



Folsom City Council Staff Report

MEETING DATE:	7/28/2020
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10503 – A Resolution Authorizing Adoption of an Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers Association (FPOA)
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. 10503 - A Resolution Authorizing Adoption of an Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers Association.

BACKGROUND / ISSUE

FPOA represents 98 employees in the Safety and Miscellaneous category that includes Police Officers, Corporals, Sergeants, Dispatchers, Records Clerks and others. It represents employees whose base salaries total over \$7.8 million.

The existing Memorandum of Understanding between the City of Folsom and the FPOA does not address issues that are due to recent federal legislation and the COVID-19 pandemic. The parties discussed approaches to these issues and a tentative agreement was made on July 16, 2020.

The Addendum to the Memorandum of Understanding (MOU) is being presented to the City Council on July 28, 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 FPOA bargaining unit a Childcare Leave Program (CLP) of up to 480 hours. This program is for the sole purpose of caring for their children (under age 14) because of their school being closed for COVID-19 reasons or their childcare provider is unavailable due to COVID-19 reasons.

Employees shall remain exempt from all provisions of the Family First Coronavirus Response Act.

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

The CLP leave can be used before an employee utilizes any other paid leave benefit provided by the City, requires proof of need and search for childcare services.

CLP leave shall not have any 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.

It is recognized that not all eligible employees can take childcare leave at the same time and that the City has the right to approve such requests. Leaves are also limited to no more than 15% of a shift.

The CLP will have a fiscal impact on the 2020-2021 budget as it can be expected that some employees on CLP leave will be replaced and that will be done using overtime. Cost will be determined based on how many employees need to be replaced and for how long. It will allow the employees to carry over their regular accrued leave time to some future period and may have an impact at that time.

The Addendum shall sunset upon the termination of the State of Emergency regarding the coronavirus.

ATTACHMENTS

1. Resolution No. 10503 – A Resolution Authorizing Adoption of an Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers Association (FPOA).
2. Proposed Addendum to the Memorandum of Understanding between the City of Folsom and the Folsom Police Officers Association.

Submitted,

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

ATTACHMENT 1

**RESOLUTION NO. 10503 – A RESOLUTION AUTHORIZING ADOPTION OF AN
ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF FOLSOM AND THE FOLSOM POLICE OFFICERS ASSOCIATION
(FPOA)**

RESOLUTION NO. 10503

A RESOLUTION AUTHORIZING ADOPTION OF AN ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FOLSOM AND THE FOLSOM POLICE OFFICERS ASSOCIATION (FPOA)

WHEREAS, the City of Folsom and the Folsom Police Officers Association 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 Police Officers Association 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 28th day of July 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 Police Officers
Association**

Attachment 2

**AMENDMENT
TO
MEMORANDUM OF UNDERSTANDING
BEWEEN
CITY OF FOLSOM
AND
FOLSOM POLICE OFFICERS ASSOCIATION
COVERING ALL EMPLOYEES IN THE
POLICE BARGAINING UNIT**

This Amendment amends the March 1, 2019 through December 31, 2021 Memorandum of Understanding (MOU) between the City of Folsom and the Folsom Police Officers Association.

Childcare Leave Program

A. Program

Subject to the eligibility requirements set forth in Section B below:

1. Employees will be granted up to 480 hours of Childcare Leave for the sole purpose of caring for their children because of their school being closed for COVID-19 reasons or their childcare provider is unavailable due to COVID-19 reasons.
2. If an employee uses up their 480 hours of Childcare Leave, they may use their annual leave and their sick leave to extend their leave under this program.
3. At the employee's discretion, if an employee uses all their annual leave and sick leave, they may be advanced up to one calendar years' worth of their annual leave accrual. Such advance shall be paid back on a schedule that reduces future accruals by 50% until paid in full.

B. Eligibility

1. Employees must be current (as of July 1, 2020) members of the Folsom Police Bargaining Unit.
2. Employees shall not be covered under the City's Emergency Leave Program.
3. Employees shall remain exempt from all provisions of the Family First Coronavirus Response Act (FFCRA).
4. The employee must not be in a training status at the time of using the Childcare Leave. Employees on probation may be subject to having their probation extended.
5. Employee must be the parent, or legal guardian, of the child being cared for.
6. Children being cared for must be less than 14 years of age or less than 18 years of age if they have a documented special need.
7. The Childcare Leave program is intended to be the alternative of last choice, not the first choice for childcare. Therefore, the employee must be the last option for providing the necessary care and must provide documentation prior to approval and periodically of school

closures, unavailability of normal providers, efforts to secure childcare services, and notices of placement on a childcare waiting list.

C. Administration

1. When an employee is on Childcare Leave, they will be paid 100% of their regular pay as calculated when using annual leave.
2. Time may be taken intermittently.
3. Leave must be approved, in advance if practical by the Police Chief or designee, and by the HR Director or designee.
4. No more than 15% of a shift (by program area or division) or a minimum of one per shift shall be granted leave for this purpose at any time. Exceptions to this may be granted by the Police Chief.
5. It is recognized that not all eligible employees can take childcare leave at the same time and that it is the City's absolute right to decide on whether to approve childcare leave requests. In doing so, the City may consider, but not limited to, the following: seniority, special work skills and abilities, program coverage, status of other family members/parent employed with the City, emergency needs of the City, budgetary considerations, any special needs of the children being cared for, and the status of other family members in the home.
6. Any approved retroactive replacement of annual leave used for childcare since March 4 shall count towards the 480 hours of paid leave time, at the employee's discretion.
7. Employee will continue to accrue annual leave while using Childcare Leave.
8. Childcare Leave time cannot be carried over beyond the sunset date, has no cash value and cannot be cashed out at any time, and cannot be donated to another employee.
9. An employee on Childcare Leave may be called in to work, at the discretion of the Police Chief, at any time and, therefore, must have an emergency plan for childcare that will to enable them to be at work within an hour.
10. All provisions for filing grievances shall be waived for any decision made or action taken by the City for the purpose of administering this program. Article XI of the 2019-2022 Memorandum of Understanding between the FPOA and the City of Folsom shall not be applicable to this Amendment.
11. This Amendment shall sunset upon the termination of the State's COVID-19 State of Emergency, the Order of the Sacramento County Health Officer, and the Order of the Folsom City Manager, whichever comes first.

City of Folsom

Folsom Police Officers Association

Date: _____

Date: _____