

AGENDA ITEM REQUEST FORM

Department: City Attorney

Initiator: Everett Jenkins

Phone: (510) 620-6509

Meeting Date: October 26, 2004

Final Decision Deadline: October 26, 2004
(Date)

INDICATE APPROPRIATE BODY

- City Council Redevelopment Agency Housing Authority Surplus Property Authority Joint Powers Financing Authority
- Finance Standing Committee Public Safety Public Services Standing Committee Other _____

ITEM

- Presentation/Proclamation/Commendation (3-Minute Time Limit)
- Public Hearing Ordinance Other _____
- Contract/Agreement Council As Whole
- Grant Application/Acceptance Claims Filed Against City of Richmond
- Resolutions Video/PowerPoint Presentation (contact KCRT @ 620.6759)

RECEIVED
CITY OF RICHMOND
2004 OCT 22 PM 4:26

ITEM TO BE PLACED ON AGENDA (ACTION, TERM, \$\$\$)

Resolutions regarding the Terms and Conditions of Employment for the six Bargaining Units, the Unrepresented Employees, and Elected Officials, as follows: Richmond Police Officers Association, Richmond Police Management Association, Service Employees International Union Local 790, the Richmond Management Employees Association, IFPTE, Local 21, International Association of Firefighters Local 188, Richmond Fire Management Association, Unrepresented Employees, and Health Insurance Contribution for Elected Officials.

REVIEWS/APPROVALS **DO NOT WRITE IN THIS SPACE**

Reviewed and Approved by Finance Department for Fiscal Impact

10/22/04 Greg Larson
Date Signature

Reviewed and Approved by City Manager

10.22.04 Gregory P. For PH
Date City Manager's Signature

STAFF RECOMMENDATION

Approve the Resolutions.

AGENDA ITEM NO: m-1

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: October 22, 2004

TO: Mayor Anderson and Members of the Richmond City Council

FROM: Diane Holmes, City Clerk *dh*

SUBJECT: RESOLUTIONS FOR TENTATIVE AGREEMENTS WITH BARGAINING UNITS

Attached to this memorandum is a copy of the resolution for the Tentative Agreement with Local 790. As of 5:20 p.m. today, the City Attorney's Office had not received all of the resolutions for the remaining bargaining units, unrepresented employees, and elected officials. The remaining resolutions will be forwarded to you on Monday, October 25.

/dh

ResolutionsForTentativeAgreements.memo

- NOW, THEREFORE, BE IT RESOLVED that the City of Richmond authorities, contingent upon ratification by the members of SEIU Local 790 no later than October 24, 2004, of the parties' Agreement in final Memorandum of Understanding (MOU) language, and ratification of final MOU language by the City Council, a tentative agreement for an MOU including the following terms:
- Trade war term ending June 3, 2007.
 - Members of the City bargaining unit will pay five percent (5%) of the eight percent (8%) PERS retirement employee contribution, effective January 1, 2005.
 - Members of the SEIU bargaining unit will pay the full eight percent (8%) of the PERS retirement employee contribution, effective July 1, 2005.
 - The City will take appropriate steps to implement W.C. § 41-6(b)(2) for employee retirement contributions.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, CONDITIONALLY APPROVING THREE-YEAR TENTATIVE AGREEMENT WITH THE SEIU LOCAL 790 BARGAINING UNIT, OR, IF BARGAINING UNIT MEMBERS DO NOT RATIFY THE TENTATIVE AGREEMENT, IN THE ALTERNATIVE AUTHORIZING THE CITY MANAGER TO UNILATERALLY IMPOSE THE TERMS OF THE CITY'S ONE-YEAR LAST BEST OFFER

WHEREAS, the City has negotiated in good faith with Service Employees International Union Local 790 (hereinafter "SEIU Local 790"), regarding matters within the scope of representation for employees represented by that organization, including cost-sharing measures necessary to stabilize and improve the City's fiscal health; and

WHEREAS, after those negotiations resulted in impasse, representatives of the City of Richmond and SEIU Local 790 mutually agreed to participate in mediation pursuant to the City's impasse procedure, with State Mediation and Conciliation Services serving as Mediator; and

WHEREAS, the parties have reached tentative agreement on terms of a comprehensive three-year Memorandum of Understanding (hereinafter "MOU"); and

WHEREAS, that tentative agreement shall not bind the parties until it is ratified by a majority of SEIU Local 790's membership, reduced to final Memorandum of Understanding (MOU) language, and finally ratified by the City Council; and

WHEREAS, a three-year agreement with SEIU Local 790 will support a stable and amicable labor relations environment, and

WHEREAS, the certainty of known compensation increases will contribute positively towards the City's ability to plan its finances and budget consistent with fiscal recovery; and

WHEREAS, in light of the positive impact of a three-year agreement on labor relations and the City's ability to plan its finances and budget the City is able to provide a three-year financial package in excess of that it can offer for a single-year term; and

WHEREAS, the City's representatives in mediation have, consistent with the City's impasse procedure, submitted the parties' impasse to the City Council for resolution in the event timely ratification by SEIU Local 790's membership does not occur; and

WHEREAS, California law authorizes the City, after meeting and conferring in good faith, reaching impasse, and exhausting any applicable impasse procedures, to unilaterally implement the terms of its last, best and final offer in the event the parties do not reach agreement.

NOW, THEREFORE, BE IT RESOLVED that the City of Richmond authorizes, contingent upon ratification by the members of SEIU Local 790 no later than October 29, 2004, reduction of the parties' Agreement to final Memorandum of Understanding (MOU) language, and ratification of final MOU language by the City Council, a tentative agreement for an MOU including the following terms:

- a. Three year term ending June 3, 2007.
- b. Members of the SEIU bargaining unit will pay four percent (4%) of the eight percent (8%) PERS retirement employee contribution, effective January 1, 2005.
- c. Members of the SEIU bargaining unit will pay the full eight percent (8%) of the PERS retirement employee contribution, effective July 1, 2005.
- d. The City will take appropriate steps to implement IRC § 414(h)(2) for employee retirement contributions.

- e. The City's contribution to health insurance premiums for all bargaining unit members shall be capped at the 2005 Kaiser North Rate for the applicable level of coverage. For the term of this Agreement only, increases to the Kaiser North rate shall be paid by the City. The City and SEIU will work with PERS to extend or reopen the enrollment period for 2005 benefits. In the event PERS does not allow the City to extend or reopen enrollment, the City agrees to assist individual employees to petition for enrollment changes. In the case of employees who are denied enrollment changes, the City agrees to pay up to the second highest premium for calendar year 2005 only.
- f. The City will pay each bargaining unit member a lump sum payment totaling two and one half percent (2.5%) of their annual "PERSable" base wage for FY 05/06, to be paid out over nine months beginning October 1, 2005.
- g. The City will pay each bargaining unit member an additional lump sum payment totaling two and one half percent (2.5%) of their semi-annual "PERSable" base wage for the first six months of FY 06/07, to be paid out over six months beginning July 1, 2006.
- h. The City will implement a two and one-half percent (2.5%) across-the-board wage increase, effective January 1, 2007.
- i. The City shall not during the term of the MOU contract out any work in the areas of (1) street sweeping, (2) parks and recreation centers, or (3) libraries. Further, the City certifies that during that term it also currently has no intent to contract out any further work in the areas of street maintenance or "signs and lines." The City shall notify the union at least thirty (30) days in advance of any action taken to contract out work customarily performed by members of the bargaining unit, and shall give the union an opportunity to meet and confer regarding the effects of any such contracting out.
- j. The City will agree to hold quarterly Labor Management Organizational Discussions to address common goals of increasing long term institutionalized cost savings, maximizing the service provided to Richmond residents, limiting the need for future layoffs, and ensuring compliance with the terms of the 2003 mediated layoff grievance settlement. In addition, the City and the Union will use an outside facilitator from State or Federal Mediation Services to assist in arranging and holding such meetings.
- k. The City will implement a "pay-as-you-go" system for uniform pay for those employees represented by SEIU who receive such pay, pro rating the annualized amount due to employees for uniform pay equally in employees' pay checks, beginning January 1, 2005.
- l. The City will include the "Recreation/DPRC side letter" in the MOU, upon confirmation that agreement was reached on the terms of that side letter.

BE IT FURTHER RESOLVED that in the event SEIU Local 790's tentative agreement to the above terms is not ratified by SEIU Local 790's membership on or before October 29, 2004, the City Council authorizes the City Manager to immediately impose the terms and conditions reflected in the City's one-year last, best and final offer made as an alternative to that three-year agreement, as follows:

- a. Members of the SEIU bargaining unit shall pay the entire eight percent (8%) PERS retirement employee contribution, effective in the first pay period following final Council approval of an appropriate Council Resolution.
- b. The City's contribution to health insurance premiums for all bargaining unit members shall be capped at 2004 Kaiser North Rate for the applicable level of coverage. Increases to the Kaiser rate effective January 1, 2005 shall be split equally between the City and individuals covered by the MOU. The City and

AGENDA ITEM REQUEST FORM

Applicant: SEIU Initiator: Edward Jenkins Phone: 513-251-8209
 Date: October 26, 2004 Final Decision Deadline: October 28, 2004

SEIU will work with PERS to extend or reopen the enrollment period for 2005 benefits.

APPROPRIATE BODY

- Redevelopment Agency Housing Authority Senior Property Authority Joint Powers Financing Authority
 Finance Board/Committee Public Safety/Puerto Services Standing Committee Other: _____

c. The City will include the "Recreation/DPRC side letter" in the MOU, upon confirmation that agreement was reached on the terms of that side letter.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held _____ by the following vote:

- Ayes:** _____
 Unopposed Proclamation/Commission (5-Minute Time Limit)
 In Staring In Staring Other _____
Noes: _____
 Other Agreement Other Agreement
Abstentions: _____
 Other Application/Acceptance Other Application/Acceptance
Absent: _____
 Other Power Point Presentation (contact KCRT @ 630-6799)

ITEM TO BE PLACED ON AGENDA ACTION ITEM

Resolution regarding the Terms and Conditions of Employment for the Unrepresented Employees, and Elected Officials, as follows: Richmond Police Officers Association, Richmond Police Management Association, Service Employees International Union Local 100, the Richmond Management Employees Association, IFFTE, International Association of Firefighters Local 188, Richmond Fire Management Association, Unrepresented Employees, and Health Insurance Contribution for Elected Officials.
 Clerk of the City of Richmond
 (SEAL)

Approved: _____
 Mayor

REVIEW APPROVALS

Approved as to form: _____
 City Attorney

Reviewed and Approved by Finance Department for Fiscal Impact

 Signature

RESOLUTIONS/LOCAL 790 2004 dm

Reviewed and Approved by City Manager

 City Manager's Signature

STAFF RECOMMENDATION

Approve the Resolutions.

AGENDA ITEM NO: 12-1