

City of Piedmont
COUNCIL AGENDA REPORT

DATE: November 4, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of a Resolution Approving a Side Letter Agreement Revising Section 7.11 of the Memorandum of Understanding between the City of Piedmont and the Service Employees International Union Local 1021 – Public Works Unit and Rescinding Resolution 02-2023

RECOMMENDATION

It is recommended that the City Council move to approve the attached Resolution Approving the Side Letter Agreement Revising Section 7.11 of the Memorandum of Understanding (“MOU”) between the City of Piedmont (“City”) and the Service Employees International Union Local 1021 – Public Works Unit (“SEIU”) and Rescinding Resolution 02-2023.

BACKGROUND

The City and the SEIU Public Works Unit entered into a Memorandum of Understanding (MOU) with a term beginning on July 1, 2021 and ending on June 30, 2025. Pursuant to Section 7.11 of the MOU, employees in this bargaining unit are allowed to earn pay differentials if they obtain certifications set forth in the MOU. On January 17, 2023, the City entered into a side letter agreement with SEIU to limit the number of employees eligible for these pay differentials. However, during a CalPERS audit for FY 2023-24, it was brought to the City’s attention that the MOU language needed to be revised to reflect that educational incentive pay be available to all employees in a designated group or class. In response, the City proposed draft language to CalPERS that maintained the limitation to employees in the streets and/or parks divisions but removed the specific cap on the number of eligible employees. This revised language was subsequently approved by CalPERS.

As required by the MOU, the City requested that SEIU meet and confer regarding Section 7.11 and proposed to revise Section 7.11 based upon the CalPERS audit results. As required by law and the MOU, the City met and conferred in good faith with SEIU representatives and agreed to the attached Side Letter Agreement revising Section 7.11.

Additionally, Resolution 02-2023, dated January 17, 2023, for the Side Letter to the Memorandum of Understanding between the City and Service Employees International Local 1021 – Public Works Unit for Section 7.11 shall be rescinded.

CITY ATTORNEY REVIEW

The City Attorney has reviewed the staff report.

FISCAL CONSIDERATIONS

None. The pay differentials are still only available to the employees who perform the services in the streets and/or parks divisions.

ATTACHMENTS

1. Resolution Approving Side Letter Agreement with Service Employees International Union, Local 1021, Public Works Unit amending Section 7.11 of the MOU and Rescinding Resolution 02-2023

By: Stacy A. Jennings, Human Resources Administrator
Mike Szczech, Finance Director

CITY OF PIEDMONT PROPOSAL:**SIDE LETTER AGREEMENT
BETWEEN
THE CITY OF PIEDMONT
AND THE
SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 1021
(PUBLIC WORKS UNIT)****RELATING TO MOU SECTION 7.11 CERTIFICATION DIFFERENTIALS**

The City of Piedmont (hereinafter referred to as “City”) and the Service Employees International Union Local 1021 – Public Works Unit (“SEIU”) entered into a Memorandum of Understanding (“MOU”) with a term beginning on July 1, 2021 and terminating on June 30, 2025. The City and SEIU are collectively referred to herein as the “Parties.” The Parties now enter into this Side Letter of Agreement (“Agreement”) as an amendment to the MOU.

The specific provisions contained in this Agreement shall supersede any conflicting prior oral or written agreements, including the MOU, regarding the matters contained in this Agreement. Except as otherwise provided in this Agreement, the remainder of the MOU and other terms and conditions of employment, including agreements regarding wages and hours, shall remain in full force and effect.

The Parties have satisfied their obligations to meet and confer in good faith in accordance with the Meyers-Milius-Brown Act (“MMBA”) concerning the terms and conditions of this Agreement and its implementation.

Thus, the Parties mutually agree to modify Section 7.11 of the MOU to read as follows:

7.11 CERTIFICATION DIFFERENTIALS

An additional differential of five percent (5%) shall be paid to Maintenance Workers assigned to the parks or streets division who obtain and maintain the International Society of Arborist (“ISA”) Certified Arborist Credential. All of the direct costs associated with maintaining certification of the ISA Certified Arborist Credential shall be paid by the City. As of October 21, 2022, employees who are not assigned to the parks and streets division and who currently possess and maintain ISA Certified Arborist Credential, will continue to receive the differential pay for that certification. However, current and future employees who are not assigned to the parks and streets division, will not receive differential pay for ISA Certified Arborist Credential, if they obtain the ISA Certified Arborist Credential after October 21, 2022.

A differential of four percent (4%) shall be paid to Maintenance Workers assigned to the streets division who obtain and maintain CWEA certification, and an additional five percent (5%) shall be paid for obtaining and maintaining PACP certification. As of October 21, 2022, employees who are not assigned to the streets division and who currently possess and maintain CWEA certification or PACP certification, will continue to receive the differential pay for those certifications. However, current and future employees who are not assigned to the streets division, will not receive any differential pay for CWEA certification or PACP certification if they obtain such certifications after October 21, 2022.

A differential of \$200 per month shall be paid to Maintenance Workers assigned to the Streets Division for obtaining and maintaining the NASSCO Manhole Assessment Certification. A differential of \$200 per month shall be paid to Maintenance Workers assigned to the Parks Division for obtaining and maintaining both the Exterior Technician Certification and Lawn Care Technician Certification from the National Association of Landscape Professionals (NALP).

In the sole discretion of the Public Works Director, or their designee, and with approval by the City Administrator, an employee may request to obtain certification differential pay for obtaining and maintaining one of the certifications set forth above which is otherwise designated for employees outside of their division.

In the event an employee is required to have a Class B or higher vehicle operator's license, the City shall provide the employee with the training to obtain such license and shall compensate holders of a valid California Class B (or higher) Driver's License with an additional 3% pay differential and shall pay all of the direct costs associated with maintaining such license.

For bookkeeping purposes, the payment of any additional sum as a certification incentive / differential provided in this Section 7.11 shall commence on the first of the month following submission of written proof to the City Administrator that the employee has obtained the appropriate certification(s).

Date: _____

Rafael Botello, Service Employees International Union
Local 1021 – Public Works Unit

Date: _____

Calvin Landes

Date: _____

Ray Haguisan

Date: _____

CITY OF PIEDMONT