

CITY OF YUBA CITY
STAFF REPORT

Date: September 6, 2022
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Ben Moody, Public Works & Development Services Director

Summary

Subject: Electrical Stand-by Bargaining Unit Side Letters

Recommendation: A. Adopt a Resolution approving Side Letters with the First Level Managers and Public Employees' Union, Local 1/AFSCME 57 bargaining units which establish the terms and requirements for the Electrical Division employees to serve and be paid for Electrical stand-by shifts

B. Authorize the Finance Director to make budget adjustments as necessary

Fiscal Impact: Estimated \$1,500 – variable depending upon on-call and coverage needs

Purpose:

To provide the necessary staffing for 24-hour response to the City's electrical infrastructure needs for the safety and welfare of its residents and businesses.

Council's Strategic Goal:

This item addresses the City Council's Strategic Goal of Infrastructure by ensuring that City staff can effectively and efficiently respond to electrical needs and emergencies within the City's utilities, facilities, and streets infrastructure outside of business hours.

Background:

The Public Works Department has three types of stand-by shifts – General, Electrical, and Water Distribution – which are each staffed by an employee on a weekly rotation to cover emergencies and service calls during all non-business hours, weekends, and holidays. Historically, the Electrical stand-by shift has only been staffed by the Electrical Technician I/II/III Local 1 classification by verbal agreement in accordance with the provisions of the General stand-by assignment. The Department currently has two (2) budgeted Electrical Technicians, which is a very limited eligibility pool to allow for regular relief from stand-by duty or emergency coverage.

Analysis:

Council approved the creation of an Electrical/Instrumentation First Level Supervisor classification in Fiscal Year 21/22 in order to better support the City's Electrical/Instrumentation Division. This job

classification meets the City's requirements to provide Electrical stand-by coverage. Public Works is requesting that language be added to the First Level Managers bargaining unit (FLM) Memorandum of Understanding to allow for the Electrical/Instrumentation Supervisor to fill Electrical stand-by shifts, and receive compensation for doing so, bringing the eligible pool of Electrical stand-by workers up to three (3) budgeted positions.

The current FLM Memorandum of Understanding Sections 14.2-14.6 provides provisions for the Water Distribution Supervisor to fill stand-by shifts on an as-needed basis to augment the limited eligibility pool of certified Water Distribution Operators. The attached Side Letter, which has been signed by the representatives from the FLM bargaining unit, has altered the language of 14.2-14.6 to expand these same provisions for the Electrical/Instrumentation Supervisor classification (Exhibit 1A). Staff has also discussed this proposed change with Local 1 and confirmed in writing that they have no concern or objection to the supervisor covering Electrical stand-by duties.

As the Electrical stand-by has historically operated under the General stand-by description, Public Works and Local 1 are also requesting that similar language be added to the Local 1 Memorandum of Understanding Article 15 Section 1 in order to memorialize the long-standing Electrical stand-by assignment at this time.

Fiscal Impact:

The Electrical/Instrumentation Supervisor position is funded from the Water, Wastewater, and General (Electrical) funds, matching the two full-time Electrical Technicians. The stand-by rate, \$2.45 per hour, is the same for both FLM and Local 1 employees, so costs will not differ for the base stand-by staffing by adding the First Level Supervisor; however, there will be some overtime cost increases due to the higher supervisory hourly rate for any emergency callbacks. The supervisor position will only be included in the stand-by rotation as needed, but Local 1 employees will be the primary stand-by staffing.

Consistent and professional Electrical stand-by response by City employees eliminates or reduces the need for independent electrical contractors, which are often more expensive and provide less reliable coverage.

Alternatives:

1. Do not approve the FLM Side Letter, which will require all Electrical stand-by shifts to be covered only by Local 1 Electrical Technicians and could necessitate a reduction in coverage.
2. Direct staff to amend the Side Letter language.
3. Provide alternative direction to staff.

Recommendation:

A. Adopt a Resolution approving Side Letters with the First Level Managers and Public Employees' Union, Local 1/AFSCME 57 bargaining units which establish the terms and requirements for the Electrical Division employees to serve and be paid for Electrical stand-by shifts.

B. Authorize the Finance Director to make budget adjustments as necessary.

Attachments:

1. Resolution - Electrical Stand-by

2. FLM Side Letter - Electrical Stand-by
3. Local 1 Side Letter - Electrical Stand-by

Prepared By:
Scarlett O. Harris
Administrative Analyst II

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. 22-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY APPROVING BARGAINING UNIT SIDE LETTERS FOR ELECTRICAL STAND-BY PROVISIONS WITH PUBLIC EMPLOYEES' UNION, LOCAL 1/AFSCME 57 AND THE FIRST LEVEL MANAGERS

WHEREAS, City staff and the First Level Managers bargaining unit (FLM) have negotiated a Side Letter to amend Sections 14.2 through 14.6 of the current Memorandum of Understanding (MOU) to establish provisions for the Electrical/Instrumentation First Level Supervisor to fill and be paid for Electrical stand-by shifts in order to respond to electrical emergencies during non-business hours; and

WHEREAS, all other provisions of the current MOU between the City and FLM, with a current term of July 1, 2022 through June 30, 2025, shall remain unchanged; and

WHEREAS, City staff and Public Employees' Union, Local 1/AFSCME 57 (Local 1) have negotiated a Side Letter to amend Article 15 (Callback and Stand-by Time) Section 1 of the current MOU to memorialize the provisions for Local 1 Electrical Division employees to fill and be paid for Electrical stand-by shifts, and acknowledging the City's right to fill Electrical Standby periods with the Electrical/Instrumentation Supervisor when necessary; and

WHEREAS, all other provisions of the current MOU between the City and Local 1, with a current term of July 1, 2020 and June 30, 2023, shall remain unchanged.

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

1. The attached Side Letter with the First Level Managers bargaining unit is hereby approved with an effective date of September 10, 2022, establishing the terms and requirements for the Electrical/Instrumentation First Level Supervisor to serve and be paid for Electrical stand-by shifts.
 - a. Sections 14.2 through 14.6 of the current Memorandum of Understanding shall be replaced with the language on the attached Side Letter as indicated in Exhibit 1A.
2. The attached Side Letter with Public Employees' Union, Local 1/AFSCME 57 is hereby approved with an effective date of September 10, 2022, establishing the terms and requirements for Local 1 Electrical Division employees to serve and be paid for Electrical stand-by shifts.
 - a. Article 15 (Callback and Stand-by Time) Section 1 of the current Memorandum of Understanding shall be replaced with the language on the attached Side Letter as indicated in Exhibit 1B.
3. 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 6th day of September 2022.

AYES:

NOES:

ABSENT:

ATTEST:

Dave Shaw, Mayor

Ciara Wakefield, Deputy City Clerk

Approved as to form:

Stacey Sheston
BB&K, Special Counsel

Exhibit 1A: FLM Side Letter
Exhibit 1B: Local 1 Side Letter

EXHIBIT 1A

The City of Yuba City and the First Level Managers
Side Letter of Agreement to the
July 1, 2022 – June 30, 2025 Memorandum of Understanding

The City of Yuba City ("City") and the First Level Managers bargaining unit ("FLM") have met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act regarding this Side Letter amending their Memorandum of Understanding ("MOU"), with a current term of July 1, 2022 through June 30, 2025, as set forth below.

The purpose of this Side Letter is to add provisions for "Electrical Stand-by" to the current MOU, whereby the Electrical/Instrumentation Supervisor may be assigned to stand-by shifts for after-hours electrical emergencies, calls, and services and will be eligible to receive stand-by pay for these shifts. The language below shall replace Sections 14.2-14.6 as indicated.

Memorandum of Understanding:

14.2 Callback and Stand-by Time

This section addresses the Public Works First Level Supervisors assigned to supervise the Water Distribution Division and Electrical/Instrumentation Division staff on stand-by for after hours and weekends/holidays for a seven-day period.

- A. There are three (3) types of stand-by shifts: General, Electrical, and Water Distribution. The General stand-by employee is responsible for any after-hours calls except for Water Distribution and Electrical specialty calls. The Water Distribution First Level Supervisor stand-by employee is the designated Chief Operator for the water distribution system and must respond to water distribution calls while on stand-by duty. The Electrical/Instrumentation First Level Supervisor stand-by employee shall be responsible for the City's electrical infrastructure, including, but not limited to, traffic signals, streetlights, City facilities, the Water Treatment Plant, and the Wastewater Treatment Facility, and must respond to electrical calls while on stand-by duty.
- B. Stand-by pay shall be \$2.45 per hour for all hours occurring between the end of the shift and the beginning of the next regular shift. A rotation stand-by list will be created and posted in January of each year. Only the First Level Supervisors assigned to Water Distribution and Electrical/Instrumentation will be eligible for stand-by pay on an "as-needed basis." An "as-needed basis" is dependent upon the number of qualified employees in the stand-by rotation; for Water Distribution, qualified staff is designated as Water Distribution Operators possessing a D-3 or D-4 certification. The applicable First Level Supervisor may work on stand-by unless a sufficient number of qualified line staff exist to fill the relevant stand-by shifts.
- C. The Water Distribution and Electrical/Instrumentation First Level Supervisors are allowed to trade stand-by weeks or individual days within stand-by weeks to stand-by-eligible employees with written notice to their supervisor for approval at least two (2) days in advance of their scheduled stand-by week.
- D. The Water Distribution and Electrical/Instrumentation First Level Supervisors are provided designated take-home vehicles for the purpose of responding to call-outs. Take-home vehicles will not be driven for any purpose other than driving to and from service calls and traveling to and from work. Employees required to use their personal

vehicle while on stand-by shall receive the current IRS mileage rate for personal vehicle mileage while responding to callouts. Personal vehicle usage must have pre-approval of insurance coverage in accordance with the City's policy.

- E. When the Water Distribution or Electrical/Instrumentation First Level Supervisor is called back to work, they shall receive a minimum of two (2) hours at time-and-one-half the employee's regular rate of pay. Multiple callouts within the two (2) hour minimum period are not separately compensable. If continuous work hours exceed the two (2) hour minimum, the actual time worked is paid at time-and-one-half the employee's regular pay. The stand-by pay is from portal-to-portal or when a call is received from Dispatch until the employee has returned to their residence.

14.3 Personnel Eligibility for Stand-by

- A. The First Level Supervisor must have a minimum of a Class A California driver's license.
- B. The First Level Supervisor for Water Distribution stand-by shall have a valid California Water Distribution D-4 or higher certification.
- C. The First Level Supervisor must be within 45 minutes response time using an internet mapping site while on stand-by.
- D. The First Level Supervisor must remain physically able to respond within 45 minutes of the incident and refrain from the use of alcohol, medications, or substances that may interfere with their ability to effectively respond to any call for service while on stand-by.

14.4 Assignment Period

A typical stand-by period shall be one (1) week beginning on Thursday at the conclusion of the workday and continuing to the following Thursday at the conclusion of the workday.

14.5 Assignment Limits

The First Level Supervisor will be limited to two (2) weeks stand-by at a time in a row; however, the First Level Supervisor may be required to work more than two (2) weeks in a row in the event of extenuating circumstances. Should the First Level Supervisor cover both their specialty stand-by and any other stand-by simultaneously, they will not collect any additional pay.

14.6 Coverage for First Level Supervisor

- A. The First Level Supervisor is responsible for finding qualified substitutes when necessary due to illness or family emergency. When a substitute is found, the stand-by employee must notify a supervisor and Police Dispatch.
- B. Stand-by is typically filled on a voluntary basis. In the event that no employee volunteers to cover stand-by for the First Level Supervisor, the Department Head or designee will choose from the qualified personnel listing. The stand-by line staff employee substituting for the First Level Supervisor must meet the applicable

qualifications for stand-by in the current Public Employees' Union, Local 1/AFSCME 57 Memorandum of Understanding.

All other provisions of the MOU between the City and FLM shall remain unchanged.

Date: _____

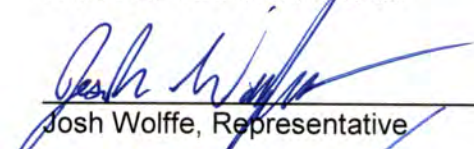
CITY OF YUBA CITY

Diana Langlely, City Manager

Benjamin K. Moody, PW & DS Director

Date: _____


FIRST LEVEL MANAGERS



Josh Wolffe, Representative



Katrina Woods, Representative



Nathan McCready, Representative

EXHIBIT 1B

The City of Yuba City and Public Employees' Union, Local 1/AFSCME 57
Side Letter of Agreement to the
July 1, 2020 – June 30, 2023 Memorandum of Understanding

The City of Yuba City ("City") and Public Employees' Union, Local 1/AFSCME 57 ("Union") have met and conferred in good faith pursuant to the requirements of the Meyers-Milias-Brown Act regarding this Side Letter amending their Memorandum of Understanding ("MOU"), with a current term of July 1, 2020 through June 30, 2023, as set forth below.

The purpose of this Side Letter is to add provisions for "Electrical Stand-by" to the current MOU, whereby Electrical Technicians may be assigned to stand-by shifts for after-hours electrical emergencies, calls, and services and will be eligible to receive stand-by pay for these shifts. The language below shall replace Article 15 (Callback and Stand-by Time) Section 1.

Memorandum of Understanding:

Article 15 – Callback and Stand-by Time

1. Public Works Employees Callback and Stand-by Time:

This section addresses the Public Works employees on stand-by for after hours and weekends/holidays for a seven-day period.

a. Stand-by Assignment:

1. There are three (3) types of stand-by shifts: General, Electrical, and Water Distribution. The General stand-by employee is responsible for any after-hours calls except for Water Distribution and Electrical specialty calls. The Water Distribution stand-by employee is the designated shift operator for the water distribution system and must respond to water distribution calls while on stand-by duty. The Electrical stand-by employee shall be responsible for the City's electrical infrastructure, including, but not limited to, traffic signals, streetlights, City facilities, the Water Treatment Plant, and the Wastewater Treatment Facility, and must respond to electrical calls while on stand-by duty. The Water Distribution and/or Electrical stand-by employee may be utilized for general calls for service if one or two additional employees are required by the General stand-by person. If further staffing is needed beyond the three stand-by personnel, then any available employees will be asked to respond.
2. Stand-by pay shall be \$2.45 per hour for all hours occurring between the end of the shift and the beginning of the next regular shift. A rotation stand-by list will be created and posted in January of each year. Employees are allowed to trade stand-by weeks or individual days within stand-by weeks to stand-by-eligible employees with written notice to their supervisor for approval at least two (2) days in advance of their scheduled stand-by week.
3. Stand-by employees are provided designated take-home vehicles for the purpose of responding to call-outs. Take-home vehicles will not be driven for any purpose other than driving to and from service calls and traveling to and from work. Employees required to use their personal vehicle while on stand-

by shall receive the current IRS mileage rate for personal vehicle mileage while responding to callouts. Personal vehicle usage must have pre-approval of insurance coverage in accordance with the City's policy.

4. Stand-by employees called back to work shall receive a minimum of two (2) hours at time-and-one-half the employee's regular rate of pay. Multiple callouts within the two (2) hour minimum period are not separately compensable. If continuous work hours exceed the two (2) hour minimum, the actual time worked is paid at time-and-one-half the employee's regular pay. The stand-by pay is from portal-to-portal or when a call is received from Dispatch until the employee has returned to their residence.

b. Personnel Eligibility for General Stand-by:

1. Personnel shall have a minimum of one (1) year experience as a City of Yuba City Public Works Maintenance Worker I and have successfully completed their initial probationary period.
2. Personnel must have a minimum of a Class B California driver's license.
3. Personnel must be within 45 minutes response time using an internet mapping site.
4. Personnel while on stand-by must remain physically able to respond within 45 minutes to the incident and refrain from the use of alcohol, medications, or substances that may interfere with their ability to effectively respond to any call for service while on stand-by.

c. Personnel Eligibility for Electrical Stand-by:

1. Personnel shall have a minimum of one (1) year experience as a City of Yuba City Electrical Technician and have successfully completed their initial probationary period.
2. Personnel must have a minimum of a Class C California driver's license.
3. Personnel must be within 45 minutes response time using an internet mapping site.
4. Personnel while on stand-by must remain physically able to respond within 45 minutes to the incident and refrain from the use of alcohol, medications, or substances that may interfere with their ability to effectively respond to any call for service while on stand-by

d. Personnel Eligibility for Water Distribution Stand-by:

1. Personnel must have a valid California Water Distribution D-3 or higher certification and have successfully completed their initial probationary period.
2. Personnel must have a minimum of a Class B California driver's license.

3. Personnel must be within 45 minutes response time using an internet mapping site.
4. Personnel while on stand-by must remain physically able to respond within 45 minutes to the incident and refrain from the use of alcohol, medications, or substances that may interfere with their ability to effectively respond to any call for service while on stand-by.

e. Assignment Period:

A typical stand-by period shall be one (1) week beginning on Thursday at the conclusion of the workday and continuing to the following Thursday at the conclusion of the workday.

f. Assignment Limits:

Employees will be limited to two (2) weeks stand-by at a time in a row. Employees may only participate in only one of the three stand-by categories, General, Electrical, or Water Distribution. Should the employee cover both their specialty stand-by and any other stand-by simultaneously, they will not collect any additional pay.

g. Stand-by Coverage:

1. The stand-by employee is responsible for finding a qualified substitute when necessary due to illness or a family emergency. When a substitute is found, the stand-by employee must notify a supervisor and Police Dispatch.
2. Stand-by is typically filled on a voluntary basis. In the event that no qualified employee volunteers to cover stand-by, the Department Head or designee will choose from the qualified personnel listing. First will be qualified personnel that have not worked stand-by in the previous six (6) months, starting with the least senior staff to the most senior staff. Remaining slots will then be filled by seniority, starting with the least senior qualified staff until all the slots are filled. In the event no qualified personnel for Electrical Stand-by volunteer or are available to cover a standby period, the Department Head will fill the Electrical stand-by period with the Electrical/Instrumentation Supervisor.

All other provisions of the MOU between the City and Union shall remain unchanged.

Date: _____

Date: 8-31-22


CITY OF YUBA CITY

UNION, LOCAL 1

Diana Langley, City Manager

Ron Slaven, Local 1 Consultant

Benjamin K. Moody, PW & DS Director



Dave Calonder, President