



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 10, 2018
TO: Carolyn Lehr, City Manager
FROM: Lisa Lopez, Human Resources Director
SUBJECT: **Resolution Of The Board Of Directors Of The Management Of Emeryville Services Authority (MESA) Authorizing the City Manager To Execute A Side Letter Agreement To The Memorandum of Understanding With The Service Employees International Union, Local 1021 (SEIU) With A Term Effective July 1, 2018 Through June 30, 2019**

Resolution Of The City Council Approving And Consenting to A Side Letter Agreement to the Memorandum Of Understanding Between The Management Of Emeryville Services Authority (MESA) and The Service Employees International Union, Local 1021 (SEIU) With A Term Effective July 1, 2018 Through June 30, 2019

RECOMMENDATION

Staff recommends the MESA Board of Directors and City Council review and adopt the attached resolutions approving and consenting to a side letter agreement to the Memorandum of Understanding between the Management of Emeryville Services Authority (MESA) and The Service Employees International Union, Local 1021 (SEIU).

The MESA resolution authorizes the City Manager to execute a side letter between MESA and SEIU, Local 21. The City Council resolution approves and consents to the side letter agreement between MESA and SEIU, Local 21. The proposed Side Letter Agreement is attached as Exhibit A to both resolutions.

BACKGROUND

The Emeryville Child Development Center (ECDC), a California state licensed center, has been in operation over 39 years providing year-round care and early education to children four months to five years old. The program, which is one of the first child development centers in the state of California to be operated by a city, currently has 80 FTE participants with 21 full-time staff members. The Center is open ten and half hours per day, Monday through Friday, 247 days per year with the exception of holidays.

Currently, the federal holiday schedule which includes Veterans Day and Indigenous Peoples' Day is recognized by the City of Emeryville. In addition, the Day after Thanksgiving has been added to the list of paid holidays while Christmas Eve and New Year's Eve are not recognized as holidays and city offices including the ECDC are open for business.

DISCUSSION

Many of the parents who use the services at the ECDC are employees of companies, organizations, etc., who do not observe Veterans Day and Indigenous People's Day as holidays. However, City offices, including the ECDC, are closed in observance of these holidays which can be problematic as parents who are working on the holidays must find alternate care for their children or take the day off work. This can cost them wages and/or accrued time. However, in contrast, staff estimates that enrollment during the Christmas and New Year's holiday week drops approximately 20% as many parents take the time off to spend with family.

Based on the information above, on April 24, 2018, during a Labor-Management committee meeting, ECDC staff proposed to modify the holiday schedule for themselves. On May 23, 2018, SEIU submitted to the MESA a petition signed by all potentially impacted ECDC staff that stated their unanimous support for a change in the terms of observance of holidays and use of floating holidays.

The proposal includes the following:

- Members of SEIU who are regularly assigned to the ECDC will work on Veteran's Day and Indigenous People's Day, and shall instead receive December 24th and December 26th off as observed holidays.
- If December 24th and/or December 26th falls on a Saturday, the employee shall observe the holiday on the preceding Friday. If December 26th falls on a Sunday, the employee shall observe the following Monday as the holiday.
- In addition, employees are requesting to use one of their three floating holidays on New Year's Eve on which day the City will close the ECDC.
- In years that New Year's Eve falls on a Saturday or Sunday, employees will be allowed to retain and use the third floating holiday in the same manner as the other floating holidays.

The Side Letter will supersede the provisions of the MOU between the MESA and SEIU regarding holidays (Section 17, Holidays) and apply only to the SEIU members who are regularly assigned to the ECDC. The Side Letter will expire on June 30, 2019, unless otherwise agreed upon by the Parties

FISCAL IMPACT

There is no fiscal impact for this action

STAFF COMMUNICATION WITH THE PUBLIC

No staff communication with the public.

PREPARED BY: Lisa Lopez, Human Resources Director

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



Carolyn Lehr, City Manager

Attachments:

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1. MESA Resolution

Exhibit A: Proposed Side Letter Agreement July 1, 2018 – June 30, 2019

2. City Council Resolution

Exhibit A: Proposed Side Letter Agreement July 1, 2018 – June 30, 2019