

RESOLUTION NO. 2011.275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNWOOD UNILATERALLY IMPLEMENTING THE CITY'S LAST, BEST AND FINAL OFFER TO THE LYNWOOD EMPLOYEES' ASSOCIATION (LEA) WHICH SETS FORTH CHANGES TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED UNIT MEMBERS

WHEREAS, the current Memorandum of Understanding ("MOU") between the City of Lynwood and the Lynwood Employees Association (LEA) expired on June 30, 2011; and

WHEREAS, the City conducted negotiations in good faith with the LEA in accordance with the provisions of the Myers-Milias Brown Act; and

WHEREAS, the LEA desired to regressively re-bargain several items after tentative agreement had been reached; and

WHEREAS, the LEA subsequently rejected the City's Last Best and Final Offer, and

WHEREAS, the Myers-Milias Brown Act allows the City to unilaterally implement the City's Last Best and Final Offer after both parties have exhausted any required impasse procedures.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES HEREBY FIND, DETERMINE, ORDER AND RESOLVE AS FOLLOWS:

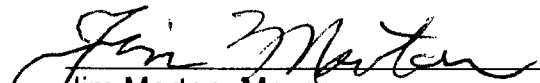
Section 1. That the attached Last, Best and Final Offer (Exhibit A), which includes all proposed changes to hours, wages, and other terms and conditions of employment and supersedes any previous collective bargaining agreements between the City of Lynwood and the LEA, is unilaterally implemented and adopted relative to the LEA and its represented unit members.

Section 2. That the City Manager is authorized to amend any current policies and procedures as necessary to reflect the unilaterally implemented provisions of the attached LBFO.

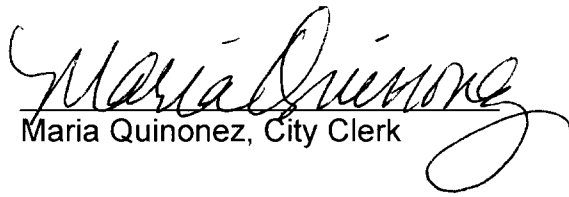
Section 3. That the City Manager or his designee may carry out any transactions that may be necessary as so ordered by this Resolution.


Section 4. That this Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 20th day of December, 2011.


Jim Morton, Mayor

ATTEST:

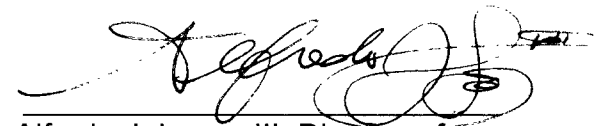

Maria Quinonez, City Clerk


Roger L. Haley, City Manager

APPROVED AS TO FORM:


Fred Galante, City Attorney

APPROVED AS TO CONTENT:


Alfredo J. Lopez III, Director of
Human Resources

STATE OF CALIFORNIA)
) **SS.**
COUNTY OF LOS ANGELES)

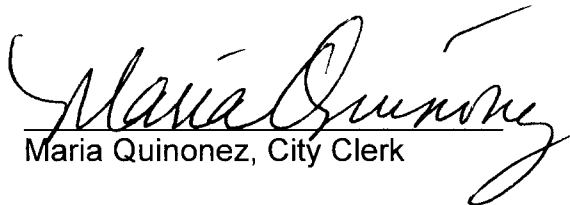
I, the undersigned, City Clerk of the City of Lynwood, do hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lynwood at a regular meeting held on the **20th** day of **December, 2011**.

AYES: COUNCIL MEMBERS RODRIGUEZ, SANTILLAN-BEAS, AND MORTON

NOES: COUNCIL MEMBER ALATORRE

ABSENT: COUNCIL MEMBER CASTRO

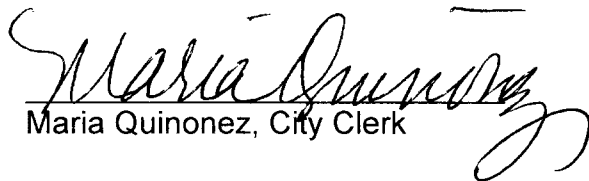
ABSTAIN: NONE



Maria Quinonez, City Clerk

STATE OF CALIFORNIA)
) **SS.**
COUNTY OF LOS ANGELES)

I, the undersigned City Clerk of the City of Lynwood, and the Clerk of the City Council of said City, do hereby certify that the above foregoing is a full, true and correct copy of Resolution No. **2011.275** on file in my office and that said Resolution was adopted on the date and by the vote therein stated. Dated this **20th** day of **December, 2011**.



Maria Quinonez, City Clerk

CITY OF LYNWOOD
CITY-EMPLOYEES' ASSOCIATION (LEA) LABOR NEGOTIATIONS
November 23, 2011

CITY PROPOSAL #9
LAST, BEST AND FINAL OFFER (LBFO)

1. Article XXXX, Term

One (1) year, from July 1, 2011 to June 30, 2012.

2. Article XVIII, Retirement Policy – Member Contribution

Section A. Employees Hired On or Before December 31, 2010

~~The City will continue to pay the full eight percent (8%) EPMC to CalPERS for all current full time employees covered by this bargaining agreement.~~

Upon the adoption of the necessary City resolutions and approval of CalPERS, the City shall prospectively reduce its Employer Paid Member Contribution (EPMC) to CalPERS from the current full 8% to 6%, with represented employees picking up 2% difference as member pre-tax contributions to CalPERS through payroll withholding effective the start of the first full pay period in January 2012. Retirement compensation shall be computed on the employee's one (1) year's highest earnings. The City in December 2010 adopted and submitted to CalPERS the appropriate resolution allowing employees to pay their EPMC on a pre-tax basis per 414(h)(2) of the Internal Revenue Code (IRC).

3. Article V, Salaries and Wages

Effective the start of the first full pay period in January 2012, only CalPERS eligible employees in the Unit shall receive a two percent (2%) Cost of Living Adjustment (COLA) on the condition that they are also paying at least 2 percentage points of the Employer Paid Member Contribution (EPMC) to CalPERS through payroll withholding. In other words, CalPERS eligible employees will contribute 2% of their PERSable compensation to CalPERS via payroll pre-tax deduction.

Note: The City needs to use the EPMC savings to help pay for the full-time raises thus the two benefit changes are tied together for purposes of being made effective. The full 8% EPMC pick-ups will continue for personnel hired on or after January 1, 2011.

4. Article XV, Sick Leave Policy, Transfer of Leave Credits

Upon official request by an employee, the employee's department director or the Association on behalf of the employee, the City Manager or his designee may allow individual employees the opportunity to transfer accrued vacation or compensatory time to another employee who has experienced a catastrophic event.

All terms and conditions for this transfer shall be governed by and in compliance with the City's Transfer of Leave (Catastrophic Leave) Policy.

5. Article XIV, Employee's Insurance Coverage – 2011 Capped Rates

For employees hired on or after September 1, 2011, the City shall "cap" City paid health insurance at the Kaiser Family, Los Angeles Region, coverage rate of \$1,128.40 per month for calendar year 2011. Note: This means that employees will be responsible for paying the difference for calendar year 2012 and beyond on any increases to health insurance beyond the capped amount.

6. Article XXIV, Hours of Work – Shift Differential Pay

Effective the start of the first pay period following Council adoption, CalPERS Eligible employees shall receive a shift differential pay of \$1.00 per hour when scheduled after 6:00 PM and before 7:00 AM. This is the only shift differential pay available and is intended solely for enforcement-related personnel as part of their regularly scheduled evening shifts after normal working hours. This shift differential pay does not apply to public emergency response situations where standard overtime rules exist.

7. Article XXX, Service Disability

Under the provisions of the Workers' Compensation Insurance and Safety Act of California, employees are compensated for injuries sustained in the course of employment, rendering them unable to perform their duties. The City shall provide full salary continuance for ~~ninety (90)~~ thirty (30) calendar days to an employee who is disabled by injury or illness arising out and in the course of his or her duties. Time off work due to an on-the-job injury is not deductible from accumulated sick leave for a period not to exceed ~~ninety (90)~~ thirty (30) days. However, the salary continuation may be extended beyond thirty (30) days on a case-by-case basis as approved by the City Manager.

8. Article XX, Annual Vacation Leave - 640 Vacation Hours Cap (New Section)

Effective January 1, 2012 or as soon thereafter as may reasonably be implemented, an employee may accumulate vacation to a maximum of six hundred forty (640) hours. Vacation leave is accrued as earned and the amount of vacation leave accumulated shall not exceed the maximum. Accrual shall stop whenever the employee is at the maximum. Accrual shall also stop for any employee who is currently at or above the 640 hours cap. Upon reaching the maximum allowed accumulation, future vacation hours shall not be earned unless or until vacation usage or cash out causes the employee's accrual to fall below the maximum limit set forth in this MOU.

The City and LEA mutually agree to formulate and implement individual plans for any affected employees to accelerate the use or cash out of vacation accruals to bring down their accruals below the six hundred forty (640) cap. At the City's election, the City may allow an affected employee over the six hundred forty (640) hour cap additional buybacks of vacation time, upon the affected employee's request and with the consent of the City Manager, until that employee's total accrued hours fall below the six hundred forty (640) hour cap.

Vacation Cash Outs:

- Employees over the 640 Hours Cap are eligible to convert to cash an additional 60 hours per year above the current policy limit of 40 hours per year. However, said cash outs for the term of this MOU must be converted or sold at the hourly rates prior to the Cost of Living Adjustments (COLAs) taking effect, so that the cash outs are a cheaper cost to the City. Sick time is excluded from this provision.
- Members below the 640 Hours Cap may be paid for up to forty (40) hours per annum for compensable time. Sick time is also excluded from this provision.
- Financial hardship requests to convert additional accrued leave to cash will be reviewed on a case-by-case basis and require the approval of the City Manager. Financial hardship requests shall be submitted to the Human Resources Director with appropriate justification.
- All CalPERS eligible employees in the Unit are "encouraged" to take at least 100 hours of leave time per fiscal year.

Reopener Clauses to be Included in MOU

- a. Update and Revise EERR, including but not limited to addressing effects of AB 646
- b. Update and Revise Personnel Rules

CAVEAT: Discussions on any reopeners shall not supersede any express provisions of a signed and City Council approved MOU between the parties unless otherwise mutually agreed upon by both parties.