



**MEMORANDUM**

**DATE:** March 16, 2021  
**TO:** Mayor and City Council Members  
**FROM:** Trish Raver, Human Resources Director  
**SUBJECT:** **Resolution Of The City Council Approving A Side Letter Of Agreement Between The City Of Emeryville And Emeryville Police Officers' Association Regarding Vacation**

**RECOMMENDATION**

Staff recommends that the City Council adopt the above-entitled resolution approving a side letter of agreement between the City of Emeryville and Emeryville Police Officers' Association regarding Vacation Accrual.

**BACKGROUND**

The City continuously recruits for lateral Police Officers from other public agencies to fill Police Officer vacancies. Recruiting lateral Police Officers from other agencies is challenging as the Memorandum of Understanding (MOU) between the City of Emeryville (City) and Emeryville Police Officers' Association (EPOA) for the period 2019-2022 provides no additional incentives to lateral Police Officers to make the decision to leave another agency for the City of Emeryville. For several years, the City has realized this challenge and has determined that what may be a valuable incentive for Police Officers looking for lateral opportunities is vacation credit for prior years of relevant public service.

**DISCUSSION**

MOU Section 11.2.A. Vacation Accrual provides the vacation accrual rates for newly hired employees to the City. The section indicates that based on a tiered system, employees who begin employment will receive an annual vacation accrual rate at 80 hours for years of employment 0 – end of 4 years; 120 hours for years 5 – end of 9 years; 160 hours for years 11 – end of 20 years; and 200 hours for 21 plus years.

Lateral police officers who apply for employment with the City receive the bottom tier of vacation accrual at 80 hours per year. Many lateral police officers apply for employment with the City with years of relevant Police Officer experience with another public agency. Providing lateral police officers with credit for their previous years of experience to incentivize coming to the City as a Police Officer is a valuable recruitment method for lateral positions that are difficult to fill.

Human Resources consulted with EPOA Board Members and recommends that a side letter of agreement addressing this matter will provide lateral police officers with an incentive to join the City of Emeryville Police Department. It will honor their service time

as a Police Officer with another public service agency by providing service time credit when being assigned a vacation accrual rate upon beginning employment with the City.

The attached side letter of agreement reflects that lateral officers shall be credited with other relevant service time from another public service agency when being hired with the City as a Police Officer based on the vacation accrual tiers provided. This side letter of agreement will have no impact on the annual vacation selection provided to EPOA members which is based on seniority (either based on hire date or internal promotion date).

### **FISCAL IMPACT**

The exact fiscal impact associated with this modification is unknown as it is dependent upon lateral Police Officers' prior service with another public agency which is variable. The City can anticipate that if one lateral Police Officer is hired with five years of experience the cost to the City would be an additional 40 hours of vacation per year at a potential annual cost of \$2,139.

### **STAFF COMMUNICATION WITH THE PUBLIC**

None

### **CONFLICT OF INTEREST**

None

### **CONCLUSION**

Human Resources recommends that the City Council adopt the Resolution approving a side letter of agreement between the City and EPOA regarding Vacation Accrual. The intent of the agreement is to assist the City in recruiting lateral Police Officers from other public agencies which has been a challenge as no incentive has existed to laterally move employees. By providing vacation service credit to lateral Police Officers for relevant experience with another public agency, the City has a better opportunity to recruit lateral Police Officers from other public agencies. This modification serves as a method to enhance recruitment for lateral Police Officers while it has no impact on the ability of current Police Officers to make their annual vacation selection which is based on seniority either by hire date or internal promotion date.

**PREPARED BY:** Trish Raver, Director of Human Resources

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Christine Daniel, City Manager

**ATTACHMENTS**

1. Draft Resolution of the City Council Approving a Side Letter of Agreement Between the City of Emeryville and Emeryville Police Officers' Association Regarding Vacation Accrual
  - a. Exhibit A: City of Emeryville and EPOA Side Letter of Agreement