

CITY OF YUBA CITY
STAFF REPORT

Date: May 19, 2020

To: Honorable Mayor and Members of the City Council

From: Human Resources Department

Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: Fire Local 3793 Side Letter

Recommendation: Adopt a Resolution approving a Side Letter with Fire Local 3793, effective March 19, 2020, regarding sick leave and overtime calculation during the current local state of emergency.

Fiscal Impact: Estimated Average Overtime Cost Increase of \$400 per Pay Period

Purpose:

To approve the Fire Local 3793 Side Letter regarding sick leave and overtime calculation during the local state of emergency.

Background:

At the February 4, 2020 City Council meeting, City Council approved the Fire Local 3793 Memorandum of Understanding (MOU). Article 17, section 17.2 of this agreement addresses hours worked and the calculation of overtime (over 106 hours in a 14-day work period). As a result, time during which a Fire Local 3793 employee is excused from work due to approved vacation or sick leave shall not be considered as hours worked for the purposes of reaching the 106-hour overtime threshold.

Analysis:

In response to the current pandemic, the City would like to encourage sick employees to stay home to prevent the spread of COVID-19. To this end, the City and Fire Local 3793 have agreed to a temporary Side Letter effective March 19, 2020 to address sick leave and the overtime calculation during the local state of emergency.

The side letter will allow any Fire Local 3793 sick leave hours to be considered as hours worked for the purposes of calculating overtime under Article 17, section 17.2 of the current MOU. This side letter shall sunset automatically, and be of no further force or effect, on the business day following the City Council's formal approval of a declaration of the end of the local state of emergency.

All other provisions of the current Memorandum of Understanding between the City and Fire Local 3793 shall remain unchanged.

Fiscal Impact:

In reviewing payroll data from March 19, 2020 to current (pay period ending May 8, 2020), and calculating the corresponding overtime due to Fire Local 3793 employees utilizing sick leave during this time, staff estimates an average overtime cost increase of \$400 per pay period.

Alternatives:

Do not approve Fire Local 3793 Side Letter and provide staff direction.

Recommendation:

Adopt a Resolution approving a Side Letter with Fire Local 3793, effective March 19, 2020, regarding sick leave and overtime calculation during the current local state of emergency.

Attachments:

- A. Fire Local 3793 Side Letter Resolution
- B. Fire Local 3793 Side Letter

Prepared By:

/s/ Ciara Wakefield
Ciara Wakefield
Administrative Analyst II

Submitted By:

/s/ Diana Langley
Diana Langley
Interim City Manager

Reviewed By:

Human Resources

Finance

Special Counsel

NS

SM

SS by email

ATTACHMENT A

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE FIRE LOCAL 3793 SIDE LETTER
REGARDING SICK LEAVE AND OVERTIME CALCULATION
DURING THE CURRENT LOCAL STATE OF EMERGENCY**

WHEREAS, the City recognizes Fire Local 3793's commitment to the City and its citizens while providing outstanding and dedicated service to all; and

WHEREAS, the COVID-19 pandemic and the local state of emergency warrant temporary modification to the current Fire Local 3793 Memorandum of Understanding; and

WHEREAS, City staff and Fire Local 3793 have negotiated a Side Letter, effective March 19, 2020, for Fire Local 3793 members to address sick leave and overtime issues;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

1. Approve the attached Fire Local 3793 Side Letter
To temporarily allow all Fire Local 3793 members sick leave hours to be considered hours worked to calculate overtime under Article 17, section 17.2 of the current Memorandum of Understanding;

This Side Letter shall sunset automatically, and be of no further force or effect, on the business day following the City Council's formal end to the local state of emergency

2. The Director of Finance is hereby authorized to make the necessary budget adjustments to implement the provisions of this resolution.

The foregoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 19th day of May 2020.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk

Approved as to form:

Stacey Sheston
BB&K, Special Counsel

ATTACHMENT B

**SIDE LETTER TO THE
MEMORANDUM OF UNDERSTANDING**

Between

The City of Yuba City

And

The Yuba City Firefighters' Local 3793

July 1, 2019 through June 30, 2020

Effective March 19, 2020, the City and the YCFF, Local 3793 agree to temporarily allow all YCFF, Local 3793 members sick leave hours to be considered as hours worked to calculate overtime under Article 17, section 17.2 of the current Memorandum of Understanding, due to the COVID 19 pandemic and local state of emergency. This side letter shall sunset automatically, and be of no further force or effect, on the business day following the City Council's formal approval of a declaration of the end of the local state of emergency.

ARTICLE 17 OVERTIME

17.2 Overtime

Overtime refers to hours worked that exceed 106 hours in a designated 14-day work period. Overtime hours are paid at a premium rate of time and one-half the regular rate of pay as required by the FLSA.

Time during which an employee is excused from work due to approved vacation ~~or sick leave~~ shall not be considered as hours worked for the purposes of reaching the above mentioned 106-hour threshold. In other words, only sick leave hours and hours actually worked will count toward the overtime hours calculation. Hours worked in Department-approved shift trades have no bearing on the overtime calculation.

All overtime must be authorized in advance by the Fire Chief or his designee.

If there are any inconsistencies between the provisions of this MOU relating to overtime and any other City policy or personnel rule, the provisions of this MOU shall govern.

2. Remainder of Contract Not Affected.

All other provisions of the current Memorandum of Understanding between the City and the Yuba City Firefighters' Local 3793 shall remain unchanged.

Date: _____

Date: APRIL 27, 2020

CITY OF YUBA CITY

Diana Langley, Interim City Manager

Natalie Springer, Director of Human Resources

LOCAL 3793

John Coburn

Brett Geyer

Dustin Nelson

Martin Zavala