



STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: John Jansons, City Manager

SUBJECT: Resolution Approving Successor Memorandum of Understanding with Kerman Peace Officers Association (JAJ)

RECOMMENDATION: Council by motion adopt resolution approving successor Memorandum of Understanding with Kerman Peace Officers Association effective July 1, 2024, through June 30, 2027.

EXECUTIVE SUMMARY:

The existing consolidated Memorandum of Understanding expired on June 30, 2024. In anticipation of that, the City of Kerman and the Kerman Peace Officers Association began the bargaining process for a new successor agreement. The bargaining process achieved tentative agreement on August 30, 2024. Formal approval is now required of a successor Memorandum of Understanding (MOU) to complete the bargaining and negotiations process to implement and effectuate the contract changes to salary and benefits of KPOA members.

DISCUSSION:

Pursuant to California Government Code, Section 3500 et seq., the City of Kerman (City) and the Kerman Peace Officers Association (KPOA) have met and conferred in good faith regarding employment terms and conditions of the employees in the KPOA.

The legal relationship between the City, and its employees is governed to the extent required by law by Chapter 10 of Division 4, Title 1 of the State of California Government Code Section 3500 et. seq. (Meyers-Milias-Brown Act), the Personnel Rules and Regulations (“Employee Handbook”) of the City of Kerman as updated May 8, 2024, and the Fair Labor Standards Act, (FLSA) Title 29 United States Code, Chapter 8.

City and KPOA reached agreement as set forth in the successor Memorandum of Understanding (MOU) via the collective bargaining process resulting in tentative agreement (TA) on August 30, 2024.

Pursuant to that TA, a successor Memorandum of Understanding (MOU) now requires approval to complete the negotiations process and implement and effectuate the contract changes to salary and benefits of KPOA members. The revised terms are detailed in the successor MOU attached as **Exhibit “A”** to the resolution (**Attachment ‘A’**).

In summary, the new terms of the MOU include the following:

- Three-Year (3) term commencing July 1, 2024 through June 30, 2027,
- Four Percent (4%) Cost of living increase to base salaries each year of the Agreement,
- The City will provide a One-Time Payment of Five Hundred Dollars (\$500) as soon as possible after the first full pay period following City Council approval of the new MOU and Five Hundred Dollars (\$500) on July 1, 2025 and July 1, 2026 to KPOA members who are employed at such time.
- Additional One Dollar (\$1.00) per hour in shift differential pay for 1800 hours to 0600 hours shifts (including any overtime)
- Added \$25.00 for a Master's Degree under Educational Incentive Pay
- Vacation Cash-out of hours over "Cap" twice yearly at employee's choosing each fiscal year while retaining at least eighty (80) hour balance
- Holiday Pay to be paid as earned in each payroll issuance to conform to CALPERS regulations
- One reopener to discuss use of compensatory time off during a pay period to count as "hours worked" for purposes of computing overtime entitlement during that pay period.

Employees in KPOA shall be governed by all existing agreements of the City of Kerman except as may be modified by or voided by the successor MOU including those agreements as adopted by the Kerman City Council as the condition of employment or appointment of office. If the Personnel Rules and Regulations conflict with the successor MOU, the successor MOU shall prevail.

Approval of the resolution by City Council will allow staff to implement and effectuate the changes as set forth in the successor MOU.

FISCAL IMPACT

The cost of implementing terms of a new successor MOU for FY 2024-2025 were anticipated in, and largely accounted for in the City's current General Fund and operating budgets. Future year KPOA personnel costs for FY 25-26 and FY 26-27 will be addressed during the preparation of those subsequent annual budgets.

ATTACHMENTS:

- A. Resolution w/Exhibit

Attachment 'A'

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING AND AUTHORIZING CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH KERMAN POLICE OFFICERS ASSOCIATION EFFECTIVE JULY 1, 2024 THROUGH JUNE 30, 2027

WHEREAS, the City of Kerman recognizes collective bargaining rights of its represented employees; and

WHEREAS, the Kerman Peace Officers Association (KPOA) represents City Police Department employees for collective bargaining of wages and benefits; and

WHEREAS, pursuant to California Government Code, Section 3500 et seq., the City of Kerman (City) and the Kerman Peace Officers Association (KPOA) have met and conferred in good faith regarding employment terms and conditions of the employees in the KPOA; and

WHEREAS, the legal relationship between the City, and its employees is governed to the extent required by law by Chapter 10 of Division 4, Title 1 of the State of California Government Code Section 3500 et. seq. (Meyers-Milias-Brown Act), the Personnel Rules and Regulations ("Employee Handbook") of the City of Kerman as updated May 8, 2024 and the Fair Labor Standards Act, Title 29 United States Code, Chapter 8; and

WHEREAS, all terms of wages and benefits for a set period of time are memorialized in a Memorandum of Understanding, by and between the City of Kerman (City) and the KPOA; and

WHEREAS, the prior MOU for the period July 1, 2021 through June 30, 2024 expired; and

WHEREAS, the City and the KPOA began negotiations in March of 2024 and concluded those negotiations in August of 2024, and resulting terms for an updated successor MOU were agreed upon (**Exhibit 'A'**); and

WHEREAS, the City and the KPOA now desire to have that updated successor MOU approved by City Council.

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

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The City Council approves the successor Memorandum of Understanding (MOU) by and between the City of Kerman and the Kerman Peace Officers Association for the period of July 1, 2024 through June 30, 2027 as presented in **Exhibit 'A'** which is incorporated by reference.

SECTION 3. The City Council authorizes the City Manager to execute the successor MOU and ensure that all provisions of the MOU are implemented and enacted.

SECTION 4. The approved successor MOU and its terms are fully effective July 1, 2024.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk