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Title: ***Approve a Side Letter of Agreement with the City of Fresno Professional Employees Association (CFPEA) representing Unit 13-2 providing Court Standby Pay for Supervising Crime Scene Technicians (Subject to Mayor's Veto)

Sponsors: Personnel Services Department

Indexes:

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Attachments: 1. Side Letter of Agreement, CFPEA, Court Standby

Date	Ver.	Action By	Action	Result
4/11/2019	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

April 11, 2019

FROM: JEFF CARDELL, Director of Personnel Services
Personnel Services Department

BY: KEN PHILLIPS, Labor Relations Manager
Personnel Services Department

SUBJECT

***Approve a Side Letter of Agreement with the City of Fresno Professional Employees Association (CFPEA) representing Unit 13-2 providing Court Standby Pay for Supervising Crime Scene Technicians (**Subject to Mayor's Veto**)

RECOMMENDATION

It is recommended that Council approve the attached Side Letter of Agreement with the City of Fresno Professional Employees Association (CFPEA) representing Unit 13-2 - Non-Exempt Professional providing for court standby pay for Supervising Crime Scene Technicians.

EXECUTIVE SUMMARY

Supervising Crime Scene Technicians are required to stand by for court appearances in relation to

their duties. There is currently no method for compensating employees for the requirement to be ready for duty on scheduled days off or on regular work days outside of normal work hours other than to offer them an opportunity to work at the Court Liaison Office while on standby. The proposed Side Letter of Agreement would provide an opportunity for standby pay.

BACKGROUND

Supervising Crime Scene Technicians have been treated as non-exempt, hourly employees under the “first responder” exemption in the Fair Labor Standards Act (FLSA). They are regularly summoned to testify in court regarding crime scene investigations. When they are required to standby for possible summons to court on days off or outside of their work shift, there is currently no means to compensate them for the requirement to be available. Other classifications with similar responsibilities in Unit 4, represented by the Fresno Police Officers Association (FPOA), and Unit 3, represented by the Fresno City Employees Association (FCEA) have MOU provisions which provide for court standby pay.

The Police Department requested that the City work with the City of Fresno Professional Employees Association (CFPEA) provide for standby pay for Supervising Crime Scene Technicians. The City, in conjunction with CFPEA, prepared a Side Letter of Agreement which provides for standby pay on an employee’s day off, minimum pay for an actual appearance in court, or the ability to work at the Court Liaison Office if the court standby is on an employee’s regular work day during non-work hours. The proposed agreement mirrors language in the MOU between the City and FPOA.

The City has concluded its meet and confer obligation and the affected bargaining unit has concurred with the proposed Side Letter of Agreement.

The City Attorney’s Office has approved the Side Letters of Agreement as to form.

ENVIRONMENTAL FINDINGS

N/A

LOCAL PREFERENCE

N/A

FISCAL IMPACT

The estimated cost to the General Fund for the balance of FY 2019 for implementation of the Side Letter is \$1,591. The estimated annual cost to the General Fund is \$7,638. No additional appropriation is requested for these costs.

Attachment: Side Letter of Agreement - CFPEA