



Legislation Details (With Text)

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Title: Actions pertaining to the City of Fresno Professional Employees Association for Unit 13

1. ***Adopt a successor Memorandum of Understanding between the City of Fresno and City of Fresno Professional Employees Association, Inc. (CFPEA), Exempt Supervisory and Professional and Non-Exempt Professional, Unit 13 (Subject to Mayor's Veto)
2. ***RESOLUTION: Adopt the 5th Amendment to FY 2022 Salary Resolution No. 2021-176, amending Exhibit 13-1, Exempt Supervisory and Professional (CFPEA), and Exhibit 13-2, Non-Exempt Professional (CFPEA), to provide a salary increase for respective classes as required by the Memorandum of Understanding between the City of Fresno and City of Fresno Professional Employees Association, Inc. (CFPEA), (Subject to Mayor's veto)

Sponsors: Personnel Services Department

Indexes:

Code sections:

Attachments: 1. City and CFPEA MOU - Redline, 2. City and CFPEA MOU - Final, 3. Costing for Proposed MOU, 4. Resolution - Fifth Amendment to FY 2022 Salary Resolution No. 2021-176, 5. Salary Tables - Fifth Amendment to FY 2022 Salary Resolution 2021-176 - Redline, 6. Salary Tables - Fifth Amendment to FY 2022 Salary Resolution 2021-176 - Final

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 12/9/2021 | 1 | City Council | adopted | Pass |

REPORT TO THE CITY COUNCIL

FROM: TJ MILLER, Director
Personnel Services Department

SUBJECT

Actions pertaining to the City of Fresno Professional Employees Association for Unit 13

1. ***Adopt a successor Memorandum of Understanding between the City of Fresno and City of Fresno Professional Employees Association, Inc. (CFPEA), Exempt Supervisory and Professional and Non-Exempt Professional, Unit 13 (**Subject to Mayor's Veto**)
2. ***RESOLUTION: Adopt the 5th Amendment to FY 2022 Salary Resolution No. 2021-176, amending Exhibit 13-1, Exempt Supervisory and Professional (CFPEA), and Exhibit 13-2, Non-Exempt Professional (CFPEA), to provide a salary increase for respective classes as required by the Memorandum of Understanding between the City of Fresno and City of Fresno Professional Employees Association, Inc. (CFPEA), (**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, Exempt Supervisory and Professional and Non-Exempt Professional, represented by CFPEA; and (2) adopt the Fifth Amendment to the Fiscal Year 2022 Salary Resolution No. 2021-176 to amend Exhibit 13-1 and Exhibit 13-2.

EXECUTIVE SUMMARY

The City and CFPEA reached a tentative agreement on a successor MOU which will replace the MOU that expired on June 21, 2020. The MOU provides for an agreement from December 6, 2021 through December 31, 2023, increases to wages, and other changes in terms or conditions of employment.

BACKGROUND

The City and CFPEA started meeting in September 2020 to work towards reaching agreement on a successor MOU. The parties reached a tentative agreement on October 21, 2021. Members of the Unit ratified on November 15, 2021.

Major changes to the MOU are summarized below.

- **Term:** December 6, 2021 through December 31, 2023
- **Wages:**
 - 3% lump sum pensionable payment equivalent to 3% of actual base wages earned from June 22, 2020 through June 20, 2021. Please note that the City and CFPEA have agreed the lump-sum payment will be pensionable.
 - 3% wage increase, retroactively effective June 21, 2021.
 - 3% wage increase, effective June 20, 2022.
 - 3% wage increase, effective June 19, 2023.
- **Holiday, Health Reimbursement Arrangement (HRA), Supplemental Sick Leave, and Employee Incentive Time Off (EITO):**
 - Holiday: Addition of one Personal Business Day on January 1st of each year.
 - HRA: benefit expansion to include qualified medical expenses and an increase to the value factor from 40% to 80% of base hourly rate
 - One-time credit of 32 hours of Supplement Sick Leave for non-exempt employees on January 1, 2022.
 - EITO: Discontinue program effective January 17, 2022, following the expiration of the measurement period in effect at the time of Council approval of the successor MOU; employees may use or cash out remaining balances for one year; remaining balances after one year will be automatically cashed out.
- **Uniform Allowance:** Codify practice of providing a flat \$790 annual uniform allowance to employees in the classes of Fire Prevention Engineer and Supervising Fire Prevention Inspector.

- **Salary Spread Differential:** Agree to meet quarterly throughout the term of the MOU to discuss Salary Spread Differential Premium Pay.
- **Bilingual Premium Pay:** Increase by \$25 per month from \$75 to \$100.
- **Uniforms:**
 - Incorporate side letter for Supervising Crime Scene Technician uniform allowance.
 - Codify practice of providing a flat \$790 annual uniform allowance to employees in the classes of Fire Prevention Engineer and Supervising Fire Prevention Inspector.
- **Safety Shoes:** Add a voucher of up to \$200 and \$250 for the purchase of required safety shoes.
- **Annual Leave Accrual Tiers:** Eliminate the second tier of accrual rates based on hire date.
- **Supplemental Sick Leave:**
 - Employees may use Supplemental Sick once Sick and Annual Leave are exhausted consistent with other units.
 - Employees may use Supplemental Sick Leave prior to exhausting Annual Leave and/or Sick Leave if subject to federal, state, or local isolation or quarantine order.
- **Frozen Sick Leave:** Remove requirement that Annual Leave must be exhausted prior to use consistent with other units.
- **Emergency Services Communications Supervisor Holiday Leave Accruals:** Reinsert language inadvertently deleted regarding current Holiday Leave accruals
- **Leave Integration:** Codify process of integrating leave with State Disability Insurance (SDI)/ Paid Family Leave (PFL) and Long Term Disability (LTD).
- **Paralegal Certification:** Provide a reimbursement up to \$500 during a period of two fiscal years.
- **Executive Board Release Time:** Revise notice requirement from 7 days to 2 days, or as early as practical.
- **Supervising Crime Scene Technicians Court Appearances:** Incorporate side letter regarding court appearance standby duty.
- **Dues Deduction:** Incorporate side letter.

In addition to the above, there was language clean up throughout the MOU.

The City Attorney's Office has approved the new MOU and 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 will result in estimated additional salary and benefit expenses of \$435,472 to the General Fund and \$1,200,364 to All Funds in FY22, \$803,119 to the General Fund and \$2,182,352 to All Funds in FY23, and \$1,218,977 to the General Fund and \$3,320,212 to all Funds in FY24, for a total of \$2,457,568 to the General Fund and \$6,702,928 to All Funds for the term of the MOU, which expires 12/31/2023.

Attachments:

City of Fresno and CFPEA MOU - Redline

City of Fresno and CFPEA MOU - Final

Costing for Proposed MOU

Resolution - Fifth Amendment to FY 2022 Salary Resolution No. 2021-176

Salary Tables - Fifth Amendment to FY 2022 Salary Resolution No. 2021-176 - Redline

Salary Tables - Fifth Amendment to FY 2022 Salary Resolution No. 2021-176 - Final