



## Legislation Text

File #: 2019-1149, Version: 1

### Report to Mayor and City Council

Tuesday, January 14, 2020

Discussion

#### SUBJECT:

**CONSIDERATION OF ADOPTION OF RESOLUTION NO. 20-009, A RESOLUTION APPROVING A SIDE LETTER AGREEMENT WITH AFSCME 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" (CITY COUNCIL)**

#### **I. SUMMARY**

Adopting the attached proposed Resolution (Exhibit 1) would approve a Side Letter Agreement (Exhibit A to the proposed Resolution) between the City and AFSCME 809: (1) eliminating the "Early Childhood Instructor (Classified Part-Time)" employment classification; and (2) re-classifying the City employee presently serving in said classification to the existing full-time classification of "Early Childhood Instructor."

The proposed actions are pursuant to request of AFSCME 809 based on the fact that the City employee serving in the "Early Childhood Instructor (Classified Part-Time)" classification is consistently working 40 hours per week or near full-time hours as a result of the duties and responsibilities associated with the role. The parties have met and conferred and mutually agreed to the proposed actions.

#### **II. RECOMMENDATION**

TAKE the following action:

1. WAIVE further reading and ADOPT 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.”

### **III. ALTERNATIVES**

1. TAKE another action the City Council deems appropriate, subject to the requirements of applicable law.

### **IV. BACKGROUND**

The City and the American Federation of State, County and Municipal Employees, Council 36, Local 809 (“AFSCME 809”) entered into a Memorandum of Understanding which was effective from July 1, 2013 through June 30, 2016 (the “MOU”).

Among other things, the MOU provided for: (1) 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 (2) 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.

The MOU expired on June 30, 2016. On October 23, 2018, the City and AFSCME 809 entered into a Tentative Agreement for Successor MOU (“TA”), which provides that all terms of the MOU shall be maintained unless expressly modified in the TA until the Successor MOU between the parties is approved by the City Council, which Successor MOU shall then replace the TA. However, the City Council has not yet approved the Successor MOU.

The part-time Early Childhood Instructor (CPT) classification is currently filled, and the incumbent employee is working either full-time hours or nearly full-time hours at an estimated annual cost of \$86,947 (salary and benefits). By reclassifying this part time staff to a full-time position, since she has already been working approximately 40 hours per week and is in CalPERS, it will result in an approximated \$3,578 cost increase (FTE’s budget is \$83,370). 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.

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. As such, a side letter agreement is necessary to effectuate the requested changes.

City staff and AFSCME 809 have met and conferred, and are mutually agreeable to taking

the following actions in response to AFSCME 809's request: (1) eliminating and removing the "Early Childhood Instructor (CPT)" classification from the MOU, the TA, and the eventual Successor MOU; and (2) re-classifying the City employee presently serving in said classification to the existing full-time classification of "Early Childhood Instructor."

The Side Letter Agreement attached as Exhibit A to the proposed Resolution (Exhibit 1) would effectuate the foregoing actions. The Side Letter Agreement has been fully executed and is now subject to City Council approval. By adopting the proposed resolution, the City Council would give final approval to the Side Letter Agreement.

## **V. FISCAL IMPACT**

The elimination of the part-time "early childhood instructor" position and re-classification of the City employee presently in said position to the existing full-time classification will result of an actual increase of \$3,578.

## **VI. EXHIBITS**

1. Resolution No. 20-009 (PGS. 4-9)

1.

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