

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY REEVE, HUMAN RESOURCES DIRECTOR
HUMAN RESOURCES DEPARTMENT
SUE GALLAGHER, CITY ATTORNEY
CITY ATTORNEY'S OFFICE
SUBJECT: MOVING THE CLASSIFICATION OF CHIEF ASSISTANT CITY
ATTORNEY FROM UNIT 11 – MID-MANAGEMENT
CONFIDENTIAL TO UNIT 10 – EXECUTIVE MANAGEMENT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Human Resources Department and City Attorney's Office that the Council, by resolution, amend the City Classification and Salary Plan to move the classification of Chief Assistant City Attorney from Unit 11 – Mid-Management Confidential to Unit 10 – Executive Management.

EXECUTIVE SUMMARY

It has been determined by the City Attorney in consultation with the Human Resources Department, that the Chief Assistant City Attorney classification should be moved to Unit 10 – Executive Management as the position is an "at-will" management position with an employment contract and not part of classified service.

BACKGROUND

On June 13, 2017, by Resolution RES-2017-097, Council authorized the new classification of Chief Assistant City Attorney as an "at will" position in the City Attorney's Office. The new classification was placed in Unit 11- Mid-Management Confidential. Resolution RES-2017-097 further directed that implementation of the new position "shall be contingent upon completion of any legally required negotiations between the City and Teamsters Local 856."

Pursuant to Council's direction in RES-2017-097, the City of Santa Rosa and Teamsters Local 856 met and negotiated the terms for the implementation of Chief Assistant City Attorney Classification. Those terms were memorialized in a Unit 17

Side Letter, signed by the City and Union representatives in early July (although misdated as June).

The Unit 17 Side Letter indicates that the new classification was intended to be placed in Unit 10. Subsequently, on July 18, 2017, Council, by Resolution RES-2017-146, approved the Unit 10 Memorandum of Understanding, entitled “Wages, Hours and Other Terms and Conditions of Employment for Employees in the City’s Unit 10 – Executive Management in effect through June 30, 2020.” The approved MOU included new language to encompass any employees in Unit 10 that are supervised by the City Attorney, an apparent reference to the new Chief Assistant City Attorney classification.

It thus appears from the documentation that the intent was to move the classification of Chief Assistant City Attorney, an unrepresented “at will” position from Unit 11 - Mid-Management Confidential to Unit 10 – Executive Management. This item is being brought forward to Council in order to facilitate that change through an amendment to the City’s Classification and Salary Plan.

PRIOR CITY COUNCIL REVIEW

Council, by Resolution RES-2017-097, created the new classification of Chief Assistant City Attorney as an “at will” position in Unit 11- Mid-Management Confidential in the City Attorney’s Office.

ANALYSIS

City Code Section 2-36.110 sets forth criteria for determining appropriate Unit designation for City employees. Of most relevance here, the factors include:

- (A) The community of interest of employees;
- (B) The history of employee representation in the unit among other employees of the City and in similar employment; and
- (C) The effect of the unit on the efficient operation of the City and sound employee relations.

The Chief Assistant City Attorney is an at-will management position serving pursuant to an employment contract. The individual serves at the will of the appointing authority and employment may be terminated at any time by either party without cause. The position is not part of the classified service or subject to the City’s Personnel Rules and Regulations.

Other comparable full time at-will employees also serve pursuant to contract and are unrepresented. These include the Assistant City Managers, Department Directors and others. All are placed in Unit 10– Executive Management.

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution

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