empathic individuals, recognizing the importance of both understanding and connecting with all of the diverse communities we serve. OPD engages in targeted recruiting efforts to achieve these goals, and

the department has seen significant results in this past year as noted in the demographics below.

OPD is committed to a fair, equitable, communicative, and comprehensive hiring process, as well as in our assignments and promotional selections.

OPD works with other City Departments to ensure adherence to State and Federal Law regarding discrimination, as well as all applicable City of Oakland and OPD policies, including City Administrative Instruction 71 (AI-71). AI-71 clearly provides a zero-tolerance policy on discrimination of any kind toward potential hiring candidates or as discovered in a hiring candidate's background investigation.

OPD also employs a robust character review process for all new hires to determine if any adverse information gleaned during a hiring candidate's background investigation indicate any violations of State or Federal Law or city and departmental policies. This process includes a review of the activities and affiliations and the review of mandatory and rigorous psychological and polygraph screenings. Each Candidate's in-depth background investigation is reviewed by OPD's Executive Team adhering to anonymization by race, sex, and name to ensure "blind" equitable consideration of all candidates.

Below are the demographics for the current (185<sup>th</sup>) Basic Police Academy from the beginning of the academy for the 36 individuals initially enrolled.

#### Sex

- Female: Seven individuals (19 percent)
- Male: Twenty-nine individuals (81 percent)

#### Race

- African American/ Black: Twelve individuals (33 percent)
- Asian: Seven individuals (19 percent)
- Hispanic: Eleven individuals (31 percent)
- Other: One individual (three percent)
- Pacific Islander: One individual (three percent)
- White: Five individuals (11 percent)

#### African American/ Black Females

Three individuals (eight percent)

#### Education

- Master's Degree: Three individuals (eight percent)
- Bachelor's Degree: Twelve individuals (33 percent)
- Associates Degree: Six individuals (17 percent)
- Some College: Eleven individuals (31 percent)
- High School: Four individuals (11 percent)

### Languages Spoken

Fifty-five percent of the individuals initially enrolled in the 185<sup>th</sup> basic academy speak languages in addition to English, with two individuals speaking three languages each.

- Cambodian: One individual (three percent)
- Cantonese: Two individuals (five percent)
- Farsi: One individual (three percent)
- Hindi: Two individuals (five percent)
- Mongolian: One individual (three percent)
- Punjabi: One individual (three percent)
- Russian: Two individuals (five percent)
- Spanish: Eleven individuals (31 percent)
- Tagalog: Two individuals (five percent)

### Oakland Connection

- Oakland Born: Nine individuals (25 percent)
- Oakland Resident: Eight individuals (22 percent)

## **Part Two: Internal and external disparity and bias reduction/training/ policy systems**

### Phase I

OPD has recognized concerns raised around disparities in discipline findings based on race. In response to these concerns, OPD engaged an outside consulting firm (Hillard Heintze) in March 2019 to conduct a review of internal investigative and discipline processes. The primary goal of the study was to determine if racial and/or gender disparities existed in these processes. Hillard Heintze was selected by a small group of stakeholders including the Director of the Department of Race and Equity; a Plaintiff's Attorney from *Delphine Allen v. City of Oakland* (basis for the Negotiated Settlement Agreement); staff from the Oakland Office of the City Attorney; and staff from OPD. Hillard Heintze was tasked with conducting a review of the discipline process and administrative investigation process of complaints of misconduct. These processes were reviewed for sworn personnel of all ranks and Police Officer Trainees during the police academy and probationary officers in the Field Training Program over a five-year period – from 2014 through 2018.

Hillard Heintze issued a [report](#) of its findings in April 2020 that revealed disparities in disciplinary findings towards African American/ Black officers and provided recommendations to the Department that focused on improvements and modifications in three areas:

- Internal Affairs Division (IAD) regarding discipline;
- Police Academy and Field Training Program and;
- Background and Recruiting regarding the hiring and background process

## Phase II

OPD determined the best way to approach these modifications in systems and processes was to stand up an internal Race and Equity Team to assist with the adoption of the Hillard Heintz report recommendations and provide sustainability to continue addressing implicit bias and disparities.

After a review of the recommendations that came from the Hillard Heintze study, the Race and Equity team has guided the implementation of over 95 percent of the recommendations to date. The final recommendation, that involved completion of Procedural Justice Training III on racial equity and implicit bias, is currently underway. OPD has been a leader in developing and presenting Procedural Justice Training and has begun meeting and working with a group of community members, researchers from SPARQ (Social Psychological Answers to Real-world Questions) at Stanford University, and other vital stakeholders. This training is being scheduled for the spring of 2021 and will include a community component to ensure our department members can hear directly from impacted communities they work with.

## Phase III

OPD continues to work with Stanford SPARQ Researchers as part of the Racial Disparity Study Working group. The Stanford Researchers have focused on identifying quantitative and qualitative data sets to support OPD in measuring the effectiveness of the implemented strategies from the Hillard Heintze study. OPD's goal is to identify policies and procedures that address areas at high risk for potential bias and disparate treatment. OPD is attempting to achieve this goal through partnerships with identified subject matter experts who have demonstrated success in addressing racial bias and equity concerns.

OPD has focused on creating cultural change through education and training as well as the development of new policies, protocols, and procedures. OPD has moved forward with practicing equity in the discipline process. Its Internal Affairs Division (IAD) has been tracking data based on the outcome of OPD's efforts to be cognizant of its use of the equity lens in its decision-making as it relates to discipline. OPD began anonymizing demographic (race and sex) information concerning individuals who are the subject of internal investigations in July 2020, as a best practice to help mitigate bias. The tracking of discipline by offense to include aggravating and mitigating circumstances has also been effective in ensuring consistency in the discipline process. IAD has been working with Stanford researchers to identify data to demonstrate whether the anonymization of the subjects during the presentation of sustained cases and discipline findings should lead to changes in outcome. The Recruiting and Background Unit and Training Division have implemented changes to protocols that have resulted in increased diversity and decreased attrition among marginalized groups.

## External Disparity and Bias Reduction/Training/ Policy Systems

OPD continues its effort to reduce racial disparities in traffic stops. The Department continues for the third consecutive year to see reductions in the overall number of traffic stops. OPD reduced the number of traffic stops of African American individuals by 70 percent from 2017 to 2019 (14,388 to 4,285). OPD also experienced a 12 percent reduction in racial disparities for African American individuals during this period. The development of the OPD intelligence-led stop data collection project has led to these reductions, requiring officers to be more focused on

traffic stops related to violent crime and minimizing the need for equipment stops. OPD is also using new, innovative stop data dashboards. These dashboards provide OPD command staff with real time stop data analytics, which assist in focusing on officer stops activities and performance auditing. OPD continues to conduct monthly risk management meetings where command staff having robust dialogue on potential at risk performance. Several risk dimensions are examined including force used, complaints received, collisions, pursuits, and traffic stop data.

### **Part Three: Current Investigation of OPD Personnel**

It has come to the attention of OPD that a former employee has given media interviews that he made statements that he attended the events in Washington, DC on January 6, 2021 and defended the actions of the takeover at the Capitol. The statements made by the former employee were reprehensible and OPD wholly disavows his remarks. This former employee was separated from his employment with the City of Oakland nearly six years ago. OPD wants to assure the Oakland community that those statements offend the morals and ethics of the women and men of the Department.

OPD has overhauled hiring and screening procedures over the last few years to help ensure that offensive values do not represent current department employees. While there are allegations that current employees may have been involved on social media accounts that contain objectionable or offensive content, OPD is committed to fully and aggressively investigating these allegations and will not allow any members to engage in or support this type of content and will root out this conduct anywhere within the Department. Hate speech, offensive conduct, or affiliation with subversive groups will not be tolerated; there are clear policies and guidelines that govern this behavior.

Whether on or off duty, as a matter of policy, employees of OPD are prohibited from affiliating with subversive groups, and they are prohibited from doing anything that brings disrepute to the Department and erodes the public's trust. OPD policies reflect the values of the Department and any employee found to violate these policies will be held accountable. Any employee that violates these rules is subject to discipline, including termination. OPD opened an immediate comprehensive investigation into allegations to determine whether any current employees have violated our Department policies, City code of conduct, or any applicable laws by making comments or expressions supporting objectionable speech.

The Department wants to reassure the community that our full breadth of Department resources will go into this investigation to ensure that any members engaging in this behavior are held accountable. The City has retained an external investigations firm to conduct a full investigation with OPD's Internal Affairs Division, and the Community Police Review Agency is conducting a parallel investigation.

The values of OPD are clear: The Department will not tolerate any form of hate speech, any expression that supports hate speech, or any acts of subversion, whether in-person or on online platforms.

In addition, the steps taken by the Department Human Resource Management, the Civil Service Board and the Oakland Police Department, there are a number of Administrative Instructions in

place that provide support for Resolution to all employees in all city departments, agencies, divisions and units including but not limited to:

AI 71	Equal Employment Opportunity/Antidiscrimination/ Non-Harassment Policy and Complaint Procedure	Outlines the standards, requirements, complaint procedures and disciplinary guidelines regarding inappropriate and/or unprofessional conduct that could potentially rise to the level of discrimination and/or harassment; and (2) set out complaint and investigation procedures for all employees and job applicants who believe they have been subjected to inappropriate workplace conduct based on their protected status.
AI 596	Citywide Code of Conduct Nonsworn Employees	Sets guidelines for professional and courteous conduct by all non-sworn City employees. This policy applies to all non-sworn employees of all city departments and agencies while conducting City business, including conduct of supervisors and managers towards subordinates.

It is important to understand, however, that not every instance of discrimination or harassment by an employee can or should be dealt with through termination. The majority of our employees are represented by our labor partners and may only be terminated for cause. This legal requirement is enshrined in our Civil Service Rules, administrative polices, and our various labor agreements. It is also consistent with Oakland's values because it helps ensure that our treatment of employees is measured, fair, equitable, and consistent.

When a Civil Service employee has engaged in racist or otherwise discriminatory behavior, due process requires the City to consider whether counseling, training, and/or a lower level of discipline would prevent the behavior from reoccurring. It is axiomatic that the purpose of discipline is to correct behavior, not to be punitive. Therefore, a less serious mistake or violation – particularly when it is the employee's first offense – may not justify termination. This process, which is known as "progressive discipline," is a cornerstone of labor relations, and it is incorporated in the City's Administrative Instructions 521 ("Employee Discipline - Due Process Requirements") and 523 ("Disciplinary Guidelines and Procedures"). Furthermore, if the conduct occurs while the employees is off-duty, possibly even in a private setting, then additional due process protections – and possibly even First Amendment protections – can come into play and limit the City's ability to terminate or discipline.

### **FISCAL IMPACT**

There is no fiscal impact associated with this informational report.

### **PUBLIC OUTREACH / INTEREST**

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

**COORDINATION**

This report was completed in coordination with the Department of Human Resource Management, Oakland Police Department and the Office of the City Attorney.

**SUSTAINABLE OPPORTUNITIES**

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

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

**Race and Social Equity:** All Oakland residents and employees have a right to and an expectation of a Zero Tolerance Policy for Racist, Policies, Behaviors, and Actions within the City of Oakland.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That City Council receive an informational update on the actions taken by the City Administrator in support of the Resolution No. 88167 C.M.S.

For questions regarding this report, please contact Tonya Gilmore, Assistant to the City Administrator at 510-238-7587.

Respectfully submitted,

  
\_\_\_\_\_  
Tonya Gilmore  
Assistant to the City Administrator

# MISSING EXECUTED LEGISLATION FORM

Resolution / Ordinance Number: 88167  
City Council Meeting Date: JUN 16 2020  
Agenda Item No.: 27  
Recorded Vote: 8 Ayes

## Status of Resolution/Ordinance:

- Filed without signature       No signed version will be filed  
 Council amended legislation       No signed version will be filed

## Author Contact Information:

Department: Council office  
Contact Person/Ext.: Pamela F / 6672

Notes (if any)

As Amended: 1st further Resolved of the Legislature,  
inserting "A pattern of un-sustained complaints"  
in the first paragraph.

**DRAFT**

City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**INTRODUCED BY VICE MAYOR LARRY REID, COUNCILMEMBERS  
NOEL GALLO, LYNETTE GIBSON MCELHANEY AND LOREN TAYLOR**

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**RESOLUTION (1) ESTABLISHING A ZERO TOLERANCE POLICY FOR RACIST PRACTICES, BEHAVIORS, AND ACTIONS WITHIN THE OAKLAND POLICE DEPARTMENT AND ALL CITY DEPARTMENTS, AGENCIES AND DIVISIONS, AND UNITS; (2) URGING THE CIVIL SERVICE COMMISSION, PURSUANT TO ITS JURISDICTION, TO ADOPT RULES REQUIRING THE DISQUALIFICATION OF ANY APPLICANT FOR EMPLOYMENT FOR SPECIFIED REASONS, INCLUDING BUT NOT LIMITED TO THE UNIFORMED RANKS OF THE OAKLAND POLICE DEPARTMENT; AND (3) DIRECTING THE CITY ADMINISTRATOR NOT TO HIRE, AND TO FIRE POLICE OFFICERS AND OTHER EMPLOYEES FOR SUCH SPECIFIED REASONS**

**WHEREAS**, the City of Oakland is committed to providing a work environment that is safe and inclusive for all City employees; and

**WHEREAS**, racist, practices, behaviors, and actions threaten the health, safety, and well being of City employees and residents; and

**WHEREAS**, on May 25, 2020, George Floyd a peaceful and unarmed Black Man, was killed by a Minneapolis Police Officer who callously kneeled on his neck for over eight minutes while he struggled to breathe and that same officer had 17 prior complaints against him and multiple officer involved shootings but was permitted to remain on the police force; and

**WHEREAS**, the public execution of George Floyd set in motion international protests and calls for increased accountability and transformation of American policing to establish public trust, improve the relationship between people of color and the police

and to eradicate anti-blackness in law enforcement in every community, including in Oakland; and

**WHEREAS**, the Oakland Police Department is entrusted with keeping all community members in Oakland safe and enforcing laws; and

**WHEREAS**, all Oakland residents equally deserve to feel safe when interacting with police and should be able to trust that the officers tasked with protecting them have no prior history of excessive force, racial bias, or other significant misconduct; and

**WHEREAS**, modern police departments originated from Slave patrols and Night Watches, that were used to control the free movement and behaviors of African, Native American and other non-Anglo immigrants, establishing centuries of racism, bias, and disparate treatment in policing of Black and Brown communities; and

**WHEREAS**, as early as the 1920s when the Klu Klux Klan was still active in the city of Oakland, city leaders recruited white Southerners to the Oakland Police Department, establishing within the department a culture of controlling the Black population so much so that in 1966 the Black Panther Party for Self Defense organized and decried the Oakland police as an occupying force in the Black community; and

**WHEREAS**, in a 2006 bulletin, the FBI detailed the threat of white nationalists and skinheads infiltrating police in order to disrupt investigations against fellow members and recruit other supremacists. The bulletin was released during a period of scandal for many law enforcement agencies throughout the country, including a neo-Nazi gang formed by members of the Los Angeles County Sheriff's Department who harassed Black and LatinX communities. Similar investigations revealed officers and entire agencies with hate group ties in Illinois, Ohio and Texas; and

**WHEREAS**, the City of Oakland created the Department of Race and Equity to ensure that the City's policies, programs and practices identify and redress inequity where racial disparities exist and to uphold the City's values of fostering diversity, inclusion and equity; and

**WHEREAS**, on November 8, 2016, the citizens of the City of Oakland voted to approve Measure LL thereby creating a civilian Police Commission to oversee OPD's policies and practices and Community Police Review Agency (CPRA)s investigations of police misconduct complaints; and

**WHEREAS**, the City's 2018 Equity indicators report revealed Overall score of 33.5 out of 100 and a score of 17.5 out of 100 in the area of Public Safety; and

**WHEREAS**, the Oakland Black Officers Association (OBOA) has been advocating on behalf of its members for 50 years and according to the OBOA the level of distrust in the internal affairs and discipline process impacts every officer of every race, and is reflective of challenges in departmental leadership and the culture within

the organization; and

**WHEREAS**, as the OBOA noted that if Black Officers are being treated unfairly internally, then it would be difficult for Oakland residents to have confidence that officers will treat them fairly; and

**WHEREAS**, in March 2019, the Oakland Police Department contracted risk management consulting firm Hillard Heintze due to concerns brought forward from within the Oakland Police Department regarding racial disparities related to internal officer discipline; and

**WHEREAS**, on Friday May 15, 2020, the Oakland Police Department released the findings of the discipline disparity study conducted by Hillard Heintze to review the discipline process and administrative investigation of misconduct complaints for sworn personnel of all ranks, Police Officer Trainees in the Academy, and probationary officers in the Field Training Program for the five-year period from January 1, 2014, through December 31, 2018 identified racial disparities in the Oakland Police Department; and

**WHEREAS**, a the Hilliard Heintze report indicated that Black officers were found to be nearly 40% more likely to have misconduct complaints sustained compared to officers of other races and significant disparities also existed for Black officer trainees in the Basic Police Academy and Field Training Unit; and

**WHEREAS**, Mayor Schaaf shared her deep disappointment in the findings of the Hillard Heintze study and the Police Department referred to the findings as "unacceptable" in its response; and

**WHEREAS**, in light of the study Oakland Police Department affirmed its commitment to engage in an aggressive process designed to identify and mitigate the disparities, and advance internal equity, diversity, and procedural justice and affirmed its commitment to evaluating their recruitment and hiring processes, taking innovative steps to reduce implicit bias, collecting data about who we pull over and why, and partnering with the Police Commission to enact measurable and lasting change through policy and culture; and

**WHEREAS**, the Oakland Police Department has partnered with the City's Race and Equity Director Darleen Flynn to conduct a Race and Equity Impact Analysis on the Department's disciplinary process and the Academy and Field Training program and through the analysis will work to identify what aspects of the investigative process may be leading to disparate outcomes and design an action plan to remedy racial or gender disparities to cover areas not addressed by the Hillard Heintze recommendations ; and

**WHEREAS**, members of the public cannot fully trust law enforcement officers or feel safe if they are uncertain whether an officer with whom they interact had a prior history of significant misconduct or abuse; and

**WHEREAS**, there is a national crisis over repeated instances of police brutality and killings of Black people and persons of color that is rooted in the longstanding history of racial bias in policing nationwide, especially towards Black people; and

**WHEREAS**, the City Council aspires to hold the Oakland Police Department and all employees across the City of Oakland to the highest standard of professionalism and integrity; and now therefore, be it

**RESOLVED**, we declare Oakland to be a zero-tolerance employer for City employees with respect to racist practices, behaviors, actions, and/or association and affiliation with white supremacist groups, organizations or cells and, be it

**FURTHER RESOLVED**, we urge the Civil Service Commission pursuant to its jurisdiction to adopt rules requiring the disqualification of any applicant for employment in the Oakland Police Department and all city departments, agencies and divisions, and units if:

- (1) The applicant has been the subject of a sustained finding or two unsustained complaints by different complainants against the applicant by any law enforcement agency or investigative or oversight agency, following an investigation and opportunity for administrative appeal by the applicant, that the applicant, while employed as a peace officer, engaged in serious misconduct, which includes but is not limited to the following: use of excessive force, racial bias, sexual assault discrimination against any person or group based on race, gender, religion, nationality, or sexual orientation, or dishonesty, directly related to the reporting of, or investigation of misconduct by another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence; or
- (2) The applicant resigned or retired from their employment as a peace officer in any jurisdiction during the pendency of a disciplinary proceeding related to alleged serious misconduct by the applicant where while they were employed as a peace officer, and the proceeding was suspended or terminated as a result of the applicant's resignation or retirement, until such a time that the applicant has been exonerated for the pending allegation.

**FURTHER RESOLVED**, the City Council directs the City Administrator not to hire, and to fire police officers and other employees for racist, practices, behaviors, and actions including those that demonstrate alt-right, neo-nazi, and racist conduct except when such action is limited due to the City's Civil Service Rules.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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



CITY HALL ■ 1 FRANK H. OGAWA PLAZA, 2<sup>nd</sup> Floor ■ OAKLAND, CALIFORNIA 94612

Honorable Lawrence Reid, *Vice Mayor*  
*Community Economic Development Chair, District 7*

[LReid@Oaklandca.gov](mailto:LReid@Oaklandca.gov)

Honorable Noel Gallo  
*Public Safety Chair, District 5*

[NGallo@Oaklandca.gov](mailto:NGallo@Oaklandca.gov)

Honorable Lynette Gibson McElhaney  
*Finance & Management Chair, District 3*

[LMcElhaney@Oaklandca.gov](mailto:LMcElhaney@Oaklandca.gov)

Honorable Loren Taylor  
*Life Enrichment Chair, District 6*

[LTaylor@Oaklandca.gov](mailto:LTaylor@Oaklandca.gov)

Date: June 11, 2020

To: Members of the Public

Re: RESOLUTION ESTABLISHING A ZERO TOLERANCE POLICY FOR  
RACIST PRACTICES, BEHAVIORS, AND ACTIONS WITHIN THE OAKLAND  
POLICE DEPARTMENT AND ALL CITY DEPARTMENTS

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Colleagues on the City Council and Members of the Public:

As we all know, the entire nation is currently grappling with and struggling to cope with the tragic killings of Black men and women at the hands of law enforcement officers. The case of George Floyd in Minneapolis, MN, is just the latest instance of police brutality against Black people, and is particularly shocking because of the nonchalant nature in which the offending officer took the life of Mr. Floyd. This horrifying video has prompted further inquiry and policy discussions around use of force and other law enforcement policies, as well as the underlying reasons for continued abuse and devaluing of Black lives. While City of Oakland staff, the police commission, and City Council consider various reforms, it is important that we, on the City Council, affirm that the City of Oakland will not tolerate racism in the City or within our Police Department.

While this proposed resolution and policy will not root out all of underlying elements that lead to incidences of police brutality and biased policing, it will be an important part of the solution. Implementing this policy, combined with the other efforts being considered, will help to repair the trust that has been eroded between law enforcement, other city officials, and the Black Community.

Recently, the City received the results of a study regarding the disparity in discipline and treatment of Black officers in the Department, and it is likely that this stems from both implicit and explicit bias that we are focused on removing from the Oakland Police Department and all departments within the city of Oakland. The attached resolution acknowledges that the City has set in place certain goals regarding equity, and clearly and unequivocally states that racist



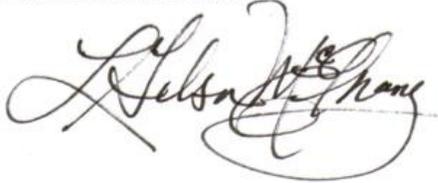
practices, behaviors, and actions by any City employee or member of our Police Department will not be condoned and will disqualify a person from employment in the City of Oakland and will lead to termination.

We respectfully ask for your support of the attached resolution.

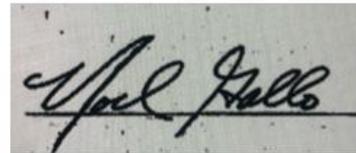
Regards,



Larry Reid  
Vice Mayor  
Councilmember District 7



Lynette McElhaney  
Councilmember District 3



Noel Gallo  
Councilmember District 5



Loren Taylor  
Councilmember District 6





**For Immediate Release: January 8, 2021**

**OPD NEWS:**

## **OPD Denounces Hate Speech; Launches an Internal Investigation**

The values of the Oakland Police Department are clear: We will not tolerate any form of hate speech, any expression that supports hate speech, or any acts of subversion, whether in-person or on online platforms.

It has come to the attention of the Oakland Police Department that there are allegations that current employees may have been involved on social media accounts that contain objectionable or offensive content. OPD will not allow any members to engage in or support this type of content and will root out this conduct anywhere within the Department.

Hate speech and offensive conduct will not be tolerated; there are clear policies and guidelines that govern this behavior.

Whether on or off duty, employees of OPD are prohibited from affiliating with subversive groups, and they are prohibited from doing anything that brings disrepute to the Department and erodes the public's trust. Our policies reflect the values of the Department and any employee found to violate these policies will be held accountable. Any employee that violates these rules is subject to discipline, including termination.

OPD has opened an immediate comprehensive investigation into allegations to determine whether any current employees have violated our Department policies, City code of conduct, or any applicable laws by making comments or expressions supporting objectionable speech.

The Department wants to reassure our community that a full breadth of our resources will go into this investigation to ensure that any members engaging in this behavior are held accountable. "The trust of our community is our highest priority. We will not tolerate any breach of that trust from any member of our Department," says Interim Police Chief Susan E. Manheimer.

Measure Q Hiring Progress Tracker  
 February 18, 2021 Civil Service Board Meeting

DEPT	CLASSIFICATION	FTE POSITIONS	FILLED	DETAILS
HSD	Budget & Grants Administrator	1	0	Recruitment Closed/Referrals sent on 12.24.20
HSD	Administrative Assistant II	1	1	Filled
HSD	Case Manager I	1	1	Filled
OPW	Custodian	2	0	Full-time recruitment pending. OPW has hired several TPTs to assist.
OPW	Assistant Engineer I	1	0	Requisition Pending Spec Revision
OPW	Administrative Assistant II	1	0	Additional interviews being scheduled
OPW	Construction & Maintenance Mechanic	2	0	Practical Exam Needed- Date TBD
OPW	Business Analyst II	1	1	Filled
OPW	Gardener Crew Leader	7	0	Recruitment Open/Screening Applicants
OPW	Gardener II	15	0	Recruitment Open/Screening Applicants
OPW	Painter	2	0	Restricted Recruitment Closed - Assessment in-progress
OPW	Park Equipment Operator	2	0	Recruitment Planning in-progress
OPW	Park Supervisor I	2	0	Requisition is Pending
OPW	Park Supervisor II	1	0	Recruitment Closed / Screening Applicants
OPW	Tree Worker Driver	1	0	Recruitment Needed
OPW	Tree Trimmer	1	0	Interviews in progress, may need new recruitment.