

PORT ORDINANCE NO. 4488

ORDINANCE AMENDING SECTION 2.07 OF PORT ORDINANCE NO. 867 RATIFYING AND SETTING THE COMPENSATION OF EMPLOYEES OF THE PORT DEPARTMENT REPRESENTED BY THE WESTERN COUNCIL OF ENGINEERS, AMENDING SECTION 1.191 PROVIDING PROFESSIONAL DEVELOPMENT BENEFITS FOR CERTAIN EMPLOYEES, AND ADDING SECTION 1.296 PROVIDING CERTAIN EMPLOYEES WITH A ONE TIME ONLY, NON-BASE BUILDING PAYMENT OF \$1500 AND FIVE DAYS OF LEAVE IN EXCHANGE FOR DELETION OF PORT PERFORMANCE PREMIUM PAY.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.6 dated July 26, 2018 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The salary schedules set forth in Section 2.07 of Port Ordinance No. 867 for employees of the Port Department belonging to the Western Council of Engineers, ("WCE") (Employee Representation Unit C) shall be and the same are hereby amended by increasing the rates of compensation (base wages) set forth on said salary schedules by an additional four percent (4%) on, and retroactive to, the first day of the pay period containing January 1, 2018.

Section 2. The salary schedules set forth in Section 2.07 of Port Ordinance No. 867 for employees of the Port Department belonging to WCE (Employee Representation Unit C) shall be and the same are hereby amended by increasing the rates of compensation (base wages) set forth on said salary schedules by an additional four percent (4%) effective the first day of the pay period containing January 1, 2019.

Section 3. The salary schedules set forth in Section 2.07 of Port Ordinance No. 867 for employees of the Port Department belonging to WCE (Employee Representation Unit C) shall be and the same are hereby amended by increasing the rates of compensation (base wages) set forth on said salary schedules by an additional three percent (3%) effective the first day of the pay period containing January 1, 2020.

Section 4. The salary schedules set forth in Section 2.07 of Port Ordinance No. 867 for employees of the Port Department belonging to WCE (Employee Representation Unit C) shall be and the same are hereby amended by increasing the rates of compensation (base wages) set forth on said salary schedules by an additional three percent (3%) effective the first day of the pay period containing January 1, 2021.

Section 5. Subsection 2.1 of Section 1.191 of Port Ordinance No. 867 shall be amended to delete the existing Subsection 2.1 and to replace it with the following:

"Section 1.191. Professional Development.

2.1. With respect to permanent employees in Port Employee Representation Unit C, an employee shall be eligible for reimbursement for expenses incurred for professional development, subject to budget approval of same by the Board, not to exceed \$1,100 for the contract period beginning January 1, 2018, \$1,100 for the contract period beginning July 1, 2019, \$1,100 for the contract period beginning July 1, 2020, and \$1,100 for the contract period beginning July 1, 2021, subject to the exceptions and provisions set forth in Section 3 below."

Section 6. Section 1.296 shall be added to Section 1.29 of Port Ordinance No. 867:

"Sec. 1.296. January 1, 2018 - June 30, 2022 Port of Oakland/Western Council of Engineers Memorandum of Understanding ("MOU"): The Provision of a One-Time Only, Non-base Building Payment and Five Days of Leave in Exchange for Deletion of MOU Article 1.C.2 (Port Performance Premium).

The parties agree to delete MOU Article 1.C.2, Port Performance Premium, in its entirety and to delete all references with respect to the payment of Port Performance Premium throughout the successor Memorandum of Understanding and any other articles where the term "Port Performance Premium" may appear [remaining articles will be renumbered accordingly]. In exchange, the Port will make the following: i) a one-time only, non-base building payment of \$1,500; and, ii) effective each January beginning in 2018 and ending in 2022, and upon the first day of the pay period associated with January 1 of each corresponding year, a one day of "use it or lose it", non-cashable, and non-accruable leave that must be used by December of the same year (except that, for the one day leave granted in calendar year 2022, it must be used by June 30, 2022), to each bargaining unit member who is employed by the Port during the pay period that includes the date of ratification of the successor Agreement. The \$1,500 cash payment shall be made within sixty (60) days of ratification of this Agreement."

Section 7. Upon its enactment by the Board, this Ordinance shall be effective immediately and retroactive to January 1, 2018, in accordance with the provisions of the Memorandum of Understanding between the Port and WCE effective January 1, 2018.

Section 8. In acting upon the matters contained herein, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, findings and conditions set forth in the Agenda Report and in related materials and in testimony received.

The Board of Port Commissioners, Oakland, California, July 26, 2018. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Cluver, Hamlin, Martinez, Story, Yee and President Butner - 7. Noes: 0.

Daria Edgerly
Secretary of the Board