



PUBLIC HEARING
April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Conduct Public Hearing in Compliance with Assembly Bill 2561 / Government Code § 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts

RECOMENDATION

Conduct a public hearing in compliance with Assembly Bill 2561 (AB 2561) / Government Code § 3502.3 (GC § 3502.3) regarding vacancies, recruitment, and retention efforts.

FISCAL IMPACTS OF RECOMMENDATION

There is no direct fiscal impact associated with conducting the public hearing required under GC § 3502.3.

CURRENT SITUATION AND ITS EFFECTS

Status of Vacancies

In calendar year 2025, the City of Berkeley's average month-end vacancy rate was 15.0%, with a high of 16.1% and a low of 14.7%.

Vacancy Information – General

2025	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# of Vacancies Created	23	25	20	29	12	8	14	20	13	16	17	33
# of Vacancies Filled	27	41	25	31	10	9	12	14	21	16	23	19
# of Remaining Vacancies	285	268	263	261	263	262	264	270	262	262	256	270
# of Budgeted Positions	1767	1767	1767	1767	1767	1767	1778	1778	1778	1778	1778	1778
% of Vacancies	16.1%	15.2%	14.9%	14.8%	14.9%	14.8%	14.8%	15.2%	14.7%	14.7%	14.4%	15.2%

- Average % of Vacancies at the End of Each Month: **15.0%**
- Highest % of Vacancies at the End of a Month: **16.1%**
- Lowest % of Vacancies at the End of a Month: **14.7%**

Data includes "Reduction in Force" positions (held vacant for FY 2026) as vacancies

Bargaining Units with Vacancy Rates of at Least 20%

Of the City's eight bargaining units, only two had vacancy rates exceeding 20% as of December 31, 2025: the International Brotherhood of Electrical Workers (IBEW) and the Berkeley Chief Fire Officers Association (BFCOA).

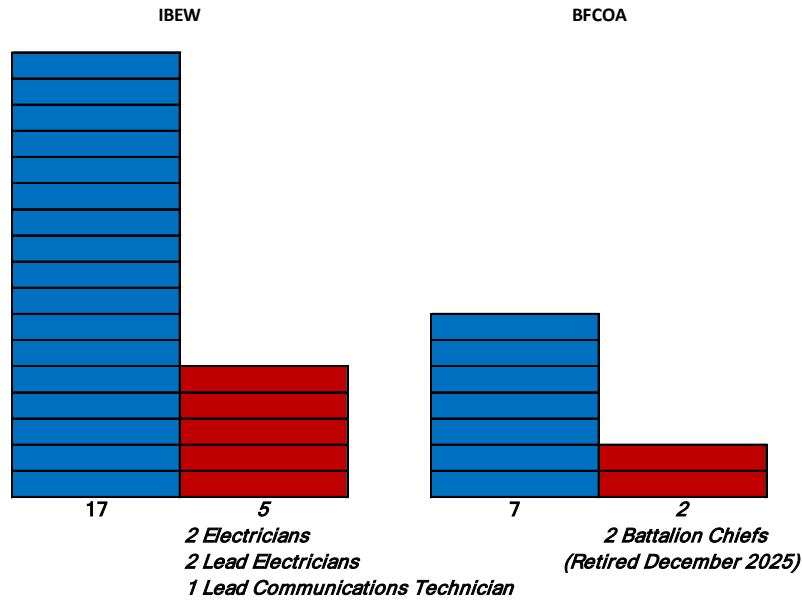
12/31/2025	# of Vacancies	# of Budgeted Positions	% of Vacancies
Berkeley Chief Fire Officers Association	2	7	28.6%
Berkeley Fire Fighters Association	21	133	15.8%
Berkeley Fire EMS Professionals Association	1	32	3.1%
Berkeley Police Association	27	179	15.1%
International Brotherhood of Electrical Workers (IBEW)	5	17	29.4%
Public Employees Union	35	241	14.5%
SEIU Community Services & PT Recreation Activity Leaders	77	486	15.8%
SEIU Maintenance & Clerical Chapters	81	538	15.1%
Unrepresented	22	146	15.1%

Bargaining Units at or exceeding 20% vacancy rate as of December 31, 2025:

- **Berkeley Chief Fire Officers Association:** 2 Battalion Chiefs (2 Retired December 2025 / Both positions filled January 2026)
- **International Brotherhood of Electrical Workers (IBEW):** 2 Electricians, 2 Lead Electricians, 1 Lead Communications Technician

IBEW ended the year with a vacancy rate of 29.4%, representing 5 vacant FTEs out of 17 budgeted FTEs. The vacancies included Electrician (2 out of 7 budgeted FTEs), Lead Electrician (2 out of 3 budgeted FTEs), and Lead Communications Technician (1 out of 1 budgeted FTE). The Lead Communications vacancy resulted from a recent promotion of a bargaining unit member into the Communications Supervisor vacancy.

BFCOA ended the year with a vacancy rate of 28.6%, representing 2 vacant FTEs out of 7 budgeted FTEs. Both vacancies were Battalion Chief positions vacated by retirements on December 26 and December 29, 2025. These positions were filled in January 2026, reducing the vacancy rate to 0% within one month.



All represented employee groups have been notified of the public hearing and given the opportunity to attend and present, as required by the statute.

Recruitment and Retention Efforts

The City continues to actively address vacancy rates through multi-pronged recruitment and outreach strategy. Efforts include maintaining a contract with branding and marketing consultants; operating a dedicated career website (www.berkeley.careers) to showcase employment opportunities; enhancing the City’s social media presence on platforms such as Instagram, Facebook, LinkedIn through professionally designed advertisements; and conducting targeted outreach through paid, algorithm-based advertisements, specialized mailing lists for candidates with relevant certifications or professional affiliations, and tools such as LinkedIn Recruiter for direct candidate engagement.

These strategies have enabled the City to consistently hire at a rate that exceeds attrition and to maintain a low overall vacancy rate.

To address vacancies in IBEW-represented classifications, the City maintained a continuous Electrician recruitment throughout the year, utilized marketing and outreach tools, regularly screened applications, and administered multiple examinations. Approximately 230 applicants applied throughout the year; of these, 25 applicants

passed the minimum qualification screening, and 8 passed both the written and performance exam.

Obstacles in the Hiring Process

In April 2025, the City instituted a hiring freeze to address the structural deficit in the General Fund. To balance the fiscal year 2026 budget, the City implemented several measures, including removing funding for 44.4 vacant positions and one temporary position. In addition, all budgeted and authorized positions were required to undergo an exception review process by the City Manager and Budget team before proceeding with recruitment, exam, selection, and appointment. Exceptions were granted when a position was deemed mission-critical, essential to business operations, had a significant impact on public health and safety, posed a substantial compliance risk, could result in potential liability, or could lead to a significant loss of revenue. In anticipation of addressing the ongoing structural deficit positions were held vacant while the City made efforts to develop departmental budget reduction plans.

BACKGROUND

On September 22, 2024, Governor Newsom signed AB 2561 into law, codified as GC § 3502.3, effective January 1, 2025, amending the Meyers-Milias-Brown Act (MMBA). AB 2561 creates a new obligation for public agencies to publicly address the status of their vacancies. Under AB 2561 and GC § 3502.3, public agencies are required to assess and address vacancy rates on an annual basis; information on the status of vacancies, recruitment, and retention efforts at least once per fiscal year prior to the adoption of the next fiscal year's budget; and identifying any policies, procedures, and recruitment activities that may present obstacles in the hiring process. Additional obligations may apply if the vacancy rate in a bargaining unit exceeds 20%.

Effective January 1, 2025, in compliance with the new legal obligations for public agencies under AB 2561 / Government Code (GC) § 3502.3, the City is required to do the following:

1. **Public Hearing:** At least once each fiscal year, at a public hearing before the City Council, the City shall present information regarding the status of vacancies, recruitment, and retention efforts (GC § 3502.3 (a)(1)) and identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process (GC § 3502.3(a)(3)). If the City adopts an annual or multi-year budget during the fiscal year, this presentation must occur prior to the City Council's adoption of the final budget. (GC § 3502.3 (a)(2).)
2. **Employee Organization Participation:** The City shall allow the recognized employee organization for each bargaining unit at the City to make presentations

during the public hearing concerning vacancies, recruitment, and retention efforts. The City has eight bargaining units. (GC § 3502.3 (b).)

3. **Additional Reporting for High Vacancy Rates:** If vacancies within a single bargaining unit meet or exceed 20% of authorized full-time positions in that bargaining unit, upon request of the recognized employee organization for that bargaining unit, the City must provide additional information during the public hearing, including: (1) the total number of vacancies; (2) the number of applicants; (3) the average time to fill positions; and (4) opportunities to improve compensation and working conditions for employees in that bargaining unit. (GC § 3502.3 (c).)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts or opportunities associated with the subject of the report.

RATIONALE FOR RECOMMENDATION

The City fulfills its legal compliance with AB 2561 / GC § 3502.3 by conducting a public hearing before the agency's governing body at least once per fiscal year prior to the adoption of the next fiscal year's budget and identifying any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Janelle Rodrigues, Director of Human Resources, (510) 981-6807.

ATTACHMENT

1. Assembly Bill 2561 (AB 2561) - Text

Assembly Bill No. 2561

CHAPTER 409

An act to add Section 3502.3 to the Government Code, relating to public employment.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2561, McKinnor. Local public employees: vacant positions.

Existing law, the Meyers-Milias-Brown Act (act), authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations and to consider fully presentations that are made by the employee organization on behalf of its members before arriving at a determination of policy or course of action.

This bill would, as specified, require a public agency to present the status of vacancies and recruitment and retention efforts at a public hearing at least once per fiscal year, and would entitle the recognized employee organization to present at the hearing. If the number of job vacancies within a single bargaining unit meets or exceeds 20% of the total number of authorized full-time positions, the bill would require the public agency, upon request of the recognized employee organization, to include specified information during the public hearing. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include related legislative findings.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that a local agency or school district may pursue any available remedies to seek reimbursement for these costs.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) Job vacancies in local government are a widespread and significant problem for the public sector affecting occupations across wage levels and educational requirements.

(b) High job vacancies impact public service delivery and the workers who are forced to handle heavier workloads, with understaffing leading to burnout and increased turnover that further exacerbate staffing challenges.

(c) There is a statewide interest in ensuring that public agency operations are appropriately staffed and that high vacancy rates do not undermine public employee labor relations.

SEC. 2. Section 3502.3 is added to the Government Code, to read:

3502.3. (a) (1) A public agency shall present the status of vacancies and recruitment and retention efforts during a public hearing before the governing board at least once per fiscal year.

(2) If the governing board will be adopting an annual or multiyear budget during the fiscal year, the presentation shall be made prior to the adoption of the final budget.

(3) During the hearing, the public agency shall identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process.

(b) The recognized employee organization for a bargaining unit shall be entitled to make a presentation at the public hearing at which the public agency presents the status of vacancies and recruitment and retention efforts for positions within that bargaining unit.

(c) If the number of job vacancies within a single bargaining unit meets or exceeds 20 percent of the total number of authorized full-time positions, the public agency shall, upon request of the recognized employee organization, include all of the following information during the public hearing:

(1) The total number of job vacancies within the bargaining unit.

(2) The total number of applicants for vacant positions within the bargaining unit.

(3) The average number of days to complete the hiring process from when a position is posted.

(4) Opportunities to improve compensation and other working conditions.

(d) This section shall not prevent the governing board from holding additional public hearings about vacancies.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(f) For purposes of this section, “recognized employee organization” has the same meaning as defined in subdivision (a) of Section 3501.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 3502.3 to the Government Code, furthers, within the

meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

It is in the public interest, and it furthers the purposes of paragraph (7) of subdivision (b) of Section (3) of Article I of the California Constitution, to ensure that information concerning public agency employment is available to the public.

SEC. 4. No reimbursement shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other law.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

CALIFORNIA GOVERNMENT CODE § 3502.3 (ASSEMBLY BILL 2561)

The public may participate in this hearing by remote video or in-person.

The Department of Human Resources is proposing a public hearing in accordance with California Government Code § 3502.3 (Assembly Bill 2561), which states that a public agency must once per fiscal year present the status of vacancies, recruitment and retentions efforts at a public hearing before the adoption of an annual budget.

The hearing will be held on April 21, 2026, at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of April 9, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Janelle Rodrigues at 510-981-6807. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: April 10, 2026 – The Berkeley Voice

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on April 9, 2026.

\_\_\_\_\_  
Mark Numainville, City Clerk