



Office of the City Manager

CONSENT CALENDAR  
December 10, 2024

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Aram Kouyoumdjian, Director of Human Resources  
Subject: Personnel Rule 9.03 Revision: Promotion Through a Non-Competitive Process

RECOMMENDATION

Adopt a Resolution amending Section 9.03 of the City's Personnel Rules and Regulations, "Promotion Through a Non-Competitive Personnel Action," to add classifications including Deputy City Attorney I, II, III, and IV; Police Officer Recruit and Police Officer; Public Safety Dispatcher I and Public Safety Dispatcher II; Hazardous Materials Specialist I and Hazardous Materials Specialist II; and Housing Inspector I (Certified) and Housing Inspector II (Certified).

FISCAL IMPACTS OF RECOMMENDATION

Departments will absorb fiscal impacts of promotional advancement.

CURRENT SITUATION AND ITS EFFECTS

Section 9.03 of the City's Personnel Rules and Regulations provides an administrative mechanism for internal promotion through a non-competitive process in certain classification series (e.g., Behavioral Health Clinician I to Behavioral Health Clinician II). Proposed modifications to Section 9.03 seek to update the language of the rule and to add the following classifications to the list of job series eligible for internal promotion without a competitive process:

- Hazardous Materials Specialist I to Hazardous Materials Specialist II
- Housing Inspector I (Certified) to Housing Inspector II (Certified)
- Public Safety Dispatcher I to Public Safety Dispatcher II
- Police Officer Recruit to Police Officer
- Deputy City Attorney Series (I, II, III, and IV)

BACKGROUND

Proposed modifications to Section 9.03 were considered by the Personnel Board at its meeting of November 4, 2024 and approved by unanimous vote.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The recommendation is to improve the efficiency of an internal administrative mechanism to allow for flexibly-staffed classifications and permit employees to advance to the higher classification when an employee attains licensure, certification or experience, as an alternative to conducting a prolonged recruitment and establishing a promotional eligibility list.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

1: Resolution

Exhibit A: Section 9.03 of Personnel Rules and Regulations (Tracked Revisions)

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

PERSONNEL RULE 9.03 REVISION: PROMOTION THROUGH A NON-COMPETITIVE PERSONNEL ACTION

WHEREAS, the Human Resources Department is entrusted with the City's classification and compensation ("class and comp") function;

WHEREAS, Section 9.03 of the City's Personnel Rules and Regulations provides an administrative mechanism for internal promotion through a non-competitive process in certain classification series (e.g., Behavioral Health Clinician I to Behavioral Health Clinician II);

WHEREAS, proposed revisions to Section 9.03 to update the language of the rule and to add eligible classifications would enhance efficiencies in promotional hiring and would boost workforce retention;

WHEREAS, the proposed revisions were considered by the Personnel Board at its meeting of November 4, 2024 and approved by unanimous vote.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Section 9.03 of the City's Personnel Rules and Regulations be revised in the manner set forth in Exhibit A and that the following classifications be added to the list of job series eligible for internal promotion through a non-competitive process: Hazardous Materials Specialist I to Hazardous Materials Specialist II; Housing Inspector I (Certified) to Housing Inspector II (Certified); Public Safety Dispatcher I to Public Safety Dispatcher II; Police Officer Recruit to Police Officer; Deputy City Attorney Series (I, II, III, and IV).

Attachment:

Exhibit A: Section 9.03 of Personnel Rules and Regulations (Tracked Revisions)

## EXHIBIT A

### 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 ~~in-experienced~~ entry level, pending qualification for the required license or experience based on the needs of the City. The City Manager or ~~his~~ 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~~ 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 ~~in-experienced-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	Behavioral Health Clinician II
Assistant Environmental Health Specialist	Registered Environmental Health Specialist
Assistant Public Works Engineer	Assistant Civil Engineer
Psychiatrist I	Psychiatrist II
Psychiatrist II	Psychiatrist III
Public Health Physician	Public Health Physician (Certified)
Traffic Engineering Assistant	Assistant Traffic Engineer

Experienced and Certified Classifications	
<i>Inexperienced-Entry-Level and/or Uncertified Classification</i>	<i>Experienced-Journey-Level and/or Certified Classification</i>
Building Inspector I (Certified)	Building Inspector II (Certified)
<del>Hazardous Materials Specialist I</del>	<del>Hazardous Materials Specialist II</del>
<del>Housing Inspector I (Certified)</del>	<del>Housing Inspector II (Certified)</del>

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Experienced-Entry to Journey-Level Classifications	
<i>Inexperienced-Trainee or Entry-Level Classification</i>	<i>Experienced-Journey-Level or Experienced Classification</i>
Librarian I	Librarian II
Public Safety Dispatcher I	Public Safety Dispatcher II
Police Officer Recruit	Police Officer
Deputy City Attorney I	Deputy City Attorney II
Deputy City Attorney II	Deputy City Attorney III
Deputy City Attorney III	Deputy City Attorney IV

If the department head determines that the employee meets the criteria outlined above, the department head ~~then~~ submits an ~~Employee Transaction Form~~ written request to the ~~Department Director~~ 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 ~~memorandum agreement~~ collective bargaining agreement or employee manual.