



Office of the City Manager

CONSENT CALENDAR

November 14, 2006

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

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

Subject: Classification: Environmental Compliance Specialist

RECOMMENDATION

Adopt a Resolution amending Resolution No. 61,805-N.S., Classification and Salary Resolution for Service Employees International Union (SEIU) Local 535, to establish the classification of Environmental Compliance Specialist effective December 1, 2006.

FISCAL IMPACTS OF RECOMMENDATION

The annual salary and benefit cost of this new position is approximately \$135,000. The cost to establish this position for 6 months of FY 2007 (assuming the position is filled by January 2007) is about \$67,500. Because the functions of this position benefit a number of departments, each affected department will pay a prorated share of the position cost. Funding will be allocated from a variety of funding sources and department budget codes.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department is responsible for the safe removal and storage of hazardous and toxic materials throughout the city, not only within Public Works, but also for other departments such as Parks, Recreation and Waterfront, Police and Fire Departments. The Public Works Department performs this work now but there is a need to assign responsibility for this work to one person to ensure full compliance with all regulations and continuity of operations. The intent of this recommendation is to establish a classification dedicated to compliance responsibilities related to environmental regulations for safe storage and operation of materials for underground and above ground tanks, for oversight of private contractors used by the city to collect, track and ensure safe discard of hazardous materials. The Department needs a classification with International Code Council (ICC) certification as a California Underground Storage Tank (UST) Operator to perform this work or it risks being out of compliance with Federal and State regulations related to hazardous material storage and removal.

BACKGROUND

Claudette Ford, Director of Public works proposes to establish a new classification to conduct a variety of inspections to ensure compliance with Federal, State and other agency laws related to safe removal of hazardous materials and safe storage of toxic materials. The Personnel Board discussed the proposed change at its September 19, 2006 meeting. By a unanimous vote, (Ebb,

Reyes, Robinson, Roter, Smith, Wenk, – yes; Bess – absent), the Board recommended the following:

1. Establish the class of Environmental Compliance Specialist, exempt from the overtime provisions of the Fair Labor Standards Act, with a five step salary range of \$6,110 - 6,326 - 6,564 - 6,826 - 7,080 per month, effective November 1, 2006, and
2. Designate this class in Representation Unit L (SEIU – Local 535 Career and Non-Career Miscellaneous and Administrative Employees).

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to maintain and revise the classification and salary schedule on a regular basis to accommodate assignment of new duties and responsibilities, to maintain competitive salaries and, when applicable, to comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

The Hazardous Materials Specialist II class requires a license to inspect the operations of privately owned underground tanks. We considered adding a second license requirement to operate underground storage tanks for the existing classification of Hazardous Materials Specialist II, but this alternative arrangement was not pursued due to a perceived conflict of interest.

CONTACT PERSON

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

Robert S. Kraus, Senior Human Resources Analyst, 981-6820

Attachments:

- 1: Resolution and Exhibit A: Salary Schedule
- 2: Personnel Board Item–9-5-06
- 3: Class Specification–Environmental Compliance Specialist

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

CLASSIFICATION: ENVIRONMENTAL COMPLIANCE SPECIALIST

WHEREAS, the Director of Public Works is required to conduct a variety of inspections and is assigned responsibility for code compliance work related to the safe storage of toxic materials in storage tanks on city property; and

WHEREAS, SEIU Local 535 and the City have discussed the need for a new classification of Environmental Compliance Specialist in Representation Unit L; and

WHEREAS, the Personnel Board recommended establishment of a new classification of Environmental Compliance Specialist with the required certification for an underground storage tank operator at its September 19, 2006 meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 61,805-N.S., Classification/Salary Resolution for SEIU Local 535, is amended to include the classification of Environmental Compliance Specialist with salary ranges as shown on Exhibit A, effective December 1, 2006.

Exhibit A: Salary Schedule

Salary Schedule

JOB CODE	UNIT	CLASSIFICATION TITLE	FLSA	A	B	STEPS			E	EFFECTIVE DATE
						C	D			
2883	L	Environmental Compliance Specialist	E	6,110	6,326	6,564	6,826	7,080		12/01/06
			E	6,403	6,630	6,879	7,154	7,420		07/01/07



Human Resources Department

Office of the
Director of Human Resources

September 5, 2006

To: Members of the Personnel Board

From: David W. Hodgkins, Director of Human Resources

Subject: Recommendation To Establish an Environmental Compliance Specialist Classification

Claudette Ford, Director of Public Works, proposes to establish a new classification of Environmental Compliance Specialist to conduct a variety of inspections to ensure compliance with Federal, State and other agency laws governing the safe removal of hazardous materials and to minimize violations related to safe storage of toxic materials. The Public Works Department is responsible for code compliance work related to the safe storage of toxic materials in underground and above ground storage tanks, the identification and disposal of potentially hazardous substances, monitoring sites for storage of chemicals and wastes and for oversight of contractors used by the department to ensure safe disposal of hazardous materials. The Public Works Department also ensures compliance by other departments, e.g., Parks, Recreation and Waterfront, Police and Fire, who in turn reimburse Public Works through a fee assessment.

The principal difference between the Environmental Compliance Specialist and the Hazardous Materials Specialist II is that the former classification is responsible for environmental compliance and safe operation of the City of Berkeley's storage tanks. The Hazardous Materials Specialist II classification is responsible for enforcement of environmental regulations for all entities having hazardous materials on their property. Another difference between the Environmental Compliance Specialist and the Hazardous Material Specialist II is the type of certification required to perform the duties. The Environmental Compliance Specialist requires a license to *operate* underground storage tanks while the Hazardous Material Specialist II requires a different license to *inspect* the operations of underground storage tanks.

Before we considered a new class to perform this work, we looked at the possibility of expanding the class concept of the Hazardous Material Specialist II to include the operation of underground storage tanks. While it would be possible to require both licenses under one class it was felt that this arrangement could easily be construed as a conflict of interest. For this reason we moved to create the Environmental Compliance Specialist, which is attached for the Personnel Board's review and comments. The position will initially report to the Director of Public Works, and may later be reassigned to report to the Infrastructure Maintenance Manager.

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As specified in the Memorandum Agreement between the City and SEIU Local 535, employees hired or promoted into the Environmental Compliance Specialist class serve a six-month probationary period (1040 hours) to be completed within a one (1) year period. The probationary period may be extended from six to nine months provided that the written probationary period performance evaluations have been completed. Prior to appointment, employees must possess a forty-hour Hazardous Waste Operations Class Certificate (HAZWOPR). While on probation employees must obtain and maintain an International Code Council (ICC) certification as a California Underground Storage Tank (UST) Operator.

Salary:

We recommend a 5-step salary range for the Environmental Compliance Specialist effective November 1, 2006 of \$6,110 - 6,326 - 6,564 - 6,826 - 7,080 per month based on an internal salary relationship with the Hazardous Materials Specialist II, supported by the attached external salary survey.

At the October 11, 2005 Personnel Board meeting, we informed the Board as part of an item to amend the classification specification for the Hazardous Material Specialist II that representatives of the City and SEIU Local 535 had met and conferred in good faith and reached tentative agreement on a Side Letter to the Memorandum Agreement to compensate employees who are required, as a condition of employment, to obtain and maintain an Underground Storage Tank **inspector** certification with a 2% salary differential. A 2% salary differential percentage for ICC certification for Hazardous Materials Specialist II's was subsequently adopted by the City Council in Resolution Number 63,131-N.S. on December 6, 2005. We recommend that the same salary differential of two percent (2.0%) of the base rate be paid to Environmental Compliance Specialists who possess the valid ICC operator certificate necessary for oversight of underground and above ground storage tanks for city-owned and operated storage tanks and facilities.

We recommend that this class be designated in Representation Unit L (SEIU–Local 535 Career and Non-Career Miscellaneous and Administrative Employees). The union has reviewed the proposal and responded on August 24, 2006.

Recommendation:

Therefore, the Personnel Board is requested to recommend the following:

1. Establish the class of Environmental Compliance Specialist, exempt from the overtime provisions of the Fair Labor Standards Act, with a five step salary range of \$6,110 - 6,326 - 6,564 - 6,826 - 7,080 per month, effective November 1, 2006, and
2. Designate this class in Representation Unit L (SEIU–Local 535 Career and Non-Career Miscellaneous and Administrative Employees).

Attachments (3)

1. Classification Specification
2. Email from SEIU, Local 535 (on file)

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3. Salary Survey

cc: Claudette Ford, Director of Public Works
Robert Kraus, Senior Human Resources Analyst
James Mason, Occupational Health and Safety Coordinator
Anes Lewis Partridge, Business Representative, SEIU, Local 535

ENVIRONMENTAL COMPLIANCE SPECIALIST

DEFINITION

Under supervision, oversees programs associated with underground and above ground storage tanks, asbestos remediation, hazardous and medical waste and indoor air quality programs for city-owned and occupied buildings and property; performs related work as assigned.

CLASS CHARACTERISTICS

This single-position class assists in improving city operations in a variety of safety-related areas by ensuring environmental protection regulations and policies are implemented, recommending improvements in the disposal of hazardous waste, and developing and implementing environmental compliance plans. This position assists managers in improving work practices by conducting periodic compliance audits of facilities to insure compliance with Federal, State and local agency regulations.

This class is distinguished from the Infrastructure Maintenance Manager, which has broad oversight of streets, utilities, sewer systems, storm drains, automotive and equipment maintenance, building maintenance facilities and corporation yard functions.

EXAMPLES OF DUTIES

The following list of duties is intended only to describe the various types of work that may be performed, the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification or is similar or closely related to another duty statement.

1. Conducts all inspections of City-owned underground and above ground storage tanks in accordance with state and local regulations;
2. Logs fuel use for Board of Equalization and tracks fuel taxes;
3. Analyzes contractors' proposals, selects contractors and is the project manager responsible for a variety of environmental projects including hazardous and medical waste disposal to proper facilities and insures proper recycling of hydrocarbon and universal waste products;
4. Maintains current information about relevant laws and regulations which apply to waste management; ensures compliance principally with the local Certified Unified Program Agency and any additional Federal or State Environmental Protection Agencies;
5. Oversees the enforcement of the Department of Safety and Health (Cal-EPA/DOSH) regulations regarding hazardous and medical wastes;

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6. May perform or supervise third party asbestos surveys in city-owned buildings and coordinate asbestos activity with building maintenance and engineering divisions, building occupants, contractors, industrial hygienists, regulatory representatives and others;
7. Ensures compliance with lead paint and asbestos regulations;
8. Coordinates or conducts training in lead and asbestos awareness, hazardous waste identification and safe handling methods and ensures compliance with hazardous waste contracts;
9. May monitor indoor air quality, through coordination with a Certified Industrial Hygienist and the Occupational Health & Safety Coordinator to perform air sampling, interpret results and recommend action;
10. May represent the City at Federal, State and local government regulatory hearings;
11. Maintains a database on underground tanks, asbestos issues, indoor air quality and hazardous or medical waste; and
12. Performs related duties, as assigned.

QUALIFICATIONS

Note: The level and scope of the knowledges, skills and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Rules and regulations of local air quality management district and underground and above ground tank program requirements of various Federal, and State of California, and local agencies;
2. California Department of Toxic Substances Control, California and Federal Environmental Protection Agency, Title 8 of the California Code Regulations related to asbestos and indoor air quality;
3. The Resource Conservation Recovery Act (RCRA) and Comprehensive Environmental Compensation Liability Act (CERCLA);
4. Work-related computer applications such as Windows, Microsoft Word, Microsoft Excel and other related data base management and record keeping programs;
5. Principles, practices, and techniques of environmental planning and protection;
6. Hazardous waste and material handling, storage, labeling, and disposal requirements of Federal, State of California, and local agencies;
7. Water pollution prevention requirements of Federal, State of California, and local agencies; and

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8. Air pollution prevention requirements, municipal solid waste management requirements and oil pollution prevention requirements of Federal, State of California, and local agencies.

Skill In and Ability to:

1. Conduct thorough environmental studies and make appropriate recommendations;
2. Communicate effectively orally and in writing and manage projects;
3. Demonstrate technical skill and experience with environmental principles and applications;
4. Prepare completed staff work, make persuasive arguments, and reconcile differing interests;
5. Interpret governmental regulations and define their applicability to operations and assets, develop comprehensive programs necessary for implementation and direct actions required to achieve compliance; and
6. Demonstrate strong leadership skills which enable the effective implementation of operational programs.

OTHER REQUIREMENTS

Must possess a forty-hour Hazardous Waste Operations Class Certificate (HAZWOPR).

Must obtain and maintain an International Code Council (ICC) certification as a California Underground Storage Tank (UST) Operator.

Must be able to travel to various locations within and outside the City of Berkeley to meet the program needs and to fulfill the job responsibilities. When driving on City business, maintenance of a valid California drivers license and satisfactory driving record is required.

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Possession of a bachelor's degree from an accredited college or university with a major in engineering, industrial hygiene, environmental science, or a closely related science field, and the equivalent of four years of increasingly responsible experience, which includes at least three years of environmental compliance experience and the equivalent of two years in one or more of the following categories: asbestos remediation, hazardous waste site assessments, evaluating hazardous waste contractors, indoor air quality or underground storage tank compliance.

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Salary Survey							
Spring 2006							
Agency	Effective Date	Class Title	Min	Max	EPMC (\$)	401(a)	Adjusted Max
Berkeley	7/2/06	Environmental Compliance Specialist	\$6,110	\$7,080	\$612	\$181	\$7,873
Alameda Co	07/03/05	Assistant Environmental Compliance Specialist	5,644	6,542	196	-	6,738
Concord	10/01/05	No Match			-	-	
Contra Costa Co.	10/01/05	Hazardous Materials Specialist I	4,968	6,038	164	-	6,202
Daly City	07/01/05	No Match			-	-	
Fremont	06/25/06	Hazardous Material Technician	5,907	7,180	-	-	7,180
Hayward	07/01/05	No Match			-	84	
Oakland	07/01/06	Environmental Program Specialist	5,373	6,597	346	-	6,943
Palo Alto	07/01/05	Hazardous Material Inspector	6,356	7,803	584	-	8,388
Richmond	07/01/03	No Match			-	-	
San Francisco	11/05/05	No Match			-	-	
San Jose	07/03/05	Environmental Inspector II	5,692	6,919	-	-	6,919
San Leandro	07/07/06	Environmental Protection Specialist II	5,426	6,595	570	-	7,165
San Mateo	07/01/05	No Match			-	-	
Santa Clara Co	08/01/05	Environmental Health and Safety Compliance Specialist	6,348	7,718	578	-	8,296
Median							7,054
Lead(+)/Lag(-)							10.40%
Agency Matches							8