



CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Farimah Faiz Brown, City Attorney
Submitted By: Farimah Faiz Brown, City Attorney
Subject: At-Will Designation: Assistant City Attorney

RECOMMENDATION

Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classification of Assistant City Attorney as at-will and adopt a Resolution amending the Unrepresented Employee Manual and all other pertinent documents to effectuate the change.

FISCAL IMPACT

There is no direct fiscal impact at this time.

CURRENT SITUATION AND ITS EFFECTS

The unrepresented classification of Assistant City Attorney is designated as career, even though the job responsibilities revolve around legal work under the City Attorney in a manner aligned with their work priorities and strategic plan. The classification of Assistant City Attorney was designed to mirror that of Assistant City Manager, which is an at-will position; however, the class was established without the intended exemption from career status.

BACKGROUND

These requests were considered by the Personnel Board at its meeting of June 2, 2025, and approved unanimously.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONAL FOR RECOMMENDATION

The nature of the Assistant City Attorney classification – which is unrepresented – warrants the designation as at-will, given how aligned the work must be with the policies and strategies of the City Attorney they perform legal work under.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:
1: Ordinance
2: Resolution

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

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.04.120 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(A) 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 City Attorney, 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 Aide, 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 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.

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

DESIGNATING THE UNREPRESENTED CLASSIFICATION OF
ASSISTANT 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 Assistant City Attorney is currently designated as career, even though the job responsibilities revolve around legal and analytical support for the City Attorney in a manner aligned with their work priorities and strategic plan; and

WHEREAS, the Assistant City Attorney was designed to mirror that of the Assistant 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 classification Assistant City Attorney as at will, the Unrepresented Employee Manual and all other pertinent documents shall be amended to effectuate the change.

