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MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: City of Oakland Civil Service
Board

SUBJECT: Zero Tolerance Policy Update

DATE: April 15, 2021

City Administrator
Approval

Date: May 13, 2021

INFORMATION

EXECUTIVE SUMMARY

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

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

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

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

As to section (2) of the Resolution:

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

In response to the adoption of Resolution No. 88167 C.M.S., the matter was brought to the Civil Service Board on July 16, 2020 with the resolution, report, and letter that was adopted by City

Council. At that meeting, the Civil Service Board requested that a representative from the City Council's Office who sponsored the legislation would present to the Civil Service Board so they could better understand the directive. On October 15, 2020, Pamela Ferran from City Councilmember Taylor's office presented the resolution to the Board. The Board had several questions which were subsequently answered through a follow-up memorandum from Councilmember Taylor's Office.

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

It is the opinion of the Board that the provided policies address the needs of the zero-tolerance policy as requested by City Council. The Board also recommends amending the introduction statement to the City of Oakland Personnel Manual with the following *emphasized* statement, subject to noticing and meeting requirements in accordance with state law.

*No person shall be discriminated against in any aspect of employment, including but not limited to, recruitment, examination, hiring, promotion and discipline, on the basis of race, color, religion/religious creed, marital status, national origin/ancestry, gender, gender identity, pregnancy, sexual orientation, physical or mental disability, medical condition, AIDS/HIV status, military or veteran status, age, citizenship or on any other status protected by federal, state or local law. **The City of Oakland has a zero-tolerance policy for any applicant or employee who exhibits racist practices, behaviors, or actions.***

The Board appreciates the opportunity to assist Council in addressing this important issue within Oakland.

For questions regarding this report, please contact Ian Appleyard, Director of Human Resources at (510) 238-6450.

Respectfully submitted,



ANDREA GOURDINE

Civil Service Board Chairperson