

Office of the City Manager

CONSENT CALENDAR
November 9, 2004

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Subject: Appointment of Fire Chief and Amendments to the Unrepresented Employee Manual

RECOMMENDATION

Adopt two Resolutions as follows: 1) confirming the appointment of Debra R. Pryor as Fire Chief, and 2) amending Resolution No. 60,777 N.S. (Unrepresented Employee Manual) regarding benefits for the newly appointed Fire Chief.

FISCAL IMPACTS OF RECOMMENDATION

The Fire Chief salary of \$154,440 and benefits are included in the fiscal year 2005 Fire Department budget. The position is paid from the General Fund.

CURRENT SITUATION AND ITS EFFECTS

In accordance with the City Charter, Section 28(b) of Article VIII, I am submitting my selection for Fire Chief to the City Council for your confirmation. I have selected Debra R. Pryor for appointment to the vacant Fire Chief position, to be appointed with an annual salary of \$154,440. I am requesting confirmation of this appointment so that I may formally offer this regular at-will benefited department head position to Ms. Pryor to be effective December 13, 2004. I am also recommending that the City Council adopt a Resolution to amend the Unrepresented Employee Manual to provide different sick leave accrual, sick leave payout at time of retirement, bereavement leave, retiree medical benefits and uniform allowance for the classification of Fire Chief.

BACKGROUND

Reginald Garcia retired as Fire Chief on September 17, 2004. At my direction, the Human Resources Department initiated a national recruitment for Fire Chief on August 16, 2004. As a result of these recruitment efforts, 27 persons submitted applications for Fire Chief. Staff from the Human Resources Department and I reviewed the applications and eight persons were selected for the qualifications appraisal panel interviews. Ultimately, two separate panels interviewed six candidates on October 8 and the results of the interviews were presented to me that evening. The panels consisted of two Fire Chiefs from outside of Berkeley, a former Berkeley City Manager, a representative of the Fire Commission, a representative of the Disaster Council and a representative of the Berkeley Fire Fighters Association. Both panels named Ms. Pryor as the top candidate to fill the Fire Chief position.

Debra Pryor holds a Bachelor of Arts Degree in Communications from Arizona State University and a Master of Public Administration Degree from California State University at Hayward. Ms. Pryor was appointed as a Fire Fighter with the City of Berkeley on August 1, 1985 and was promoted through the ranks of the fire service as Fire Apparatus Operator, Fire Lieutenant, Assistant Fire Marshal, Fire Captain, Assistant Fire Chief and ultimately to the rank of Deputy Fire Chief. Ms. Pryor resigned as Deputy Fire Chief with the City of Berkeley on October 4, 2002 to accept a Deputy Fire Chief position with the City of Palo Alto Fire Department. Ms. Pryor grew up in Berkeley and is very familiar with the community, the City and the Fire Department. She has demonstrated her ability to successfully provide leadership and direction to the Fire Department of the Cities of Berkeley and Palo Alto. I believe that Debra Pryor is the best-qualified choice to fill the vacant Fire Chief position.

In order to attract and retain a highly qualified individual to assume the position of Fire Chief, and because of Ms. Pryor's previous service with the City, it is necessary to amend the Unrepresented Employee Manual to provide certain benefits that are different from other Representation Unit Z-1 Unrepresented Executive and Confidential Management employees. I am recommending that the City Council amend the Unrepresented Employee Manual to provide different sick leave accrual, sick leave payout at time of retirement, bereavement leave, retiree medical benefits and uniform allowance for the classification of Fire Chief. These benefit changes are set forth in detail in the Resolution and Exhibits that are attached to this report. They represent a minimal overall cost impact to the City but will enable the new Fire Chief to use her previous City service to best advantage. The restoration of previously accrued sick leave would normally occur for any employee who returned to the City within two years of the date of resignation, which in Ms. Pryor's case would have been within two years from October 4, 2002. I am recommending that the City Council approve restoration of this sick leave as Ms. Pryor's appointment is very near the two year requirement and she made application to this regular at-will position in September.

RATIONALE FOR RECOMMENDATION

The City conducted a national recruitment for the position of Fire Chief and Debra Pryor is the best candidate to fill the position of Fire Chief.

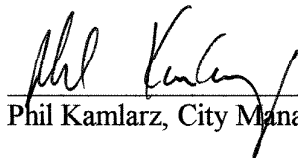
ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Phil Kamlarz, City Manager, 981-7000

Approved:



Phil Kamlarz, City Manager

RESOLUTION NO. -N.S.

CONFIRMING THE APPOINTMENT OF DEBRA R. PRYOR AS THE FIRE CHIEF

WHEREAS, Debra Pryor holds a Bachelor of Arts Degree in Communications from Arizona State University and a Master of Public Administration Degree from California State University at Hayward; and

WHEREAS, Ms. Pryor was appointed as a Fire Fighter with the City of Berkeley on August 1, 1985, was promoted to the rank of Fire Apparatus Operator on March 18, 1990, was promoted to the rank of Fire Lieutenant on December 23, 1991; and

WHEREAS, Ms. Pryor was appointed as Assistant Fire Marshal on July 19, 1992, was promoted to the rank of Fire Captain on August 1, 1993 and assigned to the Training Division; and

WHEREAS, Ms. Pryor was promoted to the rank of Assistant Fire Chief on June 30, 1996, and was promoted to the rank of Deputy Fire Chief on October 18, 1998; and

WHEREAS, Ms. Pryor resigned as Deputy Fire Chief with the City of Berkeley on October 4, 2002 to accept a Deputy Fire Chief position with the City of Palo Alto Fire Department; and

WHEREAS, Ms. Pryor has demonstrated her ability to successfully provide leadership and direction to the Fire Department of the Cities of Berkeley and Palo Alto; and

WHEREAS, the Human Resources Department conducted a national recruitment for Fire Chief and Ms. Pryor was assessed by two qualifications appraisal panels including members of the Fire Commission and Disaster Council to be an outstanding candidate for the position of Fire Chief; and

WHEREAS, Ms. Pryor has demonstrated outstanding personal characteristics and leadership, and a deep commitment to the residents of City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley hereby confirms the City Manager's appointment of Debra R. Pryor as Fire Chief with an annual salary of \$154,440 on the same terms and conditions as other regular, at-will employees, except as provided below, effective December 13, 2004.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby restores 420.47 hours of accrued but unused sick leave that Ms. Pryor had at the time of her resignation on October 2, 2002.

RESOLUTION NO. -N.S.

AMENDING RESOLUTION NO. 60,777 N.S. (UNREPRESENTED EMPLOYEE MANUAL)
REGARDING BENEFITS FOR THE NEWLY APPOINTED FIRE CHIEF

WHEREAS, on November 9, 2004, the City Council will adopt a Resolution appointing Debra R. Pryor as Fire Chief effective December 13, 2004; and

WHEREAS, Ms. Pryor was originally appointed as a Fire Fighter on August 1, 1985 and was promoted through the ranks of the department to Deputy Fire Chief and resigned on October 4, 2002 to accept a Deputy Fire Chief position with the City of Palo Alto; and

WHEREAS, the Unrepresented Employee Manual (Resolution 60,777 – N.S.) sets forth the terms and conditions of employment for unrepresented employees including regular at-will employees; and

WHEREAS, in order to attract and retain a highly qualified individual to assume the position of Fire Chief, and because of Ms. Pryor's previous service with the City, it is necessary to amend the aforementioned Unrepresented Employee Manual to provide different sick leave accrual, sick leave payout at time of retirement, bereavement leave, retiree medical benefits and uniform allowance for the classification of Fire Chief.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley hereby amends Section 4.11 (Accrued Sick leave Canceled Upon Termination) of Resolution No. 60,777 – N.S. (Unrepresented Employee Manual) to permit the City Council to make an exception to the normal rule to restore 420.47 hours of accrued but unused sick leave that Ms. Pryor had at the time of her resignation on October 2, 2002 as shown in Exhibit "A", which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby amends Section 4.11.01 (CalPERS Miscellaneous Members, Fire Chief, and Chief of Police Sick Leave Payout) and 4.11.02 (Deputy Fire Chief, Assistant Fire Chief, and Paramedic Program Supervisor Sick Leave Payout) of Resolution No. 60,777 – N.S. (Unrepresented Employee Manual) to add the classification of Fire Chief to the third paragraph as shown in Exhibit "B", which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby amends Section 6.01 (Family Bereavement Leave) of Resolution No. 60,777 – N.S. (Unrepresented Employee Manual) to include the classification of Fire Chief in the same Family Bereavement Leave category as the Assistant Fire Chief and Paramedic Program Supervisor as shown in Exhibit "C", which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby amends Section 13.9 (Appendix to the Unrepresented Employee Manual) of Resolution No. 60,777 – N.S. (Unrepresented Employee Manual) to provide the same Retiree Medical Plan Benefit as the

Deputy Fire Chief, Assistant Fire Chief and Paramedic Program Supervisor as shown in Exhibit "D", which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby amends Section 13.14 (Appendix to the Unrepresented Employee Manual – Public Safety Uniform Allowance) of Resolution No. 60,777 – N.S. (Unrepresented Employee Manual) to provide the same annual uniform allowance to the Fire Chief as the Chief of Police as shown in Exhibit "E", which is attached hereto and made a part hereof.

Article 4 – Sick Leave

4.11 Accrued Sick Leave Canceled Upon Termination: Except as otherwise provided under the CalPERS conversion of sick leave retirement credit benefit (California Government Code Section 20965) and the other exceptions set forth below, all accrued sick leave shall be canceled upon termination of an employee. Such leave shall be credited back to the employee if the employee returns to City employment within two (2) years of termination, *except as otherwise provided by the City Council*, or within three (3) years of termination if re-employed under the City's Layoff Policy provided in this Manual.

Article 4 – Sick Leave

4.11.01 CalPERS Miscellaneous Members, Fire Chief, and Chief of Police Sick Leave

Payout: Employees who voluntarily separate from service with a vested pension and at least twenty (20) years of benefited City of Berkeley service or to employees retiring on permanent disability arising out of and incurred in the course and scope of their employment with the City shall be entitled to liquidate a portion of their accrued but unused sick leave as follows: Upon termination, employees with between twenty years and twenty-eight years of benefited City of Berkeley service shall be entitled to receive payment in an amount equal to 38% of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days.

Effective July 9, 2002, employees who voluntarily separate from service with a vested pension and at least twenty-eight years of benefited City of Berkeley service or employees retiring on permanent disability arising out of and incurred in the course and scope of their employment with the City, with at least twenty-eight years of benefited City of Berkeley service, shall be entitled to receive payment in an amount equal to 50% of their accrued sick leave days up to a maximum of two hundred (200) unused sick leave days.

4.11.02 Fire Chief, Deputy Fire Chief, Assistant Fire Chief, and Paramedic Program

Supervisor Sick Leave Payout: Effective July 2, 1995, employees in the classification of *Fire Chief*, Deputy Fire Chief, Assistant Fire Chief and Paramedic Program Supervisor who retire or voluntarily terminate with twenty (20) years of service or who retire on permanent disability arising out of and incurred in the course and scope of their employment with the City, shall be entitled to receive payment at retirement or termination of unused sick leave days, based on the following schedule:

Number of Days	Percentage of Payment
0-75 Days	38%
75-99 Days	41%
100-124 Days	44%
125-149 Days	47%
150 Days and over	50%

Article 6 – Other Paid Leaves of Absence

Family Bereavement Leave: Any benefitted employee who experiences a death in the immediate family is granted death leave of up to three working days for the purpose of attending the funeral or memorial service in the State of California, or up to five working days for the purpose of attending the funeral or memorial service outside the State of California. Employees in the classification of *Fire Chief*, Assistant Fire Chief and Paramedic Program Supervisor shall be granted one week (five consecutive calendar days) for a death in the immediate family whether in state or out of state for the purpose of attending the funeral or memorial service.

For all employees except those employees in the classification of *Fire Chief*, Assistant Fire Chief and Paramedic Program Supervisor, "immediate family" is limited to wife, husband, mother, father, sister, brother, child, grandmother, grandfather, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, dependent or domestic partner. For employees in the classification of *Fire Chief*, Assistant Fire Chief and Paramedic Program Supervisor, "immediate family" is limited to wife, husband, mother, father, sister, brother, child, grandmother, grandfather, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren or dependent residing within the household.

Bereavement leave will be paid at the employee's normal base rate of pay for the actual time lost and is allowed solely for the purpose of attending funeral or memorial services. The department head may, within his or her discretion, grant the employee additional time off provided that all accrued vacation and/or sick leave shall be used prior to taking a leave of absence without pay for this purpose.

In special cases, with the approval of the department head, the City Manager may grant death leave within his or her discretion to allow an employee to attend a funeral or memorial services because of the death of persons not included within the definition of immediate family.

Appendix to the Unrepresented Employee Manual

13.9 Fire Chief, Deputy Fire Chief, Assistant Fire Chief, and Paramedic Program Supervisor Retiree Medical Plan: The Retiree Medical Plan for the *Fire Chief*, Deputy Fire Chief, Assistant Fire Chief and Paramedic Program Supervisor classifications is intended to provide the same benefits as the Retiree Medical Plan for sworn fire employees in Representation Unit B, as follows:

Effective January 1, 2001, for employees who retire on or after July 1, 1997, the City will assist in the payment of medical insurance payments for the retiree and/or surviving spouse/domestic partner until the death of both. The maximum amount the City contributes toward the payment of medical premiums is described below and is based on the combination of the following factors:

- (a) the years of service of the employee at time of retirement
- (b) whether the employee is eligible to participate in Medicare
- (c) the annual increase of 4.5% on the amount the City will contribute toward the payment of the medical premium

13.9.1 Maximum City Contribution: The maximum amount the City will contribute toward the medical premium is based on the following schedule:

Years of City Service to Be Completed	Percentage Paid by City
10 years of service	City to pay 25% of either the Health Net Senior Advantage or Health Net Standard rate as applicable
15 years of service	City to pay 50% of either the Health Net Senior Advantage or Health Net Standard rate as applicable
20 years of service	City to pay 75% of either the Health Net Senior Advantage or Health Net Standard rate as applicable
25 years of service	City to pay 100% of either the Health Net Senior Advantage or Health Net Standard rate as applicable

13.9.2 Not Eligible for Medicare: For employees who are not eligible for Medicare, the City will assist the retiree and/or surviving spouse or domestic partner in the payment of the medical insurance premium as follows:

- (a) Each month after the employee retires, the City will pay the health care service provider an amount equal to the Health Net Standard premium rate which is \$387.47 for two party coverage for the retiree and spouse or domestic partner or \$194.41 for single party coverage. If there is no spouse at the time of retirement, the City shall only pay the single party rate. The retiree and/or surviving spouse or domestic partner will be

responsible for payment of the difference between the amount the City contributes toward payment of the premium and the actual premium cost.

- (b) Effective each January 1 that follows, the base rates shall be increased by 4.5%. The employee or his/her surviving spouse or domestic partner shall pay the difference between the amount the City contributes toward payment of the premium and the actual premium cost.

13.9.3 Retirees Eligible for Medicare: For employees or retirees who reach age 65 and are eligible for Medicare, the City will assist the retiree and/or surviving spouse/or domestic partner in the payment of the medical insurance premium as follows:

- (a) Each month after the employee retires and reaches age 65, the City will pay the health care service provider an amount equal to the Health Net Seniority Plus premium rate which is \$315.40 for two party coverage for the retiree and spouse or domestic partner or \$157.70 for single party coverage. If there is no spouse at the time of retirement, the City shall only pay the single party rate. The retiree and/or surviving spouse or domestic partner will be responsible for payment of the difference between the amount the City contributes toward payment of the premium and the actual premium cost.
- (b) Effective each January 1 that follows, the base rates shall be increased by 4.5%. The employee or his/her surviving spouse or domestic partner shall pay the difference between the amount the City contributes toward payment of the premium and the actual premium cost.

13.9.4 Definition of Retiree: For the purposes of this section a "Retiree" is anyone who is vested in CalPERS and has reached the age of 50 and has chosen to separate from the City. A retiree is also anyone, regardless of age, who receives a retirement benefit (disability or industrial disability) from CalPERS.

13.9.5 Continuing Health Coverage: Retiring employees may receive continuing health coverage in City sponsored group health plans subject to the limitations and co-pay amounts permitted by the health care providers.

Retiring employees may obtain other health care coverage at his or her own initiative. The retiring employee who selects other health care coverage must provide proof of alternate coverage at the time and in the form and manner required by the third party administrator. The third party administrator will pay up to the applicable amount set forth in this Section to the health care service provider.

Appendix to the Unrepresented Employee Manual

13.14 Public Safety Uniform Allowance:

- (a) Fire Uniform Allowance: Effective ~~December 1, 2000, \$850~~ November 9, 2004, \$1,000 annual allowance.
- (b) Police Uniform Allowance: Effective July 7, 2002, \$1,000 annual allowance.

