

Board Office Use: Legislative File Info.	
File ID Number	23-0137
Introduction Date	02/08/2023
Enactment Number	23-0225
Enactment Date	2/8/2023 CJH



**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Tara Gard, Chief of Talent

Meeting Date February 8, 2023

Subject Revision of Job Description – Deputy General Counsel, Labor & Employment - Labor Department

Action Requested Adoption by the Board of Education of Resolution No. 2223-0107 - Revision of Job Description – Deputy General Counsel, Labor & Employment – Labor Department.

Revision:

1. Deputy General Counsel, Labor & Employment

Discussion

The Talent Division recommends approval of this job description as part of its ongoing work to revise and update the job classifications needed to implement the strategic plan, create greater clarity of roles, and have a written job description that reflects the scope and responsibilities for every position in the district.

Revision:

Job Description/Position/Title/FTE

Deputy General Counsel, Labor & Employment

(As Assigned) (1.0 FTE additions)

Salary Schedule/Range

Salary Schedule: CFCA 261 Range 25

Range 25: \$125,639.84 – \$160,361.31

261 days, 7.5 hours (FT)

Fiscal Impact:

None. No salary change or increase to FTE.

Details of Creation:

Commonly, in other similar sized school districts and other public entities, the positions responsible for labor strategy and alternative dispute resolutions are licensed attorneys (Labor & Employment). Further, a

relevant provision of the Professional Rules of Conduct of the CA State Bar (the public agency that regulates attorney licensures), requires a licensed attorney representing the district in a position dealing with legal matters in governmental agency hearings to share their license status. This includes EEOC, PERB, DFEH and Department of Fair Labor Standards and Enforcement. This position engages with these entities frequently. The recommended title change will support the clarity of the role and the requirement of the license avoiding any issues with governmental agencies, opposing counsel (s), the CA State Bar, etc.

The job description is revised by a title change and notation of related responsibilities and license requirement.

Recommendation Adoption by the Board of Education of Resolution No. 2223-0107 - Revision of Job Description – Deputy General Counsel, Labor & Employment – Labor Department.

Revision:

1. Deputy General Counsel, Labor & Employment

**RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
Resolution No. 2223-0107**

- Revision of Job Description – Deputy General Counsel, Labor & Employment -

WHEREAS, it is the goal of the Oakland Unified School District to ensure organizational effectiveness, efficiency and accountability to further student achievement; and

WHEREAS, it is the intent of the District to develop a structure which focuses on providing high standards of service and increasing accountability across the system; and

WHEREAS, the job description aligns with the District’s priority of a Full Service Community School District and to enhance service our students, schools and community, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby determines that the following position is revised as set forth in the attachments and shall be established on the respective salary schedule/range effective 12:01 a.m., February 9, 2023, as follows:

Revision:

Job Description/Position/Title/FTE

Deputy General Counsel, Labor & Employment

(As Assigned) (1.0 FTE additions)

Salary Schedule/Range

Salary Schedule: CFCA 261 Range 25

Range 25: \$125,639.84 – \$160,361.31

261 days, 7.5 hours (FT)

Fiscal Impact:

None. No salary change requested.

BE IT FURTHER RESOLVED, that the Board authorizes the revision of the job description as so stated above.

Passed by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Benjamin "Sam" Davis, Jennifer Brouhard, VanCedric Williams, Nick Resnick, Valarie Bachelor, Vice President Clifford Thompson, President Mike Hutchinson

NOES: None

ABSTAINED: None

RECUSE: None

ABSENT: Student Directors Linh Le, Natalie Gallegos Chavez

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on February 8, 2023.

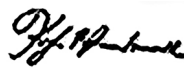
OAKLAND UNIFIED SCHOOL DISTRICT

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By:	



2/9/2023

Mike Hutchinson
President, Board of Education



2/9/2023

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

Legislative File	
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Enactment Number:	23-0225
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By:	



OAKLAND UNIFIED SCHOOL DISTRICT

Position Description

TITLE:	Executive Director, Labor Strategy & Alternative Dispute Resolution Deputy General Counsel, Labor & Employment	REPORTS TO:	Assigned Supervisor
DEPARTMENT:	Office of the General / Chief Governance Officer	CLASSIFICATION:	Classified Management Confidential
FLSA:	Exempt	WORK YEAR/HOURS	261 days/7.5 hours
ISSUED:	Revised: June 27, 2007 Revised: May 2012 Revised: Aug 2018 Revised: Jan 2023	SALARY GRADE:	CFCA 25

BASIC FUNCTION: In this capacity, the employee shall be responsible for investigating, responding to and representing the District in Unfair Labor Practice, Impasse, Mediation, and Unit Determination proceedings with PERB. Investigating and responding to EEOC/DFEH, Department of Labor Standards and Enforcement complaints, and California Commission on Teacher Credentialing inquiries; advise and represent the District in labor and employment matters under collective bargaining agreements including arbitrations, mediations, contract negotiations and labor management meetings; draft and review professional service contracts and other agreements. Provide proactive advice to Human Resources, Payroll, IT, Risk Management, Procurement and other central departments, as well as school sites on labor law and other legal matters under the supervision of the General Counsel; handle Public Records requests; and provide training and support to District management and staff. Under minimal direction, lead development of multi-year labor strategy for each District bargaining unit. Build the capacity of the labor strategy function by identifying best practices, benchmarking, developing a database, and analyzing data to support labor strategy decision making. Maintain confidentiality of all personnel matters; some duties will involve access to confidential information concerning employer-employee relations.

REPRESENTATIVE DUTIES: (Incumbents may perform any combination of the essential functions shown below. This position description is not intended to be an exhaustive list of all duties,

knowledge, or abilities associated with this classification, but are intended to reflect the principal job elements accurately).

Essential Functions

Develop, negotiate and support implementation of compensation and classification framework across all employee types with timeline for implementation (i.e. salary, benefits, leave policy, career advancement) – cross-functional with HR/Finance.

Represent the District in mediation, arbitration, administrative hearings and unfair labor practice proceedings.

Serve as lead District strategist and chief negotiator on labor/bargaining unit agreements/contracts.

Represent the District in settlement meetings. Make recommendations to General Counsel and Governing Authority on alternative dispute resolution settlement issues.

Draft, and review legal documents including contracts and responses to administrative agency requests.

Confer with special counsel on particular labor law matters to determine legal and factual bases for proceedings.

Initiate and execute request for proposals pursuant to board policy. (*"RFPs"*).

Provide support to school sites regarding various legal issues, as assigned and supervised by the General Counsel.

Build consensus with key internal stakeholders, understand stakeholder issues, and actively manage change issues to develop stakeholder trust and respect.

Engage in active problem solving, develop creative solutions, and engage stakeholders in your decision making process to ensure engagement and consensus building; take corrective action as needed to improve results.

Set metrics for key deliverables, track and report on outcome, including objectives, timeline and estimated resources required.

Research effective labor strategies in districts undergoing systemic reform efforts and propose new strategies to the leadership.

Develop a labor strategy using best practice research and the District's goals and objectives.

Engage key stakeholders in the review of the development of strategy to build support and understanding.

Develop tools, frameworks, policies and practices that support the labor strategy.

Set clear timelines, goals, and metrics for each implementation deliverable and monitor.

Document best practices and develop databases to use in policy decision support.

Represent the Superintendent and the Board of Education in relationships with exclusive bargaining units and employee organizations and provide guidance to all District administrative staff members in matters relating to labor relations.

Provide closed session briefings to the Board of Education and the Superintendent's cabinet regarding labor relations and negotiations.

Serve as the level three hearing officer for grievances or delegate to another District officer, if appropriate.

Provide summary of proposed agreements to the public prior to the Board entering into tentative agreements with bargaining units. (*"Sunshining"*)

Prepare public updates on collective bargaining.

Develop written plan of action to be taken in the event of a work stoppage, concerted work to rule, sick out, strike or threat of strike.

Prepare memorandum on labor updates and legal issues as necessary.

Conduct legal research, interview clients and witness, conduct related investigations, gather evidence, and handle other details necessary to prepare the General Counsel's and/or Deputy General Counsel's litigation and trial preparation in all areas of law pertaining to school districts.

Advise school site leaders and central office departments on labor contract interpretation.

Represent the district on forums with various external stakeholders (i.e. parcel tax commissions, certificated employee's annuity board, classified employee's annuity board, Health Benefits Governance Board, Labor Management Student achievement initiatives) as assigned by the General Counsel.

Respond to complaints concerning discrimination pursuant to board policy 4031.

Review and approve recommendations for employee fitness for duty evaluations submitted by Human Resources/Talent and render a decision.

Manage the Skelly Hearing process for represented and non-represented employees.

Represent the district in student/family related alternative dispute resolution proceedings as assigned by and under the supervision of the General Counsel.

Advise school site leaders and central office departments on employee discipline.

Supervise mandated employee release process for union representation and billing/accounting for substitute cost.

Advise the District in employer-employee relations' procedures required by law, court decisions and decisions of the Public Employment Relations Board.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS:

TRAINING, EDUCATION AND EXPERIENCE:

Graduation from an accredited school of law.

Seven (7) years of experience in labor and employment law or similar fields; legal experience in the public sector is highly desirable.

~~Eligible for membership in the State Bar of California and admission to practice before the United States District Court for the Northern District of California (preferred).~~

Licensed to practice law in the State of California

LICENSES AND OTHER REQUIREMENTS:

Valid California Driver's License

Employment eligibility will include fingerprints, Tuberculosis and/or other employment clearance.

KNOWLEDGE AND ABILITIES:

Applicable laws, codes, regulations, policies and procedures related to collective bargaining, which include but are not limited to understanding of the Education Employment Relations Act, Meyers-Milias Brown Act, Fair Labor Standards Act, Government Code and California Education Code and applicable court rulings

Any and all state and federal laws and regulations that govern working conditions that are subject to negotiations (such as FMLA, ADA, OSHA, OTETA, CFEHA, Government Codes, California Ed Code, Labor Law, etc.).

Any and all state and federal laws that govern discipline, dismissal and release of public school employees.

Classification and compensation systems and wage and salary management, California teacher credentialing.

School operational procedures including instructional scheduling, hours, and local procedures.

The work of the different employee groups of the District.

Current District collective bargaining agreements.

Operation of a computer and assigned software.

State-of-the-art theories, techniques, and methodologies of labor relations, and personnel management.

Administrative and collective bargaining practices and techniques.

Principles and techniques of budget preparation and control.

Principles and practices of administration and supervision.

Budget preparation and control.

Current economic, political and sociological conditions affecting school districts.

Current issues and problems of large urban school districts and their communities.

Correct and persuasive English grammar, spelling, vocabulary and punctuation.

District policies, applicable sections of the California Education Code and other laws and regulations.

ABILITY TO:

Conduct investigations.

Prepare pleadings and briefs.

Conduct legal research.

Make persuasive oral arguments in administrative hearings, arbitrations or other alternative dispute resolution settings.

Plan, organize, administer and manage labor relations for the district.

Analyze and understand the financial and administrative implications of decisions and recommendations.

Analyze problems, make decisions, and be responsible for those decisions.

Review existing and pending legislation that may impact procedural guidelines and/or the district's position (develop legislation, support, oppose, etc.).

Research, develop and recommend negotiations positions and proposals to the Superintendent and the Board of Education.

Communicate effectively, both orally and in writing, with staff and community in a multiethnic educational environment.

Prepare comprehensive narrative and statistical reports.

Develop clear and unambiguous contract language.

Maintain current knowledge of applicable provisions of federal, state and District policies, rules and regulations.

Interpret, apply and explain rules, regulations, policies and procedures.

Establish and maintain cooperative and effective working relationships with others.

Analyze situations accurately and adopt an effective course of action.

Operate a computer and assigned office equipment.

Meet schedules and timelines.

Work independently.

Plan and organize work.

Select, train, and evaluate performance of assigned personnel.

WORKING CONDITIONS:

ENVIRONMENT:

Office environment; driving a vehicle to conduct work; fast-paced work, constant interruptions.

PHYSICAL DEMANDS:

Hearing and speaking to exchange information in person and make presentations; dexterity of hands and fingers to operate a computer keyboard; seeing to monitor various activities and read documents, and view computer monitors; sitting or standing for extended periods of time; kneeling, bending at the waist, and reaching overhead, above the shoulders, and horizontally; lifting light objects.

NON-DISCRIMINATION POLICY:

The Oakland Unified School District does not discriminate in any program, activity, or in employment on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, or sexual orientation.