

AGENDA ITEM NO.	IE
COUNCIL MEETING	1/30/2014
APPROVED BY	
	
DEPARTMENT DIRECTOR	
	
CITY MANAGER	

January 30, 2014

FROM:  Jeff Cardell, Director
Personnel Services Department

SUBJECT: Adopt an ordinance amending Fresno Municipal Code Section 3-277 to exempt future employees in Unit 14, represented by the City of Fresno Management Employees Association (CFMEA) from provisions regarding Reduction In Force/Layoff

RECOMMENDATIONS

It is recommended that the City Council adopt the Amendment to the Municipal Code section 3-277 exempting future employees in Unit 14 from provisions regarding reduction in force/layoff.

EXECUTIVE SUMMARY

Sections 3-277 (c) of the Fresno Municipal Code (FMC) provides that represented unclassified employees have certain layoff rights in the event of a reduction in force or layoff, other than reorganization or reduction of individual positions. This change would exempt unclassified employees in Unit 14 from this provision in accordance with a negotiated successor Memorandum of Understanding (MOU) between the City and the City of Fresno Management Employees Association (CFMEA) which represents employees in Unit 14.

BACKGROUND

Unclassified employees are at will employees. The one significant exception to the at will status of unclassified employees is section 3-277 (c) of the FMC which provides that represented unclassified employees have the same rights as classified employees in the event of layoff or reduction in force, other than reorganization or reduction of individual positions.

Council recently approved a successor MOU between the City and CFMEA which exempts employees in Unit 14 that are hired by the City on or after December 31, 2013. This change to the FMC conforms to the negotiated agreement.

FISCAL IMPACT

It is expected that there will be no fiscal impact to the Departments that employ staff that are Unit 14.

Attachment: Amendment to the Fresno Municipal Code

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BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 3-277, SUBSECTION (c) OF THE FRESNO
MUNICIPAL CODE, RELATING TO EMPLOYEES IN THE
UNCLASSIFIED SERVICE

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection (c) of Section 3-277 of the Fresno Municipal Code is amended to read:

(c) In the event of a general reduction in force or layoff, other than by reorganization or elimination of individual positions, a represented employee in the unclassified service whose permanent position is eliminated shall have the same rights, under the same conditions, as provided to classified employees pursuant to Section 3-291, except that nothing herein shall restrict the appointing authority's ability to determine the positions in the unclassified service to be eliminated. [This provision shall not apply to represented employees in Bargaining Unit 14, hired by the City on or after December 30, 2013.]

1 of 2

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Amendment to Fresno Municipal Code

Ordinance No.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2014.

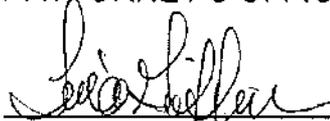
AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY:  _____
Tina R. Griffin, Supervising Deputy City Attorney