

PORT ORDINANCE NO. 4492

ORDINANCE AMENDING PORT OF OAKLAND ("PORT") ORDINANCE NO. 867 RATIFYING AND SETTING THE COMPENSATION FOR CERTAIN EMPLOYEES OF THE PORT DEPARTMENT REPRESENTED BY THE INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 21, AND FOR CERTAIN NON-REPRESENTED EMPLOYEES OF THE PORT DEPARTMENT BELONGING TO PORT EMPLOYEE REPRESENTATION UNIT M; AND, AMENDING PORT ORDINANCE NO. 867 PROVIDING PROFESSIONAL DEVELOPMENT BENEFITS FOR CERTAIN EMPLOYEES AND PROVIDING A ONE TIME ONLY, NON-BASE BUILDING PAYMENT OF \$1,500 AND SEVEN DAYS OF LEAVE IN EXCHANGE FOR DELETION OF THE PORT PERFORMANCE PREMIUM AND WITHDRAWAL WITH PREJUDICE OF ALL PORT PERFORMANCE GRIEVANCES.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.5 dated September 13, 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 2.03 of Port Ordinance No. 867 for employees of the Port Department belonging to the International Federation of Professional and Technical Engineers, Local 21 ("IFPTE"; Port Employee Representation Units I, J, K, and L) 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 2.03 of Port Ordinance No. 867 for employees of the Port Department belonging to IFPTE (Port Employee Representation Units I, J, K, and L) 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 2.03 of Port Ordinance No. 867 for employees of the Port Department belonging to IFPTE (Port Employee Representation Units I, J, K, and L) 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 2.03 of Port Ordinance No. 867 for employees of the Port Department belonging to IFPTE (Port Employee Representation Units I, J, K, and L) 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. Section 1.191 of Port Ordinance No. 867 shall be amended to add the following paragraph:

"Section 1.191. Professional Development.

2.3. With respect to permanent employees in Port Employee Representation Units I, K, and L, and with respect to employees in Port Employee Representation Unit J, 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 fiscal year period beginning July 1, 2018, \$1,100 for the fiscal year period beginning July 1, 2019, \$1,100 for the fiscal year period beginning July 1, 2020, and \$1,100 for the fiscal year period beginning July 1, 2021, subject to the exceptions and provisions set forth in Section 3 below."

Section 6. Section 1.2992 shall be added to Section 1.29 of Port Ordinance No. 867:

"Sec. 1.2992. January 1, 2018 - June 30, 2022 Port of Oakland/International Federation of Professional and Technical Engineers, Local 21 Memorandum of Understanding ("MOU"): The Provision of a One-Time Only, Non-base Building Payment and Seven Days of Leave in Exchange for Deletion of MOU Article H.1 ("Port Performance Premium"; including all subparagraphs) and Withdrawal, With Prejudice, of All Grievances with Regards to the Issue of Port Performance Premium.

The parties agree to delete all references with respect to the payment of Port Performance Premium throughout the successor Memorandum of Understanding, including, but not limited to, the term "Port Performance Premium" in Article H.1 (including all subparagraphs: H.1.1, H.1.1.1, H.1.1.2, H.1.1.3, H.1.1.4, H.1.1.5, H.1.2, H.1.2.1, H.1.2.2, H.1.2.2.1, H.1.2.4, H.1.3, H.1.3.1, H.1.3.2, H.1.3.3) and any other articles where the term "Port Performance Premium" may appear, and delete Article H.1.2.3 in its entirety.

IFPTE Local 21 also agrees to withdraw, with prejudice, any and all grievances filed with regards to the issue of Port Performance Premium, including the grievances dated November 16, 2017 and July 3, 2018, and IFPTE Local 21 further agrees not to file any new or additional grievances related to this matter.

In exchange, the Port will make the following: i) a one-time only, non-base building payment of \$1,500; and, ii) effective upon Board approval of the successor MOU, two days of "use it or lose it," non-cashable, and non-accruable leave that must be used by December 31, 2018; effective January 1, 2019, two days of "use it or lose it," non-cashable,

and non-accruable leave that must be used by December 31 of the same year; effective January 1, 2020, one day of "use it or lose it," non-cashable, and non-accruable leave that must be used by December 31 of the same year; effective January 21, 2021, one day of "use it or lose it," non-cashable, and non-accruable leave that must be used by December 31 of the same year; and, effective January 1, 2022, one day of "use it or lose it," non-cashable, and non-accruable leave that 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 \$1500 cash payment shall be made within sixty days of ratification of this Agreement."

Section 7. The salary schedules set forth in Port Ordinance No. 867 for non-represented employees in Port Employee Representation Unit M 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 8. The salary schedules set forth in Port Ordinance No. 867 for non-represented employees in Port Employee Representation Unit M 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 9. The salary schedules set forth in Port Ordinance No. 867 for non-represented employees in Port Employee Representation Unit M 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 10. The salary schedules set forth in Port Ordinance No. 867 for non-represented employees in Port Employee Representation Unit M 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 11. Section 1.191 of Port Ordinance No. 867 shall be amended to add the following paragraph:

"Section 1.191. Professional Development.

2.4. With respect to non-represented employees in Port Employee Representation Unit M, 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 fiscal year period beginning July 1, 2018, \$1,100 for the fiscal year period beginning July 1, 2019, \$1,100 for the fiscal year period beginning July 1, 2020, and \$1,100 for the fiscal year period beginning

July 1, 2021, subject to the exceptions and provisions set forth in Section 3 below."

Section 12. The one-time only, non-base building payment of \$1500 and the two (2) days of "use it or lose it," non-cashable, non-accruable leave during the 2018 and 2019 calendar years, and the one (1) day of "use it or lose it," non-cashable, non-accruable leave during the 2020, 2021, and 2022 calendar years for a total of seven (7) days (beginning January 1, 2018, ending on June 30, 2022), shall apply to the non-represented employees in Unit M (comprised of one Deputy Port Attorney IV and Human Resources Manager) consistent with the terms set forth in **Section 6** above.

Section 13. The terms of the "Side Letter Agreement Unit J" shall apply to the Deputy Port Attorney IV assigned to Unit M.

Section 14. Upon its enactment by the Board, this Ordinance shall be effective immediately and retroactive to January 1, 2018.

Section 15. 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, September 13, 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