



Office of the City Manager

CONSENT CALENDAR

June 30, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Establish the Job Classification and Pay Scale for Firefighter EMT, Add Firefighter Paramedic and Firefighter EMT to Personnel Rules and Regulations Section 9.03 *Promotion Through a Non-Competitive Personnel Action*, and Revise Section 33, *Probationary Period* of the Memorandum of Understanding between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227

RECOMMENDATION

1. Adopt a resolution to establish job classification and pay scale for Firefighter EMT.
2. Adopt a resolution to add Firefighter Paramedic and Firefighter EMT to Personnel Rules and Regulations Section 9.03 *Promotion Through a Non-Competitive Personnel Action*.
3. Adopt a resolution to revise Section 33, *Probationary Period* of the Memorandum of Understanding between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227.

FISCAL IMPACTS OF RECOMMENDATION

There is no fiscal impact resulting from separating the classifications, as the existing pay scales will be maintained.

CURRENT SITUATION AND ITS EFFECTS

During a recent revision to the Firefighter classification, the minimum qualification was changed from requiring a paramedic license to allowing an Emergency Medical Technician (EMT) certificate. As a result, the Department now employs both Firefighter Paramedics and Firefighter EMTs.

The City recommends dividing the current Firefighter classification into two closely related classifications. The existing Firefighter classification will be renamed Firefighter Paramedic, with updated duties that clearly reflect the responsibilities of employees licensed to provide both Basic Life Support (BLS) and Advanced Life Support (ALS).

Establish the Job Classification and Pay Scale for Firefighter EMT, Add Firefighter Paramedic and Firefighter EMT to Personnel Rules and Regulations Section 9.03: *Promotion Through a Non-Competitive Personnel Action*, and Revise Section 33: *Probationary Period* of the Memorandum of Understanding between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227

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These preliminary changes were approved at the Personnel Board meeting on May 4, 2026, but do not take effect until the remaining proposed changes are approved by the City Council.

The City further recommends adding Firefighter EMT as an eligible entry-level classification to Firefighter Paramedic within Personnel Rules and Regulations Section 9.03, *Promotion Through a Non-Competitive Personnel Action*. Under this provision, an employee may be promoted to a higher classification if an employee meets the established criteria and have demonstrated satisfactory performance in the lower classification.

In addition, the City recommends amending Section 33: *Probation*, of the Memorandum of Agreement between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227, to revise the length of probationary period and the date of performance appraisal report for employees granted a promotion through a non-competitive personnel action from Fire Fighter EMT to Fire Fighter Paramedic.

CURRENT SITUATION AND ITS EFFECTS

During a recent update to the Firefighter classification, the minimum qualification was changed from requiring a Paramedic license to allowing an Emergency Medical Technician (EMT) certificate. As a result, the Fire Department now employs both Firefighter Paramedics and Firefighter EMTs under a single classification structure, which no longer aligns with operational needs.

This misalignment creates inconsistencies in job duties, training requirements, and progression pathways for employees performing Basic Life Support (BLS) versus Advanced Life Support (ALS) functions.

In addition, having a distinct entry-level Firefighter EMT classification allows the City to clearly define job expectations and establish a non-competitive promotion process for employees who later obtain a Paramedic license.

Collectively, addressing these issues will improve recruitment, operational needs, training, and employee advancement within the Firefighter classification and Fire Department.

BACKGROUND

On May 4, 2026, the Personnel Board approved preliminary revisions to the Firefighter classification, including renaming the classification to Firefighter Paramedic, reinstating the requirement for a Paramedic license, and updating duties to accurately reflect the classification's ALS responsibilities. At the same meeting, the Board also approved adding Firefighter EMT as an eligible entry-level classification for non-competitive

Establish the Job Classification and Pay Scale for Firefighter EMT, Add Firefighter Paramedic and Firefighter EMT to Personnel Rules and Regulations Section 9.03: *Promotion Through a Non-Competitive Personnel Action*, and Revise Section 33: *Probationary Period* of the Memorandum of Understanding between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227

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advancement to Firefighter Paramedic under Personnel Rules and Regulations Section 9.03: *Promotion Through a Non-Competitive Personnel Action*.

To support this structure, the City proposes establishing a separate Firefighter Emergency Medical Technician (EMT) classification. This classification is derived from the historical Firefighter role but requires a valid California EMT certification and is intended for employees performing Basic Life Support (BLS) duties.

The City also proposes that Firefighter EMTs who obtain a Paramedic license may, with approval of the Fire Chief, advance to the Firefighter Paramedic classification through the established non-competitive personnel action process. All requirements of Section 9.03, including verification of credentials and minimum qualifications, would continue to apply.

As part of these changes, the City and the Berkeley Fire Fighters Association, I.A.F.F. Local 1227, have met and conferred and reached preliminary agreement to amend Section 33: *Probation* of the Memorandum of Agreement to shorten the probationary period and update the timing of performance evaluations for employees promoted from Firefighter EMT to Firefighter Paramedic through the non-competitive promotion process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RECOGNIZED EMPLOYEE ORGANIZATION

The classification is represented by the Berkeley Fire Fighters Association (BFFA). The City notified the union of the proposed changes, and the union confirmed its agreement.

RATIONALE FOR RECOMMENDATION

Adopting the proposed changes will ensure that the Firefighter classifications accurately reflect credential requirements and scopes of practice, promote internal consistency, and support operational efficiency.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were identified that would meet the operational needs or ensure appropriate differentiation between Firefighter Paramedic and Firefighter EMT classifications.

CONTACT PERSON

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

Attachments

1: Resolution

Establish the Job Classification and Pay Scale for Firefighter EMT, Add Firefighter Paramedic and Firefighter EMT to Personnel Rules and Regulations Section 9.03: *Promotion Through a Non-Competitive Personnel Action*, and Revise Section 33: *Probationary Period* of the Memorandum of Understanding between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227

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Exhibit A: Proposed Job Class Specification and Pay Scale – Firefighter EMT

2: Resolution

Exhibit A: Proposed Revisions to Personnel Rules and Regulations Section 9.03:
Promotion Through a Non-Competitive Personnel Action

3: Resolution

Exhibit A: Side Letter to the Memorandum of Agreement Between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227, Section 33:
Probation

RESOLUTION NO. ##,###-N.S.

APPROVING ESTABLISHMENT OF JOB CLASSIFICATION AND PAY SCALE OF
FIREFIGHTER EMT

WHEREAS, the Human Resources Department maintains the Classification and Compensation Plan for the City of Berkeley; and

WHEREAS, job specifications are foundational components of the City's Classification and Compensation Plan; and

WHEREAS, the Human Resources Department recommends the establishment of the represented job classification of Firefighter EMT with an hourly pay range of \$36.3959 - \$45.8468; and

WHEREAS, the Personnel Board recommended adoption of the job classification and pay range for Firefighter EMT at its May 4, 2026, meeting; and

WHEREAS, employees who work in the classification of Firefighter EMT will be considered non-exempt under the Fair Labor Standards Act (FLSA); and

WHEREAS, the job classification of Firefighter EMT is represented by Berkeley Fire Fighters Association, I.A.F.F. Local 1227; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the classification for Firefighter EMT is established with a job specification and pay range as shown in Exhibit A, effective the pay period beginning June 21, 2026.

BE IT FURTHER RESOLVED that the Firefighter EMT classification has an hourly pay scale of \$36.3959 - \$45.8468 distributed across three steps:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
36.3959	37.2299	38.0843	38.9664	40.2416	41.5716	42.9433	44.3626	45.8468

Exhibits

A: Firefighter EMT – Job Class Specification and Pay Scale

CITY OF BERKELEY
FIREFIGHTER EMT
CLASS CODE XXXX

ESTABLISHED DATE
June 21, 2026

DEFINITION

Under general supervision, responds to fires, medical emergencies, and other emergency and non-emergency situations, and takes appropriate action to provide aid, save lives, protect property and the environment; perform fire prevention activities; maintains station quarters; performs various staff support assignments in addition to normal emergency response activities; performs related work as assigned.

CLASS CHARACTERISTICS

This is the entry- and full working-level class in fire suppression, learning and performing all duties required to effectively respond to emergency fire suppression and basic life support medical situations. Incumbents may be assigned to a truck or engine, typically in three- or four-person crews. This class is distinguished from Fire Apparatus Operator in that the latter class is assigned to operate any vehicles and apparatus in addition to performing all normal emergency response duties. This class provides basic life support emergency medical response.

EXAMPLES OF ESSENTIAL FUNCTIONS

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification or is similar or closely related to another duty statement.

1. In a fire emergency, connects, develops, charges, and bleeds hose for handlines, booster lines, connecting water appliances, and supply lines connecting to hydrants and between engines.
2. Controls and extinguishes fires, and places water curtains using various size handlines, cellar distributors, and deck, ladder, and portable water monitors.
3. Connects foam inductors and applies foam and chemicals for fire suppression and control.
4. Places and secures various adapters, nozzles, and in-line controls, connections, and fittings;
5. Searches buildings and rescues victims.
6. Provides emergency medical response at the basic life support level, including initial patient assessment and treatment.

7. Documents patient care and uses various medical software and equipment provided by the department.
8. Uses various hand and power tools to obtain entry to buildings, free trapped accident victims, and provide ventilation.
9. Participates in specialized rescue operations, including aerial and underground situations, including the use of rigging and shoring.
10. Participates in various clean up, salvage, and overhaul operations.
11. Cleans, services, and ensures operational readiness of vehicles, apparatus, hoses, and equipment.
12. Participates in training and maintains/improves skills.
13. Participates in various staff support assignments including but not limited to: fire prevention, inspection, and hazardous spill and weed abatement programs, maintenance of inventory records, scheduled inspection of departmental equipment, and hydrant and fire flow testing.
14. Contains, removes, and decontaminates hazardous material spills.
15. Employs appropriate fire fighting and chemical safety apparel and equipment, including turnout gear, helmets, hoods, axe belt, and self-contained breathing apparatus.
16. Participates in maintenance of station and facilities.
17. Works with the community in a variety of educational, public relations, and service programs.
18. Work and live harmoniously with co-workers as an effective team member to facilitate the delivery of services to residents and visitors.
19. Promote a positive image of the department to the public.
20. May serve in higher level classifications on a relief basis.
21. May direct other personnel in greater alarm fires.
22. Performs related duties as assigned.

KNOWLEDGE, SKILLS, AND ABILITIES

Note: The level and scope of the knowledge and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Basic principles and practices of fire suppression and prevention.
2. Basic principles and practices of emergency medical care at the basic life support level.
3. Safety practices and precautions pertaining to the work.

Ability to:

1. Follow oral and written directions.
2. Establish and maintain effective working relationships with those encountered in the course of the work.
3. Maintain accurate records and prepare clear and concise reports, and other written materials.
4. Remain calm, make sound decisions, and respond appropriately in emergency and non-emergency situations.

MINIMUM QUALIFICATIONS

FIREFIGHTER EMT - AT TIME OF APPLICATION:

1. Graduation from high school or GED equivalent.
2. Valid California Emergency Medical Technician (EMT) Certification or National Registry of Emergency Medical Technicians (NREMT) EMT Certification.
3. Candidate Physical Ability Test (CPAT) Card of Completion issued no earlier than one (1) year from the recruitment filing deadline.
4. Successful Completion of the Firefighter Candidate Testing Center (FCTC) written exam completed no earlier than one (1) year from the recruitment filing deadline.
5. Valid Driver's License with a satisfactory driving record.
6. Proof of vaccination to include: Tdap, TB, MMR, Hepatitis B, Varicella (Chicken Pox), and Influenza. Titers demonstrating immunity may be substituted for the proof of vaccination.

FIREFIGHTER EMT - BY TIME OF APPOINTMENT:

1. Valid California EMT Certification.
2. Valid California Driver's License with a satisfactory driving record.

FIREFIGHTER EMT - BY COMPLETION OF FIREFIGHTER 1 ACADEMY:

1. Successful completion of all required City of Berkeley and California Office of the State Fire Marshal (OSFM) academic training and certification examinations, including successful completion of the Academy with the incumbent's assigned cohort, is a condition of continued employment. Failure to meet these requirements shall result in separation from employment.
2. Achieve certificates of completion issued by FEMA, the OSFM or the National Wildfire Coordinating Group (NWCG) for the following courses or equivalents/replacements as determined by FEMA, OSFM, or NWCG:
 - a. FSTEP Rope Rescue Awareness/Operations (RRA/O)
 - b. FSTEP Fire Fighter Survival
 - c. FSTEP Fire Control 3B
 - d. FSTEP Fire Control 4 (*if applicable to that academy*)
 - e. FSTEP Driver Operator 1A
 - f. FSTEP or NWCG S130
 - g. FSTEP or NWCG S131
 - h. FSTEP or NWCG S190
 - i. FSTEP or CSTI HazMat FRO
 - j. FSTEP Vehicle Extrication
 - k. CFSTES Firefighter I
 - l. FEMA Introduction to the Incident Command System (ICS-100)
 - m. FEMA National Incident Management Systems, An Introduction (IS-700.A)

FIREFIGHTER EMT - BY COMPLETION OF PROBATION:

1. Successful completion of the City of Berkeley Firefighter Taskbooks.

2. Successful completion of City of Berkeley Firefighter written and psychomotor examinations.
3. Certificates of completion issued by the California Office of the State Fire Marshal (OSFM) for the following courses or equivalents/replacements as determined by OSFM:
 - a. CFSTES Firefighter II

FIREFIGHTER EMT LATERAL - AT TIME OF APPLICATION:

1. Graduation from high school or GED equivalent.
2. Valid California EMT Certification or National Registry of Emergency Medical Technicians (NREMT) EMT Certification.
3. Currently employed as a full-time paid Firefighter with at least two years of continuous employment.
4. CFSTES or IFSAC/ProBoard Firefighter I Certification.
5. Valid Driver's License with a satisfactory driving record.
6. Proof of vaccination to include: TDaP, TB, MMR, Hepatitis B, Varicella (Chicken Pox), and Influenza. Titers demonstrating immunity may be substituted for the proof of vaccination.

FIREFIGHTER EMT LATERAL – BY TIME OF APPOINTMENT

1. Valid California EMT Certification.
2. Valid California Driver's License with a satisfactory driving record.

FIREFIGHTER EMT LATERAL - BY COMPLETION OF FIREFIGHTER 1 ACADEMY:

1. Successful completion of all required City of Berkeley and California Office of the State Fire Marshal (OSFM) academic training and certification examinations, including successful completion of the Academy, is a condition of continued employment. Failure to meet these requirements shall result in separation from employment.
2. Achieve certificates of completion issued by FEMA, the OSFM or the National Wildfire Coordinating Group (NWCG) for the following courses or equivalents/replacements as determined by FEMA, OSFM, or NWCG:
 - a. FSTEP Rope Rescue Awareness/Operations (RRA/O)
 - b. FSTEP Fire Fighter Survival
 - c. FSTEP Fire Control 3B
 - d. FSTEP Fire Control 4 (*if applicable to that academy*)
 - e. FSTEP Driver Operator 1A
 - f. FSTEP or NWCG S130
 - g. FSTEP or NWCG S131
 - h. FSTEP or NWCG S190
 - i. FSTEP or CSTI HazMat FRO
 - j. FSTEP Vehicle Extrication
 - k. CFSTES Firefighter I
 - l. FEMA Introduction to the Incident Command System (ICS-100)

m. FEMA National Incident Management Systems, An Introduction (IS-700.A)

FIREFIGHTER EMT LATERAL - BY COMPLETION OF PROBATION:

1. Successful completion of the City of Berkeley Firefighter Taskbooks.
2. Successful completion of City of Berkeley Firefighter written and psychomotor examinations.
3. Certificates of completion issued by the California Office of the State Fire Marshal (OSFM) for the following courses or equivalents/replacements as determined by OSFM:
 - a. CFSTES Firefighter II

OTHER REQUIREMENTS

Must be able to travel to various locations within and outside the City of Berkeley to meet the program needs and to fulfill job responsibilities. The incumbent is required to maintain a valid California Class C or higher driver's license as well as a satisfactory driving record, and must obtain CDL Firefighter Endorsement prior to the completion of the Berkeley Fire Academy.

Must be willing to maintain facial hair in such a way as to ensure proper fitting and operation of self-contained breathing apparatus. Must be willing to work shifts as structured in the Fire Department. Must possess strength and stamina sufficient to lift and carry equipment and patients weighing up to 150 pounds.

RESOLUTION NO. ##,###-N.S.

APPROVING REVISION OF PERSONNEL RULES AND REGULATIONS TO ADD
SECTION 9.03 – PROMOTION THROUGH A NON-COMPETITIVE PERSONNEL
ACTION

WHEREAS, in order to establish an equitable and uniform system for dealing with personnel practices embracing the merit system, the City of Berkeley adopted a personnel system to be administered in accordance with the provisions of the City Charter and pursuant to personnel rules adopted by resolution of the City Council; and

WHEREAS, the Human Resources Department maintains the Personnel Rules and Regulations for the City of Berkeley; and

WHEREAS, the City's Personnel Rules and Regulations Section 9.03 *Promotion Through a Non-Competitive Personnel Action* allows the City Manager to consider employees for promotion to a higher classification without the requirement that an eligible list be established or certified for the higher-level classification, if employees meet the established criteria and have demonstrated satisfactory performance in the lower classification; and

WHEREAS, the City recommends adding Firefighter EMT to Firefighter Paramedic to Personnel Rules and Regulations Section 9.03, *Promotion Through a Non-Competitive Personnel Action*; and,

WHEREAS, the City recommends that employees in the Firefighter EMT classification who obtain paramedic certification, with approval of the Fire Chief, be eligible for advancement to the Firefighter Paramedic classification through the non-competitive personnel action process, and all applicable provisions of Section 9.03, including verification of certification and confirmation of minimum qualifications, shall apply; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Personnel Rules and Regulations, Section 9.03, *Promotion Through a Non-Competitive Personnel Action*, as shown in Exhibit A, be added to the Personnel Rules and Regulations, with authority for staff to make non-substantive changes throughout the Personnel Rules and Regulations as necessary to ensure consistency with the newly adopted rule.

BE IT FURTHER RESOLVED that the addition of Firefighter EMT to Firefighter Paramedic to Personnel Rules and Regulations, Section 9.03, *Promotion Through a Non-Competitive Personnel Action*, as shown in Exhibit A, shall be effective on or after the pay period beginning June 21, 2026.

Exhibits

A: Personnel Rules and Regulations, Section 9.03, *Promotion Through a Non-Competitive Personnel Action*

CITY OF BERKELEY PERSONNEL RULES AND REGULATIONS

9.03 PROMOTION THROUGH A NON-COMPETITIVE PERSONNEL ACTION

Classifications that require professional licensure, certification or registration; or specific professional experience as a prerequisite at the journey level may be underfilled at the unlicensed or entry level, pending qualification for the required license or experience based on the needs of the City. The City Manager or their designated representative – or for positions in the City Attorney’s Office, the City Attorney - may consider an employee for promotion to a higher class through a non-competitive personnel action if the employee meets all of the following criteria and has documented satisfactory performance in the lower-level classification:

- The higher classification licensed or journey level position has been authorized for filling and the department has elected to fill it at the unlicensed or entry-level classification; and
- The employee has obtained the essential qualifications of the journey level classification, as outlined in the classification specification (i.e., experience and education qualifications, the demonstrated knowledge, skills and abilities, etc.); and
- The employee has obtained the required California State license, professional registration or certification; or has obtained the required professional experience as identified in the job specification.

Certification or Licensed Classifications

<i>Unlicensed Classification</i>	<i>Licensed Classification</i>
Behavioral Health Clinician I Assistant Environmental Health Specialist Assistant Public Works Engineer Psychiatrist I Psychiatrist II Public Health Physician Traffic Engineering Assistant	Behavioral Health Clinician II Registered Environmental Health Specialist Assistant Civil Engineer Psychiatrist II Psychiatrist III Public Health Physician (Certified) Assistant Traffic Engineer

Experienced and Certified Classifications

<i>Entry-Level and/or Uncertified Classification</i>	<i>Journey-Level and/or Certified Classification</i>
Building Inspector I (Certified) Hazardous Materials Specialist I Housing Inspector I (Certified) Firefighter EMT	Building Inspector II (Certified) Hazardous Materials Specialist II Housing Inspector II (Certified) Firefighter Paramedic

Entry to Journey Level Classifications

<i>Trainee or Entry-Level Classification</i>	<i>Journey-Level or Experienced Classification</i>
Librarian I Public Safety Dispatcher I Police Officer Recruit	Librarian II Public Safety Dispatcher II Police Officer

Deputy City Attorney I Deputy City Attorney II Deputy City Attorney III	Deputy City Attorney II Deputy City Attorney III Deputy City Attorney IV
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If the department head determines that the employee meets the criteria outlined above, the department head submits a written request to the Department of Human Resources recommending promotion of the employee to the licensed or experienced journey-level classification, without requirement that an eligible list for the journey-level classification be established or certified for this appointment, with a copy of the required license. Upon determination that the criteria have been met, the employee will be advanced to the journey-level classification subject to the requirement to serve the appropriate probationary period, as outlined in the applicable collective bargaining agreement or employee manual.

RESOLUTION NO. ##,###-N.S.

APPROVING REVISION OF THE MEMORANDUM OF AGREEMENT BETWEEN THE
CITY OF BERKELEY AND BERKELEY FIRE FIGHTERS ASSOCIATION, I.A.F.F.
LOCAL 1227, SECTION 33, PROBATIONARY PERIOD

WHEREAS, the City of Berkeley is obligated under the provisions of California Government Code Sections 3500-3511, commonly referred to as the Meyers-Milias-Brown Act, to meet and confer in good faith and attempt to reach agreement with representatives of recognized bargaining units on matters within the scope of representation including, but not limited to, wages, hours, and other terms and conditions of employment; and

WHEREAS, representatives of the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227 have met and conferred in good faith and have reached agreement on the revision to Section 33: *Probation*, of the Memorandum of Agreement that incorporates all changes and modifications agreed to by the parties; and

WHEREAS, the side letter agreement as shown in Exhibit A outlines all the changes to Section 33: *Probation*, as it revises the length of probationary period and the date of performance appraisal report for employees granted a promotion through a non-competitive personnel action from Fire Fighter EMT to Fire Fighter Paramedic; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the revisions to Section 33: *Probation*, of the Memorandum of Agreement, as shown in Exhibit A, be added to the Memorandum of Understanding, with authority for staff to make non-substantive changes throughout the Memorandum of Agreement as necessary to ensure consistency with the agreed upon side letter.

BE IT FURTHER RESOLVED that the revisions to Section 33: *Probation*, of the Memorandum of Agreement, as shown in Exhibit A, shall be effective on or after the pay period beginning June 21, 2026.

Exhibits

A: Side Letter to the Memorandum of Agreement Between the City of Berkeley and Berkeley Fire Fighters Association, I.A.F.F. Local 1227, Section 33: *Probation*

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF BERKELEY AND
BERKELEY FIRE FIGHTERS ASSOCIATION I.A.F.F. LOCAL 1227**

This side letter agreement is entered into by and between the City of Berkeley (“City”) and the Berkeley Fire Fighters Association I.A.F.F. Local 1227 (“Union”). The City and Union have met and conferred and reached agreement on this Side Letter Agreement, which pertains to job class specification of Firefighter.

The City and Union have met and conferred in good faith regarding modifying the classification structure applicable to employees currently assigned to the Firefighter classification to better reflect differences in certification, scope of duties, and operational needs.

The City and Union agree to the following:

CLASSIFICATION SPLIT

Following Personnel Board approval and effective the first full pay period following City Council approval of the Side Letter and revisions to the Personnel Rules and Regulations Section 9.03, *Promotion Through a Non-Competitive Personnel Action*, the existing Firefighter job classification (Class Numbers 8113/8013) shall be divided into two separate classifications:

- Revised: Firefighter (Class Numbers 8113/8013) becomes **Firefighter Paramedic**
- New: **Firefighter EMT** (New Class Numbers to be determined)

The City shall establish and maintain separate job class specifications for each classification, including minimum qualifications, duties, and compensations as set forth in the applicable salary schedule and classification documents.

PLACEMENT OF INCUMBENT EMPLOYEES

All employees in the Firefighter classification as of the first full pay period following City Council approval of the Side Letter and revisions to the Personnel Rules and Regulations Section 9.03: *Promotion Through a Non-Competitive Personnel Action*, shall be placed into one of the newly established classifications based on their level of certification and verification status as of that date, as follows:

- **Firefighter Paramedic:** Employees who possess a valid and verified paramedic license/certification as of the first full pay period following City Council approval of the Side Letter and revisions to the Personnel Rules and Regulations Section 9.03, shall be placed in the Firefighter Paramedic Classification.
- **Firefighter EMT:** Employees who do not possess a valid and verified paramedic license/certification as of the first full pay period following City Council approval of the Side Letter and revisions to the Personnel Rules and Regulations Section

9.03, but who meet the requirements for Emergency Medical Technician certification, shall be placed in the Firefighter EMT classification.

For purposes of this Section, “verified” means that the required certification of licensure is current, valid, and document in the City’s official records as of the pay period beginning the first full pay period following City Council approval of the Side Letter and revisions to the Personnel Rules and Regulations Section 9.03.

The parties agree that compensation for Firefighter Paramedic and Firefighter EMT classification shall be as set forth in the City’s adopted pay schedule. Nothing in this side letter establishes or modifies specific pay amounts, which shall be addressed through the normal meet-and-confer process. No incumbent employee’s salary shall be reduced, increased, or otherwise changed as a result of placement into their new classification.

NO RETROACTIVE CHANGES

Placement determinations shall be based solely on certification status as of the first full pay period following City Council approval of Personnel Rules and Regulations Section 9.03. Changes in certification status after that date shall not result in retroactive reclassification but may be considered for non-competitive promotion.

NON-COMPETITIVE PROMOTION

Per Personnel Rules and Regulations Section 9.03: *Promotion Through a Non-Competitive Personnel Action*, an employee may be considered for promotion to a higher class through a non-competitive personnel action if the employee meets outlined criteria and has documented satisfactory performance in the lower-level classification. The City proposes that employees in the Firefighter EMT classification who subsequently obtain paramedic certification, contingent upon approval of the Fire Chief, shall be eligible for advancement to the Firefighter Paramedic classification through the non-competitive personnel action process as outlined in Personnel Rules and Regulations Section 9.03. Such advancement shall be administered in accordance with the applicable provisions governing non-competitive promotions, including verification of certification and satisfaction of any other minimum qualifications established for the classification. The City proposes the addition of the following MOU section, contingent upon City Council approval and effective the first full pay period following City Council approval of the Side Letter and revisions to the Personnel Rules and Regulations Section 9.03.

PROBATIONARY PERIOD FOR EXISTING FIREFIGHTER EMT PROMOTING TO FIREFIGHTER PARAMEDIC

The City proposes that existing City employees in the revised classification of Firefighter EMT who are promoted to Firefighter Paramedic will not serve the full 18-month probation period, and propose the following revisions to BFFA MOU Section 33, *Probationary Period*:

33.1 Original appointments from employment lists for the classification of ~~Fire Fighter~~/Fire Fighter ~~Paramedic-EMT~~ and Fire Fighter Paramedic shall be tentative and subject to a probationary period within a period of ~~eighteen (18) months~~ ~~two (2) years~~ of actual service. In accordance with City of Berkeley Personnel Rules and Regulations, Section 9.03 a promotion through a non-competitive personnel action from Fire Fighter EMT to Fire Fighter Paramedic shall be tentative and subject to a probationary period within a period of twelve (12) months of actual service. Probationary employees who are granted parental leave or military leaves of absence shall complete the balance of their probationary period within a period of six (6) months following their return to City service. Probationary employees who are granted military leaves of absence shall complete the balance upon their return to City service. No provision of this Section 31 (Probationary Period) shall be interpreted to preclude the City from establishing new classifications that may require probationary periods of varying lengths.

33.2 For probationary employees originally appointed to the class of Fire Fighter ~~EMT or~~ /Fire Fighter Paramedic, a City of Berkeley Performance Appraisal Report shall be made at the completion of the Fire Academy, ~~six (6) months after the Fire Academy,~~ at twelve (12) months of actual service, after the Fire Academy, and prior to ten (10) days before the end of the probationary period. For a Fire Fighter EMT appointed as a Fire Fighter Paramedic through the non-competitive process, a City of Berkeley Performance Appraisal Report shall be made at the completion at six (6) months of actual service, and prior to ten (10) days before the end of the probationary period.

GENERAL PROVISIONS

The parties agree that they have met and conferred over the impacts of this classification change. To the extent that additional impacts are identified, the parties agree to meet and confer upon request. This side letter shall become effective upon execution by all parties and shall remain in effect through the term of the MOA, unless modified by mutual written agreement. This Side Letter Agreement shall be incorporated into the MOA by reference. This Side Letter Agreement is intended to address the specific circumstances described herein and shall not establish a binding past practice or precedent for any other classification or bargaining unit, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the Fire Department or the City of Berkeley, except as expressly stated herein. This Side Letter Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement subject to adoption or ratification of this Agreement by the City Council of the City of Berkeley.

AGREED TO FOR THE CITY

Paul Buddenhagen
City Manager
City of Berkeley

AGREED TO FOR THE UNION

Amory Langmo
President
Berkeley Fire Fighters Association I.A.F.F.
Local 1227

APPROVED AS TO FORM

Farimah Faiz Brown
City Attorney
City of Berkeley