



CIVIL SERVICE BOARD MEETING AGENDA

Date: February 20, 2020

OPEN SESSION 5:30 p.m.

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

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
Vadim Sidelnikov, Deputy City Attorney

OPEN SESSION AGENDA

ROLL CALL

1) OPEN FORUM

2) **APPROVAL OF THE FEBRUARY 20, 2020 CIVIL SERVICE BOARD MEETING AGENDA** ACTION

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

4) **CONSENT CALENDAR:** ACTION

a) Approval of Provisional Appointment

- Finance Department (1)
- Human Services Department (1)

b) Approval of Employee Requests for Leave of Absence

- Library Department (1)
- Police Department (1)

c) Approval of Revised Classification Specifications

- Head Start – Early Head Start Assistant Instructor, PT

5) OLD BUSINESS:

- | | |
|---|-------------|
| a) Approval of January 16, 2020 Civil Service Board Meeting Minutes | ACTION |
| b) Approval of December 19, 2019 Civil Service Board Meeting Minutes | ACTION |
| c) Approval of the July 18, 2019 Civil Service Board Meeting Minutes | ACTION |
| d) Determination of Schedule of Outstanding Board Items | INFORMATION |
| e) 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 |
| f) Update on Common Class Study - Draft Koff & Associates Report Regarding Information Technology Occupational Grouping | INFORMATION |

6) NEW BUSINESS:

- | | |
|--|--------|
| a) 6.06 – Appeal of Probationary Release PORT-2020-001 (J. Wilson) | ACTION |
|--|--------|

CLOSED SESSION AGENDA**ROLL CALL**

The Civil Service Board will Convene in Closed Session and will Report Out any Final Decisions in Open Session Before Adjourning the Meeting pursuant to California Government Code Section 54957.6:

1) Personnel Matter for Public Employee: 6.06 – Appeal of Probationary Release: OPL-2019-001 (T. Dowell)

Pursuant to California Government Code Section 54957 – Public Employee Discipline/Dismissal/Release *An appellant must notify the Civil Service Board in writing if she/he wishes to have a personnel matter heard in open session.*

OPEN SESSION AGENDA**2) REPORT OF ACTIONS TAKEN IN CLOSED SESSION**

3) **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 19, 2020. All materials related to agenda items must be submitted by Thursday, March 5, 2020. For any materials over 100 pages, please also submit an electronic copy of all materials.

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

City of Oakland - Civil Service Board
150 Frank H. Ogawa Plaza, 2nd floor
Oakland, CA 94612
civilservice@oaklandca.gov



Do you need an ASL, Cantonese, Mandarin or Spanish interpreter or other assistance to participate? Please email 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 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

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



CITY OF OAKLAND

MEMORANDUM

DATE: February 20, 2020

TO: The Honorable Civil Service Board **FROM:** Christine Doan
Human Resource Analyst

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

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

SUBJECT: Request for Provisional Appointment in Classification of Administrative Assistant II to be ratified at the Civil Service Board Meeting of February 20, 2020

Attached is a request from the Finance Department to make a provisional appointment to an Administrative Assistant II vacancy. The basis for this request is detailed in the attached Provisional Appointment Form as supporting documentation.

The Administrative Assistant II position performs responsible clerical and administrative support to division managers and other management staff; supervises assigned clerical staff; and performs related duties as assigned.

The minimum qualifications for Administrative Assistant II are: Education equivalent to the completion of the twelfth grade and two years of experience comparable to Administrative Assistant I in the City of Oakland.

The selected candidate meets the minimum qualifications of the Administrative Assistant II position with a GED from Oakland Adult Education and over 6 years of administrative assistant experience. Recruitment, Classification & Benefits is in the process of administering a Civil Service Examination to permanently fill this vacancy within 120 days. The job announcement is anticipated to post on February 18, 2020.

The Human Resources Management Department recommends that the Civil Service Board ratify the provisional appointment for this Administrative Assistant II position in the Finance Department beginning on February 15, 2020 and ending on or before June 13, 2020.

**OAKLAND CIVIL SERVICE BOARD
PROVISIONAL APPOINTMENT REQUEST**

SCHEDULED MEETING DATE FOR CONSIDERATION: February 20, 2020

AREA REQUESTED

POSITION: Administrative Assistant II
DEPARTMENT: Finance Department
APPOINTMENT DURATION: 120 days maximum

STATUS OF RECRUITMENT AND EXAMINATION PROCESS

DATE ELIGIBLE LIST EXPIRED OR WAS EXHAUSTED: N/A
DATE PERSONNEL REQUISITION RECEIVED: November 1, 2019
CURRENT STATUS OF EXAMINATION: The job announcement is anticipated to post on February 18, 2020.

JUSTIFICATION:

Reason Needed:

This provisional appointment is needed to fill one (1) current vacancy. The requisition requesting the provisional appointment was approved. A provisional appointment will allow the incumbent to be trained and perform the Administrative Assistant II duties while an eligibility list is being developed.

Other Alternatives Explored and Eliminated:

None.

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

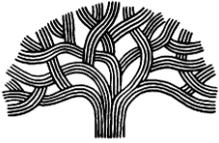
The negative impacts of not having this vacancy filled while an eligibility list is established would affect the Treasury Bureau operations as this a position monitors supplies, screens visitors, maintains records, researches budget and funds availability and other administrative duties as needed.

Attachments:

- Employment Application: Yes
- Personnel Requisition: Yes
- Resume: Yes

Recruitment, Classification & Benefits Staff Recommendation, including following pertinent information:

- Summary of Application Qualifications ✓
- Current Residency Status: *Non - Oakland Resident*
- Current Employment Status: *A current, TCSE Cashier of City of Oakland Employee*



CITY OF OAKLAND

MEMORANDUM

DATE: February 20, 2020

TO: The Honorable Civil Service Board

FROM: Alan Aguirre
Human Resource Analyst

THROUGH: Ian Appleyard, HRM Director
Secretary to the Board

THROUGH: Greg Preece
Human Resources Manager - Recruitment, Classification and Benefits

SUBJECT: Request for Provisional Appointment in Classification of Head Start Health & Nutrition Coordinator to be ratified at the Civil Service Board Meeting of February 20th, 2020

Attached is a request from the Human Services Department to make a provisional appointment to a Head Start Health & Nutrition Coordinator vacancy. The basis for this request is detailed in the attached Provisional Appointment Form as supporting documentation.

The Head Start Health & Nutrition Coordinator position plans, develops procedures, oversees implementation, and coordinates health, oral health, and nutrition services for the Early Head Start/Head Start (EHS/HS) program including on-site and home-based services; facilitates agreements with local health and nutrition providers to maximize services to enrolled children and families; provides support and direction to all staff related to monitoring and overseeing services to ensure consistent implementation of adopted agency policy; supervises assigned staff; and performs related duties as assigned.

The minimum qualifications for Head Start Health & Nutrition Coordinator are: a Bachelor's degree from an accredited college or university in public health, food and nutrition, dietetics or closely related field is required and two (2) years of progressively responsible work experience in nutrition or public health delivering and/or coordinating services to children 0-6 years of age. Relevant work experience in a clinic, hospital or school setting or a public health department is highly desirable.

The selected candidate meets the minimum qualifications of the Head Start Health & Nutrition Coordinator position with a Master's Degree in Nursing and five (5) years of experience as a School Nurse/Health Educator with the San Ramon Valley Unified School District and Vallejo City Unified School District. Recruitment and Classification is in the process of administering a Civil Service Examination to permanently fill this vacancy within 120 days. The job announcement opened as a continuous recruitment and was posted on December 9, 2019.

The Human Resources Management Department recommends that the Civil Service Board ratify the provisional appointment for this Head Start Health & Nutrition Coordinator position in the Human Services Department beginning on February 22, 2020 and ending on or before 6/22/2020.

**OAKLAND CIVIL SERVICE BOARD
PROVISIONAL APPOINTMENT REQUEST**

SCHEDULED MEETING DATE FOR CONSIDERATION: February 20, 2020

AREA REQUESTED

POSITION: Head Start Health & Nutrition Coordinator (continuous)

DEPARTMENT: Human Services Department

APPOINTMENT DURATION: 120 days maximum

STATUS OF RECRUITMENT AND EXAMINATION PROCESS

DATE ELIGIBLE LIST EXPIRED OR WAS EXHAUSTED: October 22nd, 2019

DATE PERSONNEL REQUISITION RECEIVED: January 24, 2020

CURRENT STATUS OF EXAMINATION: The job announcement posted on December 9th, 2019.

JUSTIFICATION:

Reason Needed:

This provisional appointment is needed to fill one (1) current vacancy. The requisition requesting the provisional appointment was approved. A provisional appointment will allow the work to be performed while an eligibility list is being developed. The Head Start Health & Nutrition Coordinator is needed to plan, develop procedures, oversee implementation, and coordinate health, oral health, and nutrition services for the Early Head Start/Head Start (EHS/HS) program, including on-site and home-based services; facilitate agreements with local health and nutrition providers to maximize services to enrolled children and families; and provide support and direction to all staff related to monitoring and overseeing services to ensure consistent implementation of adopted agency policy.

Other Alternatives Explored and Eliminated:

None.

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

The negative impacts of not having this vacancy filled while an eligibility list is established would severely impact the Department's ability to implement the programs and services in the Early Head Start/Head Start (EHS/HS) program.

Attachments:

Recruitment and Classification Staff Recommendation, including following pertinent information:

- Summary of Application Qualifications ✓
- Current Residency Status: *Non - Oakland Resident*
- Current Employment Status: *Non-City Employee*



Unpaid Leave of Absence

Leave Type:

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

Employee's Name Mana Tominaga Employee's ID 21100 Today's Date 1/9/2020

Department/Division Library Employee Job Title Supervising Librarian

Request: 6 Days Hours From 2/11/2020 To 2/19/2020
No. of Days or Hours Select Days or Hours

Unpaid Leave Taken This Year? Yes No If yes, what type of leave ANP 11.5 hours
(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.

[Signature] 1/8/2020
Employee's Signature Date

Civil Service Board Approval Date

[Signature] 1/14/2020
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.

**CITY OF OAKLAND
LIFE ENRICHMENT AGENCY
Oakland Public Library**



Interoffice Memo

TO: Jamie Turbak, Director, OPL
CC: Nina Lindsay, Associate Director, OPL
FROM: Mana Tominaga, Supervising Librarian, Main Library
DATE: 1/9/2020

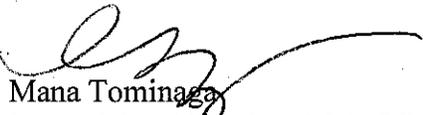
SUBJECT: Leave of Absence Request

The purpose of this memorandum is to request a leave of absence for ten days, without pay, from my current position as Supervising Librarian at Main, so that I may take a family trip away.

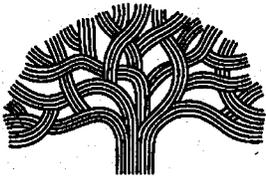
This request is in accordance with the Personnel Manual of the Civil Service Board, Section 8.07, Miscellaneous Leaves of Absence, which states in part: "Reasons for which leaves of absence without pay may be granted:

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

Thank you in advance for your consideration.


Mana Tominaga
Supervising Librarian, Main Library
Oakland Public Library

Cc: Civil Service Board
(Nina Lindsay, supervisor)



CITY OF OAKLAND

INTER OFFICE MEMORANDUM

TO: Anne E. Kirkpatrick, Chief of Police
Oakland Police Department

FROM: Kiona Suttle, Personnel Manager
Personnel Section
Oakland Police Department

SUBJECT: Unpaid Leave of Absence Request

DATE: January 16, 2020

Approval

Date

1-30-2020

Attached, please find a request from Police Communications Supervisor (PCS) Gina Cheng, 4729 for unpaid leave of absence during the period of February 1, 2020 through June 1, 2020. PCS Cheng is requesting this leave to care for and bond with her child. PCS Cheng has been off work on maternity leave since August 10, 2019, using a combination of paid Family Medical Leave Act (FMLA), Pregnancy Disability Leave (PDL) and California Family Rights Act (CFRA) leave. Upon your approval of this request it will be forwarded to the Civil Service Board for final consideration.

Respectfully submitted,

Kiona Suttle
Personnel Manager

Enclosure: Memo from PCS Cheng requesting maternity leave endorsed through her chain of command
City of Oakland Unpaid Leave of Absence Form from PCS Cheng



Unpaid Leave of Absence

Print Form

Leave Type:

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

Employee's Name Gina Cheng Employee's ID 20022 Today's Date 30DEC19

Department/Division Police Department/Communications Employee Job Title Police Communications Supervisor

Request: 4 months Days Hours From 01 FEB 20 To 01 JUN 20
No. of Days or Hours Select Days or Hours

Unpaid Leave Taken This Year? Yes No If yes, what type of leave FMLA/PDL
(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.

Employee's Signature [Signature] Date 30DEC19 Civil Service Board Approval _____ Date _____
 Department Head Approval [Signature] Date 1-30-2020 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.

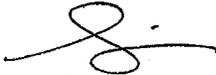
CITY OF OAKLAND
Memorandum

TO: Communications Division
ATTN: PCM E. Oliver
FROM: PCS. G. Cheng
DATE: 09 Jan 20

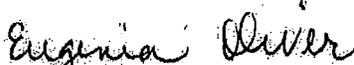
RE: Maternity Leave

I am respectfully writing this letter to request additional time off to care and bond with my newborn. My CFRA leave expires 01 Feb 20, I am requesting to extend my time from 02 Feb 20 to 02 Jun 20.

Your consideration of this request is greatly appreciated.



Gina Cheng
Police Communications Supervisor
Communications Division
Oakland Police Department



Eugenia Oliver
Police Communications Manager
Communications Division
Oakland Police Department

I approve. 1/29/2020
Virginia Gleason



CITY OF OAKLAND

MEMORANDUM

DATE: February 20, 2020

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 Head Start/Early Head Start Assistant Instructor

Based upon a classification review at the request of the Human Services Department (HSD), staff has proposed revision of the **Head Start/Early Head Start Assistant Instructor** classification. The new classification went to the Civil Service Board for approval in September 2018 and was established by City Council approval following two readings of the salary ordinance amendment on November 27, 2018.

The City of Oakland's Head Start and Early Head Start Programs are still suffering from the nationwide shortage of teachers. We have been unable to reach full staffing levels, continue to experience an increase in staff turnover, and must resort to closing classrooms on days in which sufficient staffing ratios cannot be attained. This is a critical, on-going issue for the City.

There are no current incumbents in this classification. To create a larger pool of eligible workers that is still compliant with state regulations, the City is proposing to change the type of permit and timing in which candidates must obtain his/her State of California Child Development Assistant Teacher Permit. Rather than possessing it upon application, we are proposing that it can be obtained within six (6) months of hire. However, failure to obtain the necessary permit within the first six (6) months will be grounds for removal.

The revised classification specification will be used to screen a pending pool of part-time candidates. Many of them will be eligible for hire under the revised qualifications, which will enable the City to get more teachers in classrooms in the immediate future.

The Service Employees International Union (SEIU, Local 1021) was notified of the proposal to revise this classification. City and union representatives discussed the revisions at a meeting on January 8, 2020. The union conveyed that there are no objections to the proposed revisions in an email dated February 7, 2020.

Additionally, the Port does not operate human services programs. Therefore, classifications specifically designed in support of human services programs have no corresponding classifications at the Port.

Staff recommends that the Civil Service Board approve the revised classification specification of **Head Start/Early Head Start Assistant Instructor** as proposed.

Attachment: Proposed revised Head Start/Early Head Start Assistant Instructor classification specification.



HEAD START/EARLY HEAD START ASSISTANT INSTRUCTOR

Class Code: PPXXX PT

Exempt

DEFINITION

Under direction in the Human Services Department, assists with instructing children enrolled in Head Start/State Preschool/Early Head Start Programs; assists with introducing parents to early childhood development concepts; observes during developmental assessments and may document observations; assists in organizing and setting up educational and play materials for classrooms; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is an entry-level classification in the Head Start/Early Head Start Instructor series. The incumbent is responsible for assisting assigned teacher(s) with conducting developmentally appropriate activities for children in the Head Start/State Preschool/Early Head Start Programs. This classification can be distinguished from the Head Start/Early Head Start Instructor, which is a fully functional journey-level teacher position. It is further distinguished from the Head Start/Early Head Start Substitute Associate Instructor position, which is also an entry-level position that provides oversight and instruction in the classroom.

The incumbent receives general supervision from the Early Childhood Center Director and may receive lead direction from Head Start/Early Head Start Instructors.

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

Assist with instructing children in basic infant/toddler/preschool education concepts.

Assist with organizing and setting up developmentally appropriate educational and play materials for the classroom.

Assist with conducting fire, disaster and safety drills in the classroom; inspect facility for safety standards and maintenance needs.

Assist with organizing and scheduling daily activities at the center classroom.

Prepare snacks and serve meals.

Assist with conducting outreach and recruiting children and families for enrollment in the Head Start/State Preschool/Early Head Start Program.

Observe, visually supervise and monitor children, and take action as needed during activities to ensure their health and safety at all times.

Observe children for unusual behavior or illness and notify Head Start/Early Head Start Instructor or Early Childhood Center Director.

Provide support during parent conferences.

Maintain a clean and organized indoor and outdoor environment, including the food service area.

Assist with maintaining routine records for daily attendance and progress of children in the classroom.

Partner with parents to adhere to individualized educational programs (IEPs) for their children.

Support the parent education, planning, and goal setting for parents.

Promote parent/child bonding and nurturing parent/child relationships through modeling developmentally and culturally appropriate interactions and communications.

Administer Pediatric First Aid and Cardiopulmonary Resuscitation (CPR), as needed.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Basic concepts of infant, toddler, preschool, and early childhood development, growth and behavior.
- Motor skills and development fundamentals.
- Principles and practices of teaching in an early childhood setting.
- Classroom safety related to care and oversight of infant/toddler/preschool children.
- Safe work practices.
- Modern office equipment.
- Personal computer and software applications.

Ability to:

- Assist with leading learning activities for children and parents.
- Assist with maintaining records.
- Support the screening and assessment of children.
- Assist with implementing developmentally appropriate activities for children.
- Learn and follow Head Start/Early Head Start and California State Licensing rules and regulations.
- Communicate effectively with children and parents.
- Follow oral and written directions.
- Work as part of a team in a culturally diverse environment.
- Carry out routine tasks in conjunction with assigned staff to meet established deadlines pursuant to performance standards and departmental policies and procedures.
- Stand, walk, squat, kneel, bend, twist, reach above shoulder level and below waist level, push and pull, and lift up to 50 lbs. while monitoring children.
- Grasp and manipulate items such as writing utensils.
- Sit on the floor while working with infants, toddlers and children.
- Carry and bottle feed infants/toddlers.
- Walk from a parked car to a home site and climb up flights of stairs as necessary.
- Administer CPR and Pediatric First Aid.
- Establish and maintain effective [working](#) relationships with those contacted in the performance of required duties.

MINIMUM QUALIFICATIONS

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

Education:

Six (6) units of Early Childhood Education (ECE) or Child Development (CD) from an accredited college or university.

ADDITIONAL REQUIREMENT FOR EARLY HEAD START PROGRAM ASSISTANT INSTRUCTORS: Education must include three (3) units of Infant/Toddler coursework.

Experience:

None required. Experience in a licensed child care center or comparable group child care program 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.

~~Must possess a State of California Child Development Associate Teacher Permit at time of appointment. Failure to obtain relevant teaching permit upon receipt of conditional job offer will be grounds for removal.~~

Must obtain a State of California Child Development Assistant Teacher Permit within six (6) months of employment. Must demonstrate proof of application for Assistant Teacher Permit from the State of California upon hire. Failure to obtain relevant teaching permit within six (6) months will be grounds for removal.

Must obtain Pediatric First Aid and CPR certifications within one year of employment and maintain throughout tenure of employment.

OTHER REQUIREMENTS

Depending on nature of assignment, candidates who receive offers of employment will be **required** to submit fingerprints, undergo a criminal record clearance, and have a physical examination including a TB screening.

Proficiency in a foreign language may be required.

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



CIVIL SERVICE BOARD MEETING MINUTES (DRAFT)

Date: January 16, 2020

OPEN SESSION 5:30 p.m.

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

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

STAFF TO THE BOARD: Ian Appleyard, HRM Director/Secretary to the Board
Greg Preece, HR Manager/Staff to the Board
Vadim Sidelnikov, Deputy City Attorney

OPEN SESSION AGENDA

ROLL CALL

1) OPEN FORUM

2) APPROVAL OF THE JANUARY 16, 2020 CIVIL SERVICE BOARD MEETING AGENDA ACTION

44965 A motion was made by Vice Chair Johnson and seconded by Board Member Williams to approve the January 16, 2020 Civil Service Board Meeting Agenda. The motion passed unanimously.

Votes: Board Member Ayes: 5 – Gourdine, Johnson, Hudson-Harmon, Levin, Williams

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Baranco, Martinez

3) UPDATES, SECRETARY TO THE BOARD INFORMATION

4) CONSENT CALENDAR: ACTION

a) Approval of Provisional Appointment

- Oakland Public Library Department (1)

b) Approval of Employee Requests for Leave of Absence

- City Attorney's Office (1)
- Human Resources Management (1)

c) Approval of Revised Classification Specifications

- Registered Veterinary Technician (formerly Veterinary Technician)
- Complaint Investigator III
- Transportation Engineer, Supervising

44966 A motion was made by Board Member Levin and seconded by Board Member Hudson-Harmon to approve the Consent Calendar: Provisional Appointments, Employee Requests for Leave of Absence, and Approval of Revised Classification Specifications. The motion passed unanimously.

Votes: Board Member Ayes: 5 – Gourdine, Johnson, Hudson-Harmon, Levin, Williams

Board Member Noes: None
 Board Member Abstentions: None
 Board Members Absent: Baranco, Martinez

5) OLD BUSINESS:

- a) Approval of December 19, 2019 Civil Service Board Meeting Minutes ACTION

Due to lack of quorum of members present at the December 2019 meeting, approval of the December 19, 2019 Civil Service Board Meeting Minutes will carry over to the February 2020 meeting.

Board Member Noes: None
 Board Member Abstentions: None
 Board Members Absent: Baranco, Martinez

- b) Approval of the July 18, 2019 Civil Service Board Meeting Minutes ACTION

Due to lack of quorum of members present at the July 2019 meeting, approval of the July 18, 2019 Civil Service Board Meeting Minutes will carry over to the February 2020 meeting.

Board Member Noes: None
 Board Member Abstentions: None
 Board Members Absent: Baranco, Martinez

- c) Determination of Schedule of Outstanding Board Items INFORMATION

Report received and filed.

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

Report received and filed.

- e) Update on Common Class Study INFORMATION

There was no update at this meeting. The Board requested a schedule of the remaining groups.

6) NEW BUSINESS:

- a) Approval of New Classification Specification for Veterinary Assistant ACTION

44967 A motion was made by Vice Chair Johnson and seconded by Board Member Williams to approve the New Classification for Veterinary Assistant. The motion passed unanimously.

Votes: Board Member Ayes: 5 – Gourdine, Johnson, Hudson-Harmon, Levin, Williams

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Baranco, Martinez

- b) Census 2020 Presentation INFORMATION

Presentation received.

- c) Approval of Revised Classification Specifications for Human Resource Clerk and Human Resource Technician ACTION

44968 A motion was made by Board Member Hudson-Harmon and seconded by Vice Chair Johnson to approve the revised classifications for Human Resource Clerk and Human Resource Technician. The motion passed unanimously.

Votes: Board Member Ayes: 5 – Gourdine, Johnson, Hudson-Harmon, Levin, Williams

Board Member Noes: None
Board Member Abstentions: None
Board Members Absent: Baranco, Martinez

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

Report received and filed.

7) ADJOURNMENT

The meeting was adjourned at 6:28 p.m.

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, February 20, 2020. All materials related to agenda items must be submitted by Thursday, February 6, 2020. For any materials over 100 pages, please also submit an electronic copy of all materials.

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

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150 Frank H. Ogawa Plaza, 2nd floor
Oakland, CA 94612
civilservice@oaklandca.gov



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CIVIL SERVICE BOARD MEETING MINUTES (DRAFT)

Date: December 19, 2019

OPEN SESSION 5:30 p.m.

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

BOARD MEMBERS: Chair, Andrea Gourdine; Vice Chair, Christopher Johnson (absent); Lauren Baranco; Yvonne Hudson-Harmon (absent); Brooke Levin (absent); 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
Vadim Sidelnikov, Deputy City Attorney

OPEN SESSION AGENDA

ROLL CALL

1) OPEN FORUM

2) APPROVAL OF THE DECEMBER 19, 2019 CIVIL SERVICE BOARD MEETING AGENDA ACTION

44958 A motion was made by Board Member Williams and seconded by Board Member Martinez to approve the December 19, 2019 Civil Service Board Meeting Agenda. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Williams, Baranco, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

3) UPDATES, SECRETARY TO THE BOARD INFORMATION

Director Appleyard presented to the Board the most recent staffing report presented to City Council in November, 2019.

4) CONSENT CALENDAR:

ACTION

- a) Approval of Provisional Appointment
 - Oakland Fire Department (1)
- b) Approval of Employee Requests for Leave of Absence
 - Oakland Public Library
- c) Approval of Revised Classification Specification
 - Planner III, Historic Preservation

44959 A motion was made by Board Member Williams and seconded by Board Member Martinez to approve the Consent Calendar: Provisional Appointments, Employee Requests for Leave of Absence, and Approval of Revised Classification Specifications. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Williams, Baranco, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

5) OLD BUSINESS:

- a) Approval of November 14, 2019 Civil Service Board Meeting Minutes

ACTION

Due to lack of quorum of members present at the November 2019 meeting, approval of the November 14, 2019 Civil Service Board Meeting Minutes will carry over to the January 2020 meeting.

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

- b) Approval of the July 18, 2019 Civil Service Board Meeting Minutes ACTION

Due to lack of quorum of members present at the July 2019 meeting, approval of the July 18, 2019 Civil Service Board Meeting Minutes will carry over to the January 2020 meeting.

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

- c) Determination of Schedule of Outstanding Board Items ACTION

Denise Eaton-May, Esq. and Deputy City Attorney Caryl Casden spoke regarding Appeal OFD-2019-AP02. The parties have agreed to delay the appeal scheduled for this meeting and to request the Board allow the appeal to be heard by a mutually agreed upon Hearing Officer. The parties have secured dates for the Hearing Officer in February, 2020.

44960 A motion was made by Board Member Martinez and seconded by Board Member Williams to receive the Schedule of Outstanding Items, accept the request to postpone Appeal OFD-2019-AP02, and to assign Appeal OFD-2019-AP02 to a hearing officer. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Williams, Baranco, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

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

Report received and filed.

- e) Update on Common Class Study – Draft Koff & Associates Report INFORMATION
Regarding General, Administrative, Clerical, and Office Occupational
Grouping

There was one speaker on this item. Local 21 Chapter Vice President
Jennifer Foster.

Report received and filed.

6) NEW BUSINESS:

- a) Approval of New Classification Specification for Fire Inspection ACTION
Supervisor

**44961 A motion was made by Board Member Williams and seconded by
Board Member Baranco to approve the new Classification
Specification for Fire Inspection Supervisor. The motion passed
unanimously.**

Votes: Board Member Ayes: 4 – Gourdine, Williams, Baranco, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

- b) Approval of New Classification Specification for Chief of Fire, ACTION
Assistant

**44962 A motion was made by Board Member Williams and seconded by
Board Member Martinez to approve the new Classification
Specification for Chief of Fire, Assistant. The motion passed
unanimously.**

Votes: Board Member Ayes: 4 – Gourdine, Williams, Baranco, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

- c) Approval of New Classification Specification for Capital ACTION
Improvement Coordinator, Assistant

44963 A motion was made by Board Member Martinez and seconded by Board Member Williams to approve the new Classification Specification for Capital Improvement Coordinator, Assistant. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Williams, Baranco, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

d) Approval of New Classification Specification for Ethics Analyst III

ACTION

44964 A motion was made by Board Member Williams and seconded by Board Member Baranco to approve the new Classification Specification for Ethics Analyst III. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Williams, Baranco, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Johnson, Levin, Hudson-Harmon

7) ADJOURNMENT

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, January 16, 2020. All materials related to agenda items must be submitted by Thursday, January 2, 2020. For any materials over 100 pages, please also submit an electronic copy of all materials.

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

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150 Frank H. Ogawa Plaza, 2nd floor
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CIVIL SERVICE BOARD MEETING MINUTES - DRAFT

Date: July 18, 2019

OPEN SESSION 5:30 p.m.

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

BOARD MEMBERS: Chair, Andrea Gourdine; Vice Chair, Christopher Johnson (arrived 5:38); Lauren Baranco (Absent); Yvonne Hudson-Harmon (Absent); Brooke Levin; Carmen Martinez; Beverly A. Williams (Absent)

STAFF TO THE BOARD: Ian Appleyard, HRM Director/Secretary to the Board (Absent)
Greg Preece, HRM Manager/Staff to the Board
Tabitha Pulliam, HRM Technician/Staff to the Board
Michelle Meyers, Senior Deputy City Attorney

OPEN SESSION AGENDA

ROLL CALL

1) OPEN FORUM:

No speakers

2) UPDATES, SECRETARY TO THE BOARD:

General Recruitment and Classification Updates presented by Greg Preece, HRM Manager.

3) APPROVAL OF THE JULY 18 2019 CIVIL SERVICE BOARD MEETING AGENDA:

44940 A motion was made by Vice Chair Johnson and seconded by Board Member Martinez to approve the July 18, 2019 Civil Service Board Meeting Agenda. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Johnson, Levin, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Baranco, Hudson-Harmon, Williams

4) CONSENT CALENDAR:

a) Approval of Employee Requests for Leave of Absence

- Library
- Oakland Police Department

44941 A motion was made by Vice Chair Johnson and seconded by Board Member Martinez to approve the Consent Calendar: Employee Requests for Leave of Absence. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Johnson, Levin, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Baranco, Hudson-Harmon, Williams

5) OLD BUSINESS:

a) Approval of June 20, 2019 Civil Service Board Meeting Minutes

44942 A motion was made by Chair Gourdine and seconded by Vice Chair Johnson to approve the June 20, 2019 Civil Service Board Meeting Minutes. With two ayes and two abstentions, the motion did not pass and will carry over to the August meeting.

Votes: Board Member Ayes: 2 – Gourdine, Johnson

Board Member Noes: None

Board Member Abstentions: Levin, Martinez

Board Members Absent: Baranco, Hudson-Harmon, Williams

b) Determination of Schedule of Outstanding Board Items

Report received and filed

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

Report received and filed

d) Update on Common Classification Study

Oral report, presented by Greg Preece, received

6) NEW BUSINESS:

a) Approval of New Classification Specification for Buyer, Senior

44943 A motion was made by Board Member Levin and seconded by Vice Chair Johnson to approve the New Classification Specification for Buyer, Senior. The motion passed unanimously.

Votes: Board Member Ayes: 4 – Gourdine, Johnson, Levin, Martinez

Board Member Noes: None

Board Member Abstentions: None

Board Members Absent: Baranco, Hudson-Harmon, Williams

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

Report received and filed

(7 ADJOURNMENT 6:20 p.m.

NOTE: The Civil Service Board meets on the 3rd Thursday of each month. The next meeting is scheduled to be held on Thursday, August 15, 2019. All materials related to agenda items must be submitted by Thursday, August 1, 2019. For any materials over 100 pages, please also submit an electronic copy of all materials.

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**CIVIL SERVICE BOARD
 APPEALS & HEARINGS CALENDAR
PENDING LIST – FEBRUARY 20, 2020**

1. OPEN

Case Number	Classification	Dept.	Action Pending	Hearing Date	Notes/Next Steps
OFD-2019-AP02	Firefighter/ Paramedic	Oakland Fire Department	6.06 – Appeal of Probationary Release	December 19, 2019*	*Matter has been referred to outside hearing officer.
OPL-2019-001	Library Aide, PPT	Oakland Public Library	6.06 – Appeal of Probationary Release	February 20, 2020	
PORT-2020-001	Port Maintenance Leader	Port of Oakland	6.06 – Appeal of Probationary Release	February 20, 2020	

2. OTHER PENDING ITEMS

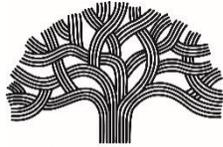
Date Requested	Subject	Report From	Date Due

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 20, 2020

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

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 16, 2020 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.

There is a total of eighty-nine (89) employees in the TCSE (24), TCSE/Annuitant (35), and ELDE (30) categories. Six (6) assignments were closed, and four (4) new assignments were added. Of the total, there are zero (0) assignments 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.”

HONORABLE CIVIL SERVICE BOARD

Subject: Temporary Employees

Date: February 20, 2020

Page 2

STATUS OF NONCOMPLIANT ASSIGNMENTS

Of the eighty-nine (89) temporary assignments, we are reporting zero (0) in this period as out of compliance with Rule 5.06.

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 Reporting January 24, 2020.
- B. TCSE/ELDE Compliance Trend Chart.

**CIVIL SERVICE BOARD
FEBRUARY 2020 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS**

DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
CLOSED THIS PERIOD (6)								
DEPT. OF TRANSPORTATION	Saephan	Andrew	35223 - Great Streets Maintenance Asphalt	11/16/2019	TCSE	147.5	Temporary Assistance in Road Pavement Program	COMPLIANT
FINANCE	Agaba	Rogers	08411 - Revenue Administration Unit	8/10/2019	TCSE	840	Temporary support to assist with multiple complex departmental projects	COMPLIANT
FINANCE	Austin	Shawnta	08441 - Revenue Collections Unit	4/20/2019	TCSE	597.75	Temporary assistance to maintain operations in the Liens unit during contract negotiations	COMPLIANT
INFORMATION TECHNOLOGY	Geary	Theodore	46111 - Administrative Services	8/3/2019	TCSE	359.5	Temporary project to analyze, design, develop and test software enhancements to	COMPLIANT
POLICE	Long	Jacqueline	108630 - Ceasefire	12/31/2018	ELDE		Temporary assistance to complete the OPD Ceasefire Unit Project	COMPLIANT
PUBLIC WORKS	Rodgers	Bobbie	30112 - Public Works Administration	5/18/2019	TCSE		Temporary special projects to support the expansion of the Oakland 311 Call Center	COMPLIANT
NEW THIS PERIOD (4)								
DEPT. OF TRANSPORTATION	Mount	Doug	35247 - Mobility Management	2/5/2020	TCSE	0	Temporary Assistance in the Off-Street Parking Program	COMPLIANT
HOUSING & COMMUNITY DEV.	Durades	Arlecia	89929 - Housing Development	1/11/2020	ELDE		Assistance with projects in the Housing Development Division.	COMPLIANT
HOUSING & COMMUNITY DEV.	Kennedy	Vanessa	89929 - Housing Development	1/25/2020	ELDE		Assistance with projects in the Housing Development Division.	COMPLIANT
HOUSING & COMMUNITY DEV.	Perez-Pacheco	Guadalupe	89939 - Municipal Lending	1/11/2020	ELDE		Assistance in the Housing Resource Center	COMPLIANT
COMPLIANT (85)								
CITY ADMINISTRATOR	Han	Delphina	02491 - Oakland Animal Services	3/9/2019	TCSE	675	Temporary assistance to support the volunteer program in Oakland Animal services	COMPLIANT
CITY ADMINISTRATOR	Kennedy	Christopher	02112 - Communications and Media	3/25/2019	ELDE		Temporary assistance in the development and improvement of the City Website, external communications and community outreach	COMPLIANT
CITY ADMINISTRATOR	King-Bailey	Colin	65111 - Public Ethics Commission	6/17/2019	TCSE	0	Temporary project to assist with creating digital campaign finance, ethics, and lobbyist data tools for Public Ethics Commission	COMPLIANT
CITY ADMINISTRATOR	Furr	Christina	02491- Oakland Animal Services	12/28/2019	TCSE	146	Temporary Assistance in AOS Shelter Operations.	COMPLIANT
CITY ADMINISTRATOR	Gibson	Mercedes	02112 - Communications & Media	5/4/2019	TCSE	8	Temporary project to assist in the development of the City's website and community outreach, etc.	COMPLIANT
CITY ADMINISTRATOR	Mufarreh	Chris	02491- Oakland Animal Services	4/23/2018	TCSE/ Annuitant	315	Temporary on-call Manager	COMPLIANT
CITY ADMINISTRATOR	Ruelas	Brenda	2113 - Communications & Media	4/20/2019	TCSE	844.25	Temporary project to assist in the development of the City's website and community outreach, etc.	COMPLIANT
CITY ADMINISTRATOR	Silverman	Eva	02112 - Communications and Media	3/18/2019	TCSE	315	Temporary assistance in the development and improvement of the City Website, external communications and community outreach	COMPLIANT
CITY ADMINISTRATOR	Woodall-Johnson	Marissa	02491 - Oakland Animal Services	4/6/2019	TCSE	233.5	Temporary relief veterinarian support at the Oakland animal shelter.	COMPLIANT
CITY ADMINISTRATOR	Umapathy	Kiran	02112 - Communications & Media	6/26/2019	TCSE	11	Temporary project to assist in the development of the City's website and community outreach, etc.	COMPLIANT

**CIVIL SERVICE BOARD
FEBRUARY 2020 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS**

DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
CITY ATTORNEY	Ericsson	Kristin	04111 - City Attorney Administration	1/14/2019	TCSE/ Annuitant	524	Temporary Support for Legal Administrative Assistant out on leave	COMPLIANT
CITY AUDITOR	Edmonds	Michael	07111 - City Auditor Unit	1/12/2019	TCSE/ Annuitant	651	Assistant City Auditor; temporary assistance in peer review preparation and training staff	COMPLIANT
CITY COUNCIL	Lopes	Joyce	00011 - Council Administration Unit	10/4/2016	TCSE/ Annuitant	88.5	Filling in for Council staff out on leave	COMPLIANT
DEPT. OF TRANSPORTATION	Aghamir	Shahram	35219 - Dept of Transportation	10/5/2019	TCSE/ Annuitant	396	Temporary project to manage the Highway Bridge Program Projects, Railroad Safety Improvement Project, and Stairs and Paths	COMPLIANT
DEPT. OF TRANSPORTATION	Calabrese	Christine	35232 - Street Lighting Engineer	2/9/2019	TCSE/ Annuitant	495.5	Temporary assistance to complete AC Transit Bus Rapid Transit project.	COMPLIANT
DEPT. OF TRANSPORTATION	Corona Jr.	Manuel	35214 - Complete Clean Streets	1/26/2019	ELDE		Spec under development for Transportation Planner series; duties not yet fully defined.	COMPLIANT
DEPT. OF TRANSPORTATION	Kattchee	Susan	35241 - Safe Streets Administration	12/15/2018	TCSE/ Annuitant	510.25	Temporary assignment to support and train section leaders, assist with budget planning and implementation for 2019-2021	COMPLIANT
DEPT. OF TRANSPORTATION	Neary	Michael	35211 - Department of Transportation	5/21/2018	TCSE/ Annuitant	287.5	Temporary assistance to develop, manage and implement the GoPort Program (transportation improvement)	COMPLIANT
ECONOMIC & WORKFORCE DEVELOPMENT	Duhon-Kelley	Coco	85511- Cultural Arts & Marketing	7/13/2019	TCSE	703	Temporary assistance to help establish more efficient systems in the grant contracting process.	COMPLIANT
ECONOMIC & WORKFORCE DEVELOPMENT	Kidder	Sarah	85511 - Cultural Arts & Marketing	6/17/2017	TCSE	65.75	Temporary project support in the Film Office.	COMPLIANT
ECONOMIC & WORKFORCE DEVELOPMENT	Lane	Patrick	85221 - Project Implementation: Staffing	11/2/2019	TCSE/ Annuitant	94.5	Assist with EWD Project Implementation	COMPLIANT
FINANCE	Bhatnagar	Amit	08211 - Accounting Administration Unit	1/8/2018	TCSE	638	Temporary project to develop Oracle Business Intelligence Enterprise Edition and Oracle Business Intelligence Applications.	COMPLIANT
FINANCE	Duperval	Shela	08421 - Revenue Audit Unit	2/13/2019	TCSE	615	Temporary receptionist assistance during high volume tax renewal season	COMPLIANT
FINANCE	Gomez	Jimena	08741- Treasury Payroll	3/11/2019	ELDE		Temporary assistance with special projects and essential functions in the Payroll unit	COMPLIANT
FINANCE	Gonzales	Christopher	08921 - Parking Citation Assistance Center	9/7/2019	ELDE		Temporary assignment to assist with Receptionist duties in the Parking Citations Assistance Center. Recruitment is underway	COMPLIANT
FINANCE	Hatcher, Jr.	Lucius	08222 - General Ledger	12/14/2019	TCSE/ Annuitant	87.5	Temporary assistance with special projects and essential functions in Finance Department	COMPLIANT
FINANCE	Roberts Jackson	Tanisha	08921 - Parking Citation Assistance Center	7/13/2019	TCSE	585	Urgent temporary assistance processing backlog in the parking citation assistance center	COMPLIANT
FINANCE	Shahzada	Irfan	08411 - Revenue Administration	9/19/2019	ELDE		Temporary critical assistance to maintain operations in the Accounting dept.	COMPLIANT
FINANCE	Smith	Starr	103242 - Parking Citation Assistance Center	1/18/2019	ELDE		Urgent temporary assignment on special projects in support of Public Service Reps	COMPLIANT
FINANCE	Stoker	Barbara	08431 - Business Tax Unit	8/10/2019	TCSE	825.25	Temporary project to assist with new and on going back logged division work load	COMPLIANT
FINANCE	Teshome	Theodeross	08441 - Revenue Collections Unit	5/20/2019	ELDE		Temporary assistance to help create a database of leases in preparation for GASB	COMPLIANT

**CIVIL SERVICE BOARD
FEBRUARY 2020 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS**

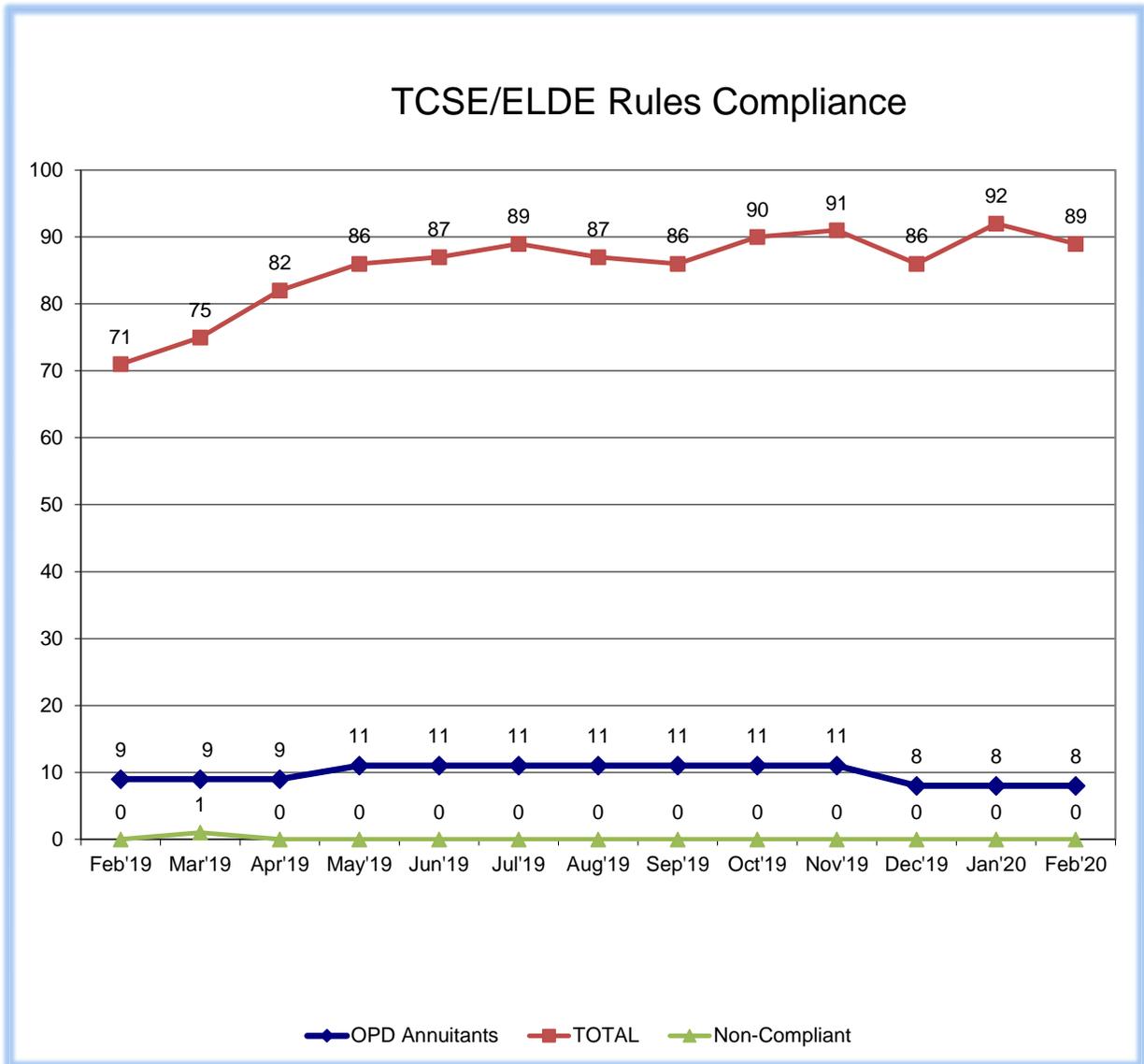
DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
FINANCE	Treglown	Donna	08111 - Finance/Controller	6/18/2018	TCSE/ Annuitant	391.25	Temporary assistance to complete Capital projects and end of year fiscal reconciliations.	COMPLIANT
FINANCE	Woodard	Phyllis	08741 - Treasury/Payroll Unit	9/6/2019	TCSE/ Annuitant	454	Temporary project to help train new Senior HR Operations Technicians and assist with advanced level projects	COMPLIANT
FIRE	Hellige	Scott	20813 - Fire Boat	8/12/2019	TCSE/ Annuitant	176	Temporary project to train current staff and possible expand the limited use of the Sea Wolf fire vessel to emergency.	COMPLIANT
FIRE	Hunt	Michael	20110 - Fire Chief Unit	3/23/2019	ELDE		Temporary assignment to support the department on numerous special projects, including coordination of projects between	COMPLIANT
FIRE	Kozak	Rebecca	20110 - Fire Chief Unit	5/21/2018	TCSE/ Annuitant	262	Temporary assistance developing staff and functions of the Office of the Chief of Fire manual and train Executive Assistant	COMPLIANT
HOUSING & COMMUNITY DEV.	Brady	Ellen	89969 - Residential Rent Arbitration	6/15/2019	ELDE		Critical assistance with the City's Rent Arbitration program.	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.	Lothlen	Brittini	89969 - Housing & Community Development	9/10/2019	ELDE		Temporary critical assistance to maintain operations in the Rent Adjustment Program	COMPLIANT
HOUSING & COMMUNITY DEV.	Thompson	Norma	89929 - Housing Development	4/17/2019	TCSE/ Annuitant	252.5	Temporary 6 month assignment to help train staff as Housing Development Services Manager	COMPLIANT
HUMAN RESOURCES MGMT.	Li	Wei	05211 - Employment and Classification	8/26/2019	ELDE		Temporary project to integrate the Oracle benefits system.	COMPLIANT
HUMAN RESOURCES MGMT.	Look	Daryl	05211 - Human Resources Management	9/24/2018	TCSE/ Annuitant	453	Temporary staffing to support classification and recruitment needs for city operations	COMPLIANT
HUMAN SERVICES	Breedlove	Jaqueline	75231 - Multipurpose Senior Service Program	2/24/2018	TCSE/ Annuitant	97.5	Provide training to new Case managers and complete procedural manual for future reference per funder's mandate.	COMPLIANT
HUMAN SERVICES	Bouey	Martina	78235 - HS Central Office Administration	7/27/2019	ELDE		Critical support to the Assistant Human Services Director during transitional period	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 preparing salary ordinance amendment to	COMPLIANT
HUMAN SERVICES	Ho	Kathy	78231 - HS Classroom & Seasonal	1/13/2018	TCSE/ Annuitant	501.5	Temporary Assistance as Head Start Substitute Teacher	COMPLIANT
HUMAN SERVICES	Jew	Jeanne	78199 - DHS Fiscal Unit	8/10/2019	TCSE/ Annuitant	315.5	Temporary assistance to help train new hires	COMPLIANT
HUMAN SERVICES	Shelton	Susan	78411 - Community Housing Services	9/11/2017	TCSE/ Annuitant	175	Temporary project: plan, facilitate and update Oakland Homeless Strategy	COMPLIANT
HUMAN SERVICES	Trist	Sarah	78232 - Head Start - Central Office Program	12/7/2019	ELDE		Temporary Assistance in Head Start Administration	COMPLIANT
INFORMATION TECHNOLOGY	Williams	Mheret	46121 - Reprographic Services	7/8/2019	ELDE		Temporary assignment to assist with critical reprographic projects	COMPLIANT
LIBRARY	Lopez	Jane	61132 - Children's Services/Youth Room	5/4/2019	TCSE/ Annuitant	110	Temporary assignment to help fill staffing gaps at Main Library.	COMPLIANT
LIBRARY	Willhalm	Laurie	61132 - Children Services/Youth Room	4/7/2019	TCSE/ Annuitant	597.5	Temporary assignment to help fill staffing gaps during Library expanded hours (Children's Librarian)	COMPLIANT
PLANNING & BUILDING	Borjon	Agustin	84229 - Zoning	2/27/2017	TCSE/ Annuitant	608	Time-limited project; temp assistance with backlog of permits	COMPLIANT

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FEBRUARY 2020 MONTHLY REPORT OF TCSE/ELDE ASSIGNMENTS**

DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
PLANNING & BUILDING	Lehmer-Chang	Aaron	84111 - Admin: Planning & Building	6/1/2019	ELDE		Temporary project to support the planning, coordinating, implementation and evaluation of external web publications.	COMPLIANT
PLANNING & BUILDING	Mason	Melvin	84412 - Admin: Building Inspection	4/6/2019	ELDE		Temporary assistance to process building permit inspections, extensions, and other high priority projects	COMPLIANT
PLANNING & BUILDING	Moriarty	William	84454 - Inspections: Neighborhood Preservation	12/28/2019	ELDE		Temporary assistance in the Inspection Division	COMPLIANT
PLANNING & BUILDING	Neri	Kevin	84412 - Admin: Building Inspection	4/6/2019	ELDE		Temporary assistance to process building permit inspections, extensions, and other high priority projects	COMPLIANT
PLANNING & BUILDING	Palmer	Ken	84451 - Inspections: Commercial Building	3/23/2019	TCSE/ Annuitant	392	Temporary assistance with back-log of inspections.	COMPLIANT
PLANNING & BUILDING	Stanley	Brandon	84412 - Admin: Building Inspection	4/7/2019	ELDE		Temporary assistance to process building permit inspections, extensions, and other high priority projects	COMPLIANT
POLICE	Bazile	Luc	106210 - Police Personnel	1/12/2019	ELDE		Temporary, urgent support as departmental Mail Courier; duties not yet fully defined	COMPLIANT
POLICE	Chambers	Paul	101110 - Office of Chief - Administration	11/30/2019	ELDE		Temporary Project Assistance in Chief/Admin Division	COMPLIANT
POLICE	Covington	Donald	106610 - Background & Recruiting	4/23/2018	TCSE/ Annuitant	193	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Gray	Steve	106610 - Background & Recruiting	7/17/2017	TCSE/ Annuitant	60	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Hicks	Mark	106610 - Background & Recruiting	9/23/2013	TCSE/ Annuitant	86	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Johnson	Carmen	106610 - Background & Recruiting	1/18/2014	TCSE/ Annuitant	690	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	COMPLIANT
POLICE	Lighten	Ronald	106610 - Background & Recruiting	9/23/2013	TCSE/ Annuitant	693	Per MOU Agreement; TCSE/ Annuitant supporting OPD backgrounding.	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	502.5	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 WORKS	Casilang	Chris	30541 - Equipment Services Administration	4/20/2019	TCSE	930	Temporary assistance with excess work load in the Heavy Equipment shop.	COMPLIANT
PUBLIC WORKS	Chambers	Jason	30541 - Equipment Services	9/21/2019	TCSE	671.5	Temporary assistance to repair essential vehicles utilized for emergency services by the Police, Fire and Public Works depts.	COMPLIANT
PUBLIC WORKS	Chavez	Humberto	30542 - Equipment Services	9/10/2019	TCSE	114.5	Temporary assistance to repair essential vehicles utilized for emergency services by the Police, Fire and Public Works depts.	COMPLIANT
PUBLIC WORKS	Clark	Brazile	30683 - Environmental Services - Environment Remediation	3/9/2019	ELDE		Temporary assignment to the "Environmental Stewardship Team" to help administer Earth Day, Creek To Bay and MLD Days of	COMPLIANT
PUBLIC WORKS	Hernandez	Raul	30244 - Sanitary Sewer Design	3/25/2019	ELDE		Temporary assignment to assist with the City's Private Sewer Lateral (PSL) program.	COMPLIANT
PUBLIC WORKS	Jones	Sabrina	30131 - Public Works Administration	5/18/2019	ELDE		Temporary project to manage Oakland 311Call center transition to a shared-service model and manage requests from outside agencies	COMPLIANT

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DEPT	LAST_NAME	FIRST_NAME	ORG	JOB_DATE	TYPE	HOURS	NOTES	STATUS
PUBLIC WORKS	Kelly	Kara	30241 - Engineering Design	9/7/2019	TCSE	483.5	Temporary assistance to help administer the Watershed and Stormwater Management programs	COMPLIANT
PUBLIC WORKS	Kuvetakis	Joseph	30541 - Equipment Services Division	1/2/2019	TCSE/ Annuitant	796	Temporary assistance with maintenance and repairs of specialized vehicles in the Heavy Equipment Shop	COMPLIANT
PUBLIC WORKS	Lai	Jimmy	30541 - Equipment Services	9/21/2019	TCSE	672	Temporary assistance to repair essential vehicles utilized for emergency services by the Police, Fire and Public Works depts.	COMPLIANT
PUBLIC WORKS	Lew	Mi Kyung	30234 - Facilities Planning & Development	2/23/2019	ELDE		Temporary support with delay or services and assist with back-log of important projects	COMPLIANT
PUBLIC WORKS	Nguyen	Hoang	30542 - Equipment Services	9/22/2019	TCSE	692	Temporary assistance to repair essential vehicles utilized for emergency services by the Police, Fire and Public Works depts.	COMPLIANT
PUBLIC WORKS	Pierce	Brittany	30551 - Facilities Administration	10/5/2019	TCSE	545	Temporary appointment to assist with backlogged, complex clerical and admin support duties	COMPLIANT
PUBLIC WORKS	Pschirrer	Kelly	30533 - Sewer System Maintenance	3/9/2019	ELDE		Special project in the planning and execution of the "Public Works University" - duties not yet fully defined.	COMPLIANT
PUBLIC WORKS	Smith	Ayana	30541 - Equipment Services Administration	3/23/2019	TCSE	910	Temporary assignment to assist in the specialized Equipment Services Unit	COMPLIANT
PUBLIC WORKS	Vargas	Abel	30542 - Equipment Services	7/1/2019	TCSE/ Annuitant	728	Temporary assistance to repair essential vehicles utilized for emergency services by the Police, Fire and Public Works depts.	COMPLIANT
PUBLIC WORKS	Weed	Jonelyn	30111 - Director & Human Resources Unit	12/16/2017	TCSE/ Annuitant	137	Temporary support to help develop and facilitate Department Strategic Action Plan	COMPLIANT
Non-Compliant (0)								





January 24, 2020

Point Factor Analysis –
Classification Comparison –
Information Technology
Occupational Grouping

Draft Report

Port of Oakland/City of Oakland

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APPENDICES

- Appendix I: Factor Evaluation System Description
- Appendix II: Classification Comparability Analysis



EXECUTIVE SUMMARY

Background

In January 2016, the Port of Oakland (“Port”) contracted with Koff & Associates (“K&A”) to conduct a comparative classification study to compare approximately three hundred (300) of the Port’s classifications to approximately three hundred (300) classifications in the City of Oakland’s (“City”) classification system. This classification review process was precipitated by the interest of the Civil Service Board in determining if the list of common classes found in Appendix B of the Personnel Manual of the Civil Service Board (also referred to as Civil Service Rules) has the potential of being expanded to include additional common classifications between the two classification systems.

The goal of the comparison classification study is:

- To analyze the Port of Oakland’s approximately three hundred (300) existing classifications through a comprehensive review of existing classification descriptions;
- To analyze the City of Oakland’s approximately three hundred (300) corresponding classifications through a comprehensive review of existing classification descriptions;
- To compare the Port’s and City’s classifications to determine if there are classifications within the respective agencies’ classification systems that are sufficiently similar in the nature and complexity of the duties performed, scope of responsibility, and qualifications required to be identified as common classifications in Appendix B of the Civil Service Rules.

K&A proposed a rating system by which to assign scores to each classification in order to facilitate an objective numerical comparison of each of the Port’s classifications to the corresponding City classification. The system utilizes six factors (identified and defined in the section of this report entitled “Point Factor Analysis”) on which to rate classifications and derive a numerical score for each. At the direction of the Port and City, monthly salary and salary differential information has been included in this report for informational purposes, but were not used as a factor by which commonality was rated. Following the Port, City, and Civil Service Board’s review of K&A’s proposed rating system, analysis commenced in January 2018.

CLASSIFICATION COMPARISON STUDY PROCESS

Occupational Groupings

K&A employed the use of occupational groupings whereby classifications were grouped into categories based on bodies of work in order to identify which classifications may be performing



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the same or substantively similar work. The occupational groupings and the approximate number of Port and City classes within each grouping can be found in Table 1.

Table 1. Occupational Groupings

Occupational Grouping	Approximate Number of Port Classifications	Approximate Number of City Classifications
Human Resources Management	9	26
General Administrative, Clerical and Office (including graphics and production)	28	36
Accounting and Budget	17	28
Engineering, Architecture, Planning and Permitting	45	33
Information Technology	17	27
Business and industry (including purchasing, contracts, marketing, workers' compensation, property management and public affairs)	20	14
Inspection, Investigation, Enforcement, Compliance	6	9
Trades	37	52

K&A was directed to analyze and report findings on the Accounting and Budget occupational grouping first, followed by periodic analysis and reporting on each of the remaining occupational groupings.

Point Factor Analysis

In order to develop a numerical score for each classification, K&A utilized the Factor Evaluation System (FES) to assign ratings to each classification based on the following six (6) factors:

- **Comparability** – Based on the broad comparability of the first ten (10) duty statements in each classification specification.
- **Knowledge required** – Measures the nature and extent of information or facts that an employee must understand to do acceptable work (e.g., steps, procedures, practices,



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rules, policies, theories, principles, and concepts) and the nature and extent of the skills needed to apply this knowledge.

- **Supervisory controls** – The nature and extent of direct or indirect controls exercised by the supervisor, the employee’s responsibility, and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined.
- **Guidelines** – The nature of guidelines and the judgment needed to apply them. Guides used in occupations may include desk manuals, established procedures and policies, traditional practices, and reference materials.
- **Complexity** – The nature, number, variety, and intricacy of tasks, steps, processes or methods in the work performed; the difficulty in identifying what needs to be done, and the difficulty and originality involved in performing the work.
- **Scope and Effect** – The relationship between the nature of the work (i.e., the purpose, breadth, and depth of the assignment) and the effect of the work products or services both within and outside of the organization.

Within each factor, there are several levels with defined criteria for each level and a corresponding point value. A complete description of each factor along with the levels, criteria, and points are provided in Appendix I.

Each classification was rated and assigned a score for each factor based on the information provided in the class specifications, and the individual factor scores were totaled to reach a final score for each classification. Final scores for classifications with the same or similar titles in the Port and the City were compared to determine the likeness of the classifications. Generally, classifications with scores within ten percent (10%) of each other are considered to have significant overlap in function, roles, and responsibilities and are sufficiently similar to be identified as common classifications.

FINDINGS

Comparison Classifications: Information Technology Occupational Grouping

Tables 2 and 3 display the Port and City classifications, respectively, that are categorized in the Information Technology occupational grouping. Each of the Port’s classifications was evaluated to determine whether there is a potential comparison classification at the City, and the findings of this evaluation are included in the following tables.



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Table 2. Port Classifications – Information Technology Grouping

Port Classification Title	Potential Comparable Class – City
Information Technology Business Analyst I	No Comparable Classification
Information Technology Business Analyst II	Systems Analyst II
Business Systems Analyst	Systems Analyst II
Land Records Programmer	Spatial Analyst III
Maintenance Management Systems Coordinator	No Comparable Classification
MIS Customer Services Supervisor	-Computer Operations Supervisor -Information Systems Administrator
Port Principal Programmer/Analyst	Information Systems Administrator
Port Programmer/Analyst	No Comparable Classification
Port Senior Programmer/Analyst	Systems Analyst III
Port Systems Planning Analyst	Systems Analyst II
Port Technical Support Analyst I	No comparable classification
Port Technical Support Analyst II	No Comparable Classification
Port Technical Support Analyst III	No Comparable Classification
Port Technical Support Analyst IV	No Comparable Classification
Port Technical Support Specialist I	Help Desk Specialist
Port Technical Support Specialist II	-Help Desk Specialist -Computer Operator
Port Technical Support Specialist III	No Comparable Classification

Table 3. City Classifications – Information Technology Grouping

City Classification Title	Potential Comparable Class – Port
Computer Operations Supervisor	MIS Customer Services Supervisor
Computer Operator	Port Technical Support Specialist II
Senior Computer Operator	No Comparable Classification
Database Administrator	No Comparable Classification



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City Classification Title	Potential Comparable Class – Port
Database Analyst II	No Comparable Classification
Database Analyst III	No Comparable Classification
Electronics Supervisor	No Comparable Classification
Help Desk Specialist	-Port Technical Support Specialist I -Port Technical Support Specialist II
Information Systems Administrator	-Port Principal Programmer/Analyst -MIS Customer Services Supervisor
Information Systems Supervisor*	No Comparable Classification
Microsystems Systems Specialist I*	No Comparable Classification
Microsystems Systems Specialist II*	No Comparable Classification
Operations Shift Supervisor	No Comparable Classification
Spatial Data Analyst III	Land Records Programmer
Spatial Database Analyst III	No Comparable Classification
Systems Analyst I*	No Comparable Classification
Systems Analyst II	-Business Systems Analyst -IT Business Analyst II -Port Systems Planning Analyst
Systems Analyst III	No Comparable Classification
Systems Programmer II	No Comparable Classification
Systems Programmer III	No Comparable Classification
Telecommunication Systems Engineer	No Comparable Classification
Telecommunications Electrician*	No Comparable Classification
Senior Telecommunications Electrician*	No Comparable Classification
Telecommunications Supervisor	No Comparable Classification
Telecommunications Technician	No Comparable Classification
Telephone Services Specialist	No Comparable Classification
Web Specialist	No Comparable Classification

** indicates that the classification title is included on the list of the City’s classifications; however, there is no classification description available for evaluation.*



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Following the identification of potential comparable classifications, we conducted a comprehensive evaluation of the classification specifications and rated each classification using the FES criteria and point values. Once point values were established for each classification, the values for each potential comparable class within the Port and City classification systems were compared to determine likeness between the classifications.

In some cases, we identified more than one potential match based on class title, and in those instances, we conducted a cursory review to determine if scoring comparison between the classifications was appropriate. In some instances, the cursory review revealed that a deeper comparison was not necessary (e.g., one class may be identified as entry level and another as journey level and qualification requirements were consistent with the level identified, in which case comparison scoring is not necessary). In other instances, cursory review did not eliminate the need for a deeper comparison and therefore a scoring comparison was conducted.

Comparability Scoring: Information Technology Group

Detailed scoring information for each classification can be found in Appendix II of this report. Table 4 provides a summary of the findings.

Table 4. Analysis Summary

City Classification	Score	Port Classification	Score	Point Value Differential	Percentage Differential
Systems Analyst II	1700	Business Systems Analyst	1700	0	0%
Systems Analyst II	1700	IT Business Analyst II	1850	150	8.8%
Systems Analyst II	1700	Port Systems Planning Analyst	1850	150	8.8%
Systems Analyst III	2100	Port Senior Programmer/Analyst	2100	0	0%
Help Desk Specialist	1150	Port Technical Support Specialist I	850	300	35%
Help Desk Specialist	1150	Port Technical Support Specialist II	1100	50	4.5%
Computer Operations Supervisor	2000	MIS Customer Support Supervisor	2175	175	8.8%
Computer Operator	850	Port Technical Support Specialist I	850	0	0%
Spatial Data Analyst III	1650	Land Records Programmer	1300	350	26.9%



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Information Systems Administrator	2175	Port Principal Programmer/Analyst	2175	0	0%
Information Systems Administrator	2175	MIS Customer Services Supervisor	2175	0	0%

While based on title alone it may appear that some classifications ought to be comparable, upon initial review, the duty statements did not align sufficiently to consider the classifications comparable for scoring purposes. Using the FES model developed for the study, there were not enough duty statements in common to warrant scoring. Given that the scoring methodology was solely based on the job descriptions alone, there may be more information to consider that was not available for this study.

Overall, the City’s information technology classifications list duty statements that are more specialized and specific to certain functions, many of which are outdated. For example, the Computer Operator lists duty statements describing changing tapes for backup functions. Most jurisdictions no longer use tapes for backup and have moved towards server-based backup and disaster recovery methodologies. While the Port’s classifications appear more up to date, there are rapid changes in technology and systems such that elements of the Port’s specifications appeared possibly outdated as well.

In general, finding commonality amongst City and Port classifications that at face value, based on the class description alone, appear to have sufficiently similar purpose, scope, and complexity, proved to be challenging because the duty statements did not easily align. Therefore, several classifications, which may in fact be sufficiently similar, were deemed to have no comparable classification because the duty statements were not similar enough to be considered comparable. Analysis of supplementary documentation (e.g., incumbent questionnaires, position control documents, organization charts, etc.) may be warranted to determine if there are in fact no additional comparable classifications.

In general, those classifications with a ten percent (10%) or less differential between scores are considered sufficiently similar and may be identified as common classes.

Table 5 provides a crosswalk of the City and Port classifications which we believe are sufficiently similar to be identified as common classes based on the final scores of each.



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Table 5. Crosswalk of Similar Classifications

City Classification	Monthly Salary	Port Classification	Maximum Monthly Salary	PFA Score Differential	Salary Differential
Systems Analyst II	\$8,497	Business Systems Analyst	Not available	0%	Not available
Systems Analyst II	\$8,497	Port Systems Planning Analyst	\$11,782	8.8%	38.7%
Systems Analyst III	\$10,327	Port Senior Programmer/Analyst	\$11,949	0%	15.7%
Help Desk Specialist	\$5,909	Port Technical Support Specialist II	\$10,153	4.5%	71.8%
Computer Operator	\$5,321	Port Technical Support Specialist I	Not available	0%	Not available
Computer Operations Supervisor	\$9,367	MIS Customer Services Supervisor	\$14,237	0%	52%
Information Systems Administrator	\$12,554	Port Principal Programmer/Analyst	\$13,950	0%	11%
Information Systems Administrator	\$12,554	MIS Customer Services Supervisor	\$14,237	0%	13.4%

It is important to note that the analysis for this study is confined to the content of the classification descriptions and did not include obtaining information from classification incumbents or the assumption of duties and responsibilities outside of that which is provided in the classification description. To this end, Table 6 provides a list of classifications that we believe are likely sufficiently similar to be identified as common classes, but the classification descriptions are written such that the scores for the classifications do not reflect this similarity.



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Table 6. Potentially Similar Classifications

City Classification	Port Classification	Discussion
Spatial Data Analyst III (\$10,736)	Land Records Programmer (\$9,865)	The Land Records Programmer is responsible for computerized Geographic Information System programs which house spatial data. Similarly, the Spatial Data Analyst is responsible for systems requiring spatial data. Both classifications have substantially similar purpose; however, the supervisory control and knowledge level may be overstated for the City’s position resulting in the 26.9% difference in scoring.

Next Steps

It is our assessment that the Port and the City can implement the addition of those classification pairings with a differential of five percent (5%) or less to Appendix B of the Civil Service Rules based on information provided in the classification specification. These classifications can be found in Table 7.

Table 7. Sufficiently Similar Classifications

City Classification	Port Classification
Systems Analyst II	Business Systems Analyst
Systems Analyst III	Port Senior Programmer/Analyst
Help Desk Specialist	Port Technical Support Specialist II
Computer Operator	Port Technical Support Specialist I
Information Systems Administrator	-Port Principal Programmer/Analyst -MIS Customer Services Supervisor

We recommend further analysis of the classifications listed in Table 6 to determine the similarity between the classifications based on what we believe to be potentially inaccurate information in the classification description as it relates to the supervisory controls and duty statements of the classes.



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CONCLUSION

It has been a pleasure working with Port on this critical project. Once you have had the opportunity to review this draft report, please let us know if you have questions or need clarification on any of the information contained herein.

Respectfully submitted by,
Koff & Associates

Georg Krammer
Chief Executive Officer



Appendix I

Factor Evaluation System Description

Port of Oakland Classification Equivalency Study

Study Goal

- Determine the extent of documented differences between job classifications in the City of Oakland and the counterpart classification in the Port of Oakland.
- Articulate differences in a manner which can be recognized and evaluated by multiple stakeholders including unions and the Civil Service Commission.
 - Whole job narrative would be complicated and less likely to be accepted; would be open to multiple challenges which would be difficult to respond to.
 - Quantitative analysis may be more acceptable to all stakeholders provided there is a validated basis to the analysis.
 - Would still be open to challenge, but factor comparability can be more readily communicated than whole job narrative.
- Port wishes to have an evaluation of direct comparability of duties and statements within the classifications specifications weighted heavily in the process.

Study Approach/Broad Based/Factor Based

- Broad based – measure comparability of duty statements within the classification specifications to determine what percentage are sufficiently similar
 - Involves an interpretation of statements and conclusions as their comparability
- Factor based – use the Federal Government’s Factor Evaluation System (FES) as the basis for evaluating specific factors which are key to determining compensability within the Federal System, and which can also be used to evaluate the “likeness” of jobs.
 - Factors will need to be applied to content of the classification specifications; thus the evaluation is more limited to classification content which can be used to measure these factors

Study Challenges/Pros and Cons

- Content of classification specifications may be difficult to work with if they are inaccurately written or do not provide strong insights in the nature and level of work assigned to the classification.
- Some factors (e.g. Guidelines) will require consultants to make assumptions on the use of desk manuals, SOP’s, professional practices consistent with either industry standard or best practices.
- Consultants will need to make judgment calls on aspects of the class specs (e.g. when using ten duties, and there are two similar duties in the top ten, may increase the level to eleven)
- Consultants will need to be consistent in factor evaluation, even if it is clear that the classification specification is incorrect (e.g. level of supervision received is higher than one would expect)
 - Koff and Associates can call out these differences.

- Rater bias/consistency among multiple factors
 - Koff and Associates will use a norming process to mitigate this
- Quantitative analysis can bring more validity to the process
- Port and City should consider how/whether this data will be communicated and what overall impact it will have on public and employee perception of work and pay equity in the City and Port.

Factor Evaluation Framework

Factors Based upon the Federal Factor Evaluation System (FES) used for General Schedule Occupations – Professional, Administrative, Technical and Clerical

Factors to be Evaluated

- Comparability of Duties and Responsibilities (Not used in FES)
- Knowledge Required by the Position
- Supervisory Controls (RECEIVED NOT EXERCISED)
- Guidelines
- Complexity
- Scope and Effect

FES Factors Not Used

- Personal Contacts
- Purpose of Contacts
- Physical Demands
- Work Environment
- Supervisory – this measurement is used in a different scale for supervisory and management positions- would require knowledge beyond that which is in the classification specification; however, we will identify for each class what type of supervision, if any, is exercised, but will not measure it. Since we are comparing like classes, it is unlikely that lack of a numerical value will impact the outcome.

City of Oakland/Port of Oakland Comparability of Duties and Responsibilities

Based Upon Broad Comparability First Ten Duty Statements in Class Specification

Level	Measure	Points	Comments
Comp-1	Two (2) of ten statements are sufficiently similar as to be comparable	50	Same points as Level 1 of Knowledge Matrix
Comp-2	Four (4) of ten statements are sufficiently similar as to be comparable	350	Same points as Level 3 of Knowledge Matrix
Comp-3	Six (6) of ten statements are sufficiently similar as to be comparable	750	Same points as Level 5 of Knowledge Matrix
Comp-4	Eight (8) of ten statements are sufficiently similar as to be comparable	1250	Same points as Level 7 of Knowledge Matrix
Comp-5	Ten (10) of ten statements are sufficiently similar as to be comparable	1850	Same points as Level 9 of Knowledge Matrix

- Sufficiently similar means that, although the duties may be written differently, a reasonable conclusion can be drawn that the statements are comparable, based upon the intent of the overall statements.
- Requires an objective interpretation, but may be perceived as subjective.

FES Factor 1 - Knowledge Required by the Position

Measures the nature and extent of information or facts that a worker must understand to do acceptable work, e.g., steps, procedures, practices, rules, policies, theories, principles and concepts, and the nature and extent of the skills needed to apply this knowledge. To be used as a basis for selecting a level under this factor, a knowledge must be required and applied.

Level	Description	Points
1-1	<p>Knowledge of simple, routine or repetitive tasks or operations that typically include following step-by-step instructions and require little or no previous training or experience;</p> <p style="text-align: center;">OR</p> <p>Skill to operate simple equipment or equipment that operates repetitively and requires little or no previous training or experience;</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	50
1-2	<p>Knowledge of basic or commonly used rules, procedures or operations that typically require some previous training or experience;</p> <p style="text-align: center;">OR</p> <p>Basic skill to operate equipment requiring some previous training or experience, such as keyboard equipment;</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	200
1-3	<p>Knowledge of a body of standardized rules, procedures and operations that require considerable training and experience to perform the full range of standard clerical assignments and resolve recurring problems;</p> <p style="text-align: center;">OR</p> <p>Skill acquired through considerable training and experience, to operate and adjust varied equipment for purposes such as performing numerous standardized tests or operations;</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	350
1-4	<p>Knowledge of an extensive body of rules, procedures or operations that require extended training and experience to perform a wide variety of interrelated or non-standard procedural assignments and resolve a wide range of problems;</p> <p style="text-align: center;">OR</p> <p>Practical knowledge of standard procedures in a technical field, requiring extended training or experience, to perform such work as adapting equipment when this requires consideration of the functioning characteristics of equipment; interpreting results of tests based on previous experience and observations (rather than directly reading instruments or other measures); or extracting information from various sources when this requires considering the applicability of the information and characteristics and quality of the sources;</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	550
1-5	<p>Knowledge (such as would be acquired through pertinent education, experience, training or independent study), of basic principles, concepts, and methodology of a professional or administrative occupation, and skill in</p>	750

Level	Description	Points
	<p>applying this knowledge in carrying out elementary assignments, operations, or procedures;</p> <p style="text-align: center;">OR</p> <p>In addition to the practical knowledge of standards 1-4, practical knowledge of technical methods to perform assignments such as carrying out limited projects that involve use of specialized complicated techniques;</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	
1-6	<p>Knowledge of the principles, concepts and methodology of a professional or administrative occupation as described in Level 1-5 that has either been (a) supplemented by skill gained through job experience to permit independent performance of recurring assignments, or (b) supplemented by expanded professional or administrative knowledge gained through relevant education or experience, that has provided skill in carrying out assignments, operations and procedures that are significantly more difficult and complex than those covered by level 1-5;</p> <p style="text-align: center;">OR</p> <p>Practical knowledge of a wide range of technical methods, principles and practices similar to a narrow area of a professional field; and skill in applying this knowledge to such assignments as the design and planning of difficult, but well precedented projects;</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	950
1-7	<p>Knowledge of a wide range of concepts, principles and practices of a professional or administrative occupation, such as would be gained through extended study or experience, and skill in applying this knowledge to difficult and complex work assignments;</p> <p style="text-align: center;">OR</p> <p>A comprehensive, intensive, practical knowledge of a technical field, and skill in applying this knowledge to the development of new methods, approaches or procedures.</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	1,250
1-8	<p>Mastery of a professional or administrative field to:</p> <ul style="list-style-type: none"> • Apply experimental theories and new developments to problems not susceptible to treatment by accepted methods; <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Make decisions or recommendations significantly changing, interpreting, or developing important public policies or programs; <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	1,550
1-9	<p>Mastery of a professional field to generate and develop new hypotheses and theories;</p> <p style="text-align: center;">OR</p> <p>Equivalent knowledge and skill.</p>	1,850

FES Factor 2 - Supervisory Controls

Supervisory controls cover the nature and extent of direct or indirect controls exercised by the supervisor, the employee’s responsibility and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined.

Responsibility of the employee depends on the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing the priorities and defining objectives. The degree of review of completed work depends on the nature and extent of the review, e.g., close and detailed review of each phase of the assignment, detailed review of the finished assignment, spot-check of finished work for accuracy, or review for adherence to policy.

Level	Description	Points
2-1	<p>For both one-of-a-kind and repetitive tasks, the supervisor makes specific assignments that are accompanied by clear, detailed and specific instructions.</p> <p>The employee works as instructed and consults with the supervisor as needed on all matters not specifically covered in the original instructions or guidelines.</p> <p>For all positions the work is closely controlled. For some positions, the control is through the structured nature of the work itself; for others, it may be controlled by the circumstances in which it is performed. In some situations, the supervisor maintains control through review of the work. This may include checking progress or reviewing completed work for accuracy, adequacy, and adherence to instructions and established procedures.</p> <p>Recommended type of supervision to match for this level:</p> <ul style="list-style-type: none"> • Immediate Supervision 	25
2-2	<p>The supervisor provides continuing or individual assignments by indicating generally what is to be done, limitations, quality and quantity expected, deadlines and priority of assignments. The supervisor provides additional, specific instructions for new, difficult, or unusual assignments, including suggested work methods of advice on source material available.</p> <p>The employee uses initiative in carrying out recurring assignments independently without specific instructions, but refers deviations, problems and unfamiliar situations not covered by instructions to the supervisor for decision or help.</p> <p>The supervisor assures that finished work and methods used are technically accurate and in compliance with instructions or established procedures. Review of the work increases with more difficult assignments if the employee has not previously performed similar assignments.</p> <p>Recommended type of supervision to match for this level:</p> <ul style="list-style-type: none"> • General Supervision 	125

Level	Description	Points
2-3	<p>The supervisor makes assignments by defining objectives, priorities and deadlines and assists the employee with unusual situations that do not have clear precedents.</p> <p>The employee plans and carries out the successive steps and handles problems and deviations in the work assignments in accordance with instructions, policies, previous training, or accepted practices in the occupation.</p> <p>Completed work is usually evaluated for technical soundness, appropriateness, and conformity to policy and requirements. The methods used in arriving at the end results are not usually reviewed in detail.</p> <p>Recommended type of supervision to match for this level:</p> <ul style="list-style-type: none"> • Direction 	275
2-4	<p>The supervisor sets the overall objectives and resources available. The employee and supervisor in consultation, develop deadlines, projects and work to be done.</p> <p>The employee, having developed expertise in the line of work, is responsible for planning and carrying out the assignment, resolving most of the conflicts that arise, coordinating the work with others as necessary, and interpreting policy on own initiative in terms of established objectives. In some assignments, the employee also determines the approach to be taken and the methodology to be used. The employee keeps the supervisor informed of progress and potentially controversial matters.</p> <p>Completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.</p> <p>Recommended type of supervision to match for this level:</p> <ul style="list-style-type: none"> • General direction 	450
2-5	<p>The supervisor provides administrative direction with assignments in terms of broadly defined missions or functions.</p> <p>The employee has responsibility for independently planning, designing and carrying out programs, projects, studies, or other work.</p> <p>Results of the work are considered technically authoritative and are normally accepted without significant change. If the work should be reviewed, the review concerns such matters as fulfillment of program objectives, effect of advice and influence of the overall program, or the contribution to the advancement of technology. Recommendations for new projects and alterations of objectives usually are elevated for such considerations as availability of funds and other resources, broad program goals, or national priorities.</p> <p>Recommended type of supervision to match for this level:</p> <ul style="list-style-type: none"> • Administrative direction 	650

FES Factor 3 – Guidelines

This factor covers the nature of guidelines and the judgment needed to apply them. Guides used in occupations include, for example, desk manuals, established procedures and policies, traditional practices and reference materials such as dictionaries, style manuals, engineering handbooks, and pharmacopoeia.

Individual jobs in different occupations vary in the specificity, applicability and availability of guidelines for performance of assignments. Consequently, the constraints and judgmental demands placed on employees may also vary. For example, the absence of specific instructions, procedures and policies may limit the employee’s opportunity to make or recommend decisions, or actions. However, in the absence of procedures under broadly stated objectives, employees in some occupations may use considerable judgment in researching literature and developing new methods.

Guidelines should not be confused with the knowledge described under Factor 1, Knowledge Required by the Position. Guidelines either provide reference data or impose certain constraints on the use of knowledge. For example, in the field of medical technology, for a particular diagnosis, there may be three or four standardized tests set forth in the technical manual. A medical technologist is expected to know these diagnostic tests. However, in a given laboratory, the policy may be to use only one of the tests, or the policy may state specifically under what conditions one or the other of these tests may be used.

Level	Description	Points
3-1	<p>Specific detailed guidelines covering all important aspects of the assignment are provided to the employee.</p> <p>The employee works in strict adherence to guidelines; deviations must be authorized by the supervisor.</p>	25
3-2	<p>Procedures for doing the work have been established, and a number of specific guidelines are available.</p> <p>The number and similarity of guidelines and work situations require the employee to use judgment in locating and selecting the most appropriate guidelines, references and procedures for application and in making minor deviations to adapt the guidelines to specific cases. The employee may also determine which of the several established guidelines to use. Situations to which the existing guidelines cannot be applied or significant proposed deviations from the guidelines are referred to the supervisor.</p>	125
3-3	<p>Guidelines are available but are not completely applicable to the work or have gaps in specificity.</p> <p>The employee uses judgment in interpreting and adapting guidelines, such as agency policies, regulations, precedents, and work directions for application to specific cases or problems. The employee analyzes results and recommends changes.</p>	275
3-4	<p>Administrative policies and precedents are applicable but are stated in general terms. Guidelines for performing the work are scarce or of limited use.</p>	450

Level	Description	Points
	The employee uses initiative and resourcefulness in deviating from traditional methods or researching trends and patterns to develop new methods, criteria, or proposed new policies.	
3-5	<p>Guidelines are broadly stated and non-specific, e.g., broad policy statements and basic legislation that require extensive interpretation.</p> <p>The employee must use judgment and ingenuity in interpreting the intent of the guides that do exist and in developing applications to specific areas of work. Frequently, the employee is recognized as a technical authority in the development and interpretation of guidelines.</p>	650

FES Factor 4 - Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

Level	Description	Points
4-1	<p>The work comprises of tasks that are clear cut and directly related.</p> <p>There is little or no choice to be made in deciding what needs to be done.</p> <p>Actions to be taken or responses to be made are readily discernible. The work is quickly mastered.</p>	25
4-2	<p>The work consists of duties that involve related steps, processes or methods.</p> <p>The decision regarding what needs to be done involves various choices that require the employee to recognize the existence of, and differences among, a few easily recognizable situations.</p> <p>Actions to be taken, or responses to be made, differ in such things as the source of information, the kind of transactions or entries, or other differences of a factual nature.</p>	75
4-3	<p>The work includes various duties involving different and unrelated processes and methods.</p> <p>The decision regarding what needs to be done depends upon the analysis of the subject, phase or issues involved in each assignment, and the chosen course of action may have to be selected from many alternatives.</p> <p>The work involves conditions and elements that must be identified and analyzed to discern interrelationships.</p>	150
4-4	<p>The work typically involves varied duties that require many different and unrelated processes and methods, such as those related to well-established aspects of an administrative or professional field.</p> <p>Decisions regarding what needs to be done include the assessment of unusual circumstances, variations in approach, and incomplete or conflicting data.</p> <p>The work requires making many decisions concerning such things as the interpretation of considerable data, planning of the work, or refinement of the methods and techniques to be used.</p>	225
4-5	<p>The work includes varied duties requiring many different and unrelated processes and methods that are applied to a broad range of activities or substantial depth of analysis, typically for an administrative or professional field.</p> <p>Decisions regarding what needs to be done include major areas of uncertainty in approach, methodology or interpretation and evaluation processes that result from such elements as continuing changes in program, technological developments, unknown phenomena, or conflicting requirements.</p>	325

Level	Description	Points
	The work requires originating new techniques, establishing criteria or developing new information.	
4-6	<p>The work consists of broad functions and processes of an administrative or professional field. Assignments are characterized by breadth and intensity of effort and involve several phases pursued concurrently or sequentially with the support of others within or outside the organization.</p> <p>Decisions regarding what needs to be done include largely undefined issues and elements and require extensive probing and analysis to determine the nature and scope of the problems.</p> <p>The work requires continuing efforts to establish concepts, theories, or programs, or to resolve unyielding problems.</p>	450

FES Factor 5 – Scope and Effect

Scope and Effect covers the relationship between the nature of the work, i.e., the purpose, breadth and depth of the assignment, and the effect of the work products or services both within and outside the organization.

Effect measures such things as whether the work output facilitates the work of others, provides timely services of a personal nature, or impacts on the adequacy of research conclusions. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture and allows consistent evaluations. Only the effect of properly performed work is to be considered

Level	Description	Points
5-1	<p>The work involves the performance of specific, routine, operations that include a few separate tasks or procedures.</p> <p>The work or service is required to facilitate the work of others; however, it has little impact beyond the immediate organizational unit or beyond the timely provision of limited services to others.</p>	25
5-2	<p>The work involves the execution of specific rules, regulations or procedures and typically comprises a segment of an assignment or project of broader scope.</p> <p>The work or service product affects the accuracy, reliability, or acceptability of further processes or services.</p>	75
5-3	<p>The work involves treating a variety of conventional problems, questions or situations in conformance with established criteria.</p> <p>The work product or service affects the design or operations of systems, programs or equipment; the adequacy of such activities as field investigations, testing operations, or research conclusions; or the social, physical and economic well being of people.</p>	150
5-4	<p>The work involves establishing criteria; formulating projects; assessing program effectiveness or investigating or analyzing a variety of unusual conditions, problems, or questions.</p> <p>The work product or service affects a wide range of agency activities, major activities or industrial concerns, or the operation of other agencies.</p>	225
5-5	<p>The work involves isolating and defining unknown conditions, resolving critical problems, or developing new theories.</p> <p>The work product or service affects the work of other experts, the development of major aspects of administrative or scientific programs or missions, or the well-being of substantial numbers of people.</p>	325
5-6	<p>The work involves planning, developing, and carrying out vital administrative or scientific programs.</p> <p>The programs are essential to the missions of the agency or affect a large number of people on a long term or continuing basis.</p>	450



**Point Factor Analysis – Classification Comparison –
Information Technology Grouping – Draft Report
Port of Oakland**

Appendix II

Classification Comparability Analysis
Information Technology Occupational Grouping

	Comparability				Knowledge		Sup. Controls		Guidelines		Complexity		Scope/Effect		Total Points	Comments
	Level	Points	FLSA	Sup.	Level	Points	Level	Points	Level	Points	Level	Points	Level	Points		
City--Systems Analyst II	1	50		N	1-6	950	2-2	125	3-3	275	4-3	150	5-3	150	1700	Classes are substantially similar despite only having overlap in a couple of duty statements.
Port--Business Systems Analyst	1	50	N	N	1-6	950	2-2	125	3-3	275	4-3	150	5-3	150		
City--Systems Analyst II	1-1	50		N	1-6	950	2-2	125	3-3	275	4-3	150	5-3	150	1700	Low score for Comparability factor due to variability in duty statements between the two classes. The supervisory controls differ with the City class receiving general supervision and the Port class receiving direction. Otherwise, the classes are comparable.
Port--IT Business Analyst II	1-1	50	N	N	1-6	950	2-3	275	3-3	275	4-3	150	5-3	150		
City--Systems Analyst II	1-1	50		N	1-6	950	2-2	125	3-3	275	4-3	150	5-3	150	1700	The job descriptions are very outdated; however, it is likely that these classes are very close in scope and complexity.
Port--Port Systems Planning Analyst	1-1	50	N	N	1-6	950	2-2	125	3-3	275	4-3	150	5-4	225		
City--Systems Analyst III	1-1	50		L	1-6	950	2-3	275	3-4	450	4-3	150	5-4	225	2100	Classes are similar; duty statements vary but scope, complexity, knowledge, supervision received are the same.
Port--Port Senior Programmer/Analyst	1-1	50	E	L	1-6	950	2-3	275	3-4	450	4-3	150	5-4	225		
City--Help Desk Specialist	1-1	50		N	1-4	550	2-2	125	3-2	125	4-3	150	5-3	150	1150	Classes have similarities with respect to supervisory controls, guidelines, and scope and effect of the work but the duty statements vary from one another and the Port Technical Support Specialist I is identified as the entry level in a class series.
Port--Port Technical Support Specialist I	1-1	50	N	N	1-3	350	2-1	25	3-2	125	4-3	150	5-3	150		
City--Help Desk Specialist	1-1	50		N	1-4	550	2-2	125	3-2	125	4-3	150	5-3	150	1150	Classes are substantially similar.
Port--Port Technical Support Specialist II	1-1	50	N	N	1-3	350	2-2	125	3-3	275	4-3	150	5-3	150		

Supervision Legend:
N = None
L = Lead
D = Direct

CLASSIFICATION COMPARABILITY ANALYSIS
Information Technology Classification Grouping

	Comparability				Knowledge		Sup. Controls		Guidelines		Complexity		Scope/Effect		Total Points	Comments
	Level	Points	FLSA	Sup.	Level	Points	Level	Points	Level	Points	Level	Points	Level	Points		
City--Computer Operations Supervisor	1-1	50		D	1-6	950	2-3	275	3-3	275	4-4	225	5-4	225	2000	These classifications are similar except that the guidelines for the work of the Port's class are more scarce and abstract than those for the City's class. Duty statements vary between the classes.
Port--MIS Customer Services Supervisor	1-1	50	E	D	1-6	950	2-3	275	3-4	450	4-4	225	5-4	225		
City--Computer Operator	1-1	50		N	1-3	350	2-1	25	3-2	125	4-3	150	5-3	150	850	The City--Computer Operator job description is very outdated and is difficult to analyze. The likelihood that the incumbents are using backup tapes is low as that is outdated technology. The comparability rating would likely be higher with up to date specs.
Port--Technical Support Specialist I	1-1	50	N	N	1-3	350	2-1	25	3-2	125	4-3	150	5-3	150		
City--Spatial Data Analyst III	1-1	50		L	1-5	750	2-3	275	3-3	275	4-3	150	5-3	150	1650	These classes are somewhat similar; it appears that the knowledge level and supervisory controls may be overstated for the City class by comparison to the duties the class is performing. Additionally, the City's class is identified as a lead classification whereas the Port's is not.
Port--Land Records Programmer	1-1	50	E	N	1-4	550	2-2	125	3-3	275	4-3	150	5-3	150		
City--Information Systems Administrator	1-1	50		D	1-6	950	2-3	275	3-4	450	4-4	225	5-4	225	2175	Substantially similar classes
Port--Port Principal Prog/Analyst	1-1	50	E	D	1-6	950	2-3	275	3-4	450	4-4	225	5-4	225		
City--Information System Administrator	1-1	50		D	1-6	950	2-3	275	3-4	450	4-4	225	5-4	225	2175	Substantially similar classes.
Port--MIS Customer Services Supervisor	1-1	50	E	D	1-6	950	2-3	275	3-4	450	4-4	225	5-4	225		

Supervision Legend:
N = None
L = Lead
D = Direct

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February 6, 2020

VIA EMAIL (GPreece@oaklandca.gov) AND REGULAR U.S. MAIL

Civil Service Board
City of Oakland
150 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612

**Re: Appeal of Probationary Release by Port of Oakland Probationary Employee
Joshua Wilson
Port of Oakland Position Statement/Exhibits**

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

Please consider this correspondence and attached exhibits as the position statement submitted by the Port of Oakland (the "Port") in response to the appeal filed by Mr. Joshua Wilson (A copy of the appeal is attached as **Exhibit A.**)

Mr. Wilson was selected for promotion from the position of Semi-Skilled Laborer to Maintenance Leader, effective July 27, 2019. Pursuant to the Port Personnel Rules and Procedures (hereinafter the "Rules"), Mr. Wilson was required to undergo a six month probationary period. The Rules specify that this six-month probationary period is "an essential part of the selection process, and shall be utilized for the most effective adjustment of a new employee and for the removal or demotion of any probationary employee whose performance does not meet the required standard of performance." Rule 6.01.

On December 20, 2019, just prior to the conclusion of Mr. Wilson's probationary period, the Port terminated Mr. Wilson's probationary status. **(See, Exhibit B.)** The reason for the Port's decision was the Union's refusal to agree to extend Mr. Wilson's probation to allow time to complete ongoing investigations, and to allow time for a complete and accurate evaluation of Mr. Wilson's performance. Mr. Wilson has appealed this probationary release on the grounds that the Port's decision violated Port Personnel Rules and Procedures sections 6.06 (c). Specifically, Mr. Wilson contends that the Port discriminated against him based on his alleged disability. As explained below however, Mr. Wilson's probationary release had nothing to do with his alleged disability and his appeal is unfounded.

I. APPLICABLE PORT PERSONNEL RULES AND PROCEDURES

The Port's Personnel Rules and Procedures governing probationary employees are set forth in Rule 6 (Probationary Period, Sections 6.01 – 6.07) (relevant portions of the Rules are attached as **Exhibit C.**)

Section 6.01 (Probationary Period) states in relevant part:

Every person appointed or promoted to a permanent position in the competitive civil service [...] shall serve a period of probation while occupying such position, which shall be considered a part of the test for fitness [...]. The probationary period shall be an essential part of the selection process, and shall be utilized for the most effective adjustment of a new employee and for the removal or demotion of any probationary employee whose performance does not meet the required standard of performance. (*Emphasis added.*)

Section 6.04 (Performance Rating During Probationary Period) states in relevant part:

The Executive Director or his/her designee shall file an approved report of performance at the end of the third and fifth months of employment for each employee serving a six-month probationary period.

* * *

Upon a favorable report, the appointment of the employee shall be deemed to be permanent at the expiration of the probationary period. In the event of an unfavorable report, the Executive Director or his/her designee shall notify the Port's Director of Human Resources and the employee, at least five (5) working days in advance, that he/she will be removed from the position no later than the final date of the probationary period.

Section 6.05 (Removal or Demotion of Employee During Probationary Period) states in relevant part:

At any time during the probationary period [...] an employee may be removed from her/his current position [...]. (*Emphasis added.*)

(a) [...] and he/she shall be considered permanently separated from that position without right to appeal to the Civil Service Board except as set forth in section 6.06. (*Emphasis added.*)

(b) If the employee has served at the Port or the City in another position in the competitive civil service, the employee shall be notified in writing by the Department of Human Resources within five (5) working days of removal that he/she may be reinstated to his/her prior classification from which promotion was made. The employee has five (5) working days from date of notification to respond in writing, stating her/his wish to be so reinstated.

Section 6.06 (Limited Rights of an Employee During Probationary Period) states in relevant part:

The right of an employee to appeal to the Civil Service Board because of her/his permanent separation from her/his position during his/her probationary period shall be limited to the following:

- (a) Failure of the Executive Director or his/her designee to comply with section 6.04 of these Rules;
- (b) Failure of the Executive Director or his/her designee to comply with section 6.05 of these Rules;
- (c) Discrimination against an employee during such probationary period on the basis of race, color, religion/religious creed, marital status, national origin/ancestry, sex, gender identify, gender expression, pregnancy, sexual orientation, physical or mental disability, medical condition, genetic information, AIDS/HIV status, military or veteran status, age, citizenship or on any other status protected by federal, state or local law.

Section 6.07 (Procedure to Be Used In Appeals and Hearings Under Section 6.06) states in relevant part:

(a) [...]

iii. The appeal shall state the sub-section of section 6.06 of these rules upon which it is based and a statement of the facts upon which such appeal is based. (*Emphasis added.*)

II. APPLICABLE PROVISIONS OF THE MOU BETWEEN THE PORT AND THE UNION

Pursuant to Article 8 (Promotion, Demotion and Transfers) of the Memorandum of Understanding ("MOU") between SEIU Local 1021 and the Port of Oakland, "the probationary period of any employee filling a position from a promotional examination shall not exceed six (6) months in duration." (Relevant portions of the MOU are attached as **Exhibit D.**)

Separately, Article 8 of the MOU also provides for periodic performance reviews of the probationary employee. The applicable provisions of Article 8 are as follows:

8.A Probation Period Upon Promotion. The probationary period of an employee filling a position from a promotional examination shall not exceed six (6) months in duration.

8.B Service Rating During Probation. An employee in a six (6) month probationary period shall receive a Report of Performance for Probationary Employee at the end of the third and fifth months of service and annually thereafter.

III. STATEMENT OF FACTS

A. **The Port Appointed Mr. Wilson To The Position Of Port Maintenance Leader After Providing Mr. Wilson A Disability Accommodation To Assist Him During the Examination Process**

The Port hired Claimant Joshua Wilson in March, 2015 to work as a semi-skilled laborer in the Port's Harbor Facilities. At the time, and to date, there were two separate organizational units or work crews. One work crew consisted of a Port Maintenance Leader ("Lead"), two Semi-Skilled Laborers ("SSLs"), an Equipment Driver, and an Equipment Operator while the other crew consisted of a Lead, two Semi-Skilled Laborers, a Gardner, a Painter, a Carpenter, and a Custodian. In each work crew, the SSLs separately reported to the Lead, and both the Lead and the SSLs were supervised by a Foreman. In 2019, the Leads and the SSLs were supervised by two Foremen, Kevin Pittman and Leonard Castenada, who were each assigned a work crew. These Foremen, in turn, reported to Harbor Facilities Manager, Bill Morrison. Foreman Leonard Castenada supervised Mr. Wilson in 2018 and 2019 prior to his promotion.

In late 2018, the Port identified an opening for a Maintenance Leader position in the Harbor Division. Mr. Wilson applied for the position. During the application process, on December 18, 2018, Mr. Wilson was invited to participate in a written examination. **(See, Exhibit E.)** The email invitation notified Mr. Wilson of the Port's commitment to providing disability accommodations for the examination process, when needed, in compliance with the Americans with Disabilities Act. Mr. Wilson responded by requesting that the Port's Human Resources Department provide extended time to take the test, and a "distraction-free room environment" as accommodations for his alleged learning disability. **(See, Exhibit F.)** The Port complied with this request.

With full knowledge of Mr. Wilson's identified disability and his asserted need for an accommodation during the testing process, the Port selected Mr. Wilson for promotion to the position of Port Maintenance Leader, effective July 27, 2019. **(See, Exhibit G.)** Contrary to Mr. Wilson's assertion in the present appeal, the Port did not subject him to any disparate or unfair treatment due to this disability.

B. **The Port Was Unable To Adequately Complete The Three-Month Probationary Performance Evaluation Because The Semi-Skilled Laborers Who Mr. Wilson Supervised Refused To Report to Him**

On July 27, 2019, Mr. Wilson began his role as Port Maintenance Leader reporting to Foreman Kevin Pittman. In this new role, Mr. Wilson was in charge of supervising two semi-skilled laborers. Pursuant to the Port Personnel Rules and the MOU, he was to serve a six-month probationary period that was scheduled to conclude January 27, 2020. During this probationary period, Mr. Wilson was to be given interim performance evaluations at the conclusion of the third and fifth months.

Shortly after Mr. Wilson began this new position, the two semi-skilled laborers under his supervision began expressing concerns about his behavior. One of these semi-skilled laborers transferred to a different work crew in order to avoid the necessity of reporting to Mr. Wilson. The other simply refused to take direction from Mr. Wilson, and sought direction from Foreman

Leonard Castenada instead. As a result, Mr. Wilson came to the conclusion of his third month in the new Port Maintenance Leader position having had no full-time employees to supervise. As the end of Mr. Wilson's third month approached, Foreman Kevin Pittman prepared the interim performance evaluation. Mr. Pittman completed the evaluation rating Mr. Wilson in only six out of the ten categories available. **(See, Exhibit H.)**¹ Mr. Pittman was not able to provide ratings for the remaining categories because they required an assessment of Mr. Wilson's supervisory skills. Specifically, the remaining categories assessed qualities such as "ability as a supervisor," and "application of good management principles." Mr. Pittman did not have an opportunity to observe Mr. Wilson's skills in these areas because the semi-skilled laborers Mr. Wilson was in charge of supervising, refused to work under his leadership.

C. In October 2019, The Port Commenced An Investigation After Many of the Members of Both Harbor Facilities' Work Crews Accused Mr. Wilson Of Threatening And Harassing Behavior, And Expressed Concerns For Their Safety

The two semi-skilled laborers who were originally assigned to Mr. Wilson's supervision were not the only members of the work crews who expressed concerns regarding Mr. Wilson's behavior. To the contrary, members of both work crews were outspoken about their many concerns about Mr. Wilson. Having heard these repeated and ongoing concerns, Foreman Leonard Castenada called a meeting of both work crews on October 4, 2019. During the meeting, each crew member was allowed to speak. Many of the meeting's attendees expressed concerns and complaints about Mr. Wilson. These complaints included allegations of harassment, threatening behavior, and concerns of feeling unsafe around Mr. Wilson.

Because of the nature of these complaints, the Port's Human Resources Department was notified and commenced an internal investigation. It was directed by Labor Relations Manager, Pamela Trawick. While Ms. Trawick was in the process of investigating the numerous concerns and complaints made by the various members of the work crews, she received opposing complaints asserted by Mr. Wilson himself. In particular, Mr. Wilson complained that he had been subjected to harassment, bullying, and unfair treatment by many of the same individuals who asserted the initial complaints against him. He accused them of acting in concert with a gang mentality, focused on ousting him as the Maintenance Leader. Because of the numerous and conflicting complaints involving most of the members of both work crews, the scope of the investigation was broadened and proceeded from late October through December 2019.

¹ It should be noted the Mr. Pittman mistakenly used the wrong review form for this review. Mr. Pittman used **Exhibit H**, which is a Report of Performance for Permanent Employee (emphasis added). However, he was supposed to use the Report of Performance for Probationary Employee. **(See, Exhibit I.)**

D. In Order To Provide Adequate Time to Complete The Investigations, And To Observe And Evaluate Mr. Wilson's Supervisory Skills, The Port Requested That The Union Agree To Extend Mr. Wilson's 6-Month Probation, But The Union Refused To Do So, Resulting In The Termination of Mr. Wilson's Probation

As of early December 2019, the Port's investigations had not concluded. At that time, the Port recognized that Mr. Wilson's five-month evaluation date was approaching and Mr. Wilson still did not have any full-time employees who he directly supervised. Thus, the Port would, again, be unable to provide a complete evaluation of his performance by the December 27 deadline for the five-month review. Moreover, the conclusion of Mr. Wilson's six-month probationary period, January 27, 2020, was fast approaching. The Port ultimately wanted to give Mr. Wilson a chance to succeed and to have a full and complete evaluation. In order to do so, the Port needed time to conclude the investigations and resolve the interpersonal issues among the crew members, before it would have an opportunity to fully and adequately assess Mr. Wilson's performance.

To resolve this dilemma, the Port contacted the Union through Field Representative Millie Cleveland. The Port requested that the Union agree to a 90-day extension of Mr. Wilson's probationary period to allow time for the completion of the investigations and resolution of the personnel issues. On December 11, 2019, Ms. Cleveland responded by email and initially expressed the Union's agreement to provide for an extension of the probationary period. **(See, Exhibit J.)** Two days later, on December 13, 2019, the Union changed its position and notified the Port that it would not approve the extension. The Union made clear that it was rescinding its prior approval. **(See, Exhibit K.)** Without an agreement by the Union to extend the probation, the Port did not have sufficient time to complete the investigations, resolve the personnel concerns, and obtain a complete assessment of Mr. Wilson in the role as Port Maintenance Leader. Accordingly, Facilities Manager Bill Morrison made the decision to release Mr. Wilson from his probation, and to return Mr. Wilson to his previous position of Semi-Skilled Laborer. This decision was sent to Mr. Wilson by letter, dated December 20, 2019. **(See, Exhibit B.)**

E. Mr. Wilson Appealed The Decision To Terminate His Probation

On December 23, 2019 Mr. Wilson filed the present appeal. **(See, Exhibit A.)** In his appeal, Mr. Wilson accuses the Port of violating Rule, 6.06 (c). In particular, Mr. Wilson asserts that in releasing him from his probation, the Port discriminated against him because of his disability. The Port denies these allegations and forwarded to Mr. Wilson a letter responding to his appeal on January 6, 2020. **(See, Exhibit L.)** In the letter, the Port again explained that it had sought a 90-day extension of his probation, but the Union would not agree to this extension.²

² In the January 6, 2020 letter the Port also asserted that "at no time during your probationary period did you advise the Port that you had a disability and that you required an accommodation." **(Emphasis added)** In other words, Mr. Wilson did not request a disability accommodation in order to perform the job of Port Maintenance Leader. Instead, Mr. Wilson simply requested an accommodation during the testing process. In his appeal papers, Mr. Wilson does not appear to recognize this distinction; rather, he seizes upon the language that he did "not require[] an accommodation." He takes issue with this statement and provides

IV. LEGAL ARGUMENT

A. **The Port's Decision To Terminate Mr. Wilson's Probation Did Not Violate Port Personnel Rule 6.06 (c) Because Mr. Wilson's Disability Was Not A Factor In the Decision To Terminate His Probation**

Mr. Wilson's appeal must be denied because he fails to show that the Port violated Port Personnel Rule 6.06 (c). As a preliminary matter, the Rules make clear that Mr. Wilson's appeal must specifically identify the sub-section of Rule 6.06 upon which the appeal is based. (See, Rule 6.07) Mr. Wilson, for his part, claims that his appeal is based on subsection (c) of Rule 6.06. Relying on this particular subsection, he claims that the Port discriminated against him based on his disability when it made the determination to release him from probation. This claim is completely unfounded.

As explained herein, the decision to terminate Mr. Wilson's probation had nothing to do with his disability. Rather, the decision was made because the Union would not agree to a 90-day extension of his probation. **(See, Exhibit K.)** This extension was needed because the semi-skilled laborers who were assigned to report directly to Mr. Wilson refused to do so. Thus, Mr. Wilson's supervisor, Kevin Pittman, could not provide a complete evaluation of Mr. Wilson's performance as Port Maintenance Leader. Beyond this, there were also numerous coworkers who complained of threatening and harassing behavior by Mr. Wilson. And, Mr. Wilson similarly lodged complaints of bullying and harassing behavior against these same coworkers. The Port therefore needed time to complete its' investigations and to attempt to resolve these personnel issues. With the deadline of Mr. Wilson's 6-month probationary period looming, the Port sought a 90-day extension of the probationary period to allow more time to resolve the outstanding concerns, and to give Mr. Wilson a chance to showcase his skills and succeed in the position. Stated differently, the Port was attempting to treat Mr. Wilson favorably to help him succeed, but the Union thwarted this effort by denying the request.

Based on the foregoing, Harbor Facilities Manager Bill Morrison made the decision to release Mr. Wilson from his probation. Notably, Mr. Wilson does not mention the existence of any perceived discriminatory motive by Mr. Morrison based on Mr. Wilson's alleged disability. In fact, Mr. Wilson's own evidence and argument bely any such contention. This is so because, as Mr. Wilson himself points out, the Port offered Mr. Wilson a disability accommodation to assist him with the examination process. Thus, the Port not only accommodated Mr. Wilson's disability, but it selected him for the position with full knowledge of his disability. His claim now that the Port discriminated against him because of this same disability is therefore baseless. His appeal should be denied for this reason alone.

evidence that he did request an accommodation during the application process (i.e., before he was awarded the position and before his actual probationary period). The Port does not dispute that Mr. Wilson requested the reasonable accommodation during the examination process. In fact, the Port similarly points to this fact as evidence that Mr. Wilson was not treated unfairly due to his disability. To the contrary, he was selected for the appointment with full knowledge of his disability.

B. The Port Did Not Violate The Progressive Discipline Provisions Of The MOU As They Are Not Applicable To The Decision To Release Mr. Wilson From His Probation

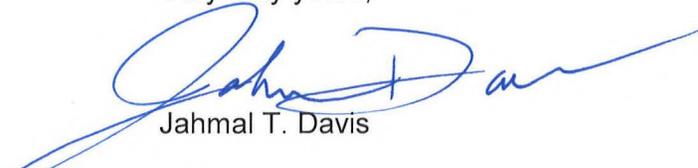
Section 6.05 of the Rules allows the Port to terminate a probationary employee at any time during the probationary period. When this occurs, probationary employees such as Mr. Wilson are “without right to appeal to the Civil Service Board except as set forth in section 6.06.” In other words, the only bases upon which Mr. Wilson may appeal are those bases identified in Rule 6.06. There is no right to appeal based on the progressive discipline provisions of the MOU. Mr. Wilson’s argument fails for this reason alone.

Further, it must be noted that the removal from probation is not, in and of itself, a form of “discipline” that would be subject to a progressive discipline process. As explained in Rule 6.01, the probationary period is merely a “part of the selection process.” The probationary employee has no rights to the position unless and until the employee satisfactorily completes the probation. The removal from this same probationary status therefore does not constitute a form of discipline or demotion.³ Mr. Wilson’s claim therefore fails on these additional grounds.

V. CONCLUSION

For the reasons described above, the Port respectfully requests that the Civil Service Board deny Mr. Wilson’s appeal.

Very truly yours,



Jahmal T. Davis

Enclosures

cc: Daniel S. Connolly

³ It should also be noted that if Mr. Wilson did, in fact, have a valid grievance that the Port violated the progressive discipline procedures of the MOU, this grievance must be submitted through the grievance and arbitration provisions of the MOU. The grievance would not be proper before the Civil Service Board.

EXHIBIT A

Joshua D Wilson
Port Maintenance Leader

[REDACTED]
[REDACTED]
jwilson@portoakland.com

lawless & lawless

(415)906-3108

December 23, 2019

Port of Oakland
530 water St, Oakland, CA 94607

To whom it may concern including; Port of Oakland Appointing authority, Personnel Director and Secretary to the board,

- i. I would like to exercise my civil service rights to have an appeal covered by Section 6.07 of the Civil Service Rules Manuel. Section 6.06 (c) protects me under the ADA for my leaning disability. I would like to use my rights to an appeal to the Board or an independent hearing. I Joshua D Wilson was permanently demoted from the Port Maintenance leader position during my probationary period to return to my previous position. I feel that I have been Discriminated against during my employment due to my learning disability by multiple Port of Oakland employees which has in turn affected my promotion opportunity.
- ii. I Joshua D Wilson request to have a public hearing.
- iii. The appeal sub-section of section 6.06 (c) ADA for Learning Disability.

Sincerely,
Joshua D Wilson
Port Maintenance Leader
[REDACTED]

EXHIBIT B



December 20, 2019

SENT VIA REGULAR U.S. MAIL AND HAND DELIVERED

Joshua Wilson
[REDACTED]
[REDACTED]

Re: **PROBATIONARY RELEASE**

Dear Mr. Wilson:

You were hired into the position of Port Maintenance Leader effective July 27, 2019. As set forth in Article 8.A of your Port/SEIU Memorandum of Understanding (2018-2022; "MOU"), you were required to serve a probationary period not to exceed six (6) months. Pursuant to Port of Oakland Personnel Rules and Procedures, Section 6.01, "Every person appointed or promoted to a permanent position in the competitive civil service after certification from an eligible list, shall serve a period of probation while occupying such position, which shall be considered a part of the test of fitness."

The Personnel Rules and Procedures, Section 6.05 "Removal or Demotion of Employee during the Probationary Period" provides in pertinent part as follows:

At any time during the probationary period (entrance appointment to a classified position – one (1) year; entrance and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months), an employee may be removed from her/his current position by the Executive Director or his/her designee.

Accordingly, effective December 20, 2019, you are hereby removed from your position as a Port Maintenance Leader. Pursuant to MOU Article 8.C ("Return Rights"), you will return to your former position as a Semi-Skilled Laborer, without loss of seniority or benefits, effective Monday, December 23, 2019. On that date, your shift will begin at 0700 - 1530 and you will report to Leonard Castaneda.

Enclosed for your reference is Section 6.06 "Limited Right by Employees during Probationary Period" and Section 6.07 "Procedure to be Used in Appeals and Hearing Under Section 6.06."

Sincerely,

Danny Wan
Executive Director

cc: Millie Cleveland, Representative, SEIU Local 1021
Bill Morrison, Harbor Facilities Manager
Michael Mitchell, Director of Human Resources
Pam Trawick, Labor Relations Manager
Stacie Chestnut, Human Resources Manager

- A vacancy exists when either the Port determines to fill a permanent position where the employee in a permanent position has resigned; retired, died, terminated, reassigned, transferred; or the Port creates a new position within the classified system.

ARTICLE 8 - PROMOTION, DEMOTION AND TRANSFER

8.A Probation Period Upon Promotion

The probationary period of an employee filling a position from a promotional examination shall not exceed six (6) months in duration.

8.B Service Ratings During Probation

An employee in a six (6) month probationary period shall receive a Report of Performance for Probationary Employee at the end of the third and fifth months of service and annually thereafter.

8.C Return Rights

An employee proving unsatisfactory or electing to decline a promotional position during the probationary period shall have full return rights to her/his former classification without loss of seniority or other benefits.

8.D Promotional Examinations

8.D.1 Job Vacancy Posting. The Port agrees to post examination announcements for represented positions on the official Port bulletin board outside of the Port Personnel (Personnel and Employee Services) Department and the designated SEIU Union bulletin boards. Announcements for examinations conducted by the Port Personnel (Personnel and Employee Services) Department will be posted no later than ten (10) working days before the application filing date. Announcements for examinations conducted by the City of Oakland Personnel (Examination and Classification) Department will be posted one (1) day after receipt from the City of Oakland. In the event an examination announcement is received late from the City of Oakland, the Port will support the Union's efforts to extend the application filing date.

Examination announcements and application forms for represented positions will be available through the Port Personnel (Personnel and Employee Services) Department. The Port will also transmit and post, as soon as possible, copies

RULE 6 - PROBATIONARY PERIOD

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

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

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

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

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

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

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

Upon a favorable report, the appointment of the employee shall be deemed to be permanent at the expiration of the probationary period. In the event of an unfavorable report, the Executive Director or his/her designee shall notify the Port's Director of

Port Personnel Rules and Procedures

Human Resources and the employee, at least five (5) working days in advance, that he/she will be removed from the position no later than the final date of the probationary period.

Section 6.05 – Removal or Demotion of Employee During The Probationary

Period. At any time during the probationary period (entrance appointment to a classified position – one (1) year; entrance and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months), an employee may be removed from her/his current position by the Executive Director or his/her designee provided that:

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

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

- (a) Failure of the Executive Director or his/her designee to comply with section 6.04 of these Rules;
- (b) Failure of the Executive Director or his/her designee to comply with section 6.05 of these Rules;
- (c) Discrimination against an employee during such probationary period on the basis of race, color, religion/religious creed, marital status, national origin/ancestry, sex, gender, gender identity, gender expression, pregnancy, sexual orientation,

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physical or mental disability, medical condition, genetic information, AIDS/HIV status, military or veteran status, age, citizenship or on any other status protected by federal, state or local law.

Section 6.07 -- Procedure to Be Used In Appeals and Hearings Under Section

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

(a) Order of Procedure in Appeals:

- i. The appeal must be filed in the office of the Executive Director or his/her designee within five (5) working days from the date that notice of removal was filed upon the affected employee. A letter sent to the affected employee's address of record via regular and certified mail, or hand delivered to the affected employee, shall constitute notification.
- ii. The appeal must be submitted in writing, and if the appellant desires to waive a public hearing, such a waiver must be in writing.
- iii. The appeal shall state the sub-section of section 6.06 of these rules upon which it is based and a statement of the facts upon which such appeal is based.
- iv. Within seven (7) working days from the filing of this appeal, the Executive Director or his/her designee shall submit to the Civil Service Board in writing its response.
- v. At the first meeting of the Civil Service Board after the filing of the appeal and the Port's response, the appeal shall be received and a date for the hearing shall be set. The appeal hearing shall be held at the next meeting of the Civil Service Board, unless continued by the Civil Service Board.
- vi. Not less than five (5) working days before the date the appeal is scheduled for hearing, the Civil Service Board shall send:
 1. A written notice giving the date, time, and place of such hearing to the Executive Director or his/her designee, to the appellant or her/his attorney and/or representative, and to the Port Attorney;
 2. A copy of the appeal to the Executive Director or his/her designee and the Port Attorney; a copy of the answer of the Executive Director or his/her designee to the appellant or her/his attorney or representative.
- vii. Hearings on appeals may be open to the public. However, upon motion of a directly interested party, the Chairperson of the Civil Service Board may exclude from the hearing room any witnesses not at the time under examination; except that a party to the proceeding and/or her/his counsel, or other persons conducting her/his case cannot be excluded.

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

EXHIBIT C

PERSONNEL RULES AND PROCEDURES
OF THE
PORT OF OAKLAND

Adopted: January 26, 2017 (P.O. #4404)

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RULE 6 - PROBATIONARY PERIOD

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

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

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

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

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

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

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

Upon a favorable report, the appointment of the employee shall be deemed to be permanent at the expiration of the probationary period. In the event of an unfavorable report, the Executive Director or his/her designee shall notify the Port's Director of

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Human Resources and the employee, at least five (5) working days in advance, that he/she will be removed from the position no later than the final date of the probationary period.

Section 6.05 – Removal or Demotion of Employee During The Probationary

Period. At any time during the probationary period (entrance appointment to a classified position – one (1) year; entrance and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months), an employee may be removed from her/his current position by the Executive Director or his/her designee provided that:

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

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

- (a) Failure of the Executive Director or his/her designee to comply with section 6.04 of these Rules;
- (b) Failure of the Executive Director or his/her designee to comply with section 6.05 of these Rules;
- (c) Discrimination against an employee during such probationary period on the basis of race, color, religion/religious creed, marital status, national origin/ancestry, sex, gender, gender identity, gender expression, pregnancy, sexual orientation,

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physical or mental disability, medical condition, genetic information, AIDS/HIV status, military or veteran status, age, citizenship or on any other status protected by federal, state or local law.

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

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

(a) Order of Procedure in Appeals:

- i. The appeal must be filed in the office of the Executive Director or his/her designee within five (5) working days from the date that notice of removal was filed upon the affected employee. A letter sent to the affected employee's address of record via regular and certified mail, or hand delivered to the affected employee, shall constitute notification.
- ii. The appeal must be submitted in writing, and if the appellant desires to waive a public hearing, such a waiver must be in writing.
- iii. The appeal shall state the sub-section of section 6.06 of these rules upon which it is based and a statement of the facts upon which such appeal is based.
- iv. Within seven (7) working days from the filing of this appeal, the Executive Director or his/her designee shall submit to the Civil Service Board in writing its response.
- v. At the first meeting of the Civil Service Board after the filing of the appeal and the Port's response, the appeal shall be received and a date for the hearing shall be set. The appeal hearing shall be held at the next meeting of the Civil Service Board, unless continued by the Civil Service Board.
- vi. Not less than five (5) working days before the date the appeal is scheduled for hearing, the Civil Service Board shall send:
 1. A written notice giving the date, time, and place of such hearing to the Executive Director or his/her designee, to the appellant or her/his attorney and/or representative, and to the Port Attorney;
 2. A copy of the appeal to the Executive Director or his/her designee and the Port Attorney; a copy of the answer of the Executive Director or his/her designee to the appellant or her/his attorney or representative.
- vii. Hearings on appeals may be open to the public. However, upon motion of a directly interested party, the Chairperson of the Civil Service Board may exclude from the hearing room any witnesses not at the time under examination; except that a party to the proceeding and/or her/his counsel, or other persons conducting her/his case cannot be excluded.

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

EXHIBIT D

**MEMORANDUM OF UNDERSTANDING
BETWEEN
SEIU LOCAL 1021
AND
THE PORT OF OAKLAND**

January 1, 2018 – June 30, 2022

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- A vacancy exists when either the Port determines to fill a permanent position where the employee in a permanent position has resigned, retired, died, terminated, reassigned, transferred; or the Port creates a new position within the classified system.

ARTICLE 8 - PROMOTION, DEMOTION AND TRANSFER

8.A Probation Period Upon Promotion

The probationary period of an employee filling a position from a promotional examination shall not exceed six (6) months in duration.

8.B Service Ratings During Probation

An employee in a six (6) month probationary period shall receive a Report of Performance for Probationary Employee at the end of the third and fifth months of service and annually thereafter.

8.C Return Rights

An employee proving unsatisfactory or electing to decline a promotional position during the probationary period shall have full return rights to her/his former classification without loss of seniority or other benefits.

8.D Promotional Examinations

8.D.1 Job Vacancy Posting. The Port agrees to post examination announcements for represented positions on the official Port bulletin board outside of the Port Personnel (Personnel and Employee Services) Department and the designated SEIU Union bulletin boards. Announcements for examinations conducted by the Port Personnel (Personnel and Employee Services) Department will be posted no later than ten (10) working days before the application filing date. Announcements for examinations conducted by the City of Oakland Personnel (Examination and Classification) Department will be posted one (1) day after receipt from the City of Oakland. In the event an examination announcement is received late from the City of Oakland, the Port will support the Union's efforts to extend the application filing date.

Examination announcements and application forms for represented positions will be available through the Port Personnel (Personnel and Employee Services) Department. The Port will also transmit and post, as soon as possible, copies

of examination announcements for represented positions on the designated SEIU Union bulletin boards. In addition, the Port will transmit copies of examination announcements for represented positions to the Union Chapter President and Union stewards identified by the Union as soon as possible. The posting sites may be changed by mutual agreement.

The Port shall print the phone number that employees may call to find out about job vacancies and promotional opportunities in the Port and the City on paycheck stubs. The Port will transmit copies of examination announcements to the Union Business Agent at the Union Office.

8.D.2 Job Training and Advancement Committee. The Port and the Union agree to establish a Job Training and Advancement Committee comprised of three Union representatives, three Port staff members, and appropriate Administrative staff in ex officio status, who shall be responsible for making recommendations to Administration on the development and implementation of training programs for Port employees. All represented employees shall be encouraged to participate in any training programs developed from recommendations of this committee.

8.D.3 Non-Discrimination Clause. The parties agree to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination on account of "race", color, religious creed, national origin, age, sex, physical handicap, sexual orientation, veteran status, or protected union activity.

8.D.4 No Residency Requirement. There shall be no residency requirement for an employee to qualify for a promotional examination.

8.D.5 Oral Board. Except for filling unique and complex positions, no Port employee will sit as a voting member of an oral board for promotional examinations. A Port member may sit as a non-voting member for the purposes of serving as a resource person and maintaining the orientation of the oral board. No department representative shall be present during an oral promotional examination except as specified above.

8.D.6 Promotional Preference Points - Years of Service. An employee who has completed ten (10) or more years of City/Port service and who successfully completes in a promotional examination shall receive five (5) points added to her/his final examination score. An employee who has completed fewer than ten (10) full years of City/Port service and who successfully competes in a promotional examination shall receive an additional number of points not to exceed a maximum of five (5) added to her/his final examination score prorated in accordance with her/his number of years of City/Port service.

8.D.7. Promotional Preference Points – Resident. A City of Oakland resident competing in such examination shall be given an additional five (5) percent on her/his score provided (s)he initially scores a passing grade on the examination and has

been a resident for a minimum of one (1) year as of the date of the job announcement for that examination.

8.D.8 Promotional Examination Information. The Port shall make information regarding promotional examinations available to Port employees at the earliest possible date. The Port will provide promotional examination information at least one month in advance of the examination deadline unless extenuating circumstances prohibit.

Such information shall be posted, among other areas, on all Union bulletin boards and at other mutually agreed upon locations. The Port will make its best effort to establish a better liaison with the City of Oakland Personnel (Examination and Classification) Department in order to obtain more timely information regarding job opportunities available to Port employees.

When information regarding such Port job opportunities cannot be provided by the application deadline, the Port will attempt to obtain an extension of the deadline for those employees who, because the Port did not provide the information, did not get notice.

8.D.9 Notification of Recommendation for Appointment. Candidates for represented positions shall be advised of their status by the Personnel and Employees Services Department. Those candidates who participate in departmental interviews who are recommended for appointment shall be given written notification from the Personnel and Employee Services Department, notifying them that another candidate(s) has been recommended for appointment. The Union shall be notified when represented positions have been filled, and will be given the names of selected applicants in represented positions.

8.E Eligible List for Promotional Position

Whenever a promotional position in the classified Civil Service is to be filled for which no reinstatement list exists, the appointing authority shall receive a list of four (4) names. In the case of multiple vacancies, the appointing authority shall receive a list of four (4) names plus two (2) names for each additional vacancy to be filled provided, however, that a lesser number may be certified when there is not the required number on the eligible list. Individuals on the promotional eligible list shall be certified and considered for appointment before individuals on the original entrance and/or restricted eligible list(s).

8.F Duration of Promotional List

Promotional level eligibility lists are of two (2) years' duration, unless changed by the City of Oakland. Regarding duration of promotional lists, the Port and the Union

agree to meet and confer with respect to any contemplated changes. The Port shall make recommendations of two (2) years' duration to the city on Port-unique represented classifications; exceptions of two (2) years' duration recommendations will be mutual agreement between the Port and the Union.

8.G Non-Selection Statement

An employee otherwise qualified for selection for a promotional position who is not recommended for appointment to said position shall upon her/his request be given a written statement from the appropriate supervisor indicating the reason or reasons for her/his non-selection.

8.H Supplemental Training Programs

In the event open/promotional examinations fail to provide successful candidates from among Port employees represented by the Union, the Port and the Union may meet to discuss whether specific on-the-job training or other training programs should be initiated to upgrade the skills of interested employees. Out of class pay for employees participating in promotional supplemental training agreed to by the Port and the Union shall be determined on a case by case basis, by mutual agreement between the Port and the Union.

8.I Transfer List

The Port shall post notices of all Port vacancies in each location listed in Section 8.D.1 for a period of not less than ten (10) working days in order to afford employees interested in reassignment within the same classification an opportunity to apply for vacant positions. Each such notice shall describe the classification of the position to be filled, the physical location of the position, its starting and quitting time, and a general description of the work to be performed. If five or fewer employees request an interview, each employee shall be interviewed. If more than five employees request an interview, at least the most senior five shall be interviewed. In selecting the person to fill the vacancy, seniority shall be a factor in consideration.

ARTICLE 9 - TRAINING AND EDUCATION

9.A Available Education Courses

The Port wishes to encourage bargaining unit employees to take advantage of educational courses. Such educational courses must further the knowledge of the bargaining employees in the performance of their present duties or facilitate their

EXHIBIT E

[REDACTED]

On Tue, Jan 1, 2019, 9:38 PM Joshua Wilson [REDACTED] wrote:

----- Forwarded message -----

From: <njeu@portoakland.com>
Date: Tue, Dec 18, 2018, 4:33 PM
Subject: PORT MAINTENANCE LEADER (PROMOTIONAL)
To: [REDACTED]

December 18, 2018

Joshua Wilson
[REDACTED]
[REDACTED]

Dear Joshua:
Candidate ID#: 34143930

I am pleased to inform you that you are among the candidates invited to participate in the written examination process for the position of PORT MAINTENANCE LEADER (PROMOTIONAL).

The date, time, location and estimated length of the test are shown below:

Date: 01/10/2019
Time: 9:00 AM
Estimated Length: 1 hour, 30 minutes
Location: 3rd Fl. Training Room

Arrive 15 minutes before your scheduled time and bring this notification along with photo identification to check-in for the written exam. Once the instructions for the examination have begun, no one will be admitted into the test site. Feel free to dress in casual clothes. Please bring a battery operated or solar powered calculator with you. No books or smart phones will be allowed.

Our office is located in Jack London Square at 530 Water Street. Paid parking is available at the parking structure on the corner of Embarcadero West and Washington Streets (across from Jack London Cinema). We will not validate parking.

If you wish to claim Oakland residency credit, you must also bring proof of your Oakland address. Acceptable proof includes items such as gas and electric, water, or trash utility bills (i.e., PG&E,

EBMUD, Waste Management). This bill will require your name and address clearly indicated on it.

The Port is committed to making reasonable accommodations in the selection process and in the work environment in compliance the American with Disabilities Act (ADA), State, and Federal laws. Individuals requesting reasonable accommodations in the selection process should notify us at least five working days before the test date. Otherwise, it may not be possible to arrange accommodations for the selection process. To request a reasonable accommodation, please call (510) 627-1487 or email at jlagman@portoakland.com.

Please RSVP your attendance to this test by emailing jlagman@portoakland.com. If you are unable to attend, please notify our testing staff at (510) 627-1487.

Sincerely

Nancy Jau
Port of Oakland
Human Resources Department



If you do not want to receive emails please click on the following : [Unsubscribe from Emails](#)

Notice The sender of this message is external to the **Port of Oakland**. Please think before you click on any links or open any attachments.

(Disclaimer posted by PortIT71394.)

EXHIBIT F

From: Joshua Wilson [mailto: [REDACTED]]
Sent: Wednesday, January 02, 2019 3:24 PM
To: Justin Lagman <jlagman@portoakland.com>
Subject: [EXTERNAL] RSVP PORT MAINTENANCE LEADER (PROMOTIONAL) reasonable accommodations request.

January 2, 2019

Port of Oakland
Human Resources Team
511 water Street Oakland CA 94607

To whom It May Concern,

I am pleased to have passed the supplemental question portion, for the Port Maintenance Leadman position promotion. I would like to request reasonable accommodation for the written exam on January 10, 2019

Reasonable accommodation:

- Extended time 2x.
- Distraction free room environment.

I had the opportunity to test for the Port of Oakland Plumber position in 2017. I was able to utilize my reasonable accommodation to give myself the best opportunity for success. However I would like to notify the human resources team about my personal experience with this accommodation. I personally felt singled out and uncomfortable about having to report to the same assigned testing location and then having to be escorted to a different location to test. With the Port Maintenance Leadman position being a promotion and having coworkers, I work with on a daily basis potentially being in the exam. I would like to keep my ability to have accommodations private. This will give me a chance to keep a professional relationship with my management team and peers. If my request for reasonable accommodation is approved for January 10, 2019 written exam. If possible I would like to report directly to the appropriate testing location for my accommodations.

Sincerely,

Joshua.D.Wilson
Semiskilled Labor EF-81 Harbor
Candidate ID#34143930

EXHIBIT G



July 19, 2019

Mr. Joshua Wilson
[REDACTED]

Dear Mr. Wilson:

Congratulations! You were recommended by the Engineering Division and approved by the Executive Director to be appointed to the position of Port Maintenance Leader. The salary for the position is \$9,036 per month, rate c, and the effective date of this appointment is July 27, 2019.

The Port Maintenance Leader classification is governed by the Civil Service Rules and is non-exempt from the Fair Labor Standards Act. You will begin a 6 month probationary period ending January 27, 2020.

If you have any questions regarding this appointment, please call me at 627-1519.

Sincerely,

Stacie Chestnut
Human Resources Manager

The proposed terms and conditions are hereby acknowledged.

Joshua Wilson

July 19, 2019
Date

cc: Kevln Pittman
Millie Cleveland
Personnel File

EXHIBIT H

50

CITY OF OAKLAND
REPORT OF PERFORMANCE FOR PERMANENT EMPLOYEE

3rd Month
Probation

Name Joshua Wilson Date of report October 25, 2019
Class title Port Maintenance Leader Code number EF82 Agency Port of Oakland

To the best of my judgment, the performance ratings as checked on this report, indicate how well you have been performing your duties since your last report. The ratings and comments on the copy you receive are the same as shown on the copies I am forwarding.

RATINGS ARE INDICATED BY "X" MARKS

PERFORMANCE FACTORS-RATE AT LEAST 5 OR MORE FACTORS BUT ONLY THOSE RELATED TO THE JOB.

	UNACCEPTABLE Improvement is Urgently Needed	SHORT OF STANDARD Need to Improve	STANDARD Thoroughly Competent	ABOVE STANDARD Exceptional Performance	OUTSTANDING Distinctly Superior
1				✓	
2			✓		
3			✓		
4			✓		
5		✓			
6			✓		
7					
8					
9					
10					
OVER-ALL RATING			✓		

1. QUALITY OF WORK - The acceptability of work performed, accuracy, precision, completeness and neatness of work.
2. QUANTITY OF WORK - The amount of work performed by employee in relation to the amount established as standard for position.
3. DEPENDABILITY - Ability to do the job without undue supervision, to complete work within a reasonable time, to meet deadline.
4. WORK HABITS - Extent employee uses care in performing his duties, organization of work, safety, care of equipment, punctuality, industry, attendance, tardiness.
5. COOPERATION AND RELATIONSHIPS WITH PEOPLE - Ability to get along with others, effectiveness in dealing with public, other employees.
6. INITIATIVE AND INGENUITY- Self-reliance, resourcefulness, willingness, and ability to accept and carry out responsibilities.
7. ANALYTICAL ABILITY - Thoroughness and accuracy of analysis of data, facts, laws and rules.
8. ABILITY AS SUPERVISOR - Proficiency in training employees and in planning, organizing, laying out and getting out work; leadership.
9. ADMINISTRATIVE ABILITY-Promptness of action; soundness of decision; application of good management principles.
10. FACTORS NOT LISTED ABOVE - (use additional sheets if needed).

OVER-ALL RATING - The over-all rating must be consistent with the factor rating and comments (check one).

SUPERVISOR'S COMMENTS TO EMPLOYEE - (Supervisors must make written comments on all factors rated above even though the ratings are Standard. Written suggestions on to how work performance can be improved must also be made when needed. Use additional sheets if more space is needed.)

19 OCT 28 10:45 AM

Signature of RATER [Signature] Title Port Maintenance Foreman Date October 25, 2019

In signing this report, I do not necessarily agree with the conclusion of the rater.

Signature of EMPLOYEE [Signature] Date October 25, 2019

I wish to discuss this report with the Reviewing Officer of my Department.

I agree in the ratings given by the rater. I have made no change in the report.

As requested, Reviewing Officer discussed report With employee.

Signature of REVIEWING OFFICER _____ Date _____ Signature _____ Date _____

EXHIBIT I

CITY OF OAKLAND
REPORT OF PERFORMANCE FOR PROBATIONARY EMPLOYEE

Name.....	Date of report.....	<input type="checkbox"/> FIRST <input type="checkbox"/> SECOND <input type="checkbox"/> THIRD <input type="checkbox"/> FINAL
Class title	Code number..... Agency.....	

To the best of my judgment, the ratings checked on this report, indicate how well you have been learning and doing your work during the Probationary period. The ratings and comments on the copy you receive are the same as shown on the copies I am forwarding.

PERFORMANCE FACTORS-RATE AT LEAST 7 OR MORE FACTORS BUT ONLY THOSE RELATED TO THE JOB.

1. **SKILL** - Expertness in doing specific tasks; accuracy; precision; completeness; neatness; quantity.
2. **KNOWLEDGE**-Extent of knowledge of methods, materials, tools, equipment, technical expressions and other fundamental subjects matter.
3. **WORK HABITS** - Organization of work; care of equipment; safety considerations; promptness; industry; attendance; tardiness.
4. **RELATIONSHIPS WITH PEOPLE**-Ability to get along with others; effectiveness in dealing with the public, other employees, patients or inmates.
5. **LEARNING ABILITY**-Speed and thoroughness in learning procedures, laws, rules and other details; alertness; perseverance.
6. **ATTITUDE**-Enthusiasm for the work; willingness to conform to job requirements and to accept suggestions for work improvement; adaptability.
7. **PERSONAL FITNESS** - Integrity; sobriety; emotional stability; physical condition; appearance and habits.
8. **ABILITY AS SUPERVISOR** - Proficiency in training employees and in planning, organizing, laying out and getting out work; leadership.
9. **ADMINISTRATIVE ABILITY**-Promptness of action; soundness of decision; application of good management principles.
10. **FACTORS NOT LISTED ABOVE** -

RATINGS ARE INDICATED BY "X" MARKS					
UNACCEPTABLE Improvement is Urgently Needed	SHORT OF STANDARD Need to Improve	STANDARD Thoroughly Competent	ABOVE STANDARD Exceptional Performance	OUTSTANDING Distinctly Superior	
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
OVER-ALL RATING - The over-all rating must be consistent with the factor rating and comments (check one).					

SUPERVISOR'S COMMENTS TO EMPLOYEE - Supervisors must make written comments on all factors rated above even though the ratings are Standard. Written suggestions on to how work performance can be improved must also be made when needed. Use additional sheets if more space is needed.)

I RECOMMEND THAT YOU BE GRANTED PERMANENT STATUS. (To be checked on final report; employee must be notified if rejected.)

Signature of RATER..... Title..... Date.....

In signing this report, I do not necessarily agree with the conclusion of the rater.

I wish to discuss this report with the Reviewing Officer of my Department.

Signature of EMPLOYEE..... Date.....

I agree in the ratings given by the rater. I have made no change in the report.

As requested, Reviewing Officer discussed report With employee.

Signature of AGENCY REVIEWING OFFICER..... Date..... Signature..... Date.....

EXHIBIT J

Pamela Trawick

From: Millie Cleveland <millie.cleveland@seiu1021.org>
Sent: Wednesday, December 11, 2019 4:17 PM
To: Pamela Trawick
Subject: [EXTERNAL] Joshua Wilson

The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources.
(Disclaimer posted by PortIT71394.) _____

Pam

The Union is willing to extend the probation period for Joshua Wilson for the requested 90 days. Please correct me if you had asked for a different length of time.

Please excuse typos sent from my iPhone

Millie Cleveland
SEIU Local 1021
Union Field Representative
Office (510) 350-4539
Cell (510) 710-0201

EXHIBIT K

Pamela Trawick

From: Millie Cleveland <millie.cleveland@seiu1021.org>
Sent: Friday, December 13, 2019 3:07 PM
To: Pamela Trawick; Bill Morrison
Cc: Joshua Wilson
Subject: [EXTERNAL] Joshua Wilson

The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources.
(Disclaimer posted by PortIT71394.) _____

Pam

Joshua has requested that the Union not approve the extension of his probationary period. The Union is respecting his request and rescinding the approval for the probationary period extension. His probationary period should end on his original date of January 27, 2020.

Please excuse typos sent from my iPhone

Millie Cleveland
SEIU Local 1021
Union Field Representative
Office (510) 350-4539
Cell (510) 710-0201

EXHIBIT L



PORT OF OAKLAND
HAND DELIVERD AND SENT VIA REGULAR U.S. MAIL

January 6, 2020

Joshua Wilson
[REDACTED]
[REDACTED]

Re: December 23, 2019 Request for Appeal to Civil Service Board - Demotion

Dear Mr. Wilson:

This is in response to your December 23, 2019 letter (attached) regarding your removal from your position as Port Maintenance Leader effective December 20, 2019. In it, you allege that Port Personnel Rule 6.06(c) "protects you under the ADA for [your] learning disability" and that the Port discriminated against you because of your learning disability. In your letter, you requested a public hearing.

Article 8, Section 8.A of your Port of Oakland ("Port") and SEIU Local 1021 Memorandum of Understanding specifically provides that "the probationary period of an employee filling a position from a promotional examination shall not exceed six (6) months."

On December 11, 2019 the Human Resources Department contacted SEIU Local 1021 via telephone to request a 90-day extension (until April 27, 2020) of your probationary period as a Port Maintenance Leader to further assess your performance.

On December 11, 2019, SEIU Local 1021 approved the Port's request to extend your probationary period and informed the Port's Human Resources Department via email (attached) that "the Union is willing to extend Joshua Wilson's probation."

On December 13, 2019, SEIU Local 1021 rescinded its approval of the extension of your probationary period and informed Human Resources via email (attached) that:

Joshua has requested that the Union not approve the extension of his probationary period. The Union is respecting his request and rescinding the approval for the probationary period extension. His probationary period should end on his original date of January 27, 2020.

Joshua Wilson
January 6, 2019
Page 2

Section 6.05 of the Port's Personnel Rules and Procedures, "Removal or Demotion of Employee During the Probationary Period," provides in pertinent part as follows:

At any time during the probationary period (entrance to a classified position – one (1) year; entrance and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months, an employee may be removed from his/her current position by the Executive Director or his/her designee.

In accordance with Section 6.05, and absent the further assessment, the Port removed you from your position as Port Maintenance Leader effective December 20, 2019.

At no time during your probationary period did you advise the Port that you had a disability and that you required an accommodation.

Enclosed for your reference is Section 6.06 "Limited Right by Employees during Probationary Period" and Section 6.07 "Procedure to be Used in Appeals and Hearing Under Section 6.06."

Sincerely,



Michael Mitchell
Director of Human Resources

Attachments

cc: City of Oakland Civil Service Board
Ian Appleyard, Secretary to the Civil Service Board/City of Oakland Human Resources Director
Danny Wan, Port of Oakland Executive Director
Millie Cleveland, Representative, SEIU Local 1021
Bill Morrison, Harbor Facilities Manager
Pamela Trawick, Labor Relations Manager
Stacie Chestnut, Human Resources Manager



PORT OF OAKLAND
HAND DELIVERED AND SENT VIA REGULAR U.S. MAIL

January 6, 2020

Joshua Wilson
[REDACTED]
[REDACTED]

Re: December 23, 2019 Request for Appeal to Civil Service Board - Demotion

Dear Mr. Wilson:

This is in response to your December 23, 2019 letter (attached) regarding your removal from your position as Port Maintenance Leader effective December 20, 2019. In it, you allege that Port Personnel Rule 6.06(c) "protects you under the ADA for [your] learning disability" and that the Port discriminated against you because of your learning disability. In your letter, you requested a public hearing.

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Joshua has requested that the Union not approve the extension of his probationary period. The Union is respecting his request and rescinding the approval for the probationary period extension. His probationary period should end on his original date of January 27, 2020.

Joshua Wilson
January 6, 2019
Page 2

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In accordance with Section 6.05, and absent the further assessment, the Port removed you from your position as Port Maintenance Leader effective December 20, 2019.

At no time during your probationary period did you advise the Port that you had a disability and that you required an accommodation.

Enclosed for your reference is Section 6.06 "Limited Right by Employees during Probationary Period" and Section 6.07 "Procedure to be Used in Appeals and Hearing Under Section 6.06."

Sincerely,



Michael Mitchell
Director of Human Resources

Attachments

cc: City of Oakland Civil Service Board
Ian Appleyard, Secretary to the Civil Service Board/City of Oakland Human Resources Director
Danny Wan, Port of Oakland Executive Director
Millie Cleveland, Representative, SEIU Local 1021
Bill Morrison, Harbor Facilities Manager
Pamela Trawick, Labor Relations Manager
Stacie Chestnut, Human Resources Manager

Joshua D Wilson
Port Maintenance Leader



jwilson@portoakland.com
lawless & lawless
(415)906-3108

December 23, 2019

Port of Oakland
530 water St, Oakland, CA 94607

To whom it may concern including; Port of Oakland Appointing authority, Personnel Director and Secretary to the board,

- i. I would like to exercise my civil service rights to have an appeal covered by Section 6.07 of the Civil Service Rules Manual. Section 6.06 (c) protects me under the ADA for my leaning disability. I would like to use my rights to an appeal to the Board or an independent hearing. I Joshua D Wilson was permanently demoted from the Port Maintenance leader position during my probationary period to return to my previous position. I feel that I have been Discriminated against during my employment due to my learning disability by multiple Port of Oakland employees which has in turn affected my promotion opportunity.
- ii. I Joshua D Wilson request to have a public hearing.
- iii. The appeal sub-section of section 6.06 (c) ADA for Learning Disability.

Sincerely,
Joshua D Wilson
Port Maintenance Leader





December 20, 2019

SENT VIA REGULAR U.S. MAIL AND HAND DELIVERED

Joshua Wilson
[REDACTED]
[REDACTED]

Re: **PROBATIONARY RELEASE**

Dear Mr. Wilson:

You were hired into the position of Port Maintenance Leader effective July 27, 2019. As set forth in Article 8.A of your Port/SEIU Memorandum of Understanding (2018-2022; "MOU"), you were required to serve a probationary period not to exceed six (6) months. Pursuant to Port of Oakland Personnel Rules and Procedures, Section 6.01, "Every person appointed or promoted to a permanent position in the competitive civil service after certification from an eligible list, shall serve a period of probation while occupying such position, which shall be considered a part of the test of fitness."

The Personnel Rules and Procedures, Section 6.05 "Removal or Demotion of Employee during the Probationary Period" provides in pertinent part as follows:

At any time during the probationary period (entrance appointment to a classified position – one (1) year; entrance and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months), an employee may be removed from her/his current position by the Executive Director or his/her designee.

Accordingly, effective December 20, 2019, you are hereby removed from your position as a Port Maintenance Leader. Pursuant to MOU Article 8.C ("Return Rights"), you will return to your former position as a Semi-Skilled Laborer, without loss of seniority or benefits, effective Monday, December 23, 2019. On that date, your shift will begin at 0700 - 1530 and you will report to Leonard Castaneda.

Enclosed for your reference is Section 6.06 "Limited Right by Employees during Probationary Period" and Section 6.07 "Procedure to be Used In Appeals and Hearing Under Section 6.06."

Sincerely,

Danny Wan
Executive Director

cc: Millie Cleveland, Representative, SEIU Local 1021
Bill Morrison, Harbor Facilities Manager
Michael Mitchell, Director of Human Resources
Pam Trawick, Labor Relations Manager
Stacie Chestnut, Human Resources Manager

- A vacancy exists when either the Port determines to fill a permanent position where the employee in a permanent position has resigned, retired, died, terminated, reassigned, transferred; or the Port creates a new position within the classified system.

ARTICLE 3 - PROMOTION, DEMOTION AND TRANSFER

8.A Probation Period Upon Promotion

The probationary period of an employee filling a position from a promotional examination shall not exceed six (6) months in duration.

8.B Service Ratings During Probation

An employee in a six (6) month probationary period shall receive a Report of Performance for Probationary Employee at the end of the third and fifth months of service and annually thereafter.

8.C Return Rights

An employee proving unsatisfactory or electing to decline a promotional position during the probationary period shall have full return rights to her/his former classification without loss of seniority or other benefits.

8.D Promotional Examinations

8.D.1 Job Vacancy Posting. The Port agrees to post examination announcements for represented positions on the official Port bulletin board outside of the Port Personnel (Personnel and Employee Services) Department and the designated SEIU Union bulletin boards. Announcements for examinations conducted by the Port Personnel (Personnel and Employee Services) Department will be posted no later than ten (10) working days before the application filing date. Announcements for examinations conducted by the City of Oakland Personnel (Examination and Classification) Department will be posted one (1) day after receipt from the City of Oakland. In the event an examination announcement is received late from the City of Oakland, the Port will support the Union's efforts to extend the application filing date.

Examination announcements and application forms for represented positions will be available through the Port Personnel (Personnel and Employee Services) Department. The Port will also transmit and post, as soon as possible, copies

RULE 6 - PROBATIONARY PERIOD

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

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

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

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

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

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

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

Upon a favorable report, the appointment of the employee shall be deemed to be permanent at the expiration of the probationary period. In the event of an unfavorable report, the Executive Director or his/her designee shall notify the Port's Director of

Human Resources and the employee, at least five (5) working days in advance, that he/she will be removed from the position no later than the final date of the probationary period.

Section 6.05 – Removal or Demotion of Employee During The Probationary

Period. At any time during the probationary period (entrance appointment to a classified position – one (1) year; entrance and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months), an employee may be removed from her/his current position by the Executive Director or his/her designee provided that:

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

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

- (a) Failure of the Executive Director or his/her designee to comply with section 6.04 of these Rules;
- (b) Failure of the Executive Director or his/her designee to comply with section 6.05 of these Rules;
- (c) Discrimination against an employee during such probationary period on the basis of race, color, religion/religious creed, marital status, national origin/ancestry, sex, gender, gender identity, gender expression, pregnancy, sexual orientation,

Port Personnel Rules and Procedures

physical or mental disability, medical condition, genetic information, AIDS/HIV status, military or veteran status, age, citizenship or on any other status protected by federal, state or local law.

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

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

(a) Order of Procedure in Appeals:

- i. The appeal must be filed in the office of the Executive Director or his/her designee within five (5) working days from the date that notice of removal was filed upon the affected employee. A letter sent to the affected employee's address of record via regular and certified mail, or hand delivered to the affected employee, shall constitute notification.
- ii. The appeal must be submitted in writing, and if the appellant desires to waive a public hearing, such a waiver must be in writing.
- iii. The appeal shall state the sub-section of section 6.06 of these rules upon which it is based and a statement of the facts upon which such appeal is based.
- iv. Within seven (7) working days from the filing of this appeal, the Executive Director or his/her designee shall submit to the Civil Service Board in writing its response.
- v. At the first meeting of the Civil Service Board after the filing of the appeal and the Port's response, the appeal shall be received and a date for the hearing shall be set. The appeal hearing shall be held at the next meeting of the Civil Service Board, unless continued by the Civil Service Board.
- vi. Not less than five (5) working days before the date the appeal is scheduled for hearing, the Civil Service Board shall send:
 1. A written notice giving the date, time, and place of such hearing to the Executive Director or his/her designee, to the appellant or her/his attorney and/or representative, and to the Port Attorney;
 2. A copy of the appeal to the Executive Director or his/her designee and the Port Attorney; a copy of the answer of the Executive Director or his/her designee to the appellant or her/his attorney or representative.
- vii. Hearings on appeals may be open to the public. However, upon motion of a directly interested party, the Chairperson of the Civil Service Board may exclude from the hearing room any witnesses not at the time under examination; except that a party to the proceeding and/or her/his counsel, or other persons conducting her/his case cannot be excluded.

Port Personnel Rules and Procedures

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

Pamela Trawick

From: Millie Cleveland <millie.cleveland@seiu1021.org>
Sent: Wednesday, December 11, 2019 2:28 PM
To: Pamela Trawick
Subject: [EXTERNAL] Request for Extension

The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources.
(Disclaimer posted by PortIT71394.) _____

The union is willing to extend Joshua Wilson's probation. Please remind me of how long you requested and I'll send a formal email

Please excuse typos sent from my iPhone

Millie Cleveland
SEIU Local 1021
Union Field Representative
Office (510) 350-4539
Cell (510) 710-0201

Pamela Trawick

From: Millie Cleveland <millie.cleveland@seiu1021.org>
Sent: Wednesday, December 11, 2019 4:17 PM
To: Pamela Trawick
Subject: [EXTERNAL] Joshua Wilson

The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources.
(Disclaimer posted by PortIT71394.) _____

Pam
The Union is willing to extend the probation period for Joshua Wilson for the requested 90 days. Please correct me if you had asked for a different length of time.

Please excuse typos sent from my iPhone

Millie Cleveland
SEIU Local 1021
Union Field Representative
Office (510) 350-4539
Cell (510) 710-0201

Pamela Trawick

From: Millie Cleveland <millie.cleveland@seiu1021.org>
Sent: Friday, December 13, 2019 3:07 PM
To: Pamela Trawick; Bill Morrison
Cc: Joshua Wilson
Subject: [EXTERNAL] Joshua Wilson

The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources.
(Disclaimer posted by PortIT71394.) _____

Pam
Joshua has requested that the Union not approve the extension of his probationary period. The Union is respecting his request and rescinding the approval for the probationary period extension. His probationary period should end on his original date of January 27, 2020.

Please excuse typos sent from my iPhone

Millie Cleveland
SEIU Local 1021
Union Field Representative
Office (510) 350-4539
Cell (510) 710-0201

January 17, 2020

JOSHUA D WILSON

Dear Civil Service Appeal Board Members,

I Joshua Wilson would first like take the opportunity to humbly thank the board for the due process, of reviewing my recent probationary period interruption for my Port of Oakland Maintenance Leader position. I Joshua Wilson request that the Civil Service Board Members review the decision by the Port of Oakland to Demote me from my position of Port Maintenance Leader.

The Port Of Oaklands Response document to my demotion violated the Personnel Manual Rule 11- prohibitions and penalties section 11.01. I Joshua Wilson requesting the preceding on December 23, 2019 to appeal to civil service board.

RULE 11 - PROHIBITIONS AND PENALTIES

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

(f) Make false accusations, falsify documents or make false representations regarding matters covered by these Rules.

1. On my Port of Oakland online application (Candidate ID# 34143930) for this promotional position of Port Maintenance Leader I clearly checked the box stating; my need for ADA (American with Disabilities) status.
2. Supporting evidence: below you will see my email exchanges with the Port of Oakland human resources team.

From: Joshua Wilson [REDACTED]
Date: Wed, Jan 2, 2019, 3:23 PM
Subject: RSVP PORT MAINTENANCE LEADER (PROMOTIONAL) reasonable accommodations request.
To: <jlagman@portoakland.com>

January 2, 2019

Port of Oakland
Human Resources Team
511 water Street Oakland CA 94607

To whom It May Concern,

I am pleased to have passed the supplemental question portion, for the Port Maintenance Leadman position promotion. I would like to request reasonable accommodation for the written exam on January 10, 2019

Reasonable accommodation:

- Extended time 2x.
- Distraction free room environment.

I had the opportunity to test for the Port of Oakland Plumber position in 2017. I was able to utilize my reasonable accommodation to give myself the best opportunity for success. However, I would like to notify the human resources team about my personal experience with this accommodation. I personally felt singled out and uncomfortable about having to report to the same assigned testing location and then having to be escorted to a different location to test. With the Port Maintenance Leadman position being a promotion and having coworkers, I work with on a daily basis potentially being in the exam. I would like to keep my ability to have accommodations private. This will give me a chance to keep a professional relationship with my management team and peers. If my request for reasonable accommodation is approved for January 10, 2019 written exam. If possible, I would like to report directly to the appropriate testing location for my accommodations.

Sincerely,

Joshua D. Wilson
Semiskilled Labor EF-81 Harbor
Candidate ID#34143930
[REDACTED]

On Tue, Jan 1, 2019, 9:38 PM Joshua Wilson [REDACTED] wrote:

----- Forwarded message -----

From: <njeu@portoakland.com>
Date: Tue, Dec 18, 2018, 4:33 PM
Subject: PORT MAINTENANCE LEADER (PROMOTIONAL)
To: [REDACTED]

December 18, 2018

Joshua Wilson
[REDACTED]
[REDACTED]

Dear Joshua:
Candidate ID#: 34143930

I am pleased to inform you that you are among the candidates invited to participate in the written examination

process for the position of PORT MAINTENANCE LEADER (PROMOTIONAL).

The date, time, location and estimated length of the test are shown below:

Date: 01/10/2019

Time: 9:00 AM

Estimated Length: 1 hour, 30 minutes

Location: 3rd Fl. Training Room

Arrive 15 minutes before your scheduled time and bring this notification along with photo identification to check-in for the written exam. Once the instructions for the examination have begun, no one will be admitted into the test site. Feel free to dress in casual clothes. Please bring a battery operated or solar powered calculator with you. No books or smart phones will be allowed.

Our office is located in Jack London Square at 530 Water Street. Paid parking is available at the parking structure on the corner of Embarcadero West and Washington Streets (across from Jack London Cinema). We will not validate parking.

If you wish to claim Oakland residency credit, you must also bring proof of your Oakland address. Acceptable proof includes items such as gas and electric, water, or trash utility bills (i.e., PG&E, EBMUD, Waste Management). This bill will require your name and address clearly indicated on it.

The Port is committed to making reasonable accommodations in the selection process and in the work environment in compliance the American with Disabilities Act (ADA), State, and Federal laws. Individuals requesting reasonable accommodations in the selection process should notify us at least five working days before the test date. Otherwise, it may not be possible to arrange accommodations for the selection process. To request a reasonable accommodation, please call (510) 627-1487 or email at jlagman@portoakland.com.

Please RSVP your attendance to this test by emailing jlagman@portoakland.com. If you are unable to attend, please notify our testing staff at (510) 627-1487.

Sincerely

Nancy Jeu
Port of Oakland
Human Resources Department

3. The port of Oakland has been aware of my ADA status throughout my career with them. Even as I applied for other opportunity previously for example; the Port Plumber position my application included my ADA status. I pass the test for Plumber, however did not

make the top ten high scores. I was the 14th candied to pass. I was not able to move forward with the hiring prosses. I have established my need for ADA accommodation and it has been acknowledged by the Port of Oakland from the beginning.

4. I notified my foreman as well as employee of the EF-81 department at the entrance to my classified position as Semi-skilled Laborer. Having an ADA classified learning disability has been challenging throughout my life. I have overcome many obstacles throughout my life to establish a career for myself and my family. I have been gainfully employed with the port of Oakland for 5 years. I have work extremely hard earn this promotion never withholding the information regarding my disability.

i. I Joshua Wilson am an international union, civil service employee that does not want to violate Article 8, Section 8.A during my probation duration. The Port of Oakland at no time required Article 4 section 4.C 1021 agreement progressive discipline. I Joshua Wilson never received any of the following; (A) Verbal Warning, (B) Written Warning (C) Written Reprimand (D) Suspension (E) Discharge. Please see

Article 8, Section 8.A page 20 from Local 1021 agreement "the probationary period of an employee filling a position from a promotional examination shall not exceed six(6) months"

Article 4 section 4.C page 11 from SEIU Local 1021 Progressive Discipline "In serious cases calling for lesser discipline or such non-pay contemplated discipline which may be stayed, the principles of progressive discipline shall apply, including whatever procedures are proper under applicable law. Progressive discipline may include such of the following, as appropriate to the specific violation;

- A. VERBAL WARNING
- B. WRITTEN WARNING
- C. WRITTEN REPRIMAND
- D. SUSPENSION
- E. DISCHARGE

ii. Port personnel rules and procedures Section 6.05 contradicts SEIU agreement from Local 1021 Article 8, section 8.B Rating during Probation. This can be very misleading to civil service employees as is was for me. Please see below verbiage from each manual.

Section 6.05 – Removal or Demotion of Employee During The Probationary Period. At any time during the probationary period (entrance appointment to a classified position – one (1) year; entrance

and restricted entrance appointment to a higher or equal classification – one (1) year; or a promotional appointment – six (6) months), an employee may be removed from her/his current position by the Executive Director or his/her designee

SEIU Local 1021 Article 8 Section 8.B Ratings during probation

An employee in a six-month probationary period shall receive a report of Performance for Probationary Employee at the end of the third and fifth months of service and annually thereafter.

- iii. While in my Port Maintenance Leader position, I Joshua Wilson only received my first evaluation dated 10/5/2019 on City of Oakland form #400-121 - report of performance for permanent employee evaluation. On the six areas evaluated of my performance I rated thoroughly competent in all areas except one. In that one area I was rated needs improvement. My Over-All Rating on the evaluation form classified me as, Standard thoroughly Competent. My immediate supervisor, Port Maintenance Foreman Kevin Pittman recommended leadership courses to improve the one blow standard area. I attended the two leadership courses as recommended including; Skill Path; Communicate with Tact, Professionalism and Diplomacy on 11/18/2019 and a course done by American Management Association; Conflict Strategies for Improving Communication on 11/21/2019 and 11/22/2019. I Joshua Wilson was permanently separated from the Port Maintenance Leader position 12/20/2019 only 5 business days before my second scheduled evaluation date 12/27/2019. With my final scheduled evaluation date being 1/27/2019.

(32)

3rd Month
Probation

CITY OF OAKLAND
REPORT OF PERFORMANCE FOR PERMANENT EMPLOYEE

Name Joshua Wilson Date of report October 25, 2019
 Class title Port Maintenance Leader Code number EF82 Agency Port of Oakland

To the best of my judgment, the performance ratings as checked on this report, indicate how well you have been performing your duties since your last report. The ratings and comments on the copy you receive are the same as shown on the copies I am forwarding.

PERFORMANCE FACTORS-RATE AT LEAST 5 OR MORE FACTORS BUT ONLY THOSE RELATED TO THE JOB.

1. QUALITY OF WORK - The acceptability of work performed, accuracy, precision, completeness and neatness of work.
2. QUANTITY OF WORK - The amount of work performed by employee in relation to the amount established as standard for position.
3. DEPENDABILITY - Ability to do the job without undue supervision, to complete work within a reasonable time, to meet deadline.
4. WORK HABITS - Extent employee uses care in performing his duties, organization of work, safety, care of equipment, punctuality, industry, attendance, tidiness.
5. COOPERATION AND RELATIONSHIPS WITH PEOPLE - Ability to get along with others, effectiveness in dealing with public, other employees.
6. INITIATIVE AND INGENUITY - Self-reliance, resourcefulness, willingness, and ability to accept and carry out responsibilities.
7. ANALYTICAL ABILITY - Thoroughness and accuracy of analysis of data, facts, laws and rules.
8. ABILITY AS SUPERVISOR - Proficiency in training employees and in planning, organizing, laying out and getting out work; leadership.
9. ADMINISTRATIVE ABILITY - Promptness of action; soundness of decision; application of good management principles.
10. FACTORS NOT LISTED ABOVE - (use additional sheets if needed).

RATINGS ARE INDICATED BY "X" MARKS

UNACCEPTABLE Improvement is Urgently Needed	SHORT OF STANDARD Need to Improve	STANDARD Thoroughly Competent	ABOVE STANDARD Exceptional Performance	OUTSTANDING Distinctly Superior
			✓	
		✓		
		✓		
		✓		
	✓			
		✓		
		✓		

OVER-ALL RATING - The over-all rating must be consistent with the factor rating and comments (check one).

SUPERVISOR'S COMMENTS TO EMPLOYEE - (Supervisors must make written comments on all factors rated above even though the ratings are Standard. Written suggestions on to how work performance can be improved must also be made when needed. Use additional sheets if more space is needed.)

OCT 28 10:45 AM

Signature of RATER [Signature] Title Port Maintenance Foreman Date October 25, 2019
 In signing this report, I do not necessarily agree with the conclusion of the rater. I wish to discuss this report with the Reviewing Officer of my Department.
 Signature of EMPLOYEE [Signature] Date October 25, 2019
 I agree in the ratings given by the rater. I have made no change in the report. As requested, Reviewing Officer discussed report With employee.
 Signature of REVIEWING OFFICER _____ Date _____ Signature _____ Date _____

1) Quality of work- Exceptional Performance

Josh, your quality of work is exceptional, and you performed at a high level for your position as a Maintenance Leader. You have played an important role on our team displaying a consistency, accuracy, precision, completeness, and neatness. Your attention to detail and willingness to come up with ideas, is a great value to our team. You go above and beyond your duties as a Leader. For example, sometimes when you know I'm having a busy day, you'll volunteer to call our vendors and check on orders that we have in process. Little things like this can really help the department run smoothly. Josh, over the last three months, I have seen the potential you possess. Your skill level has really helped in completing many projects such as the security fencing project around the sub-station at the triangle. Your work shows your committed to quality, this I have witness from driving by some of your work sites, and noticing, that you leave the job cleaner than the way you found it! This also, lets me know that you at least understand that your work reflects, and forms part of the overall quality and output of the organization. I really appreciate your communication skills including updating me with pictures, texts, emails, and drawing. For this I rate you **Exceptional Performance (Above Standard)**.

2) Quantity of Work- Thoroughly Competent

Josh, you are always happily accepting of any task or project, however difficult it may be. In addition, you are a person who is passionate about your job, you are always giving me updates when we are low on stock in our warehouse. This really helps me in keeping up with our inventory materials. You keep me updated on the status and completion of your daily work and projects as well. Your communications with me helps keep the flow of work performed at a large volume. I really appreciate the way you make lists of short and long-term goals to stay focused, and keep on top of the projects that we need to complete. The Utilities, and Dive Departments are always requesting your assistance, and have even wrote emails, describing times of exceptional performances on major projects here at Maritime Facilities. Josh, regarding the team, you seem to keep the team's productivity as a top priority and are constantly identifying and implementing new methods to get things done and to enhance, and increase the team's output. I think you and the team have performed effectively, and efficiently daily when it comes to your quantity of work. Keep up the good work. Therefore, I rate you **Thoroughly Competent**.

3) Dependability- Thoroughly Competent

Josh, you can be counted on to give 110 percent, and you keep your word under most circumstances. Josh, you can work unsupervised which is a great value to our Department. I can always count on you to be here every day, which makes you a reliable and dependable team player. In addition, there have been many instances when

you automatically worked extra hours, if that's what it takes to get the job done. You can be counted upon for steady performance on a daily consistent basis, you also demonstrate consistently solid performance when it come to your work. For example, when we set up traffic control at Maritime and Middle Harbor Road because we needed to replace a damaged directional sign. I could depend on you to systematically measure and plan the layout of cones, for the safety of the crew as well as the public. In addition, you volunteered to accept the task of going up in the air in the equipment, due to the unfortunate dynamic of our team. This showed that you will go above and beyond when called upon. Keep up the good work. For this I rate you **Thoroughly Competent**.

4) Work Habits- Thoroughly Competent

Josh, you have good attendance and punctuality. You rarely ever run late, and always notify me when doing so. You work in a very organized, and detailed manner while always putting safety first. You seem to take care of your truck, and take pride in having it fully stocked with tools, which means you would rarely have to go back and forth from the job-site to facilities. This organization shows leadership qualities, and excellent work habits which save the Port time and money. Your attitude is one of positivity which is not going un-noticed. Josh, you have been very responsible when it come to your personal tools, and equipment. You have displayed characteristics of being safety conscious, and making sure you and crew members practice all safety procedures such as, wearing the proper and appropriate PPE gear for the work environment. Great Job. For this I rate you **Thoroughly Competent**.

5) Cooperation and Relationships with People- Below Standard

Josh, it has come to my attention that you've come a long way in dealing with different personalities, and characteristic. This is especially important when dealing with employees that might give you a hard time, or go against the grain. I have watched you try to do your best over the last three months, as you lead and directed the crew in a cohesive, and productive manner, but due to the personnel you currently lead, and the ultra-sensitive past relationships that you are confronted with can make this an uphill climb. Your Plan moving forward will need to consist of leadership courses on developing your people skills. In addition, it will take time to connect and form better relationships depending on how well you collaborate, communicate, and deal with conflict. Moving forward you will need to schedule time to build trust, with individual crew members, this can be instrumental in building better long-lasting sustainable relationships in the future. Josh, focus and spend time on your emotional intelligence which in turn will help you to understand the emotions and needs of others. Also, you are an excellent worker, but you will always need the help of others. So, continue to show your appreciation, so that your co-workers feel that their work is not going un-notice. Try genuinely complimenting the people around you when they do something well. This will open the door to great work relationships moving forward. Make it a practice knowing, that co-workers will respond to those who truly listen to what they say.

Continue to focus on listening more, and you may start to build trust from the people that are following you. For this I rate you **Below Standard**

6) Initiative and Ingenuity – Thoroughly Competent

Josh, you have shown to be a self-reliant individual, there has been many times when our department was short of staff and I had to juggle assignment to keep work flowing. You would make my job easier because you can work alone on small task and projects with minimal supervision. For example, there has been several jobs where we needed to put up no trespassing, or parking signs in place to control and mitigate issue near Port owned building right away! You've carryout, accepted willingly, and completed the work request in a timely, and responsible fashion. In addition, you seem to take pride in your work, and show resourcefulness much like the time you researched the fencing tools for the crew to help with the work load. By acquiring this, and having these tools at our disposal, we speed up production, gain more efficiency and may help curve injury claims. Keep up the good work. For this I rate. **Thoroughly Competent.**

- v. I Joshua Wilson was unjustly demoted as a civil service employee working for the Port Of Oakland. The civil service board has the power to sustain the appeal and reinstate my promotion under section 6.07 and under section 6.06(x) and (xi) the five business day to Joshua Wilson 2th evaluation. I Joshua Wilson am requesting the Civil Service Board to review the case and determine that there has been an interruption in my probationary period from the date of 12/20/2019 the decision by the civil service board, under port personal rules and procedures section 6.07 - procedure to be used in appeal and hearings under section 6.06 (xi)
- vi. I Joshua Wilson have been harassed by multiple employees with in the Port of Oakland Harbor facility. This harassment has been an issue for years. As a Skilled laborer I was faced with this treatment daily. I pushed through everyday working hard to prove I was for the Leader position in hopes to one day change the culture of this working environment. For example, one of my evaluation from Port of Oakland Maintenance Foreman Leonard Castaneda rated me thoroughly competent in all 6 areas. I want to bring focus to area 5 of the evaluation titled Cooperation and Relationships with people, Mr. Castaneda rated me thoroughly competent. In one of his statements he brings focus to my daily struggle with these individuals. He states "You have come a long with dealing with different personalities. Especially in dealing with employees that enjoy giving you a hard time". I have continued to have a satisfactory work ethic and conduct myself in a professional manner with the upmost professionalism since. Please see supporting documentation FORM#400-121 date 5/14/2019.

CITY OF OAKLAND
REPORT OF PERFORMANCE FOR PERMANENT EMPLOYEE

Name Josh Wilson Date of report 5-14-19
 Class title Semiskilled Laborer Code number _____ Agency Port of Oakland

To the best of my judgment, the performance ratings as checked on this report, indicate how well you have been performing your duties since your last report. The ratings and comments on the copy you receive are the same as shown on the copies I am forwarding.

PERFORMANCE FACTORS-RATE AT LEAST 5 OR MORE FACTORS BUT ONLY THOSE RELATED TO THE JOB.

1. **QUALITY OF WORK** - The acceptability of work performed, accuracy, precision, completeness and neatness of work.
2. **QUANTITY OF WORK** - The amount of work performed by employee in relation to the amount established as standard for position.
3. **DEPENDABILITY** - Ability to do the job without undue supervision, to complete work within a reasonable time, to meet deadline.
4. **WORK HABITS** - Extent employee uses care in performing his duties, organization of work, safety, care of equipment, punctuality, industry, attendance, tardiness.
5. **COOPERATION AND RELATIONSHIPS WITH PEOPLE** - Ability to get along with others, effectiveness in dealing with public, other employees.
6. **INITIATIVE AND INGENUITY** - Self-reliance, resourcefulness, willingness, and ability to accept and carry out responsibilities.
7. **ANALYTICAL ABILITY** - Thoroughness and accuracy of analysis of data, facts, laws and rules.
8. **ABILITY AS SUPERVISOR** - Proficiency in training employees and in planning, organizing, laying out and getting out work; leadership.
9. **ADMINISTRATIVE ABILITY** - Promptness of action; soundness of decision; application of good management principles.
10. **FACTORS NOT LISTED ABOVE** - (use additional sheets if needed).

RATINGS ARE INDICATED BY "X" MARKS

UNACCEPTABLE Improvement Urgently Needed	SHORT OF STANDARD Need to Improve	STANDARD Thoroughly Competent	ABOVE STANDARD Exceptional Performance	OUTSTANDING Distinctly Superior
			✓	
			✓	
			✓	
		✓		
		✓		
			✓	
			✓	
			✓	

OVER-ALL RATING - The over-all rating must be consistent with the factor rating and comments (check one)

SUPERVISOR'S COMMENTS TO EMPLOYEE - (Supervisors must make written comments on all factors rated above even though the ratings are Standard. Written suggestions on to how work performance can be improved must also be made when needed. Use additional sheets if more space is needed.)

Signature of RATER Leonel Castaños Title Port Maintenance Foreman Date 5-14-19

In signing this report, I do not necessarily agree with the conclusion of the rater.

Signature of EMPLOYEE [Signature] Date 5-14-19
 I agree in the ratings given by the rater. I have made no change in the report.

I wish to discuss this report with the Reviewing Officer of my Department.

As requested, Reviewing Officer discussed report with employee.

Signature of REVIEWING OFFICER _____ Date _____ Signature _____ Date _____

400-121

CIVIL SERVICE

vii.

1) Quality of work- Exceptional Performance

Josh, your quality of work is exceptional and performed at a high level for your position as a Semiskilled Laborer. You are a team player and play a very important role on our team. Your attention to detail and willingness to come up with idea's is a great value to our team. You go above and beyond your duties as a Laborer. I see the potential you possess to elevate from within the ranks and someday become a good Port Maintenance Leader. Your mechanical ingenuity and skills has really helped us out in completing many jobs. I really appreciate your communication skills including updating me with pictures and details of the jobs that I assign you. You never complain about the volume of work or having to multitask and switch over to another job of higher priority. You are always quick to volunteer to help other departments when needed. Keep up the high level of performance and keep on striving to improve yourself. For this I rate you **Exceptional Performance (Above Standard)**.

2) Quantity of Work- Exceptional Performance

Josh, not only do you complete the daily assignments that I assign you but you also volunteer to help maintain our equipment and clean and organize our warehouse's giving me updates when we are low on stock of materials. This really helps me in keeping up with our inventory materials. You are my go-to guy when it comes to performing tasks in higher elevation. I've noticed that the Dive crew and Utilities crew always request your assistance. You are also an excellent concrete finisher and great when it comes to sewer and domestic water line repairs. Like I said before Josh you never complain and always take on these tasks with a smile. Keep up the good work. Therefore, I rate you **Exceptional Performance (Above Standard)**.

3) Dependability- Exceptional Performance

Josh, your ability to work unsupervised is a great value to our team. You always update me on any glitches or concerns on the job. You have stepped up an acting 6% Equipment Driver which really helps us out when we are shorthanded. When you take time off you always follow the procedures and give me plenty of notice. You are always here and never abuse any of your time. I know I can count on you. You have a lot of potential and I see a promising future for you. For this I rate you **Exceptional Performance**.

4) Work Habits- Thoroughly Competent

Josh, you have excellent attendance and punctuality. You always notify me when running late for any reason. You work in a very organized manner and always put safety first. You are skilled at setting up work safety zones and channelizing traffic, protecting yourself and your crew. You are very safety conscious and make sure you practice all safety procedures such as, wearing the appropriate PPE gear for the work environment. Great Job. For this I rate you **Thoroughly Competent**.

5) Cooperation and Relationships with People- Thoroughly Competent

Josh, you have come a long way in dealing with different personalities. Especially in dealing with employees that enjoy giving you a hard time or going against the grain. I have seen you adapt and grow in this area and I am very proud of you for that. I see you just smile and keep doing your best when they try and give you a hard time. That is a positive sign. You are learning to develop and master dealing with different personalities which at times can be frustrating. I commend you for this. You get along with everyone and are always eager to give a helping hand. These are the skills you will need to become a good Maintenance Leader. Keep up the good work. For this I rate you **Thoroughly Competent**.

6) Initiative and Ingenuity- Exceptional Performance

Josh, your ability to build structures such as the idea you came up with using Unistrut, cable and D-rings to drape a tarp system to cover our materials bins was very creative. Your mechanical aptitude is second to none. You always throw ideas out there when we are trying to trouble shoot certain jobs. You are valuable when it comes to reading maps and drawings such as tracing the fire water and domestic water lines out at the Matson terminal. Your previous experience really comes in to play. It is a great value to us. For this I rate you **Exceptional Performance. (Above Standard)**

- viii. I Joshua Wilson Port Maintenance Leader have been working with the same employees that have harassed me for years due to my ADA accommodations and challenges. I will continue to remain professional with no retaliation against those individuals. I am just requesting a fair opportunity for my promotional position within the Port of Oakland. I know I possess the skill, professionalism and integrity for the leadership responsibilities. The Port of Oakland Foremen believe in me to overcome this obstacle and push on with a satisfactory future for the Port of Oakland. However, Facilities Manager Bill Morrison has chosen to demote me to avoid the challenges that come with correcting the root problems that exist in the Harbor Facilities shops. Mr. Morrison has an extremely hard job to run the Port of Oakland harbor facility without an essential Supervisor below him in the Chain of Command to provide support. Mr. Morrison has to directly manage, communicate and support both foremen and their crews on top of all his other job responsibilities. The Port of Oakland harbor supervisor position has and is currently vacant. The Supervisor position helps the facilities department operate more effectively and is able to create an expectation for professionalism and positive culture from the bottom up.
- ix. I Joshua Wilson Port of Oakland maintenance leader personally recommend the following to rectifying the issue. I spoke with Mr. Levine from AMA American management association who specializes in Leadership effectiveness, communication and Management, regarding other municipal agencies having similar challenges within different facilities. Mr. Levine informed me that these organizations also struggle with personality conflicts and lack of respect and professionalism. In his experience the most effective solution to this problem is to provide interventions. These include but are not limited to hiring an outside agency to implement effective group discussions, team building exercises and counseling. These are necessary steps to change the culture at the Harbor facilities. The Port of Oakland Harbor Manager Mr. Bill Morrison would have to invest a lot of time into these interventions, as well as make requests for funding. Bill Morrison communicated his retiring date within the next two years. Although this would be a large task for a manager to tackle towards the end of his career. I believe the Port of Oakland Harbor will operate more effectively and efficiently with this kind of approach.

Going through challenges makes a stronger leader and overcoming struggles and differences within a team creates a stronger unit with a better future.

SINCERELY,

A handwritten signature in black ink, appearing to read "J.D. Wilson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

JOSHUA D WILSON AND FAMILY

Jan, 17, 2020

