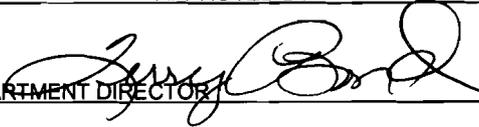


AGENDA ITEM NO.

COUNCIL MEETING 6/26/07

APPROVED BY


DEPARTMENT DIRECTOR

CITY MANAGER

June 26, 2007

FROM: TERRY BOND, Director
Personnel Services Department

BY: KENNETH G. PHILLIPS, Labor Relations Manager
Labor Relations Division

SUBJECT: 1. APPROVE SIDE LETTER OF AGREEMENT WITH INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS, LOCAL 39, UNIT 01, REGARDING ADDITIONAL HOLIDAY SERVICES

2. APPROVE SIDE LETTER OF AGREEMENT WITH CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA), UNIT 13, REGARDING ADDITIONAL HOLIDAY SERVICES

KEY RESULT AREA

Employee Satisfaction, Customer Satisfaction

RECOMMENDATIONS

It is recommended that Council approve the attached Side Letters of Agreement between the City and Local 39 (Unit 01), and between the City and CFPEA, that provide bidding, and limited compensation/leave provisions for blue collar workers and supervisors in the Transportation Department who will work on four holidays - the Fourth of July, Thanksgiving Day, Christmas Day and New Year's Day.

EXECUTIVE SUMMARY

These proposed Agreements between the City and Local 39 (Unit 01), and between the City and CFPEA (Unit 13), provide special bidding provisions during a transitional period for represented employees in the Transportation Department who are required to work on certain holidays between July 4, 2007 through January 2, 2009. The Side Letter with Local 39 also provides additional compensation to Local 39 represented employees during the four (4) holidays noted above that occur in Fiscal Year 2008, and for Christmas Day and New Years Day in Fiscal Year 2009. The Side Letter with CFPEA provides for additional Administrative leave for four (4) holidays in Fiscal Year 2008. Both Side Letters of Agreement will sunset on January 2, 2009.

KEY OBJECTIVE BALANCE

The recommended action achieves Employee Satisfaction through incentives for employees who have been assigned to work on these particular holidays. It achieves Customer Satisfaction by ensuring that bus service can be provided to those individuals who depend on public transportation.

BACKGROUND

For approximately twenty (20) years the City of Fresno has not provided bus service on the Fourth of July, Thanksgiving Day, Christmas Day and New Years Day. Because the City of Fresno has grown to almost 500,000 citizens with ridership on the buses increasing significantly, and with the passage of Measure C, the Department of Transportation/FAX has reviewed services to provide public transportation to those who depend

on such transportation. With the addition of services on these four (4) holidays, the City of Fresno will now provide public transportation every day of the year.

As the City has not provided service for some time on these particular holidays, the majority of employees, including those represented by Local 39 and CFPEA, at FAX understood that they would not be required to work on these four (4) holidays. The Department will be informing newly hired employees that they may be required to work these four (4) holidays. In the interim, the City has agreed to certain provisions to allow a smooth transition to new holiday work expectations.

The City met and conferred separately with Local 39 and CFPEA in regards to the changes in working conditions. The City and Local 39 agreed, upon approval by the Council, to provide additional compensation to employees of Local 39 for work on July 4, 2007, Thanksgiving Day 2007, Christmas Day 2007, New Years Day 2008, Thanksgiving Day 2008, and Christmas Day 2008. The City and CFPEA agreed, upon approval by Council to provide additional administrative leave to employees working on July 4, 2007, Thanksgiving Day 2007, Christmas Day, 2007, and New Years Day 2008. The City and also agreed with the parties on certain bidding rights through January 1, 2009, contingent on approval by Council.

FISCAL IMPACT

The fiscal impact to the Department's budget is limited to Fiscal Years 2008 and 2009 associated with these agreements because compensation provisions are limited to four (4) holidays in Fiscal Year 2008 and two (2) holidays in Fiscal Year 2009. The additional cost for these Side Letters of Agreement in Fiscal Year 2008 would be approximately \$9,610 and approximately \$1,994 in Fiscal Year 2009.

June 20, 2007

Attachments: Side Letter Agreement between the City of Fresno and Local 39
Side Letter Agreement between the City of Fresno and CFPEA

AGREEMENT BETWEEN THE
CITY OF FRESNO
AND
INTERNATIONAL UNION OF OPERATING ENGINEERS,
STATIONARY ENGINEERS, LOCAL 39
UNIT 01

**Resumption of Holiday Bus Service on
Fourth of July, Thanksgiving Day, Christmas Day, New Years Day**

This agreement sets forth the full and entire understanding of the parties regarding the impact to employees represented by the Union in the Transportation Department for resumption of bus service to the public on the Fourth of July, Thanksgiving, Christmas and New Years Day. Any previous understandings, side letters of agreement, Memorandum of Understanding (MOU) provisions, or agreements by the parties regarding employees in Unit 1 - Non-supervisory Blue Collar, working these four (4) Holidays which conflict with these provisions are hereby superseded. This agreement is self-governing and independent of any current or expired agreements between the parties, and is governed by the terms and conditions contained herein. This agreement shall become effective July 1, 2007 and terminate January 2, 2009, upon approval by the Council.

It is agreed upon between the parties hereto that this Agreement covers the labor provision for extended holiday operations in the Transportation Department in Fiscal Years 2008 and part of Fiscal Year 2009 as follows:

1. July 4, 2007 and New Years Day, January 1, 2008

- Transportation management will determine those positions that need to be filled on July 4, 2007 and January 1, 2008. A special bid will be held starting with the most senior full time employees in Unit 1 that occupy those positions and working down through the seniority list until all shifts are filled. If shifts are not filled through this procedure, then Management will assign work starting with the least senior employees in Unit 1 that occupy these positions, working up through the seniority list.
- All Transportation Department employees in Unit 1 in these positions are eligible to bid, including employees who have a scheduled a day off on the holiday, with the exception of employees who have bid vacations that cover the holiday.
- Unit 1 employees in the Transportation Department hired before July 1, 2007, will be paid eight (8) hours holiday pay plus time and one-half (1.5) for actual hours worked on these holidays.
- Unit 1 employees in the Transportation Department hired after July 1, 2007 will be paid eight (8) hours holiday pay plus straight time for actual hours worked on the holiday.

- Employees working these said assignments will not receive in excess of 1.5 times their rate of pay plus eight (8) hours of Holiday leave unless required by law.

2. Thanksgiving 2007 and 2008; and Christmas 2007 and 2008

- The City will operate an abbreviated schedule on these two holidays.
- All provisions regarding bidding and pay stated above for the July 4, 2007 and New Years Day January 1, 2008 service will apply to the 2007 and 2008 Thanksgiving Day Holidays and the December 25, 2007 and 2008 Christmas Day Holidays.

3. July 4, 2008 and January 1, 2009

- Transportation management will determine those positions that need to be filled on July 4, 2008 and January 1, 2009. A special bid will be held starting with the most senior full time employees in Unit 1 that occupy those positions in the Transportation Department and working down through the full time seniority list until all shifts are filled. If shifts are not filled through this procedure, then Management will assign work starting with the least senior employees in Unit 1 that occupy these positions, working up through the seniority list.
- Unit 1 employees in the Transportation Department can participate in this bid only if the holiday falls on their regular work day.
- No Unit 1 employee in the Transportation Department on vacation can participate in this special bid assignment.
- Employees will receive holiday pay and pay for actual hours worked in accordance with applicable provisions of the MOU.

The parties to this agreement understand that this Side Letter of Agreement is a transitional effort to accomplish improved service to the City's transit customers through the addition of service on the four holidays listed above. This letter of agreement sunsets January 2, 2009.

INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 **FOR THE CITY OF FRESNO**

By: _____
JERRY KALMAR
Business Manager

By: _____
KENNETH G. PHILLIPS
Labor Relations Manager

By: _____
MARINA MAGDALENO
Business Representative

DATED: _____

DATED: _____

**APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE
BY:**
Victoria Dawn Fetter

Deputy City Attorney

AGREEMENT BETWEEN THE
CITY OF FRESNO
AND
CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION, INC.
UNIT 13

**Resumption of Holiday Bus Service on
Fourth of July, Thanksgiving Day, Christmas Day, New Years Day**

This agreement sets forth the full and entire understanding of the parties regarding the impact to employees of resumption of bus service to the public on the Fourth of July, Thanksgiving Day, Christmas Day and New Years Day. Any previous understandings, side letters of agreement, Memorandum of Understanding (MOU) provisions, or agreements by the parties regarding working these four (4) Holidays which conflict with these provisions are hereby superseded. This agreement is self-governing and independent of any current or expired agreements between the parties, and is governed by the terms and conditions contained herein. This agreement shall become effective July 1, 2007 and terminate January 2, 2009, upon approval by the Council.

It is agreed upon between the parties hereto that this Agreement covers the labor provision for extended holiday operations in the Transportation Department in Fiscal Years 2008 and part of Fiscal Year 2009 as follows:

1. July 4, 2007 and New Years Day, January 1, 2008

- A special bid will be held in the Transportation Department starting with the most senior Transit Operations Supervisor of Unit 13 and working down through the full time seniority list until all shifts are filled. If shifts are not filled through this procedure, then Management will make assignments to work these shifts, starting with the least senior operations Transit Supervisor of Unit 13 employee from the bottom of the seniority list up.
- Only Transit Operations Supervisors who would normally be assigned to work on those days will be part of the bid process.
- Any Transportation Department employee in Unit 13 who is assigned to work shifts on these holidays will receive eight (8) hours of holiday pay in accordance with the MOU plus an additional eight (8) hours of Administrative Leave for each holiday worked.

2. Thanksgiving 2007 and Christmas 2007

- The City will operate an abbreviated bus schedule on these two holidays.
- All provisions regarding bidding and Administrative Leave stated above for the July 4, 2007 and New Years Day January 1, 2008 service will apply to the November 22,

2007 Thanksgiving Holiday and the December 25, 2007 Christmas Holiday for Unit 13 employees in the Transportation Department.

3. July 4, 2008, Thanksgiving 2008, Christmas 2008 and January 1, 2009

- A special bid will be held in the Transportation Department starting with the most senior Transit Operations Supervisor scheduled to work that day and working down through the full time seniority list until all shifts are filled. If shifts are not filled through this procedure, then Management will make assignments to work these shifts, starting with the least senior operations Transit Operations Supervisor scheduled to work that day.
- An abbreviated bus service schedule will be operated on Thanksgiving 2008 and Christmas 2008.

The parties to this agreement understand that this Side Letter of Agreement is a transitional effort to accomplish improved service to the City's transit customers through the addition of service on the four (4) holidays listed above. This letter of agreement sunsets January 2, 2009.

**CITY OF FRESNO PROFESSIONAL
EMPLOYEES ASSOCIATION**

By: 
LLOYD RAMIREZ
Business Agent

DATED: 6/20/07

By: 
ROBERT MESEL
President, CFPEA

DATED: 6-20-07

FOR THE CITY OF FRESNO

By: 
KENNETH G. PHILLIPS
Labor Relations Manager

DATED: 6-20-07

**APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE
BY:**

Victoria Parks Tuttle

Deputy City Attorney