



Folsom City Council Staff Report

MEETING DATE:	4/14/2020
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10413 – A Resolution Authorizing Adoption of an Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Middle Management Group
FROM:	City Manager's Office and Human Resources Department

RECOMMENDATION / CITY COUNCIL ACTION

The Human Resources Director recommends that the City Council pass and adopt Resolution No. 10413 - A Resolution authorizing Adoption of an Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Middle Management Group for the period from January 1, 2020 thru December 31, 2022.

BACKGROUND / ISSUE

FMMG represents 45 employees in the Miscellaneous category that includes Managers, Supervisors, and Professionals. It represents employees whose base salaries total over \$4.6 million.

The existing Memorandum of Understanding between the City of Folsom and the FMMG does not address issues that are due to recent federal legislation and the COVID-19 pandemic. The parties discussed approaches to these issues and FMMG signed an Addendum on March 31, 2020.

The Addendum to the Memorandum of Understanding (MOU) is being presented to the City Council on April 14, 2020 for consideration and approval.

POLICY / RULE

Government Code Title 1, Division 4, Chapter 10 commonly known as the Meyers-Milias-Brown Act requires that representatives of the Governing Body of a public agency shall meet

and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Both parties shall endeavor to reach a tentative agreement within the scope of representation, and, if a tentative agreement is reached and ratified by the respective parties, they shall prepare a written memorandum of understanding.

ANALYSIS / FINANCIAL IMPACT

The Addendum grants employees in the FMMG bargaining unit an Emergency Leave Benefit (ELB) of 512 hours. This ELB for absences due to the inability to work or telework because of COVID-19 related conditions or other reasons as specified in the federal Emergency Paid Sick Leave Act and the federal Public Health Emergency Leave Act.

ELB shall be paid based on 100% of the employee's regular pay.

The ELB can be used before an employee utilizes any other paid leave benefit provided by the City.

ELB's shall not carry over beyond December 31, 2020 to the next year, there is no cash-out value, there is no use at the time of separation of employment, and it cannot be donated to catastrophic leave or transferred to another employee for any reason.

The Addendum shall be effective April 1, 2020 and shall expire on December 31, 2020.

The ELB will not have a fiscal impact on the 2019-2020 budget as it can be expected that all members of the bargaining unit would have been in paid status for the year. It will allow the employees to carry over their regular accrued leave time to next fiscal year and may have an impact then.

ATTACHMENTS

1. Resolution No. 10413 – A Resolution Authorizing Adoption of an Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Middle Management Group.
2. Proposed Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Middle Management Group for the term of January 1, 2020 thru December 31, 2022.

Submitted,

James Francis,
Asst. City Manager/ Director of Human Resources

ATTACHMENT 1

**RESOLUTION NO. 10413 – A RESOLUTION AUTHORIZING ADOPTION OF AN
ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF FOLSOM AND THE FOLSOM MIDDLE MANAGEMENT GROUP**

RESOLUTION NO. 10413

A RESOLUTION AUTHORIZING ADOPTION OF AN ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FOLSOM AND THE FOLSOM MIDDLE MANAGEMENT GROUP

WHEREAS, the City of Folsom and the Folsom Middle Management Group have reached an agreement to amend the existing Memorandum of Understanding regarding certain terms and conditions of employment:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that the Addendum to the Memorandum of Understanding (MOU) between the Folsom Middle Management Group for the term of January 1, 2020 to December 31, 2022 is hereby approved, and

BE IT FURTHER RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute said Addendum to the Memorandum of Understanding on behalf of the City of Folsom.

PASSED AND ADOPTED this 14th day of April 2020 by the following roll-call vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

**Proposed Addendum to the Memorandum of Understanding
between the City of Folsom and the Folsom Middle Management
Group for the term of January 1, 2020 thru December 31, 2022.**

COVID-19 Pandemic Addendum To

2019-2022

Memorandum of Understanding (MOU)

Between

City of Folsom and Folsom Middle Management Group (FMMG)

The Parties hereby agree to the following:

It is the intent of this Addendum to satisfy the benefit requirements of the federal Public Health Emergency Leave Act (the Act) and the federal Emergency Paid Sick Leave Act (EPSLA).

Effective April 1, 2020, the City shall provide employees in the Folsom Middle Management Group (Article I, Section 1 of the MOU) with up to 512 hours of paid time off (Emergency Leave Benefit, or ELB) for absences due to the inability to work or telework because of COVID-19 related conditions or other reasons as specified in the EPSLA and the Act.

This temporary emergency leave benefit is being provided to (1) help ease the economic stress caused by the COVID-19 pandemic, (2) meet the requirements of EP5LA and (3) meet the requirements of the Act.

The following terms shall apply:

- A. Eligible employees shall mean all employees in the Folsom Middle Management Group as of March 31, 2020 or hired in the period of April 1, 2020 thru December 31, 2020, except for employees who are “emergency responders” as defined by the federal Department of Labor (DOL) who are exempt from the Public Health Emergency Leave Act (the ACT). Those “emergency responders” shall, however, be eligible for the Emergency Leave Benefit, except as it applies or refers to the Act.
- B. Five Hundred and Twelve (512) hours of temporary ELB (the hours to be prorated per permanent part-time positions) shall be granted to each employee, not 80 as provided by the EPSLA and 400 as provided by the Act.
- C. ELB shall be paid based on 100% of the employee’s regular pay (like compensation paid to employees when using annual leave), not on the lower amounts and caps as specified by the EPSLA and the Act.

- D. Employees shall be entitled to utilize ELB for absences due to the inability to work or telework because of COVID-19 related conditions or other reasons as specified in the EPSLA and the Act, before they can be required to utilize any other paid leave benefit provided by the City.
- E. Employees shall be available during their normal and customary work schedule to perform work assignments as determined by their department director.
- F. Employees who wish to be on vacation or are sick or injured for non-COVID-19 reasons shall use their annual or sick leave rather than ELB.
- G. ELB shall run concurrently with FMLA Public Health Emergency Leave. An employee may choose to use ELB during the first 10 days of FMLA Public Health Emergency Leave which is, by law, unpaid.
- H. Employees may use ELB from April 1, 2020 thru December 31, 2020 for absences due to the inability to work or telework because of COVID-19 related conditions or other reasons specified in the EPSLA and the Act.
- I. Unused ELB shall not carry over beyond December 31, 2020 to the next year.
- J. There is no cash-out value to any ELB time.
- K. There is no use of any unused ELB at the time of separation of employment or beyond December 31, 2020.
- L. ELB cannot be donated to catastrophic leave or transferred to another employee for any reason.
- M. Use of ELB will count towards use of FMLA leave but any FMLA leave prior to April 1, 2020 will not reduce the amount of ELB.

The City retains the right to determine “essential services and duties”, to make work assignments, to determine if an employee can work at home or must come in to the job location, to telework, to schedule working hours, and whether or not employees are working full-time or part-time. While the City may meet and discuss such actions with FMMG, this Addendum shall not be subject to Article X, Grievance Procedure, of this MOU or any other appeal process.

This Addendum shall be effective April 1, 2020 and shall expire on December 31, 2020.

City of Folsom:

For FMMG:

Elaine Andersen
City Manager

Daniel Wolfe
FMMG President

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