



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** G. Harold Duffey  
Director, Oakland Public  
Works

**SUBJECT:** Safe Work Zone Ordinance

**DATE:** November 3, 2022

City Administrator Approval

Date: Nov 8, 2022

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt An Ordinance Adding Chapter 9.06 To The Oakland Municipal Code To (1) Allow The City To Establish Safe Work Zones For City Employees Carrying Out Their Duties On Public Property And (2) Make Willful Failure To Leave A Designated Safe Work Zone, After Request By A Peace Officer, A Misdemeanor**

## **EXECUTIVE SUMMARY**

City of Oakland (City) staff are deployed to the field daily to perform services that implement City business. Recently, several incidents have occurred where staff assigned to and engaged in their regular duties have been threatened and physically assaulted by individuals in and surrounding their work areas. These types of threats to, and physical assaults on, City staff have occurred while staff are working to respond to work order requests such as cleaning and clearing homeless encampments, unclogging sewer and storm water inlets, rehabilitating city streets, providing maintenance in our parks, conducting sewer and tree maintenance, investigating and cleaning illegal dumping, and conducting construction inspections.

The City, like other employers, is obligated to provide its employees, and the employees of City contractors and partner organizations that are conducting work at the City's behest, with a worksite that is safe, healthful, and as free from "danger to the life, safety, or health of employees as the nature of the employment reasonably permits." To that end, staff of Oakland Public Works (OPW), and Oakland Police Department and the City Attorney's Office collaborated to develop this proposed ordinance. Specifically, staff proposes amending Oakland Municipal Code Title 9 to add Chapter 9.06, the purpose of which is to promote the health, safety, and general welfare of City employees while executing their duties in public spaces such as City-owned or operated properties and public rights-of-way. This Chapter shall be known as the Safe Work Zone Ordinance.

## **BACKGROUND / LEGISLATIVE HISTORY**

Recently, there have been several incidents where an OPW staff member has been verbally threatened or physically assaulted while performing their duties. The following are examples of incidents that have occurred:

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- In July 2022, an OPW staff member assigned by a supervisor to clean and clear an area at the Wood Street encampment on City property was harassed and spat upon by an individual opposing the City action.
- On August 31, 2022, an OPW Supervisor attempting to carry out duties at a homeless encampment on the Embarcadero Trail was assaulted by an individual who prevented them from completing the necessary work. The supervisor reported being afraid due to a credible threat of additional violence and later obtained a temporary civil harassment restraining order to protect himself from future harm from this advocate.
- On October 19, 2022, two City Sewer Maintenance Workers were threatened by an individual with a sharp object while trying to conduct a sewer inspection on 47th Avenue. The workers reported feeling intimidated and fearing for their safety. They were traumatized by the incident and unable to complete the necessary inspection.

### **ANALYSIS AND POLICY ALTERNATIVES**

There is a need to take steps to acknowledge that working conditions for the City's frontline work force are more challenging today. Staff have faced verbal and physical threats and assaults including physical confrontations and threats with a deadly weapon. These challenges are being encountered on top of the routine stresses staff face while performing their jobs to ensure the City's infrastructure can be maintained and modernized to service the needs of the residents of Oakland.

The creation of the Safe Work Zone will advance employee safety. Employees will be trained on how to effectively establish such zones that "may be designated by any form of demarcation or signage including but not limited to caution tape, or other colored tape, chalk marks, spray-painted perimeters, orange plastic fencing, other types of fencing, temporary or permanent postage signage, traffic cones, physical barriers specifically erected by City employees conducting duties in or around the Safe Work Zone, or by clear verbal instructions identifying the boundaries of a Safe Work Zone as designated by City staff." The specific site conditions of an operation will guide the decision as to which type(s) of demarcation is or are appropriate for the work zone.

It is imperative that the City take actions that are within its power provide a safer environment in which city personnel and contractors or partner organizations working on behalf of the City can perform their jobs. Implementing a Safe Work Zone Ordinance will further protect workers by clearly delineating a work area for various types of City operations and will give the Oakland Police Department an additional tool for enforcement against those who seek to threaten City workers or impede operations.

Adoption of the proposed ordinance advances the citywide priorities of a holistic community safety, and responsive, trustworthy government, by creating a safer work environment for City employees and those in the city who may be located near work zones, as well as increasing the efficiency and effectiveness of field operations.

### **FISCAL IMPACT**

There is no fiscal impact associated with this proposal, as it does not change staffing, but provides City staff with additional tools.

### **PUBLIC OUTREACH / INTEREST**

This proposal is being recommended as an urgent action to immediately improve safe working conditions for frontline City workers. A public outreach component was not included in the preparation of the Ordinance, but the public will be notified through this report, and as the Safe Work Zone Ordinance is implemented.

### **COORDINATION**

In preparing this report, staff coordinated with, the Office of the City Attorney, the Oakland Police Department, and the Human Resources Department.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Implementing a Safe Work Zone will allow for increased efficiency in the performance of field work and field operations. This will result in reduced labor hours and a reduction in lost staff time due to stress leave or other downtime that is necessary when staff encounter a physically dangerous or psychologically stressful circumstance.

***Environmental:*** A Safe Work Zone will facilitate the rapid and effective implementation of various field operations, which result in the removal of debris from City streets and parks to reduce overall litter throughout the city. This will result in reduced pollution in neighborhoods, parks, and waterways among other area.

***Race & Equity:*** Safe Work Zones are most often needed for operations in frontline communities that are most impacted by illegal dumping and homeless encampments. It will also support a safe work environment for the City's frontline workers.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

This action is exempt from the California Environmental Quality Act (CEQA) as it does not qualify as a project under the definition of CEQA.

**ACTION REQUESTED OF THE CITY COUNCIL**

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Respectfully submitted,



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G. HAROLD DUFEY  
Director, Oakland Public Works

Prepared by:  
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