




Office of the City Manager

CONSENT CALENDAR

October 24, 2006

To: Honorable Mayor and
Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: David W. Hodgkins, Director of Human Resources

Subject: Personnel Rules and Regulations Amendment

RECOMMENDATION

Adopt a Resolution amending Resolution No. 60,776-N.S, the Personnel Rules and Regulations, to add language in Section 9 (Method of Filling Vacancies) to establish an administrative procedure for internal promotion through a non-competitive personnel action for employees working in classification series that require professional licensure, certification or registration.

FISCAL IMPACTS OF RECOMMENDATION

There is not financial impact that results from this recommendation.

CURRENT SITUATION AND ITS EFFECTS

A classification is one or more positions with sufficiently similar in duties, authority and responsibility to permit grouping under a common title with common standards of selection, transfer, demotion and salary. The City's classification plan consists of approximately 400 classifications of which approximately 350 are in active use. Classifications are sometimes organized into classification families or series that illustrate a line of progression of job duties and responsibilities as well and increased minimum qualifications for employment. For example, the City's Management Analyst classification series consists of the classifications of Assistant Management Analyst, Associate Management Analyst and the Senior Management Analyst. The Associate Management Analyst is the full journey level in this classification series.

Some professional classifications require professional licensure, certification or registration as a prerequisite at the journey level of a multi level classification series. However, the City frequently recruits and underfills positions at the unlicensed entry level, pending qualification by the employee for the required license. Currently, the Personnel Rules and Regulations require that the Human Resources Department administer a promotional examination in order to advance a career employee from the unlicensed entry level to the journey level when the requirement for advancement to the journey level is attainment of a professional licensure, certification or registration. Staff is recommending the establishment of an internal administrative process to allow advancement through a non-competitive personnel action when the employee attains the professional licensure, certification or registration. This action will improve administrative efficiency and enable the Human Resources Department to avoid having to conduct an uncontested promotional recruitment and examination process.

BACKGROUND

The Personnel Ordinance, in Section 4.04.070(A) of the Berkeley Municipal Code, provides that the Personnel Board shall review the Personnel Rules and Regulations, revisions and amendments to the Rules and make recommendations to the City Manager. Section 9 (Method of Filling Vacancies) of the Personnel Rules and Regulations sets forth the procedures for filling vacancies in the regular career service. I am requesting that the City Council approve an amendment to the Personnel Rules and Regulations, to add language in Section 9 (Method of Filling Vacancies) to establish an administrative procedure for internal promotion through a non-competitive personnel action for employees working in a classification series that requires professional licensure, certification or registration.

The administrative procedure would provide that the City Manager or his designated representative 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 classification:

- a. The higher classification licensed position has been authorized for filling and the department has elected to fill it at the unlicensed level; and
- b. 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
- c. The employee has obtained the required California State license, professional registration, or certification as identified in the job specification.

Promotion through a non-competitive personnel action is applicable to the following classifications:

Unlicensed Classification	Licensed Classification
Mental Health Clinician I	Mental Health Clinician II
Psychiatric Social Worker I	Psychiatric Social Worker 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)

This recommendation has been discussed with representatives of SEIU Local 535 and with Public Employees Union Local 1 and they agree with the proposed action.

At a Special Meeting of the Personnel Board on September 18, 2006, the Personnel Board by a unanimous vote of those present, (Eble?, Reyes, Robinson, Roter, Silver, Smith, Wenk– Yes), approved a staff recommendation to add language in Section 9 (Method of Filling Vacancies) of the Personnel Rules and Regulations to establish an administrative procedure for internal promotion through a non-competitive personnel action for employees working in a classification series that requires professional licensure, certification or registration. The recommendation is provided in Exhibit A.

RATIONALE FOR RECOMMENDATION

The recommendation is to improve the efficiency of an internal administrative procedure to permit employees to advance in the career service rather than have to conduct a recruitment and establish a promotional eligibility list every time an employee attains a professional licensure, certification or registration within a limited number of classifications. Human Resources Department exam staff can be more efficiently utilized in conducting other competitive and promotional recruitments and examinations.

ALTERNATIVE ACTIONS CONSIDERED

Maintain the existing system of requiring the Human Resources Department to conduct a promotional recruitment when an employee at the entry level of a classification series named in the table above attains a require professional licensure, certification or registration and is ready to advance in the classification series.

CONTACT PERSON

David W. Hodgkins, Director of Human Resources, 981-6805

1: Resolution

Exhibit A: Promotion Through A Non-Competitive Personnel Action

2. Report from the Director of Human Resources to the Personnel Board of September 1, 2006

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

AMENDING THE PERSONNEL RULES AND REGULATIONS
RESOLUTION NO. 60,776-N.S.

WHEREAS, the Personnel Ordinance, in Section 4.04.070(A) of the Berkeley Municipal Code, provides that the Personnel Board shall review the Personnel Rules and Regulations, revisions and amendments to the Rules and make recommendations to the City Manager; and

WHEREAS,; the Personnel Rules and Regulations (Resolution No. 60,776-N.S.) in Section 9 (Method of Filling Vacancies) sets forth the procedures for filling vacancies in the regular career service; and

WHEREAS, some professional classifications require professional licensure, certification or registration as a prerequisite at the journey level of a multi level classification series; and

WHEREAS, the Personnel Rules and Regulations require that the Human Resources Department administer a promotional examination in order to advance a career employee from the unlicensed entry level to the journey level when the requirement for advancement to the journey level is attainment of a professional licensure, certification or registration; and

WHEREAS, on September 18, 2006, the Personnel Board by a unanimous vote of those present, (Eble?, Reyes, Robinson, Roter, Silver, Smith, Wenk- Yes), approved a staff recommendation to add language in Section 9 (Method of Filling Vacancies) of the Personnel Rules and Regulations to establish an administrative procedure for internal promotion through a non-competitive personnel action for employees working in a classification series that requires professional licensure, certification or registration.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby amends the Personnel Rules and Regulations (Resolution No. 60,776-N.S.) in Section 9 (Method of Filling Vacancies) to establish an administrative procedure for internal promotion through a non-competitive personnel action for employees working in classification series that require professional licensure, certification or registration as shown in Exhibit A.

Promotion Through A Non-Competitive Personnel Action

Classifications that require professional licensure, certification or registration as a prerequisite at the journey level and may be under filled at the unlicensed entry level, pending qualification for the required license based on the needs of the City. The City Manager or his designated representative 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 classification:

- a. The higher classification licensed position has been authorized for filling and the department has elected to fill it at the unlicensed level; and
- b. 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
- c. The employee has obtained the required California State license, professional registration, or certification as identified in the job specification.

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Assistant Public Works Engineer	Assistant Civil Engineer
Psychiatrist I	Psychiatrist II
Psychiatrist II	Psychiatrist III
Public Health Physician	Public Health Physician (Certified)

If the department head determines that the employee meets the criteria outlined above, the department head then submits an Employee Transaction Form to the Director of Human Resources recommending promotion of the employee to the licensed 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.



Human Resources Department
Office of the
Director of Human Resources

September 1, 2006

To: Members of the Personnel Board
From: David W. Hodgkins, Director of Human Resources
Subject: Promotion Through a Non-Competitive Personnel Action

The Personnel Ordinance, in Section 4.04.070(A) of the Berkeley Municipal Code, provides that the Personnel Board shall review the Personnel Rules and Regulations, revisions and amendments to the Rules and make recommendations to the City Manager. Section 9 (Method of Filling Vacancies) of the Personnel Rules and Regulations sets forth the procedures for filling vacancies in the regular career service. I am requesting that the Personnel Board approve a recommendation to the City Manager and the City Council to amend Resolution No. 60,776-N.S, the Personnel Rules and Regulations, to add language in Section 9 (Method of Filling Vacancies) to establish an administrative procedure for internal promotion through a non-competitive personnel action for employees working in classification series that require professional licensure, certification or registration.

Certain classifications require professional licensure, certification or registration as a prerequisite at the journey level of a multi level classification series. However, the City frequently recruits and underfills positions at the unlicensed entry level, pending qualification for the required license. I have consulted with the affected department heads and with representatives of SEIU Local 535 and Public Employees Union Local 1 to determine the job classifications eligible for promotion using the following criteria:

1. The higher classification licensed position has been authorized for filling and the department has elected to fill the position at the lower unlicensed level; and
2. 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
3. The employee has obtained the required California State license, professional registration, or certification as identified in the classification specification.

Subject: Promotion Through a Non-Competitive Personnel Action

Page 2

Current examples of classifications series that would be covered by this recommendation are:

- I. **Mental Health Clinician I:** Minimum qualifications include completion of a Master's degree in Marriage, Family And Child Counseling (MFCC), psychology or psychiatric nursing, which has included a supervised clinical internship of at least one (1) year in a mental health treatment setting. Must secure the appropriate California license as a Marriage Family, and Child Counselor within three years from date of hire by the city of Berkeley or be subject to termination pursuant to Section 5600.2 (b) of the Welfare and Institution Code.

Mental Health Clinician II: Minimum qualifications include possession of a valid license as a Marriage, Family, and Child Counselor as provided for by California state law. A Master's Degree in Psychology, Counseling, Psychiatric Nursing, or another MFCC eligible discipline with field experience in a psychiatric setting, or community mental health clinic, and two (2) years experience in an out-patient clinic, hospital, child guidance clinic, mental health program or family agency which has regular psychiatric consultation.

- II. **Psychiatric Social Worker I:** Minimum qualifications include completion of a Master's Degree from a recognized School of Social Work with field placement in a medical or psychiatric or community mental health setting. Must have completed a Master's Degree from a recognized school of social work and must secure the appropriate California license as a licensed Clinical Social Worker within 3 years from the date of hire by the City of Berkeley or be subject to termination, pursuant to Section 5600.2(b) Welfare & Institutions Code.

Psychiatric Social Worker II: Minimum qualifications include possession of a license in Clinical Social Work as provided for by California state law. A master's degree from a recognized School of Social Work with field placement in a medical psychiatric setting or community mental health clinic, and two (2) years experience in an out-patient clinic, hospital, child guidance clinic, mental health program or family agency which has regular psychiatric consultation, and fulfilled the requirements for the license in Clinical Social Work as established by California state law.

- III. **Assistant Environmental Health Specialist:** Minimum qualifications include equivalent to graduation from a four-year college or university with major coursework in environmental health, sanitation or a related biological field and possession of an evaluation and approval by the State of California Local Environmental Health Programs Section for application for Environmental Health Specialist Registration. Progressively responsible related experience may be substituted for the college coursework on a year for year basis.

Registered Environmental Health Specialist: Minimum qualifications include registration by the State of California as an Environmental Health Specialist. State certification in pesticide use and safety and vertebrate vector control is desirable. Equivalent to graduation from a four-year college or university with major coursework in environmental health, sanitation or a related biological field and registration by the State of California as an Environmental Health Specialist.

- IV. **Assistant Public Works Engineer:** Minimum qualifications include equivalent to graduation from a four-year college or university with major coursework in civil engineering and two (2) years of professional civil engineering experience in design and construction work at a level equivalent to the Junior Public Works Engineer class. Possession of a valid California certificate as an Engineer-in-Training is desirable.

Subject: Promotion Through a Non-Competitive Personnel Action

Page 3

Assistant Civil Engineer: Minimum qualifications include equivalent to graduation from a four-year college or university with major coursework in civil engineering and two (2) years of professional civil engineering experience in design and construction work at a level equivalent to the Junior Public Works Engineer class. Possession of a California State Certification of Registration as a Professional Engineer.

- V. **Psychiatrist I:** Minimum qualifications include graduation from an approved medical school and possession of an M.D. degree, supplemented by completion of a recognized internship. In addition, must have satisfactorily completed a three-year residence training program in psychiatry approved by the American Board of Psychiatry and Neurology.

Psychiatrist II: Minimum qualifications include must meet the requirements for Psychiatrist I AND have two (2) years post-residency experience.

Psychiatrist III: Minimum qualifications include must meet the requirements for Psychiatrist II AND have received a diploma by the American Board of Psychiatry and Neurology.

- VI. **Public Health Program Physician:** Minimum qualifications include graduation from a medical school in good standing and repute. Persons employed in this classification must possess a valid license to practice medicine in the State of California issued by the California Medical Board and be eligible for a California certificate to supervise physician assistants. Must meet State/Federal requirements as may be specified by the program grant. Two (2) years of experience as a licensed Physician working in a specialty area such as disease control and adult health or maternal and child health.

Public Health Program Physician (Certified): Minimum qualifications include meeting the requirements of the Public Health Program Physician and Board Certification in a Medical Specialty.

If the department head determines that the employee meets the criteria outlined above and has attained the requisite license, registration, or certification as identified in the classification specification, the department head then submits to the Director of Human Resources an Employee Transaction Form with a copy of the required license promoting the employee to the licensed journey level classification, without the requirement that an eligible list for the journey-level classification be established or certified for this appointment. Upon determination that the criteria has 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. I have attached the proposed amendment to Section 9 (Method of Filling Vacancies) of the Personnel Rules and Regulations for your review.

This recommendation has been discussed with representatives of SEIU Local 535 and with Public Employees Union Local 1 and they agree with the proposed action.

Subject: Promotion Through a Non-Competitive Personnel Action

Page 4

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