

# City of Santa Rosa



## Legislation Details

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**File #:** 23-061      **Version:** 1      **Name:** Chief Assistant City Attorney - Extra Work Temporary  
**Type:** CC- Staff Briefing      **Status:** Agenda Ready  
**File created:** 12/22/2022      **In control:** City Council  
**On agenda:** 1/24/2023      **Final action:**  
**Title:** REPORT - APPROVAL OF JEFFREY BERK AS AN EXTRA HELP TEMPORARY EMPLOYEE TO SERVE AS ACTING CHIEF ASSISTANT CITY ATTORNEY FOR A PERIOD OF LIMITED DURATION (This item has been continued to February 14, 2023)

**BACKGROUND:** Jeffrey Berk retired from his position as Chief Assistant City Attorney as of January 3, 2023. The City is currently conducting an open recruitment for his replacement. It is anticipated that the recruitment could take four to six months. There are critical issues and projects pending which will need to be addressed while the recruitment for a permanent replacement is underway. Mr. Berk has the specialized knowledge and skills to address those critical issues and projects. Existing staff resources are not otherwise sufficient to undertake that work. To ensure a smooth transition and uninterrupted City operations, it is recommended that Mr. Berk return as an Extra-Help Temporary Employee to serve in the position of part-time Acting Chief Assistant City Attorney pursuant to the provisions of Government Code sections 7522.56, 21221(h), and 21224. In particular, Government Code section 21221(h) permits the hiring of a CalPERS retired annuitant to a vacant position while a recruitment for a permanent placement is underway and Government Code section 21224 permits the hiring of a CalPERS retired annuitant when specialized skills are needed in performing work of limited duration. The appointment will also be made in compliance with the City's Extra Help Temporary Employee policy.

**RECOMMENDATION:** It is recommended by the City Attorney's Office and Human Resources Department that the Council, by resolution: 1) approve Jeffrey Berk to be hired as an Extra Help Temporary Employee to the position of part-time Acting Chief Assistant City Attorney for a limited period from January 30, 2023 through July 30, 2023, or until the permanent full-time position is filled, whichever is sooner; and 2) amend the City's Classification and Salary Plan to add the temporary classification of Extra-Help Chief Assistant City Attorney with an hourly salary of \$101.46.

**Sponsors:** Human Resources, City Attorney  
**Indexes:** Not a Project  
**Code sections:** 15061(b)(3) - General Rule Exemption, 15378 - Not a Project  
**Attachments:** 1. Staff Report, 2. Resolution

Date	Ver.	Action By	Action	Result
1/24/2023	1	City Council		