

RESOLUTION NO. 4316-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF FORT BRAGG AND THE FORT BRAGG POLICE ASSOCIATION AND AUTHORIZING CITY MANAGER TO EXECUTE SAME

WHEREAS, the Memorandum of Understanding is the collective bargaining agreement between the City of Fort Bragg and the Fort Bragg Police Association (FBPA); and

WHEREAS, the City of Fort Bragg and the FBPA executed the Memorandum of Understanding between the City of Fort Bragg and the Fort Bragg Police Association (FBPA MOU) effective April 13, 2015 through June 30, 2017; effective July 1, 2017 through June 30, 2019; and effective July 1, 2019 through June 30, 2021; and

WHEREAS, FBPA ARTICLE 25-HOLIDAYS stipulates the City pay full-time regular sworn employees represented by the FBPA who are required to regularly work on holidays noted in Section 4 of Article 25 at one and one-half (1.5) times the employee's hourly rate paid in two equal installments during the first pay period in June and December; and

WHEREAS, the City of Fort Bragg was notified by CalPERS that ARTICLE 25-HOLIDAYS does not meet the California Code of Regulations (CCR) 571(b)(1)(B), Government Codes 20636 and 7522.34(c)(5) 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 Fort Bragg and the FBPA have met and conferred in good faith; and

WHEREAS, a Side Letter agreement between the City of Fort Bragg and the FBPA has been created and incorporates the information required by the California Code of Regulations; and

WHEREAS, the changes incorporated are reflective of previous and current practice.

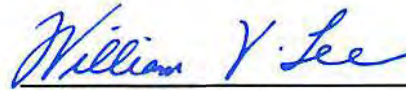
WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. That by incorporating into the Side Letter agreement the information required by the California Code of Regulations, the City of Fort Bragg will be in compliance with California Public Employees Retirement Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fort Bragg does hereby approve the Side Letter, attached as Exhibit A, and authorizes the City Manager to execute the same.

The above and foregoing Resolution was introduced by Councilmember Albin-Smith, seconded by Councilmember Peters, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 13th day of October, 2020, by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters and Mayor Lee.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



WILLIAM V. LEE
Mayor

ATTEST:



June Lemos, CMC
City Clerk

**SIDE LETTER BETWEEN
THE CITY OF FORT BRAGG
AND
THE FORT BRAGG POLICE ASSOCIATION
CONCERNING HOLIDAY PAY**

This Side Letter reflects an agreement between the City of Fort Bragg (City) and the Fort Bragg Police Association (FBPA), and collectively, "the Parties."

The Parties agree to amend Article 25 of the Memorandum of Understandings (MOU) between the City and the FBPA, effective April 13, 2015 through June 30, 2017; effective July 1, 2017 through June 30, 2019; and effective July 1, 2019 through June 30, 2021 to read as follows:

ARTICLE 25—HOLIDAYS

1. The City agrees to pay full-time regular sworn and non-sworn employees represented by the FBPA who are required to regularly work on holidays noted in Section 4, below, ninety-six (96) holiday hours per year at one and one-half (1.5) times the employee's hourly rate and shall include supplemental pay, which may apply to the specific officer including: Field Training Officer Pay; Bilingual Pay; Officer in Charge Pay; Motor Officer Pay; Detective Pay and Working Out of Class Pay. Holiday pay shall be paid in two (2) equal installments, separate from any other salary payment, during the first pay period in June and December.
2. Full-time probationary employees shall be paid for holidays on a prorated basis based upon eight (8) holiday hours per full month worked.
3. Part-time employees shall be paid for holidays on a prorated basis based upon the number of hours worked.
4. Specified holidays for all non-sworn, full-time probationary and regular employees are as follows:
 - a. New Year's Day
 - b. Martin Luther King Jr. Birthday
 - c. President's Day
 - d. Memorial Day
 - e. Independence Day
 - f. Labor Day
 - g. Indigenous Peoples' Day
 - h. Veteran's Day
 - i. Thanksgiving Day
 - j. Day After Thanksgiving
 - k. Day before Christmas
 - l. Christmas

m. Every day proclaimed by the Governor and recognized by the City Council as a public holiday, day of mourning or day of thanksgiving.

This side letter is effective January 1, 2017 through June 30, 2021.

FOR THE CITY OF FORT BRAGG:

DATE: _____

TABATHA MILLER
CITY MANAGER

DATE: _____

ATTEST:

JUNE LEMOS, CMC
CITY CLERK

FOR THE FORT BRAGG POLICE
ASSOCIATION, INC.:

DATE: _____

ANTHONY MELENDEZ
ACTING PRESIDENT