

AGENDA REPORT

Ordinance: Enactment of the Ordinance Necessary to Ratify and Set the Annual Salary for the Secretary of the Board to \$185,000 Retroactive to the First Day of the Pay Period Containing January 1, 2020. **(Finance & Admin.)**

MEETING DATE: 5/14/2020

AMOUNT: \$3,376 for Fiscal Year 2020
Operating Expense

PARTIES INVOLVED: **Secretary of the Board** (Non-Represented Employee in Port Employee Representation Unit H)

SUBMITTED BY: Danny Wan, Executive Director

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: Ordinance

EXECUTIVE SUMMARY

This Agenda Report requests the Board of Port Commissioners ("Board") enact the ordinance necessary to ratify and set an annual salary of one hundred and eighty-five thousand dollars (\$185,000) for the Secretary of the Board retroactive to the first day of the pay period containing January 1, 2020.

BACKGROUND

Article XII, Section 2 of the By-Laws and Administrative Rules of the Board of Port Commissioners ("By-Laws") and Administrative Policy and Procedure 432 ("Annual Compensation Adjustments for Employees in Unit H"; "AP 432") provides that the Board may prescribe and fix the compensation of its Direct-Reporting Officers," to include the Secretary of the Board. In doing so, the Board may consider, among other factors, employee performance as well as salary adjustments provided to Port employees through the collective bargaining process, internal compaction, and internal equity.

Consistent with the above authority, this Agenda Report proposes a performance based salary increase for the Secretary of the Board as the result of the Board Secretary's performance for the 2019 appraisal period. The proposed salary increase is six thousand, seven hundred and fifty-two dollars (\$6,752) or approximately three and three-quarters percent (3.75%) that would increase the Board Secretary's salary from \$178,248 to \$185,000 retroactive to the first day of the pay period containing January 1, 2020.

ANALYSIS

The Board completed the Calendar Year 2019 performance appraisal for the Board Secretary and determined that the Board Secretary demonstrated outstanding performance and competence given the position's scope of responsibilities. The Board found that the Board Secretary was highly effective in maintaining efficient and effective Board operations (meetings, communications), in facilitating cooperation and building trust with the Board's various stakeholders, and in instilling confidence in the Board and its leadership. The Secretary consistently exceeded established performance expectations.

Consistent with its authority as set forth in Article XII, Section 2 of the By-Laws and AP 432 as well as with its efforts to provide an equitable and fair compensation plan for the Port's Unit H staff in general and for its Direct-Reporting Officers in particular, the Board can rely on general performance for a salary increase for a Direct-Reporting Officer. A salary increase of six thousand, seven hundred and fifty-two dollars (\$6,752) retroactive to the first day of the pay period containing January 1, 2020 is therefore recommended for the Secretary of the Board.

In order for the Board to implement the salary adjustment for the Secretary of the Board as described above, the Board, by Ordinance, must specifically amend Port Ordinance No. 867 to ratify and set the new salary. The second reading for the Ordinance amendments will be scheduled for the Board's regular meeting on May 28, 2020.

BUDGET & STAFFING

The annual salary increase of \$6,752 of which \$3,376 falls in Fiscal Year 2020 can be absorbed in the current budget. There is no impact to staffing.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters contained in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022). <https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

Goal: Pursue Employee Excellence

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply because the requested action is not an agreement, contract, lease, or request to provide financial assistance within the meaning of the Living Wage Regulations.

SUSTAINABILITY

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.

ENVIRONMENTAL

The matters contained in this Agenda Report were reviewed in conjunction with the requirements of the California Environmental Quality Act (CEQA) and the Port's CEQA Guidelines. The requested Board actions are not projects pursuant to CEQA Guidelines, Sections 15060(c)(3) and 15378(b)(2), and no environmental review is required.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)/ PROFESSIONAL LIABILITY INSURANCE PROGRAM (PLIP)

The Owner Controlled Insurance Program (OCIP) and Professional Liability Insurance Program (PLIP) do not apply to the matters addressed by this Agenda Report as they are not capital improvement construction or design projects.

OPTIONS

1. The Board enact the Ordinance necessary to amend Port Ordinance No. 867 to ratify and set an annual salary of one hundred and eighty-five thousand dollars (\$185,000) for the Secretary of the Board retroactive to the first day of the pay period containing January 1, 2020.
2. The Board not enact the Ordinance necessary to amend Port Ordinance No. 867 to ratify and set an annual salary of one hundred and eighty-five thousand dollars (\$185,000) for the Secretary of the Board retroactive to the first day of the pay period containing January 1, 2020.

3. Take no action.

RECOMMENDATION

The Board enact the Ordinance necessary to amend Port Ordinance No. 867 to ratify and set an annual salary of one hundred and eighty-five thousand dollars (\$185,000) for the Secretary of the Board retroactive to the first day of the pay period containing January 1, 2020.