



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report

File #: 19-391, **Version:** 1

Item #: C-13.

CC - Adoption of Resolutions Approving Side Letters of Agreement with the Culver City Employees' Association, Culver City Police Officers' Association and Culver City Fire Management Group

Contact Person/Dept: Serena Wright/Administrative Services

Phone Number: 310-253-5640

Fiscal Impact: Yes ☒ No ☐

General Fund: Yes ☒ No ☐

Public Hearing: ☐

Action Item: ☒

Attachments: Yes ☒ No ☐

Commission Action Required: Yes ☐ No ☒ **Date:**
Commission Name:

Public Notification: (E-Mail) Agenda and Meetings - City Council (10/02/18); Culver City Employees Association (10/03/18); Culver City Police Officers' Association (10/03/18); Culver City Fire Management Group (10/03/18)

Department Approval: Serena Wright, Assistant City Manager (10/01/18)

RECOMMENDATION

Staff recommends that the City Council adopt resolutions approving a side letter of agreement with the Culver City Employees' Association (CCEA), Culver City Police Officers' Association (CCPOA), and Culver City Fire Management Group (CCFMG).

BACKGROUND:

Culver City (City) has current Memorandum of Understanding (MOU) with all six of its recognized bargaining units which outline wages, hours, terms and conditions of employment. There have been recent events, summarized below, which have prompted proposed revisions to the agreements with CCEA, CCPOA, and CCFMG.

DISCUSSION:

A summary of the anticipated revisions, as specified in the attached side letters of agreement,

include:

- Eliminating the Agency Shop provision contained within the CCEA MOU to comply with a recent Supreme Court ruling;
- Modifying the Bilingual Pay for CCPOA; and
- Revising the MOU with CCFMG to amend the CalPERS cost sharing arrangement.

CCEA

In June 2018, the Supreme Court issued a ruling in the case of Janus v. AFSME determining that it is unconstitutional for public employees to pay mandatory union fees through an agency shop agreement. CCEA is the only recognized bargaining unit within the City to have this arrangement. All other City bargaining units have no such arrangement; membership and dues are voluntary. The proposed side letter agreement eliminates this provision within the MOU, replacing it with language which describes how union membership is maintained and terminated.

CCPOA

The current MOU provides a bilingual pay benefit to CCPOA members who provide assistance in Arabic, Farsi and Spanish. When this provision was negotiated, the intent was to make the benefit consistent with the other labor groups that already received it. However, for all other groups the additional pay is only calculated on base pay. For POA, the City agreed to calculate it in the same manner that other existing special pays were calculated, which are inclusive of POST pay.

In accordance with the language in the MOU, bilingual pay is paid only for hours worked, sick time and holidays. It is not paid for any other leave time such as vacation, holiday, etc. It was recently discovered that the payroll system, cannot calculate pay codes based upon multiple pay types/criteria. This would require manual manipulation. Due to the amount of time that would be required to manually calculate this benefit every pay period, staff is recommending that POA members be provided with the 5% bilingual pay for all paid work time, including leave of absences. The side letter agreement also includes administrative clean up to the annual Holiday In-Lieu cash-out option to ensure that the request is made prior to the payroll deadline date.

CCFMG

During the last negotiations the City negotiated a cost sharing provision with all bargaining groups. This requires that all City employees pay not only the full CalPERS employee rate but that they also contribute towards the CalPERS employer rate. CCFMG was unique in its agreement in that they negotiated that a portion of the amount that was being contributed towards the employer rate would be credited to the employee's retirement account. CalPERS has confirmed that this arrangement needs to be implemented through a contract amendment. The City and CCFMG representatives met and agreed that it was not worth the administrative burden to annually amend the CalPERS contract in order to effectuate this provision. The proposed side letter agreement eliminates the requirement that the first 3% of the required 5% contribution towards the employer rate be credited to the employees' account.

FISCAL ANALYSIS:

There is no fiscal impact associated with the amendments to the CCEA and CCFMG MOU's. The approximate cost increase anticipated for the changes to the CCPOA MOU is approximately \$16,500. There are sufficient funds in the budget to cover this expenditure.

ATTACHMENTS:

1. Resolution amending the Culver City Employees Association Memorandum of Understanding with Exhibit A
2. Resolution amending the Culver City Police Officers' Association Memorandum of Understanding with Exhibit A and B
3. Resolution amending the Culver City Culver City Fire Management Group Memorandum of Understanding with Exhibit A

RECOMMENDED MOTION(S):

That the City Council:

Adopt Resolutions approving side letters of agreement with the Culver City Employees' Association (CCEA), Culver City Police Officers' Association (CCPOA), and Culver City Fire Management Group (CCFMG).