



Human Resources

ACTION CALENDAR

January 16, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Amending the Miscellaneous CalPERS Contract to (a) Eliminate PEPRA Cost Sharing for Unrepresented Employees (b) Add Paramedic and Limited Term EMT to Safety Category

RECOMMENDATION

Adopt the Resolution of Intention and first reading of an Ordinance to amend the contract between the Board of Administration, California Public Employees' Retirement System, and the City Council for the City of Berkeley (a) pursuant to California Government Code Section 20516 to eliminate the cost share contributions made on behalf of the City by PEPRA members of the Unrepresented Employees group, and (b) pursuant to California Government Code Section 20434 to add the Paramedic and Limited Term Emergency Medical Technician (EMT) classifications under the Safety category.

FISCAL IMPACTS OF RECOMMENDATION

Based on this action, the additional cost share contributions made on behalf of the City by Unrepresented Employees, originally scheduled for gradual reduction through FY 2026-27, will be eliminated upon amendment of the City's contract with CalPERS, and the City will begin making those contributions on the affected employees' behalf.

There are approximately 75 Unrepresented Employees who are PEPRA members of CalPERS and affected by this resolution, and the total cost to approve the ramp down for Unrepresented Employees is approximately \$247,957.

CURRENT SITUATION AND ITS EFFECTS

Council adopted Resolution #70,156 N.S. at its December 14, 2021 meeting authorizing the FY 2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of

Resolution of Intention to Amend CalPERS Contract: (a) Eliminate Cost Sharing for Unrepresented Employees and (b) Add Paramedic and Limited Term EMT to Safety Category

ACTION CALENDAR
January 16, 2024

Administration. (See Cal. Gov. Code § 20516.) The contract amendment process includes the following steps:

- The City shall provide CalPERS with the Resolution and a cover letter indicating the exact percentage of change, total cost-share percentage, and who it is applicable to – completed October 2023;
- CalPERS will contact the City to establish the Anticipated Schedule of Agency Actions and send the required documents;
- Over a time period specified by CalPERS, the City will:
 - Conduct an employee election whereby a simple majority of the affected PEPRA members in the Unrepresented Employees group must vote in favor of the proposed cost-share terms – completed September 2023;
 - The City shall adopt a Resolution of Intention;
 - The City shall approve the final reading of an ordinance or final resolution and complete certification forms;
- Once the documents are received and approved, the contract amendment becomes effective and is updated with the effective date in MyCalPERS;
- CalPERS sends a fully executed contract to the City.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

RATIONALE FOR RECOMMENDATION

In order to eliminate the additional cost share contributions made on behalf of the City by PEPRA members of the Unrepresented Employees group, Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

The recommendation to add Paramedic and Limited Term EMT job classifications as Safety Members of CalPERS is consistent with California Government Code Section 20434, which defines "Local firefighter" to include employees of a fire department dedicated to emergency medical services.

ALTERNATIVE ACTIONS CONSIDERED

Continue with the reduction as scheduled, which will lead to inequity between represented and unrepresented employees.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

Resolution of Intention to Amend CalPERS Contract: (a) Eliminate Cost Sharing for Unrepresented Employees and (b) Add Paramedic and Limited Term EMT to Safety Category

ACTION CALENDAR
January 16, 2024

Attachments:

- 1: Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration of California Public Employees' Retirement System and the City Council of the City of Berkeley
- 2: Ordinance of the City Council of the City of Berkeley Authorizing an Amendment to the Contract Between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System
- 3: Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Berkeley
- 4: CalPERS Certification of Governing Body's Action
- 5: CalPERS Certification of Compliance with Government Code Section 7507
- 6: CalPERS Certificate of Compliance with Government Code Section 20516

Resolution of Intention to Amend CalPERS Contract: (a) Eliminate Cost Sharing for Unrepresented Employees and (b) Add Paramedic and Limited Term EMT to Safety Category

ACTION CALENDAR
January 16, 2024

RESOLUTION NO. XX,XXX

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL
OF THE CITY OF BERKELEY

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed changes: (1) to provide, pursuant to California Government Code Section 20516 (Employees Sharing Additional Cost), a reduction of 5% for new local miscellaneous members in the Unrepresented Employees group; and (2) to add the Paramedic and Limited Term Emergency Medical Technician classifications to the Safety member category pursuant to California Government Code 20434 (which designates any officers or employees of a fire department employed to perform duties of firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as "Local firefighter");

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an exhibit and by this reference made a part hereof.

Resolution of Intention to Amend CalPERS Contract: (a) Eliminate Cost Sharing for Unrepresented Employees and (b) Add Paramedic and Limited Term EMT to Safety Category

ACTION CALENDAR
January 16, 2024

ORDINANCE NO. #, ### N.S.

AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF BERKELEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1.

That an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration, California Public Employees' Retirement System, is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the City of Berkeley City Council is hereby authorized, empowered, and directed to execute said amendment for, and on behalf of, said Agency.

Section 3.

This Ordinance shall take effect thirty (30) days after the date of its adoption. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Agenda Item
Attachment

This attachment will be provided to the City Council and the public prior to the meeting (including posting to the city website) in accordance with the requirements for revised and supplemental materials in the Open Government Ordinance.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

The City of Berkeley, City Council's Web site:
<http://berkeleyca.gov>