



Human Resources

CONSENT CALENDAR

January 30, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager
Farimah F. Brown, City Attorney

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: At-Will Designations: Employee Relations Manager and Assistant to the City Attorney

RECOMMENDATION

Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classifications of Employee Relations Manager and Assistant to the City Attorney as at-will, and (2) a resolution authorizing amendments to the Unrepresented Employee Manual and all other pertinent documents to effectuate the change; approving a 5% salary differential for the Employee Relations Manager classification, to be set forth in the Unrepresented Employee Manual; and modifying the Employee Relations Manager job specification to state that the incumbent “may act as department head in the absence of the Director of Human Resources.”

FISCAL IMPACT

The recommendation will provide a 5% pay differential for the Employee Relations Manager classification – to be absorbed by the Human Resources Department via the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The unrepresented classification of Employee Relations Manager is designated as career, even though the job responsibilities it sets forth include labor relations, a function that must necessarily align with policies and strategies espoused by the City Manager and City Council.

The unrepresented classification of Assistant to the City Attorney is designated as career, even though the job responsibilities revolve around administrative and analytical support for the City Attorney in a manner aligned with their work priorities and strategic plan. The classification of Assistant to the City Attorney was designed to mirror that of

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Assistant to the City Manager, which is an at-will position; however, at a time of high vacancies in the Human Resources Department, the class was established without the intended exemption from career status.

BACKGROUND

These requests were considered by the Personnel Board at its meeting of January 8, 2024 and approved without opposition.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONAL FOR RECOMMENDATION

The nature of the Employee Relations Manager and the Assistant to the City Attorney classifications – both of which are unrepresented – warrants their designation as at-will, given how aligned their work must be with the policies and strategies of the City executives they support.

The 5% differential for the Employee Relations Manager is necessitated by a competitive market for specialists in this particular area of HR.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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Attachments:

- 1: Ordinance
- 2: Resolution

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

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.04 TO UPDATE SECTION
4.04.120 EXEMPTIONS FROM CAREER SERVICE (AT-WILL EMPLOYEES)

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

Section 1. That Section 4.04.120 of the Berkeley Municipal Code is amended to read as follows:

4.04.120 Exemption from career service (At-will employees).

The provisions of this chapter shall apply to all positions in the service of the City except:

A. The City Manager, Assistant City Manager, Deputy City Manager, Assistant to the City Manager, Assistant to the City Attorney, Police Review Commission Officer, Police Review Commission Investigator, Budget Manager, Assistant to the Mayor, Capital Improvement Programs Manager, Economic Development Manager, ~~and~~ Legislative Assistant, and Employee Relations Manager;

B. Assistant, Associate and Senior Management Analyst when appointed to the City Manager's Department or to the budget unit of the Management and Administrative Services Agency; and Secretary to the Mayor, Administrative Secretary and Secretary when appointed to the Mayor's office;

C. All department heads, health officer, and supervising psychiatrist;

D. Persons employed seasonally in the summer camps;

E. Persons employed as reserve or emergency employees during the period of national emergency as provided in the ordinance creating such employment;

F. All persons who are paid at an hourly rate with the exception of library aides. Persons appointed as hourly library aides shall be part of the career service with the exception of those hired to fill temporary positions of six months or less. Persons appointed to these positions which are exempt from the career service shall serve at the pleasure of the appointing authority and may be demoted, suspended, or otherwise rejected at any time without cause and without right of appeal or hearing in any manner. Except that, any employee in the career service promoted or transferred to a position not included in the career service and made exempt from the career service shall be reinstated to their career appointment from which they were promoted or transferred if

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within six months of appointment to a position not included in the career service, action is taken to dismiss them, unless charges are filed and the employee is discharged in accordance with this chapter and the rules established hereunder for positions in the career service. All employments designated in this section shall be entitled to only those benefits provided for at-will employees in the personnel rules and regulations or in applicable memoranda agreements.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 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.

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

DESIGNATING THE UNREPRESENTED CLASSIFICATIONS OF EMPLOYEE
RELATIONS MANAGER AND ASSISTANT TO THE CITY ATTORNEY AS AT-WILL

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

WHEREAS, the unrepresented classification of Employee Relations Manager is designated as career, even though the job responsibilities it sets forth include labor relations, a function that must necessarily align with policies and strategies espoused by the City Manager and City Council; and

WHEREAS, the Employee Relations Manager classification poses recruitment challenges in a competitive labor market since it requires specialized knowledge; and

WHEREAS, manager-level employees in the Human Resources Department may act as department head in the absence of the Director of Human Resources; and

WHEREAS, the unrepresented classification of Assistant to the City Attorney is designated as career, even though the job responsibilities revolve around administrative and analytical support for the City Attorney in a manner aligned with their work priorities and strategic plan; and

WHEREAS, the Assistant to the City Attorney was designed to mirror that of Assistant to the City Manager, which is an at-will classification;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that upon the effective date of the accompanying Ordinance amending Berkeley Municipal Code 4.04.120(A) to designate the unrepresented classifications of Employee Relations Manager and Assistant to the City Attorney as at will, the Unrepresented Employee Manual and all other pertinent documents shall be amended to effectuate the change; and

BE IT FURTHER RESOLVED that the Unrepresented Employee Manual be revised to allow a 5% salary differential for the Employee Relations Manager classification; and

BE IT FURTHER RESOLVED that the job specification for Employee Relations Manager be amended to state that the incumbent “may act as department head in the absence of the Director of Human Resources.”

