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**Title:** CONSIDER APPROVAL OF AFSCME LOCAL 809 V. CITY OF CARSON SETTLEMENT AGREEMENT REGARDING MAYOR DECLARED HOLIDAYS, PERB CASE NO. LA-CE-1504-M (CITY COUNCIL)

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**Attachments:** 1. AFSCME 809 v. City Settlement Agreement Mayor Declared Holidays Case No. LA-CE 1504-M (7 6 21)

Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Tuesday, July 20, 2021

Consent

**SUBJECT:**

**CONSIDER APPROVAL OF AFSCME LOCAL 809 V. CITY OF CARSON SETTLEMENT AGREEMENT REGARDING MAYOR DECLARED HOLIDAYS, PERB CASE NO. LA-CE-1504-M (CITY COUNCIL)**

**I. SUMMARY**

As a result of the COVID-19 pandemic and stay-at-home orders in effect at the time, former Mayor Albert Robles declared two holidays on December 29 and 30, 2020, hoping that employees would use leave time in an effort to close all City facilities for the entire week for the health and safety of the City’s employees. A dispute subsequently arose between the City and the American Federation of State, County and Municipal Employee (AFSCME), Local 809, concerning the two holidays declared by then-Mayor Albert Robles and whether Local 809 represented employees were entitled to receive the benefits of the two Mayor-declared holidays. AFSCME Local 809 filed an unfair practice charge with the Public Employment Relations Board (PERB), contending AFSCME Local 809 employees were entitled to the benefit of the Mayor-declared holidays (PERB Case No. LA-CE-1504-M), which the City has contested. The parties’ labor representatives negotiated, approved and executed the attached PERB supervised Settlement Agreement in PERB Case No. LA-CE-1504-M (Exhibit No. 1) in good faith without any admission of wrongdoing or unfair labor practices by the City and subject to formal approval by the City Council of the City of

Carson.

Staff is presenting the agreed upon Settlement Agreement for City Council consideration and action.

## **II. RECOMMENDATION**

APPROVE the AFSCME Local 809 v. City of Carson Settlement Agreement Regarding Mayor Declared Holidays, PERB Case No. LA-CE-1504-M (Exhibit No. 1).

## **III. ALTERNATIVES**

TAKE any other action the Council deems appropriate.

## **IV. BACKGROUND**

The City of Carson (City) has and continues to recognize the American Federation of State, County and Municipal Employee (AFSCME), Local 809, as the sole exclusive employee organization and bargaining agent for employees in the Clerical and Technical Unit, the Crafts and Trades Unit, and the Professional/Middle Management Unit for all matters concerning wages, hours and working conditions. The previous Memorandum of Understanding (MOU) between the City and AFSCME Local 809 expired on June 30, 2016. The parties then successfully met and conferred to negotiate a successor MOU and jointly prepared and executed a Tentative Agreement dated October 23, 2018 for a successor memorandum of understanding (Tentative Agreement), which Tentative Agreement was approved by City Council as Resolution No. 18-136 dated November 7, 2018. The successor MOU was eventually approved by City Council as Resolution No. 21-079.

All the recent labor agreements between the parties provide for a set number of City holidays along with additional holidays described as: "Every day proclaimed by the President, Governor or Mayor of this City as a public holiday." As a result of the COVID-19 pandemic and stay-at-home orders in effect at the time, former-Mayor Albert Robles declared two holidays on December 29 and 30, 2020, hoping that employees would use leave time in an effort to close all City facilities for the entire week for the health and safety of the City's employees. A dispute arose between the parties concerning the two holidays declared by then-Mayor Albert Robles and whether Local 809 represented employees were entitled to receive the benefits of the two Mayor-declared holidays.

AFSCME Local 809 filed an unfair practice charge with the Public Employment Relations Board (PERB) contending AFSCME Local 809 employees were entitled to the benefit of the Mayor-declared holidays (PERB Case No. LA-CE-1504-M), which the City has contested. The parties' labor representatives negotiated, approved and executed a PERB supervised Settlement Agreement in PERB Case No. LA-CE-1504-M (Exhibit No. 1) in good faith without any admission of wrongdoing or unfair labor practices by the City and

subject to formal approval by the City Council of the City of Carson.

To better foster a collaborative relationship between the City and AFSCME Local 809, the City has agreed to treat December 29 and 30, 2020 as holidays for both full-time and part-time AFSCME Local 809 represented employees. This means full-time AFSCME Local 809 represented employees shall be entitled to a total of 20 hours holiday leave or pay as described herein and as provided by their MOU. The City shall replenish leave time for those full-time employees scheduled to work on either of the Mayor-declared holidays and who used leave on the Mayor-declared Holidays (for a total of 20 hours). Full-time employees who were scheduled and actually worked on the days in question will receive a total of 2.5 times the regular rate of pay for the hours worked and straight time for any of the 20 holiday hours not worked, which includes any pay already received. Such replenishment or pay will be included on employees' pay checks no later than two full pay periods following City Council approval of the parties' settlement agreement. The City has represented to AFSCME 809 that AFSCME 809 Part-Time employees were previously paid per the AFSCME 809 Part-Time MOU. If a part-time employee was not scheduled to work and did not work or use leave time for the Mayor-declared holidays, they shall receive nothing by the settlement.

Any AFSCME Local 809 employees who have since left the City's employment and/or are not on payroll at the time the City Council approves the settlement shall not be entitled to any return of leave time or any holiday compensation for the two Mayor-declared holidays on December 29 and 30, 2020.

## **V. FISCAL IMPACT**

Fiscal impact to the General Fund of \$180,000 and replenishment of applicable leave time utilized on said declared holidays for designated full-time employees per terms of settlement agreement.

## **VI. EXHIBITS**

1. AFSCME Local 809 v. City of Carson Settlement Agreement regarding Mayor-Declared Holidays, PERB Case No. LA-CE-1504-M (pgs. 4-7)

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