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Title: 1.***Adopt a successor Memorandum of Understanding between the City of Fresno and the City of Fresno Professional Employees Association (CFPEA) for Unit 13-1, Exempt Supervisory and Professional, and Unit 13-2, Non-Exempt Professional (Subject to Mayor's Veto)
2. ***RESOLUTION - 3rd Amendment to FY 2019 Salary Resolution No. 2018-159, amending Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) to add the classifications of Deputy City Clerk and Senior Deputy City Clerk and provide a salary range for the respective classes; amending salaries in Exhibit 13-1, Unit 13-1, Exempt Supervisory and Professional (CFPEA), and Exhibit 13-2, Non-Exempt Professional (CFPEA) as required by the Memorandum of Understanding between the City of Fresno and the City of Fresno Professional Employees Association (CFPEA); and amending Exhibit 14, Unit 14, to add the classification of Public Works Manager - Licensed Engineer and providing a salary range for the respective class, and amending the E18 salary range (Subject to Mayor's Veto)

Sponsors: Personnel Services Department

Indexes:

Code sections:

Attachments: 1. CFPEA MOU FY19 - REDLINE.pdf, 2. CFPEA MOU FY19 - FINAL.pdf, 3. CFPEA Costing.pdf, 4. Resolution - 3rd Amend to FY19 Salary Resolution.pdf, 5. Salary Tables - 3rd Amend to FY19 Salary Resolution_REDLINE.pdf, 6. Salary Tables - 3rd Amend to FY19 Salary Resolution_FINAL.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 7/26/2018 | 1 | City Council | adopted | Pass |

REPORT TO THE CITY COUNCIL

July 26, 2018

FROM: JEFF CARDELL, Director
Personnel Services Department

BY: KEN PHILLIPS, Labor Relations Manager
Personnel Services Department

SUBJECT

1.***Adopt a successor Memorandum of Understanding between the City of Fresno and the City of Fresno Professional Employees Association (CFPEA) for Unit 13-1, Exempt Supervisory and Professional, and Unit 13-2, Non-Exempt Professional (**Subject to Mayor's Veto**)

2. ***RESOLUTION - 3rd Amendment to FY 2019 Salary Resolution No. 2018-159, amending Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) to add the classifications of Deputy City Clerk

and Senior Deputy City Clerk and provide a salary range for the respective classes; amending salaries in Exhibit 13-1, Unit 13-1, Exempt Supervisory and Professional (CFPEA), and Exhibit 13-2, Non-Exempt Professional (CFPEA) as required by the Memorandum of Understanding between the City of Fresno and the City of Fresno Professional Employees Association (CFPEA); and amending Exhibit 14, Unit 14, to add the classification of Public Works Manager - Licensed Engineer and providing a salary range for the respective class, and amending the E18 salary range (**Subject to Mayor's Veto**)

RECOMMENDATION

It is recommended Council: (1) approve the attached Memorandum of Understanding (MOU) to implement wages, hours and other terms and conditions of employment for City employees in Unit 13 -1, Exempt Supervisory and Professional, and Unit 13-2, Non-Exempt Professional, represented by CFPEA; and (2) adopt the Third Amendment to the Fiscal Year 2019 Salary Resolution No. 2018-159, amending Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) to add the classifications of Deputy City Clerk and Senior Deputy City Clerk and provide a salary range for the respective classes; amending salaries in Exhibit 13-1, Unit 13-1, Exempt Supervisory and Professional (CFPEA), and for Exhibit 13-2, Non-Exempt Professional (CFPEA); and amending Exhibit 14, Unit 14, to add the classification of Public Works Manager - Licensed Engineer and providing a salary range for the classification, and amending the E18 salary range in this unit.

EXECUTIVE SUMMARY

The City and CFPEA reached a tentative agreement on a successor MOU which will replace the MOU that expired on June 30, 2017. The MOU provides for an agreement from June 25, 2018 through June 21, 2020, increases to wages, equity adjustments to salaries for certain classes as a result of a Classification and Compensation Study of classes in the Unit, and other changes in terms or conditions of employment. To implement the MOU it is necessary to approve the Third Amendment to FY 2019 Salary Resolution No. 2018-159, amending Exhibit 13-1, Unit 13-1, Exempt Supervisory and Professional (CFPEA), and Exhibit 13-2, Non-Exempt Professional (CFPEA). The MOU and Salary Resolution Amendment are retroactively effective June 25, 2018.

In collaboration with the Office of the City Clerk, Personnel Services has developed the new classifications of Deputy City Clerk and Senior Deputy Clerk to better define the classifications specific to this department. In addition, the new classification of Public Works Manager - Licensed Engineer and its associated salary range is being added to maintain an appropriate pay relationship between the manager and subordinate engineering classifications. Finally, as a result of the new Public Works Manager - Licensed Engineer classification, the E18 salary range in Exhibit 14 assigned to Deputy City Engineer has been modified to maintain an appropriate salary spread between the two classes. The new classes and amended salary range are effective July 23, 2018.

BACKGROUND

The City and CFPEA started meeting in March 2017 towards reaching agreement on a successor MOU. Additionally, in Fiscal Year 2018, the parties engaged in a Classification and Compensation Study, resulting in recommended compensation changes to certain classes on the basis of internal and external equity, as well as demonstrated recruitment and retention issues. Due to the limited availability of resources, implementation of the Study results will occur in phases. The first phase includes Equity Increases to address critical recruitment or retention issues, minimize or eliminate

anti-compaction pay, and address in part, internal as well as external equity. The first phase will be implemented along with a general wage increase effective July 23, 2018.

The parties reached a tentative agreement on June 20, 2018. Members of the Unit voted to ratify the tentative agreement on June 27, 2018

Major changes to the MOU are summarized below.

- **Term:** June 25, 2018 to June 21, 2020.
- **Wages:**
 - Increase wages for Exempt employees in Unit 13-1 by 1.5% retroactively effective June 25, 2018 in recognition of the discontinuance Supplemental Administrative Leave.
 - 2.5% general wage increase for all employees effective July 23, 2018.
 - Equity Increases as agreed pursuant to the Classification and Compensation Study effective July 23, 2018.
 - 2.5% general wage increase for all employees effective July 22, 2019.
- **Pension Changes:**
 - Employees who enter Unit 13 and are paying 1.5% towards pension costs continue to pay an additional 1.5%.
 - Reopener on making the additional 1.5% part of the employee's normal contribution.
- **Premium Pay:**
 - Salary Spread Differential: Reopener after completion of Classification and Compensation Study.
 - Shift Differential: If a shift fits the definitions of both swing and night shift, the employee will be paid at the higher rate.
 - Bilingual: Examinations will be conducted throughout the year. Eligible languages will be listed in the Salary Resolution.
- **Leaves:**
 - Employee Incentive Time Off (EITO): Non-exempt employees in Unit 13-2 can earn EITO under similar terms as Units 1 and 7.
 - Supplemental Administrative Leave: Discontinued for Exempt employees in Unit 13-1. In exchange, employees received a 1.5% pay increase as noted above.
 - Frozen Sick Leave: Removed restrictions. Frozen sick leave can be used whenever sick leave is allowed.
 - Administrative Leave/Time Off: Renamed to Management Leave and Management Time Off consistent with other units with the same leave.
 - Amended leave language to conform with changes to State law.
- **Thanksgiving Week/ Sanitation Supervisors:** Sanitation Supervisors who work full shifts on the day after Thanksgiving and Saturday of Thanksgiving will receive 16 hours of Holiday Leave and will not be required to use Annual Leave to supplement holiday pay on Thanksgiving Day.
- **Representation:** Add reprimand to the list of items for which an employee can request representation.

- **By-Laws:** CFPEA to provide the City with its By-Laws and to provide the City with updates as they occur.
- **New Employee Orientation/Employee Contact Information:** Incorporate side letter language on AB 119 requirement that employee organizations have the right to address new employees at New Employee Orientation, and that the City will provide contact information on all employees in the Unit.
- **Dues:** Dues to be terminated when an employee leaves Units represented by CFPEA. Update dues deduction language to reflect practice of transmitting dues by electronic transfer.
- **Benefits for Part Time Employees:** Part time employees will receive health and welfare benefits on the same basis as full time employees. This is in recognition of the Affordable Care Act. Currently are no part time employees in Unit 13.
- **Uniforms:** Administered under Administrative Order 3-6, Uniform Program, unless parties agree to an alternative.
- **Life Insurance:** Employees who leave City employment can continue Life Insurance coverage in accordance with the terms of the insurance carrier.

In addition to the above, there was language clean up throughout the MOU, much of which resulted from a review of MOU by the City Attorney's Office.

Separately, Personnel Services, in partnership with the City Clerk, has developed the new classifications of Deputy City Clerk and Senior Deputy City Clerk to better define the duties and responsibilities of incumbents. These new classifications will result in the reclassification of a Senior Administrative Clerk and a Senior Records Clerk to Deputy City Clerk, and the reclassification of a City Records Specialist and a Senior Secretary to Senior Deputy City Clerk.

The new classification of Public Works Manager - Licensed Engineer is being created to maintain an appropriate pay relationship between the manager and subordinate engineering classifications and to recognize the difference between Public Works Managers that are registered engineers versus those who are not required to maintain that professional designation. The new salary range will also address recruitment issues in filling State Licensed Engineer positions. This new classification will result in the reclassification of three current Public Works Managers to Public Works Manager - Licensed Engineer. As a result of the creation of the new Public Works Manager - Licensed Engineer classification, the salary range assigned to E18 in Exhibit 14 is being increased to maintain the current pay relationship between the Public Works Manager - Licensed Engineer and Deputy City Engineer.

The City provided notice to all bargaining units regarding the new classifications. The City has concluded its meet and confer obligation and the affected bargaining units concurred with the classes and reclassification of incumbents.

The City Attorney's Office has approved the new MOU and the Salary Resolution Amendment as to form.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this

item does not qualify as a “project” and is therefore exempt from the California Environmental Quality Act requirements.

LOCAL PREFERENCE

Local preference is not implicated because this item does not involve public contracting or bidding with the City of Fresno.

FISCAL IMPACT

Approval of the MOU and Salary Resolution Amendment for Unit 13 will result in an additional salary and benefit expenses of approximately \$707,946 to the General Fund and \$2,422,759 to All Funds in Fiscal Year 2019; and approximately \$981,310 to the General Fund and \$3,254,528 to All Funds in Fiscal Year 2020. The additional expenses have been included in the Fiscal Year 2019 budget.

The addition of the Deputy City Clerk and Senior Deputy Clerk classifications will result in increased salary and benefit expenses in Fiscal Year 2019 of approximately \$1,905 to the General Fund. The addition of the Public Works Manager - Licensed Engineer classification will result in increased salary and benefit expenses in Fiscal Year 2019 of approximately \$25,511 which do not impact the General Fund. The additional expenses do not require additional appropriations in either Department. The increase to the E18 salary range will not result in additional salary and benefit expenses.

Attachments:

City of Fresno - CFPEA MOU - Redline

City of Fresno - CFPEA - Final

Costing for CFPEA MOU

Resolution: Third Amendment to FY 2019 Salary Resolution No. 2018-159

Salary Tables: Third Amendment to FY 2019 Salary Resolution No. 2018-159 - Redline

Salary Tables: Third Amendment to FY 2019 Salary Resolution No. 2018-159 - Final