



Office of the City Manager

CONSENT CALENDAR

July 13, 2010

To: Honorable Mayor and Members of the City Council

From:  Phil Kamlarz, City Manager

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

Subject: Classification: Paralegal

RECOMMENDATION

Adopt a Resolution to amend Resolution No. 64,175-N.S., Classification and Salary Resolution for Unrepresented Employees to establish the classification of Paralegal with a monthly salary range of \$5,184 - \$6,212, effective July 11, 2010.

FISCAL IMPACTS OF RECOMMENDATION

It is anticipated that this position will be filled by September 1, 2010, and the estimated costs (salary & benefits) for FY 2011 is \$96,795. Funding for this position is contained in the City Attorney's FY 2011 budget and is split between three funds: General Fund (50%), Parks Tax (20%), and Marina Fund (30%). General Fund funding for this position came from the deletion of a Deputy City Attorney II position – which resulted in a net General Fund savings to the City of over \$100,000.

CURRENT SITUATION AND ITS EFFECTS

Zach Cowan, City Attorney, has requested the establishment of a new classification of Paralegal that will perform a variety of complex and highly responsible paralegal and administrative services to support the activities of the City Attorney's Office.

The City Attorney's Office provides legal advice to minimize liability and ensure conformance to legal constraints. The City Attorney determines the merits of claims and defends against suits filed, while also filing suits on behalf of the City. Staff advises its client, the City Council, provides advice to City departments, and represents the City in lawsuits where the City is a party. Just two years ago the City Attorney's Office consisted of 14 full-time employees -- there are now 11 employees as a result of the recently-vacated position of Legal Office Supervisor (the City Attorney is not intending to fill that position). Adding a Paralegal will result in just 12 employees (City Attorney, Assistant City Attorney, six Deputy City Attorneys, three Senior Legal Secretaries and one Paralegal). The addition of a single paralegal position will help alleviate the recent losses of key positions, without having to add a higher-salaried Deputy City Attorney. In

addition, due to the evolving nature of the practice of law (e.g., more emphasis on electronic data management and other technological advancements), a paralegal will aid the City Attorney's Office in meeting those changes.

A new classification of Paralegal is included the City's FY2011 budget. The Paralegal will perform paraprofessional work and is intended to be a cost effective method to support the work of the attorneys in the City Attorney's Office. The proposed Paralegal classification would provide a variety of legal services and assignments not requiring a California bar certified attorney. The incumbent would be responsible for the preparation and management of complex legal documents and would perform specialized legal administrative services at the direction of an attorney. The classification is characterized by the need to work independently within prescribed guidelines and protocol to plan, organize, and complete assignments, which are reviewed upon completion.

The Paralegal would perform appropriate-level legal work for city departments on contracts, leases and licenses, in addition to a variety of traditional paralegal duties described in Attachment 1. In addition, the Paralegal would perform property management work for City properties primarily in the Marina and Aquatic Park and currently managed in the Parks, Recreation and Waterfront Department.

It is recommended that the Paralegal classification be placed in unit Z2 (Unrepresented Confidential Professional) because its community of interest is with unrepresented attorney classifications.

BACKGROUND

The Personnel Board discussed the proposal at its June 7, 2010 meeting. By a vote of: Yes – 6 (Bess, Dixon, Eblé, Robinson, Roter, and Smith), No – 0, and Absent 2 (Moore-Gaines, Reyes), the Board recommended the following:

1. Establish the classification of Paralegal, eligible for the overtime provisions of the Fair Labor Standards Act in Representation Unit Z2 (Confidential Professional), with a monthly salary range of \$5,184, \$5,425, \$5,693, \$5,947, \$6,212, effective July 11, 2010.

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, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None

Classification: Paralegal

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July 13, 2010

CONTACT PERSON

David W. Hodgkins, Director of Human Resources, 981-6805
David Abel, Human Resources Manager, 981-6807

Attachments:

1. Class Specification – Paralegal
2. Resolution and Exhibit A: Salary Schedule

City of Berkeley
Class No. 9903
July 2010

PARALEGAL

DEFINITION

Under general supervision, provides a variety of complex and highly responsible paralegal and administrative services to support the activities of the City Attorney's office; performs related duties as assigned.

CLASS CHARACTERISTICS

The class is characterized by the responsibility to provide a variety of legal services and assignments not requiring the licensing of an attorney. The position is responsible for the preparation and management of complex legal documents and performs specialized legal administrative services at the direction of the professional staff in the City Attorney's office. Incumbents work independently within prescribed guidelines and protocol to plan, organize, and complete assignments, which are reviewed upon completion.

EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and 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. Researches, studies, and summarizes laws, court decisions, and other legal authorities for use in the preparation of cases, opinions, pleadings, briefs, and other documents;
2. Compiles, organizes and analyzes various data for use in reports or other documents;
3. Drafts a variety of legal documents, correspondence, reports, newsletters, and other documents;
4. Drafts and responds to discovery, and prepares depositions and medical records summaries;
5. Locates and interviews clients and witnesses in preparation for litigation; drafts declarations and/or statements;
6. Confers with attorneys, investigators, and other individuals regarding legal matters;
7. Attends court or other tribunal with attorneys, as required, or other legal proceedings;

8. Communicates with City departments, agencies, courts and law offices in the performance of duties;
9. Administers ordinance enforcement as directed;
10. Represents the City in small claims actions;
11. Drafts and manages leases;
12. Organizes, reviews, summarizes, searches and manages documents and electronic databases;
13. Responds to inquiries and requests for information from the public and City staff;
14. Determines accurate deadlines to ensure compliant responses to courts, adverse parties and public requests; and
15. Performs other or related duties as assigned

KNOWLEDGE, SKILLS, AND ABILITIES:

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

Knowledge of:

1. Administrative, criminal, state and federal court rules, discovery procedures, trial procedures, and court timelines;
2. Law office procedures, legal research, trial procedures, municipal law, and civil procedures;
3. Legal principles and application;
4. Methods of legal research;
5. Rules of evidence;
6. Trial procedures;
7. English grammar, spelling, punctuation, and language mechanics; and
8. Research and analytical methods

Ability to:

1. Respond to and draft pleadings, discovery and correspondence;
2. Draft and manage leases;
3. Work independently with minimal supervision;

4. Establish and maintain effective working relationships with others;
5. Communicate effectively, verbally and in writing;
6. Research, compile and disseminate pertinent data from a variety of sources in preparation of legal documents and other tasks;
7. Organize a variety of materials, set priorities, meet critical deadlines and follow-up on assignments;
8. Summarize laws and legal authorities; present statement of fact, law, and argument clearly and logically; use judgment in making decisions within scope of authority, analyze problems, evaluate alternatives and make appropriate recommendations;
9. Operate computer, use computer applications and software; and use automated research and database management tools;
10. Exercise sound, independent judgment within general policy guidelines and legal parameters, and
11. Prepare clear, concise, and competent resolutions, ordinances, contracts, leases, permits, reports, correspondence, and other legal documents and written materials.

MINIMUM QUALIFICATIONS:

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

Graduation from an accredited four-year college or university, or possession of a paralegal certificate from a recognized paralegal program; and two years of experience as a Paralegal engaged in the practice of civil law.

OTHER REQUIREMENTS

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, the incumbent is required to maintain a valid California driver's license as well as a satisfactory driving record.

Paralegal	
Classification Code	9903
Classification Established	07/2010
FLSA Status	Non Exempt
Administrative Leave/Overtime	Overtime
Representation Unit	Z-2
Probationary Period	1 year
Workers' Compensation Code	8810

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

CLASSIFICATION: PARALEGAL

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the City Attorney has recommended that the classification of Paralegal be established to perform a variety of complex and highly responsible paralegal and administrative services to support the activities of the City Attorney's Office; and

WHEREAS, the Personnel Board recommended on June 7, 2010 to establish the classification of Paralegal, eligible for the overtime provisions of the Fair Labor Standards Act (FLSA), in Representation Unit Z2 (Confidential Professional), with a 5-step monthly salary range of \$5,184, \$5,425, \$5,693, \$5,947, \$6,212.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 64,175-N.S., Classification and Salary Resolution for Unrepresented Employees, is amended to establish the classification of Paralegal with a salary range as shown in Exhibit A, effective July 11, 2010.

Salary Schedule

Job CodeUnit	Class Title	FLSA	A	B	Steps C	D	E	Effective Date
9903 Z2	Paralegal	N	\$5,184	\$5,425	\$5,693	\$5,947	\$6,212	7/11/2010
			\$5,287	\$5,534	\$5,807	\$6,066	\$6,337	6/26/2011
			\$5,393	\$5,644	\$5,923	\$6,187	\$6,463	12/25/2011*

* However, if revenue increases from General Sales and Use Tax and Real Property Secured Tax are less than three percent (3%) for the period of July 1, 2008 through July 1, 2011 then the City may reduce labor costs to offset the reduction in revenue but any reduction in salary is limited to a maximum of one half of the cost of living adjustment in December 25, 2011.