



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Increase the Compensatory Time Off (CTO) maximum accrued time from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for calendar year 2020
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/21/2020
Staff Contact:	Liz Brown, 408-586-3086
Recommendation:	Approve a Side Letter to amend the Memorandum of Understanding between the City of Milpitas and the Milpitas Police Officers Association Agreement dated January 1, 2017 – December 31, 2021 Section 17.06.1 Compensatory Time Off (CTO) allowing the maximum accrued CTO increase from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.

Background:

The Milpitas Police Officers Association (MPOA) Memorandum of Understanding "MOU" states that accrual of compensatory time off "CTO" shall be limited to 480 hours for sworn and 240 hours for non-sworn employees per calendar year. Any hours in excess of the limit shall be paid to the employee on the last day of the first pay period ending in January of each year. MPOA is requesting that the City approve a one-year exception to allow the two non-sworn emergency response classifications of Communications Dispatcher and Communications Dispatcher Supervisor to carry-over up to 480 CTO hours in January 2020. Any hours in excess will be cashed out on the first pay period ending in January of 2021.

Analysis:

The Fair Labor Standards Act (FLSA) established the legal limit of accrued compensatory time off as 480 hours for law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities; all other state and local government employees may accrue up to 240 hours. The term "emergency response activity" as used in section 7(o)(3)(A) of the FLSA includes dispatching of emergency vehicles and personnel, rescue work and ambulance services. Communications Dispatchers and Communications Dispatcher Supervisors, though not sworn personnel, fall under the purview of "emergency response activity" per the Fair Labor Standards Act. The request to amend section 17.06.1 of the MPOA MOU to temporarily increase the carryover CTO from 240 hours to 480 hours for the calendar year of January 2020 falls within the legal limits of the FLSA and aligns the CTO cap of Communications Dispatchers and Communications Dispatcher Supervisors with the emergency response personnel.

The revised MOU language will read:

17.06 Accrual: . Compensatory time off may be accrued by the employee throughout the year. For calendar year 2020 only, accrual of compensatory time off shall be limited to 480 hours for sworn and Communications Dispatchers and Communications Dispatcher Supervisors, 240 hours for non-sworn employees per calendar year. After Dec. 31, 2020, Communications Dispatchers and Communications Dispatcher Supervisors, shall be subject to the non-sworn 240-hour cap. However, the accrued hours may not exceed the maximum allowable on the last day of the first pay period ending in January of each year. Hours in excess of that limit on

that date shall be paid to the employee on the following special pay out, and the employee's accrual bank shall be reduced accordingly.

Per the current MOU Language, current Communication Dispatchers and Communication Dispatch Supervisors will have the option to be paid out any excess CTO over 240 hours in the first full pay period following the approval of this exception, or they may bank up to 480 CTO hours in calendar year 2020 and will be cashed out any CTO hours in excess of 240 on the first pay period in ending in January 2021.

Policy Alternatives:

None

Fiscal Impact:

The fiscal impact of amending the agreement to allow Communications Dispatchers and Communications Dispatch Supervisors to bank up to 480 CTO hours this calendar year and cash out hours over 240 CTO hours in January 2021 would be approximately \$1,765.00.

California Environmental Quality Act:

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act pursuant to CEQA Guidelines section 15378(b)(5) in that it is a government organizational or administrative activity that will not result in direct or indirect changes in the environment.

Recommendation:

Effective immediately, approve the attached Side Letter to amend the Memorandum of Understanding between the City of Milpitas and the Milpitas Police Officers Association Agreement dated January 1, 2017 – December 31, 2021 Section 17.06.1 Compensatory Time Off (CTO) allowing the maximum accrued CTO increase from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.

Attachments:

Side Letter Agreement Between Milpitas Police Officers Association (MPOA) and City of Milpitas Regarding a one-year exception to amend the maximum accrued time increase from 240 to 480 Compensatory Time Off hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.