



OFFICE OF THE CITY MANAGER

PUBLIC HEARING

June 3, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Monica Walker, Interim Director of Human Resources

Subject: Conduct a 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

Effective January 1, 2025, in compliance with new legal obligations for public agencies under AB 2561 / Government Code (GC)\_ § 3502.3, the City of Berkeley ("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. There are eight bargaining units at the City. (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 the following: (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 the bargaining unit. (GC § 3502.3 (c).)

BACKGROUND

On September 22, 2024, Governor Newsom signed AB 2561 into law, and it was codified as GC § 3502.3, effective January 1, 2025, to amend 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,

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including tracking job vacancies; present 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 identify 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%.

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

Monica Walker, Interim Director of Human Resources, (510) 981-6818.

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.**

In accordance with California Government Code § 3502.3 (Assembly Bill 2561), 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 June 3, 2025, 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 May 22, 2025. **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 Monica Walker at 510-981-6818.

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](mailto: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](mailto:clerk@berkeleyca.gov) for further information.

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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 May 22, 2025.

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Mark Numainville, City Clerk