



CITY OF CARSON

Legislation Text

File #: 2021-791, Version: 1

Report to Mayor and City Council

Wednesday, November 03, 2021

Consent

SUBJECT:

CONSIDER APPROVAL OF THE SETTLEMENT AGREEMENT, AS WELL AS RESOLUTION NO. 21-149 ADOPTING THE TENTATIVE AGREEMENT THAT IMPLEMENTS THE SETTLEMENT AGREEMENT FOR NEW SALARY SCHEDULES BETWEEN THE CITY OF CARSON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES UNION (AFSCME), LOCAL 809, REPRESENTING THE UNCLASSIFIED PART-TIME EMPLOYEES BARGAINING UNIT RETROACTIVELY FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2022. PERB CASE NO. LA-CE-1461-M (CITY COUNCIL

I. SUMMARY

A dispute arose between the City and the American Federation of State, County and Municipal Employees (AFSCME), Local 809 Unclassified Part-Time bargaining unit concerning changes made by the City as to the salaries of part-time, represented employees in 2020, 2021 and 2022 in response to a mandated state-wide annual increase in minimum wages per Senate Bill 3 (2016), and whether the minimum wage changes constituted an unfair practice in violation of Government Code section 3509(b), Section 2 (d) of the City's Employer-Employee Relations Ordinance, and PERB Regulation 32603(a), (b), and (c). A PERB Charge and subsequent PERB Complaint were filed as a result of the dispute.

The City Council initially authorized settlement of the PERB Complaint and creation of new salary schedules for 2020, 2021, and 2022 in closed session on September 7, 2021, and staff is now reporting back to the Council with the written Settlement Agreement for final Council approval to resolve the PERB Complaint.

The parties' labor representatives negotiated and approved the attached PERB-supervised Settlement Agreement in PERB Case No. LA-CE-1461-M (Exhibit 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. The Settlement Agreement has been executed by AFSCME Local 809's labor representatives.

Staff is presenting the agreed-upon Settlement Agreement for City Council consideration

and action.

II. RECOMMENDATION

1. APPROVE THE SETTLEMENT AGREEMENT AND AUTHORIZE THE CITY MANAGER, DIRECTOR OF HUMAN RESOURCES AND RISK MANAGMEENT, AND DEPUTY CITY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT, AND ANY RELATED DOCUMENTS, TO RESOLVE THE LITIGATION.
2. APPROVE RESOLUTION NO. 21-149 ADOPTING THE TENTATIVE AGREEMENT THAT IMPLEMENTS THE SETTLEMENT AGREEMENT FOR NEW SALARY SCHEDULES BETWEEN THE CITY OF CARSON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES UNION (AFSCME), LOCAL 809, REPRESENTING THE UNCLASSIFIED PART-TIME EMPLOYEES BARGAINING UNIT RETROACTIVELY FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2022. PERB CASE NO. LA-CE-1461-M (CITY COUNCIL)

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 Employees Union, Council 36, Local 809 ("AFSCME Local 809") as the sole exclusive bargaining agent for those City employees designated as being in the "Unclassified Part-Time" employees bargaining unit for all matters concerning wages, hours and working conditions.

As a result of a mandated state-wide annual increase in minimum wages per Senate Bill 3 (2016), which incrementally increases the minimum wage to \$15.00 per hour by January 1, 2022, the City Council authorized increases to the minimum wage of part-time, represented employees for 2020, 2021, and 2022 through Resolution Nos. 20-005, 20-049, and 20-051. The minimum wage increases did not reflect a 5% differential between the steps of salary ranges and a 2.5% differential between salary classifications with Local 809 part-time represented employees.

It is the City's position that there is no established practice or policy of maintaining a 5% differential between the steps of salary ranges and a 2.5% differential between salary classifications with Local 809 part-time represented employees. The Union, for its part, believes, as alleged in the Unfair Practice Charge, that there is such an established practice and policy.

For the purposes of resolving the PERB Complaint, City staff have negotiated with AFSCME Local 809 salary schedules for 2020, 2021, and 2022 which reflect a 5% differential between the steps of salary ranges and a 2.5% differential between salary classifications with Local 809 part-time represented employees, and retroactive payments to part-time, represented employees based on those salary schedules. As such, the above-referenced salary schedules and retroactive payments are the result of a compromise for the purposes of the instant settlement. The above-referenced salary schedules and retroactive payments do not create or continue an established practice or policy regarding the salary schedules for Local 809 part-time represented employees.

The parties' labor representatives negotiated and approved a PERB supervised Settlement Agreement in PERB Case No. LA-CE-1461-M (Exhibit 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 Part-Time, and upon City Council approval, the City will adopt the attached agreed upon Tentative Agreement (Exhibit 6) to implement and execute the attached Settlement Agreement for new salary schedules retroactively to January 1, 2020 through December 31, 2020 (Exhibit 2), as well as January 1, 2021 through December 31, 2021 (Exhibit 3), and prospectively for January 1, 2022 through December 31, 2022 (Exhibit 4).

Any Local 809 part-time represented employee who has left the City's employment and/or is not on payroll at the time of City Council approval of this Settlement Agreement shall not be entitled to any retroactive payment as a result of City Council's approval of the retroactive 2020 and 2021 salary schedules. Employees that served in a Local 809-represented part-time classification after January 1, 2020 and at some point received a promotion out of the part-time bargaining unit shall be entitled to any applicable retroactive pay from January 1, 2020 up to the day prior to the effective date of said employee's new role, if still actively employed by the City at the time of City Council approval of this Settlement Agreement.

V. FISCAL IMPACT

Fiscal impact to the General Fund will be up to the Closed Session City Council approval amount for AFSCME Local 809 part-time employees per the terms of the attached Settlement Agreement. A mid-year budget adjustment will be made for the required amount to settle.

VI. EXHIBITS

1. AFSCME Local 809 v. City of Carson Settlement Agreement regarding AFSCME Local 809 Part-Time Salary Schedules, PERB Case No. LA-CE-1461-M (pgs. 5-9)

2. AFSCME 809 Part-Time retroactive salary schedule, 1/1/20-12/31/20 (pg. 10)
3. AFSCME 809 Part-Time retroactive salary schedule, 1/1/21-12/31/21 (pg. 11)
4. AFSCME 809 Part-Time salary schedule, 1/1/22-12/31/22 (pg. 12)
5. Resolution 21-149 Implementing T.A. re: Settlement Agreement for AFSCME 809 Part-Time salary schedules (pgs. 13-15)
6. AFSCME Local 809 Part-Time MOU 2013-2017 Tentative Agreement (pgs. 16-18)

Prepared by: Faye Moseley, Director of Human Resources & Risk Management