



Legislation Text

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**AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION**

DATE: 6/05/2019

TO: Honorable Mayor and City Council Members

FROM: Administrative Services Department

SUBJECT:

City Council consideration of: (1) Corona General Employees Association Memorandum of Understanding effective June 5, 2019 through June 30, 2021; (2) Corona Supervisors Association Memorandum of Understanding effective June 5, 2019 through June 30, 2021; (3) Resolution No. 2019-011, amending the compensation and benefits of non-represented management/confidential group employees; (4) Resolution No. 2019-012 amending the compensation and benefits of non-represented executive group employees; (5) Fifth Amendment to Employment Agreement with the City Attorney/Legal & Risk Management Director to incorporate reference to the amended compensation and benefits resolution for the executive group; (6) Resolution No. 2019-032, rescinding Resolution No. 2017-117; and (7) Resolution No. 2019-033, rescinding Resolution No. 2017-118.

RECOMMENDED ACTION:

That the City Council:

1. Approve the Corona General Employees Association Memorandum of Understanding effective June 5, 2019 through June 30, 2021.
2. Approve the Corona Supervisors Association Memorandum of Understanding effective June 5, 2019 through June 30, 2021.
3. Adopt Resolution No. 2019-011 amending the compensation and benefits of non-represented management/confidential group employees.
4. Adopt Resolution No. 2019-012 amending the compensation and benefits of non-represented executive group employees.
5. Approve the Fifth Amendment to City Attorney/Legal & Risk Management Director Employment Agreement to incorporate reference to amended compensation and benefits

resolution for the executive group.

6. Adopt Resolution No. 2019-032 rescinding Resolution No. 2017-117 concerning the unilateral implementation of changes in wages, hours, and terms and conditions of employment in the Corona General Employees Association.
7. Adopt Resolution No. 2019-033 rescinding Resolution No. 2017-118 concerning the unilateral implementation of changes in wages, hours, and terms and conditions of employment in the Corona Supervisors Association.

ANALYSIS:

The California Meyers-Millias-Brown-Act (MMBA) requires the City to meet and confer, in good faith, with its bargaining groups on all matters relating to employment conditions and employer-employee relations including but not limited to wages, hours and other terms and conditions of employment. Pursuant to the MMBA, the City began negotiations with the Corona General Employees Association (CGEA) and the Corona Supervisors Association (CSA) in April 2016. Both Memorandums of Understanding (MOUs) expired June 30, 2016.

CGEA Negotiations and New MOU Terms

After a total of eleven bargaining sessions, the City issued its last, best, and final offer (LBFO) on August 3, 2017. The CGEA presented this offer to the membership and they overwhelmingly voted not to accept the offer.

The City declared impasse on August 17, 2017. Subsequently, the CGEA initiated the factfinding process authorized under the MMBA. The City and CGEA participated in a factfinding hearing on October 3, 2017. During a Special Meeting on November 14, 2017, the Council approved the adoption of Resolution No. 2017-117 authorizing unilateral implementation of changes in wages, hours, and terms and conditions of employment in the Corona General Employees Association.

The City resumed discussions with CGEA in January 2019, and after meeting and conferring in good faith, the City and CGEA reached agreement for a new MOU that will expire June 30, 2021.

Terms:

1. One-time Payments: \$3200 at signing, \$3100 in January 2020, and \$3000 in July 2020.
2. Overtime: Effective the full first pay period following June 5, 2019, the following paid time off will be included in determining the amount of time worked for purposes of calculating overtime compensation: Holiday time, Jury Duty, Fatigue Pay, Bereavement, and Association Time (Association Representatives' Activities and Training for Association Representatives). Effective the first full pay period following June 5, 2019, Dispatchers will be compensated overtime for time in paid status only when an emergency staffing levels exists, which is defined as times when the City employs less than twenty (20) full-time equivalent (FTE) Dispatchers who are fully qualified to perform their jobs. No more than two (2) part time Public Safety Dispatchers will be counted as one (1) FTE Public Safety Dispatcher for the purposes of determining when emergency staffing levels exist.
3. Standby Pay: Effective the full first pay period following June 5, 2019, increase the Forensic

Technician position to a flat rate of \$500 per week, all other positions eligible for Standby Pay will increase to \$400 per week.

4. Certification Pay: Effective the full first pay period following June 5, 2019, increase Grade 4 certificate pay to \$500 per month and Grade 5 certificate pay to \$525 per month.
5. Holiday Time: For pay and accrual purposes, a holiday will be calculated as the number of hours that employee would otherwise work on the holiday based upon the employee's normal work schedule up to a maximum of 10 hours per holiday.
6. Tier II Medical Difference: Effective the first full pay period following June 5, 2019, the excess of the Medical Allowance remaining after purchase of mandatory health coverage through the Public Employees' Medical and Hospital Care Act (PEMHCA) (i.e., Medical Difference), if any, may not be used to purchase benefits or otherwise taken as a taxable cash payment.
7. Tier IV: Effective the first full pay period following June 5, 2019, the medical allowance for this tier will be \$601.42 per month for employee only coverage, \$1202.83 per month for employee plus one dependent coverage, and \$1563.67 per month for employee plus two or more dependent coverage, which is the same allowance provided for all other CGEA employees.
8. Compensatory Time Bank: Effective the first full pay period following June 5, 2019, in lieu of overtime payment, members may accrue compensatory time off (CTO) up to 120 hours at any one time. CTO balances must be used or cashed out by November of each year and will not carry over from one year to the next.
9. Clean-up Changes: Other revisions to delete or update outdated provisions.

As part of the negotiations for a successor MOU, CGEA has agreed to withdraw PERB Case No. LA-CE-1271-M.

CSA Negotiations and New MOU Terms

The City's negotiators reached a tentative agreement with CSA early August 2016. However, on August 11, 2016, the membership voted down the tentative agreement. The City and CSA resumed negotiations on February 13, 2017, and held approximately five additional bargaining sessions. On July 25, 2017, the City issued its LBFO to CSA.

The City declared impasse on August 30, 2017. Subsequently, the CSA initiated the factfinding process authorized under the MMBA. The City and CSA participated in the factfinding hearing on October 16, 2017. During a Special Meeting on November 14, 2017, the Council approved the adoption of Resolution No. 2017-118 authorizing unilateral implementation of changes in wages, hours, and terms and conditions of employment in the Corona Supervisors Association.

The City resumed discussions February 2019, and after meeting and conferring in good faith, the City reached an agreement with CSA for a new MOU that will expire June 30, 2021.

New Terms:

1. One-time Payments: \$4000 at signing, \$3900 in January 2020, and \$3800 in January 2021.
2. Overtime: Effective the full first pay period following June 5, 2019, the following paid time off will be included in determining the amount of time worked for purposes of calculating overtime compensation: Holiday time, Jury Duty, Fatigue Pay, and Bereavement. Effective the first full pay period following June 5, 2019, Dispatcher Supervisors will be compensated overtime for time in paid status only when an emergency staffing levels exists, which is defined as times when the City employs less than twenty (20) full-time equivalent (FTE) Public Safety Dispatchers who are fully qualified to perform their jobs or less than four (4) FTE Public Safety Dispatch Supervisors.
3. Call-out Pay: The Construction Superintendent and Support Services Manager are being added to the list of positions that are eligible to receive four (4) hours of Call-out Pay per pay period.
4. Tier II Medical Difference: Effective the first full pay period following June 5, 2019, the excess of the Medical Allowance remaining after purchase of mandatory health coverage through the Public Employees' Medical and Hospital Care Act (PEMHCA) (i.e., Medical Difference), if any, may not be used to purchase benefits or otherwise taken as a taxable cash payment.
5. Tier IV: Effective the first full pay period following June 5, 2019, the medical allowance for this tier will be \$601.42 per month for employee only coverage, \$1202.83 per month for employee plus one dependent coverage, and \$1563.67 per month for employee plus two or more dependent coverage, which is the same allowance provided for all other CSA employees.
6. Clean-up Changes: Other revisions to delete or update outdated provisions.

As part of the negotiations for a successor MOU, CSA has agreed to withdraw PERB Case No. LA-CE-1245-M.

Amendments to the Compensation & Benefits Resolution for the unrepresented groups (M/C and Executive Group Employees)

The attached Resolution No. 2019-011 and Resolution No. 2019-012 would update the M/C Group and the Executive Group compensation and benefits resolutions to incorporate the applicable terms and conditions established by the City's agreement with CSA.

Fifth Amendment to the City Attorney Employment Agreement

In connection with the above revisions to the CSA MOU and the compensation and benefit resolutions for the Executive Group employees, an amendment to the City Attorney/Legal & Risk Management Director Employment Agreement is being presented to incorporate the revisions to the compensation and benefits included in Resolution No. 2019-012. In order to avoid automatic adjustments, the compensation and benefits that are provided to the City Attorney/Legal & Risk Management Director Employment Agreement is tied to the Executive Resolution that was in effect when the Employment Agreement was approved or amended by the City Council. Therefore, it is necessary to update the reference in the Employment Agreement to the version of the Executive Group Employee Resolution that is presented for approval as part of this agenda item (Resolution

No. 2019-012) so that the changes apply to the City Attorney/Legal & Risk Management Director.

Rescinding Resolution No. 2017-117 and Resolution No. 2017-118

The new MOUs with CGEA and CSA incorporate and amend the wages, hours and terms and conditions of employment imposed pursuant Resolution No. 2017-117 and Resolution No. 2017-118. Therefore, it would be appropriate to rescind both Resolutions to ensure that the new MOUs are the controlling document for the wages, hours, and terms and conditions of employment for CGEA and CSA employees.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

Approval of the MOU agreements, resolution changes, and contract amendment have an estimated cost of \$1.2 Million in Fiscal Year 2018-19, \$1.8 Million in Fiscal Year 2019-20, and \$1.8 Million in Fiscal Year 2020-21. The various funding sources are shown in the following table, by group and fiscal year.

Fiscal Year/ Fund Group	Corona General Employees Association	Corona Supervisors Association	Management/ Confidential Group	Executive Group	City Attorney/ Legal & Risk Mgmt Dir.	Total
FY 2018-19						
General Fund	\$ 439,673	\$ 95,886	\$ 160,053	\$ 34,763	\$ 4,124	\$ 734,499
DWP Funds	261,056	50,539	17,256	4,825	-	333,676
Other Funds	83,244	19,466	24,328	5,773	-	132,811
Total FY 2018-19	\$ 783,973	\$ 165,891	\$ 201,637	\$ 45,361	\$ 4,124	\$ 1,200,986
FY 2019-20						
General Fund	\$ 610,655	\$ 119,707	\$ 202,327	\$ 33,894	\$ 4,021	\$ 970,604
DWP Funds	559,234	76,848	28,678	4,704	-	669,464
Other Funds	146,819	25,820	34,540	5,629	-	212,808
Total FY 2019-20	\$ 1,316,708	\$ 222,375	\$ 265,545	\$ 44,227	\$ 4,021	\$ 1,852,876
FY 2020-21						
General Fund	\$ 581,756	\$ 112,581	\$ 197,981	\$ 33,025	\$ 3,917	\$ 929,260
DWP Funds	549,946	75,469	28,051	4,583	-	658,049
Other Funds	144,147	25,349	33,844	5,484	-	208,824
Total FY 2020-21	\$ 1,275,849	\$ 213,399	\$ 259,876	\$ 43,092	\$ 3,917	\$ 1,796,133
Fund Group Totals						
General Fund	\$ 1,632,084	\$ 328,174	\$ 560,361	\$ 101,682	\$ 12,062	\$ 2,634,363
DWP Funds	1,370,236	202,856	73,985	14,112	-	1,661,189
Other Funds	374,210	70,635	92,712	16,886	-	554,443
Totals through 6/30/21	\$ 3,376,530	\$ 601,665	\$ 727,058	\$ 132,680	\$ 12,062	\$ 4,849,995

ENVIRONMENTAL ANALYSIS:

Environmental review is not required. The proposed actions are not a project under the California Environmental Quality Act.

PREPARED BY: EDELIA EVELAND, HUMAN RESOURCES MANAGER

REVIEWED BY: JAMIE RAYMOND, CHIEF DEPUTY CITY ATTORNEY

REVIEWED BY: KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

REVIEWED BY: MICHELE NISSEN, ASSISTANT CITY MANAGER

SUBMITTED BY: MITCHELL LANSDELL, ACTING CITY MANAGER

Attachments:

1. CGEA MOU (Redline)
2. CGEA MOU Clean
3. CSA MOU (Redline)
4. CSA MOU (Clean)
5. Resolution No. 2019-011 - Management Confidential Benefit Resolution (Redline)
6. Resolution No. 2019-011 - Management Confidential Benefit Resolution (Clean)
7. Resolution No. 2019-012 - Executive Benefit Resolution (Redline)
8. Resolution No. 2019-012 - Executive Benefit Resolution (Clean)
9. Fifth Amendment to the City Attorney Employment Agreement (Redline)
10. Fifth Amendment to the City Attorney Employment Agreement (Clean)
11. Resolution No. 2019-032 rescinding Resolution No. 2017-117
12. Resolution No. 2019-033 rescinding Resolution No. 2017-118