RESOLUTION NO. 2018-31

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF ALBANY AND ALBANY PEACE OFFICERS’ ASSOCIATION

WHEREAS, the Memorandum of Understanding is the collective bargaining agreement between the City of Albany and Albany Peace Officers’ Association (APOA); and

WHEREAS, the City of Albany and APOA executed Memorandum of Understandings effective November 1, 2009, November 1, 2011, and November 1, 2014; and

WHEREAS, Section 7: Holiday Pay of the MOUs provides for additional special compensation in lieu of paid time off for holidays; and

WHEREAS, the City of Albany was notified by CalPERS that Section 7: Holiday Pay does not meet California Code of Regulations (CCR) 571(b)(1)(B) requirements for special compensation; and

WHEREAS, a Side Letter is required to clearly indicate the conditions for payment of holiday pay, including, but not limited to, eligibility for, and amount of, the special compensation; and

WHEREAS, the City of Albany and APOA have met and conferred in good faith; and

WHEREAS, a Side Letter agreement between the City of Albany and APOA has been created that incorporates the information required by the California Code of Regulations; and

WHEREAS, the changes incorporated are reflective of previous and current practice.
NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby authorizes the execution of the Side Letter attached hereto as Exhibit A.

[Signature]

PEGGY M. QUAILD, MAYOR
RESOLUTION NO. 2018-31

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 5th day of March, 2018, by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch and Mayor McQuaid

NOES:

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this
6th day of March, 2018.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.
SIDE LETTER

BETWEEN

THE CITY OF ALBANY

AND

ALBANY PEACE OFFICERS’ ASSOCIATION

CONCERNING

HOLIDAY PAY

This Side Letter reflects an agreement between the City of Albany (“City”) and the Albany Peace Officers’ Association (“APOA”), and collectively, “the Parties.”

The Parties agree to amend Section 7 of the Memorandums of Understanding (“MOU”) between the City and APOA, effective November 1, 2014, November 1, 2011, and November 1, 2009 to read as follows (information being added is highlighted in bold):

Section 7. Holidays

In lieu of having time off for holidays, employees covered by this Memorandum of Understanding shall be entitled to additional compensation equivalent to one (1) regular day of pay on the following holidays:

1. January 1
2. the 3rd Monday in January
3. the 2nd Monday in February
4. the 3rd Monday in February
5. the last Monday in May
6. July 4
7. the 1st Monday in September
8. September 9
9. the 2nd Monday in October
10. November 11
11. Thanksgiving Day
12. the day following Thanksgiving Day
13. and December 25.

New Year’s Day
Martin Luther King Jr.’s Birthday
Lincoln’s Birthday
President’s Day
Memorial Day
Independence Day
Labor Day
Admission’s Day
Columbus Day
Veteran’s Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

As herein used, one (1) regular day of pay will consist of compensation at the monthly rate of salary plus any special compensation (i.e., bilingual, education and POST) divided by 17.3334 for each such holiday. Employees may elect to have 10 hours compensatory time off for each holiday, in lieu of payment as noted above.

Permanent part-time employees as defined in Section 5.2 (1) of this Memorandum of Understanding will be paid on a pro-rated basis depending upon their designated hours of work, for the holidays defined in Section 7 above.
Should the State and Federal governments change the date on which any of the holidays are to be celebrated, the City’s schedule shall be modified accordingly. However, if only one of these entities makes the change, no modification in the schedule will result.
IN WITNESS WHEREOF, the parties hereby have executed this Side Letter this 5th day of March, 2018.

ALBANY PEACE OFFICERS' ASSOCIATION

By

Justin Kurland, APOA

By

Chris Willis, APOA

By

John Costenbader, APOA

CITY OF ALBANY

By

Nicole Almaguer, interim City Manager

By

Melissa Rojas, Human Resources Director

RATIFIED BY THE CITY COUNCIL

Dated: 3/6/2018

By

City Clerk