

RESOLUTION NO. 20-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF CARSON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) UNION, COUNCIL 36, LOCAL 809, ELIMINATING THE CLASSIFICATION OF "EARLY CHILDHOOD INSTRUCTOR (CLASSIFIED PART-TIME)" AND RE-CLASSIFYING THE CITY EMPLOYEE CURRENTLY SERVING IN SAID CLASSIFICATION TO THE FULL-TIME EMPLOYMENT CLASSIFICATION OF "EARLY CHILDHOOD INSTRUCTOR"

WHEREAS, the City and the American Federation of State, County and Municipal Employees, Council 36, Local 809 ("AFSCME 809") entered into that certain Memorandum of Understanding which was approved on October 21, 2014, pursuant to adoption of City Resolution No. 14-100, and which was effective from July 1, 2013 through June 30, 2016 (the "MOU"); and

WHEREAS, the MOU provided for an employment classification of "Early Childhood Instructor (Classified Part-Time)" (hereinafter "Early Childhood Instructor (CPT)"), a non-exempt, part-time City employment classification that is a member of the Professional/Middle Management bargaining unit represented by AFSCME 809; and

WHEREAS, the MOU also provided for an employment classification of "Early Childhood Instructor," a non-exempt, full-time City employment classification that is a member of the Professional/Middle Management bargaining unit represented by AFSCME 809; and

WHEREAS, the MOU expired on June 30, 2016; and

WHEREAS, on October 23, 2018, the City and AFSCME 809 entered into a Tentative Agreement for Successor MOU ("TA"), which provides that all terms and conditions of the MOU shall be maintained unless expressly modified in the TA until the Successor MOU between the parties is accepted, approved and adopted by the City Council, which Successor MOU shall then supersede and replace the TA; and

WHEREAS, the City Council has not yet accepted, approved or adopted the Successor MOU; and

WHEREAS, the Early Childhood Instructor (CPT) classification is currently filled, and the incumbent employee is working either full-time hours or nearly full-time hours; and

WHEREAS, AFSCME 809 has requested reclassification of the employee serving in the Early Childhood Instructor (CPT) classification to the existing full-time employment classification of Early Childhood Instructor, based on the number of hours

the City employee filling the role has consistently been working as a result of the duties and responsibilities associated with the role; and

WHEREAS, the TA did not provide for elimination of the Early Childhood Instructor (CPT) classification from the Professional/Middle Management bargaining unit as set forth in the MOU, nor did it provide for the reclassification of the City employee currently serving in said classification to the existing full-time Early Childhood Instructor classification; and

WHEREAS, the City and AFSCME 809 have met and conferred, and mutually desire to eliminate and remove the "Early Childhood Instructor (CPT)" classification from the MOU, the TA, and the eventual Successor MOU, and to re-classify the City employee presently serving in said classification to the existing full-time classification of "Early Childhood Instructor," and to that end, have prepared the Side Letter Agreement attached hereto as Exhibit "A" ("Side Letter Agreement"); and

WHEREAS, the City Council now desires to approve the Side Letter Agreement.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

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

SECTION 2. The City Council hereby approves the Side Letter Agreement attached hereto as Exhibit "A."

SECTION 3. This Resolution shall be effective immediately upon its adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2020.

Mayor Albert Robles

ATTEST:

Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 20-009 was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 14th day of January 2020, and that the same was passed and adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

By: _____
 City Clerk

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF CARSON AND
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
UNION (AFSCME) LOCAL 809
ELIMINATING THE CLASSIFICATION OF "EARLY CHILDHOOD INSTRUCTOR
(CLASSIFIED PART-TIME)" AND RE-CLASSIFYING THE CITY EMPLOYEE CURRENTLY
SERVING IN SAID CLASSIFICATION TO THE FULL-TIME EMPLOYMENT
CLASSIFICATION OF "EARLY CHILDHOOD INSTRUCTOR"**

RECITALS

WHEREAS, pursuant to the provisions of the Meyers-Milias-Brown Act ("MMBA"; Gov't Code §§ 3500 *et seq.*), the City of Carson ("City") may adopt reasonable rules and regulations for the administration of employer-employee relations, and must meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations for City employee bargaining units; and

WHEREAS, the City and the American Federation of State, County and Municipal Employees, Council 36, Local 809 ("AFSCME 809") entered into that certain Memorandum of Understanding which was approved on October 21, 2014, pursuant to adoption of City Resolution No. 14-100, and which was effective from July 1, 2013 through June 30, 2016 (the "MOU"); and

WHEREAS, the MOU provided for an employment classification of "Early Childhood Instructor (Classified Part-Time)" (hereinafter "Early Childhood Instructor (CPT)"), a non-exempt, part-time City employment classification that is a member of the Professional/Middle Management bargaining unit represented by AFSCME 809; and

WHEREAS, the MOU also provided for an employment classification of "Early Childhood Instructor," a non-exempt, full-time City employment classification that is a member of the Professional/Middle Management bargaining unit represented by AFSCME 809; and

WHEREAS, the MOU expired on June 30, 2016; and

WHEREAS, on October 23, 2018, the City and AFSCME 809 entered into a Tentative Agreement for Successor MOU ("TA"), which provides that all terms and conditions of the MOU shall be maintained unless expressly modified in the TA until the Successor MOU between the parties is accepted, approved and adopted by the City Council, which Successor MOU shall then supersede and replace the TA; and

WHEREAS, the City Council has not yet accepted, approved or adopted the Successor MOU; and

WHEREAS, the Early Childhood Instructor, CPT, is currently filled and the incumbent employee is working either full-time hours or nearly full-time hours; and

WHEREAS, AFSCME 809 has requested reclassification of the employee serving in the Early Childhood Instructor, CPT, classification to the existing full-time employment classification of Early Childhood Instructor, based on the number of hours the City employee filling the role has consistently been working as a result of the duties and responsibilities associated with the role; and

WHEREAS, the TA did not provide for elimination of the "Early Childhood Instructor (CPT)" classification from the Professional/Middle Management bargaining unit as set forth in the MOU, nor did it provide for the reclassification of the City employee currently serving in said classification to the existing full-time Early Childhood Instructor classification; and

WHEREAS, the City and AFSCME 809 have met and conferred, and mutually desire to eliminate and remove the "Early Childhood Instructor (CPT)" classification from the MOU, the TA, and the eventual Successor MOU, and to re-classify the City employee presently serving in said classification to the existing full-time classification of "Early Childhood Instructor."

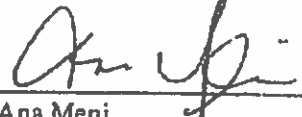
TERMS

1. The foregoing recitals are true and correct, and are incorporated herein by reference.
2. Having met and conferred on the topic, the City and AFSCME 809 agree to a unit modification to eliminate and remove the "Early Childhood Instructor (CPT)" classification from the MOU, the TA and the eventual Successor MOU, and to re-classify the City employee presently serving in said classification to the existing full-time classification of "Early Childhood Instructor" as referenced in the MOU, which is a member of the Professional/Middle Management bargaining unit represented by AFSCME 809; and
3. The City Manager and the Employee Relations Officer of the City and AFSCME 809 have met and conferred in good faith on the action referenced in Section 2, and upon doing so have reached the agreement set forth in this Side Letter Agreement.
4. This Side Letter Agreement constitutes a joint recommendation by the City's negotiators and AFSCME 809 to be submitted to the City Council for its determination and approval by appropriate resolution or other action, as the City Council may deem fit and proper.
5. This Side Letter Agreement supersedes any prior agreements between the City and AFSCME 809 relative to the subject matter hereof.
6. This Side Letter Agreement is of no force or effect unless and until ratified and approved by the City Council of the City. This Side Letter Agreement shall be effective immediately upon ratification or approval hereof by the City Council of the City and execution hereof by both the City and AFSCME 809.

[signatures on the following page]


IT IS SO AGREED:

For AFSCME 809:



Ana Meni,
President
11 December 2019

Date

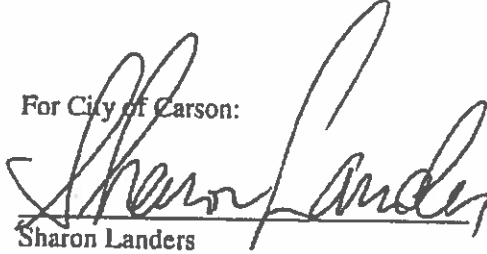


Bob Adams,
Council 36 Business Rep.

12/11/19

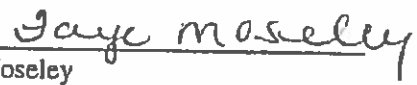
Date

For City of Carson:



Sharon Landers
City Manager
12/12/19

Date

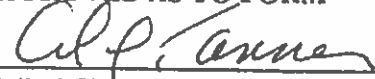


Faye Moseley
Director of Human Resources & Risk Management

12/11/19

Date

APPROVED AS TO FORM



Colin J. Tanner, Esq.
Counsel for the City of Carson