

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 8/22/05		Item Number: <u>C-6</u>	
AGENDA ITEM: Approval of Amendment to the Master Memorandum of Understanding (MOU) between the City of Culver City and the Culver City Employees' Association (CCEA) Regarding Bus Operator's Meal and Rest Breaks.			
Contact Person/Dept.: Steve Cunningham		Phone Number: 310-253-6540	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Public Notification: Master Notification list on 8/17/05; Culver City Employees Association on 8/17/05			
Department Approval: Stephen C. Cunningham 8/10/2005		CAO Approval: Jerry Fulwood 8/17/05	
City Controller Approval: Marlee Chang 8/15/05			
<u>RECOMMENDATION:</u> That the City Council approve the contract amendment (attached) to the Master Memorandum of Understanding (MOU) between the City and the Culver City Employees' Association (CCEA) regarding bus operator meal and rest breaks. <u>BACKGROUND:</u> The Industrial Welfare Commission (IWC) recently amended Wage Order Number 9, which regulates the wages, hours and working conditions in the transportation industry. For the first time, the amended wage order states that public transit operators are not exempt from the wage order's requirement that drivers receive a 30-minute unpaid "off duty" meal break and two paid 10-minute rest breaks over the course of an eight-hour day. The order states that <u>if the operators do not receive the meal or rest period, they must receive one hour of pay for each meal or rest period missed.</u> The California Transit Association negotiated a compromise that allows public agencies to receive an exemption rather than comply with the strict and expensive requirements in the wage order. In order to receive this exemption, bus drivers must be "covered by a valid collective bargaining agreement" which "expressly provides for meal periods for those employees, final and binding arbitration of disputes concerning application of its meal period provisions, premium wage rates for all overtime hours worked and regular hourly rate of pay of not less than 30 percent more than the State minimum wage rate."			

City of Culver City, California
City Council Agenda Item Report

DISCUSSION:

Staff held productive discussions with CCEA representatives and bus operators to reach a mutually-beneficial agreement. The proposed contract amendment allows the City to qualify for the exemption provided for in Wage Order 9 as discussed above. In addition, it guarantees operators with full-time runs up to 50 minutes of cumulative relief time for meal and rest breaks and provides for compensation at the operator's regular rate of pay if these breaks are not realized.

The agreement will take effect on January 9th, 2006 to allow the Department time to analyze its schedules to ensure to the maximum extent possible that operators receive the agreed upon relief time. The amendment also allows for final and binding arbitration in the event of grievances regarding meal and rest breaks.

FISCAL ANALYSIS:

The Department estimates that these changes could increase labor costs by \$50,000 in the current budget year. Staff believes it can absorb these increased costs within its current budget.

In the future, the Department will work to lower these annual costs by analyzing and amending operator schedules to allow for sufficient meal and rest breaks. The adoption of Automatic Vehicle Locator (AVL) technology should allow the Department to further refine schedules and minimize rest and meal break costs.

ATTACHMENTS

1. Letter of Agreement between the City and the CCEA
2. Proposed contract amendment to the Master MOU

MOTIONS:

That the City Council:

1. Approve the Amendment to the Master Memorandum of Understanding (MOU) between the City of Culver City and the Culver City Employee Association (CCEA) Regarding Bus Operator's Meal and Rest Breaks.