



Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Donald E. Ellison, Interim Director of Human Resources  
Subject: Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II, to Permit Participation of Berkeley Fire Fighters Association Local 1227 I.A.F.F.

RECOMMENDATION

Adopt first reading of an ordinance to amend the Berkeley Municipal Code Chapter (BMC) 4.38, Supplementary Retirement and Income Plan II (SRIP II), to permit participation of Berkeley Fire Fighters Associations Local 1227 I.A.F.F (BFFA).

FISCAL IMPACTS OF RECOMMENDATION

The financial impact of this recommendation is approximately \$247,479 in calendar year 2022. The SRIP II Plan requires City contributions of 6.7% of the employees first \$32,400 earned wages in each calendar year. BFFA currently has 114 FTE. The cost of this amendment will be paid from the General Fund and sufficient funds are available to fund this benefit as this was approved July 29, 2021.

CURRENT SITUATION AND ITS EFFECTS

Council approved BFFA participation in SRIP II by Resolution No. 69,994-N.S., which adopted the successor MOU on July 29, 2021. In order to implement enrollment of BBFA employee in to the SRIP II the plan document must be amended, which requires Council's approval of an amendment to BMC Chapter 4.38. Currently all career benefitted employees receive this benefit, except police employees covered under the Berkeley Police Association MOU, who are currently covered under SRIP III. This is also an opportunity to make minor, non-substantive, clerical changes to related provisions in the SRIP II plan document regarding participation.

BACKGROUND

The City's labor contract with the Union expired and was fully terminated as of June 30, 2021. In an effort to reach agreement on a successor MOU, representatives of the City and representatives of the Union held approximately ten negotiating sessions beginning in April of 2021. The parties reached a tentative agreement on July 12, 2021, and Council adopted the terms of the successor MOU on July 29, 2021.

There are approximately 114 employees represented by the Union in one (1) representational unit (Unit B).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

RATIONALE FOR RECOMMENDATION

Council approved BFFA participation in SRIP II by Resolution No. 69,994-N.S., which adopted the successor MOU on July 29 2021 that included adding BFFA to the SRIP II benefit. In order to effectuate the inclusion of BFFA employees in to the SRIP II, Council must adopt an amendment to the BMC Chapter 4.38.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Donald E. Ellison, Interim Human Resources Director, 510-981-6807

Attachments

1: Ordinance:

Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II, TO Permit Participation of Berkeley Fire Fighters Association Local 1227 I.AF.F.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.38, SUPPLEMENTARY RETIREMENT AND INCOME PLAN II, TO PERMIT PARTICIPATION OF BERKELEY FIRE FIGHTERS ASSOCIATION LOCAL 1227 I.AF.F.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That pursuant to the Memorandum of Understanding between the City of Berkeley and Berkeley Fire Fighters Association Local 1227 I.A.F.F. of July 1, 2021 - June 30, 2023, Section 4.38.106 of the Berkeley Municipal Code is amended to read in its entirety as follows:

**“4.38.106  
Employee.**

‘Employee’ shall mean any person who is:

1. Employed by the City and covered under its miscellaneous employees contract with the Administration of the State of California Public Employees Retirement System (a CalPERS miscellaneous employee); or
2. Employed by the City and represented by any of the following associations:
  - Berkeley Police Association (a police employee), effective January 1, 1989; or
  - Berkeley Fire Fighters Association Local 1227 I.A.F.F., effective March 20, 2022; or
3. Employed by any other public entity Employer that has adopted the Plan with approval of the Council.”

Section 2. That Sections 4.38.107 and 4.38.201 of the Berkeley Municipal Code are amended to make non-substantive, clerical changes to read in their entirety as follows:

**“4.38.107  
Employer.**

‘Employer’ shall mean the City of Berkeley and any other public entity that has adopted the Plan with the approval of the Council. Effective as of July 1, 2007, the Berkeley Housing Authority shall be considered an Employer under the Plan with respect to its employees. An Employer who has been approved to participate in the Plan may do so as long as it fulfills its obligations as an Employer under the Plan to the satisfaction of the City of Berkeley, as determined by the City of Berkeley’s sole and absolute discretion. If the City determines that an Employer is not fulfilling its obligations, the City shall provide written notice to that effect to the Employee and that Employer’s participation under the Plan shall terminate as of the date of such notice. (Ord. 7264-NS § 2, 2012)

**4.38.201**

**Participation date.**

Any Employee who was a Participant in the Plan immediately prior to January 1, 2001 shall continue to be a Participant on January 1, 2001. Each other Employee who becomes such on or after July 22, 1988 shall become a Participant upon their date of employment, or if later, the date they become an Employee. Any Participant of the City of Berkeley Supplementary Retirement Income Plan I may elect, at any time, to cease participation in that plan and become a Participant in this Plan (i.e., the City of Berkeley Supplementary Retirement Income Plan II). Such election shall be irrevocable. Any Participant who is a police employee on January 1, 2005 shall cease being an active or inactive participant in this Plan on December 31, 2004.”