



## Legislation Details (With Text)

**File #:** 19-606      **Version:** 1      **Name:**  
**Type:** Consent Calendar      **Status:** Agenda Ready  
**File created:** 5/7/2019      **In control:** Council and Authorities Concurrent Meeting  
**On agenda:** 5/21/2019      **Final action:** 5/21/2019  
**Title:** Approval of the 2018-2021 Memorandum of Understanding between the City of Santa Clara and the Santa Clara Police Officers Association (Unit 2)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. MOU POA (Unit 2) 2018-2021 - redline version, 2. MOU POA (Unit 2) 2018-2021 - final, 3. Resolution Of The City of Santa Clara, California to Adopt the Salary Schedule For Santa Clara Police Officers Association (Unit 2), 4. Resolution No. 19-8703

Date	Ver.	Action By	Action	Result
5/21/2019	1	Council and Authorities Concurrent Meeting	Approved	

## REPORT TO COUNCIL

### SUBJECT

Approval of the 2018-2021 Memorandum of Understanding between the City of Santa Clara and the Santa Clara Police Officers Association (Unit 2)

### BACKGROUND

The City of Santa Clara's collective bargaining agreement with the Police Officers Association (POA) Unit 2 expired on December 22, 2018. POA currently represents approximately 150 full-time equivalent positions. This unit includes the employee job classifications of Police Officer, Police Sergeant, Police Lieutenant and Police Recruit.

On or about September 25, 2018, negotiations with POA on a successor agreement commenced, and on April 22, 2019, the City and POA reached an overall Tentative Agreement on the terms to be contained in the successor Memorandum of Understanding (MOU) between the City and POA. The POA Unit 2 held a vote that concluded on or about May 21, 2019 resulting in Unit 2 ratifying the attached agreement.

### DISCUSSION

This report recommends approval of the MOU. If approved, the terms of the MOU will be in effect from December 23, 2018 through and including December 18, 2021.

The significant provisions of the new MOU are as follows:

#### Term

December 23, 2018 through December 18, 2021

### Compensation Adjustments

Year 1 - 5.00% wage increase retroactive to December 23, 2018, for all persons still employed on the date the City Council approves the 2018-2021 MOU (scheduled for Council action on May 21, 2019).

Year 2 - For the December 2019-2020 MOU year, total compensation adjustments to result in 5.5% above the benchmark agencies' total compensation survey average as of January 1, 2020.

Year 3 - For the December 2020-2021 MOU year, total compensation adjustments to result in 6.0% above the benchmark agencies' total compensation survey average as of January 1, 2021.

Intermediate POST rather than Advanced POST shall continue to be included in the benchmark survey.

Effective December 23, 2019, the City shall contribute per member to the City's Voluntary Employee's Benefit Association (VEBA), an additional \$50 per month, for a total of \$100 per month.

Effective beginning with the first full pay period following Council approval of this MOU, for employees employed on the date the City Council approves the MOU, the City shall contribute \$150 per month to the City's Section 457 deferred compensation plan on behalf of each represented employee.

### Medical

Modify the language of the health insurance section to ensure compliance with the Affordable Care Act. The amount designated as "Kaiser employee only" will continue as the mandatory health allocation and the amount provided as cash in lieu for those that submit an attestation confirming other group health coverage.

### Specialty Pays

Effective beginning with the first full pay period following Council approval of this MOU, any Unit 2 employee who is assigned as a Crime Scene Investigator or Field Evidence Technician, shall receive an additional two and one-half percent (2.5%) of base special assignment premium while assigned.

### Compensatory Time

Effective beginning with the first full pay period following Council approval of this MOU, the City will credit two (2) hours of overtime compensation per week for "on call" pay for the following assignments for weeks when assigned to be on call.

- Traffic Officer (2)
- Traffic Sergeant
- Traffic Investigator
- CSI Officer (2)
- CSI Sergeant

### Travel Compensation for Training

Travel time for training that is required by the Department, required to maintain POST Certification, or required to perform a special assignment or collateral duty and which takes place outside regular work hours will be eligible for compensation.

#### Rest Period Following Emergency Work

Emergency overtime modified to include court appearances by an employee following a regularly scheduled overnight or graveyard shift.

#### New Employee Orientation

The City shall provide the POA with reasonable advance notice of the start date of any new hire to a represented classification, and provide the POA with an exclusive 30 minute meeting with any new employee or group of employees covered by the MOU.

#### 28-Day FLSA work period

Inclusion of adopting a 28-day FLSA work period and threshold of 171 hours worked for purposes of Fair Labor Standards Act overtime eligibility. For all FLSA qualifying overtime hours, the City shall pay at 1.5 times the FLSA regular rate as defined by the FLSA and applicable law, with amount owed by the City for FLSA overtime hours worked subject to any applicable credits under the FLSA and FLSA regulations.

#### Joint Committee

Within 60 days of City Council approval of the MOU, the City and the Association will form a joint committee to consider modifications to the Total Compensation Survey criteria set forth above, including, but not limited to, utilizing a blended agency retirement contribution. Any changes to the Total Compensation Survey criteria are subject to mutual agreement by the City and the POA and will be memorialized in a Side Letter Agreement.

#### Salary Adjustment Form

The Salary Adjustment Form shall be suspended during the term of the MOU.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a government organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

The City regularly budgets in its fiscal forecast the total compensation cost for its current Full-Time Employees and integrates projected cost increases from Council-approved MOUs in the City’s Ten-Year General Fund Financial Forecast. The costs of the MOU are within budget authority approved by the City Council through the negotiation process. Salary increases for FY 2019/20 and FY 2020/21 were factored into the Proposed Biennial Operating Budget released earlier this month. Some elements of the MOU that are proposed to be funded by one-time sources (Budget Stabilization Reserve) will be included in the June 25, 2019 approval of the FY 2019/20 and FY 2020/21 Adopted Operating Budget. All cost elements of this MOU will also be included in future updates of the Ten-Year General Fund Financial Forecast.

The additional cost of the MOU for FY 2018/19 is approximately \$1.1 million. Sufficient Police Department vacancy savings is available to absorb the cost impact of the MOU in FY 2018/19.

The fiscal impact of the other elements of this MOU are difficult to determine, are estimated to be

modest, and will also be considered in future updates to the Ten-Year General Fund Forecast.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office and the Finance Department.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

1. Approve and authorize the City Manager to execute the Memorandum of Understanding between the City of Santa Clara and Santa Clara Police Officers Association (Unit 2) 2018-2021, with effective dates of December 23, 2018 to December 18, 2021.
2. Adopt a Resolution approving the Salary Schedule for Santa Clara Police Officers Association (Unit 2), effective December 23, 2018.

Reviewed by: Teresia Zadroga-Haase, Director of Human Resources

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. MOU POA (Unit 2) 2018-2021 - redline version
2. MOU POA (Unit 2) 2018-2021 - final
3. Resolution Of The City Of Santa Clara, California To Adopt The Salary Schedule For Santa Clara Police Officers Association (Unit 2)