



Legislation Text

File #: 2020-213, Version: 1

Report to Mayor and City Council

Tuesday, April 07, 2020

Consent

SUBJECT:

**CONSIDERATION OF CITY COUNCIL RESOLUTION NO. 20-061, RATIFYING
DISASTER COUNCIL RESOLUTION NO. 20-060 CHANGING THE DATE OF
OBSERVANCE OF CESAR E. CHAVEZ DAY FOR REPRESENTED AND
UNREPRESENTED CITY EMPLOYMENT CLASSIFICATIONS FROM MARCH 31 TO
MARCH 30 FOR THE 2020 CALENDAR YEAR ONLY (CITY COUNCIL)**

I. SUMMARY

By adopting the proposed resolution (Exhibit 1), the City Council would ratify the Disaster Council's approval of a change in the date of observance of Cesar E. Chavez Day from March 31 to March 30 for the 2020 calendar year only, for various represented and unrepresented City employment classifications. The Disaster Council action to be ratified is embodied in Disaster Council Resolution No. 20-060, which is attached to the proposed resolution as Exhibit "A" thereto.

Disaster Council Resolution No. 20-060 was adopted as a means of helping the City navigate the COVID-19 emergency period by providing City employees with four consecutive days of time off to allow them to stay home and shelter in place during this period of peak danger for Californians in the COVID-19 pandemic. The date of observance for Cesar E. Chavez Day for the subject employees is specified as March 31, which fell on a Tuesday in 2020. Moving the date of observance to March 30 for 2020 allowed the holiday to be observed on a Monday, thereby creating a four-consecutive-day span (consisting of the holiday together with the City's normal three-day weekend), during which time these employees were able to stay home and not report to work.

The Disaster Council's action was taken on an emergency basis on March 26, 2020, to ensure formal City action to change the date of observance prior to the holiday taking place. The employees subsequently observed the holiday on March 30, 2020, in accordance with the Disaster Council's action. Out of an abundance of caution, staff and the City Attorney's Office now recommend that Disaster Council Resolution No. 20-060 be ratified by the City Council via the proposed resolution to cement the change as a valid and binding legal action of the City.

II. RECOMMENDATION

TAKE the following action:

1. WAIVE further reading and ADOPT Resolution No. 20-061, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, RATIFYING DISASTER COUNCIL RESOLUTION NO. 20-060: (1) APPROVING SIDE LETTER AGREEMENT WITH AFSCME LOCALS 809 & 1017, THE CARSON PROFESSIONAL AND SUPERVISORS ASSOCIATION, AND THE ASSOCIATION OF MANAGEMENT EMPLOYEES; (2) AMENDING RESOLUTION NO. 19-036 PERTAINING TO THE CHIEF DEPUTY CITY CLERK AND CHIEF DEPUTY CITY TREASURER CLASSIFICATIONS; (3) AMENDING RESOLUTION NO. 18-170, AS AMENDED AND RATIFIED BY RESOLUTION NO. 19-015, PERTAINING TO THE UNCLASSIFIED MANAGEMENT EMPLOYEES; AND (4) DEEMING AMENDED ANY OTHER CITY RESOLUTIONS GOVERNING HOLIDAY LEAVE BENEFITS FOR UNREPRESENTED CITY OFFICERS AND EMPLOYEES THAT SPECIFY A MARCH 31 DATE OF OBSERVANCE FOR CESAR E. CHAVEZ DAY, TO CHANGE THE DATE OF OBSERVANCE OF THE CESAR E. CHAVEZ DAY HOLIDAY FROM MARCH 31 TO MARCH 30 FOR THE 2020 CALENDAR YEAR ONLY.

III. ALTERNATIVES

1. DO NOT APPROVE the recommendation.
2. TAKE another action the City Council deems appropriate, subject to the requirements of applicable law.

IV. BACKGROUND

Disaster Council Resolution No. 20-060 approved a Side Letter Agreement executed March 25, 2020, between the City and AFSCME Local 809, AFSCME Local 1017, CPSA and AME, that changed the date of observance of Cesar E. Chavez Day from March 31 to March 30, for 2020 only, for the City employees represented by these bargaining unions. The fully executed Side Letter Agreement is attached to Disaster Council Resolution No. 20-060 as Exhibit "A" thereto.

However, the Side Letter Agreement cannot and does not extend to unrepresented City employees such as the Deputy City Clerk, Deputy City Treasurer, and the Unrepresented Management Employees. The holiday and other leave benefits for these employees, rather than being set forth in an MOU or other agreement with a union (as is the case for the employees subject to the Side Letter Agreement), are governed by adopted City Council resolutions which specify a date of March 31 each year for observance of the Cesar E. Chavez Day holiday.

Disaster Council Resolution No. 20-060 thus also amended the relevant provisions of these City Council resolutions (specifically Resolution No. 19-036, and Resolution No. 18-170 as amended and ratified by Resolution No. 19-015) to provide that, for the 2020 calendar year only, the date of observance of the holiday for these unrepresented employees would be March 30 rather than March 31. The Disaster Council resolution also contained a catchall provision to the effect that any other adopted City Council resolutions governing holiday leave benefits for unrepresented City officers or employees that specify a March 31 date of observance for Cesar E. Chavez day shall also be deemed amended to provide for observance of the holiday on March 30, for the 2020 calendar year only for those City officers and employees as well.

Adoption of the proposed resolution would ratify Disaster Council Resolution No. 20-060 to cement the legal status of this action that was taken to help the City navigate the COVID-19 pandemic and keep City employees safe while also ensuring they are provided with all leave benefits to which they are entitled.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Proposed City Council Resolution No. 20-061 (pgs. 4-15).

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