

RESOLUTION NO. MA____-20

Resolution Of The Board Of Directors Of The Management Of Emeryville Services Authority Approving Side Letter Of Agreement Between The MESA And SEIU Regarding Calculation And Payment Of Dispatch Staff Overtime During COVID-19 Emergency Schedule Implementation And Authorizing The Executive Director To Execute The Side Letter Agreement

WHEREAS, on March 16, 2020, in response to directives from County Public Health concerning the COVID-19 virus, most City facilities were closed on March 17, 2020. The City issued a declaration of local emergency on March 17, 2020; and

WHEREAS, based on the emergency declaration and for the health and safety of Dispatchers, as well as to ensure continuity of operations in the event COVID-19 affected Dispatchers, the then Chief of Police modified the regular forty (40) hour work week and the eight (8) hour, five (5) day per week work schedule for Dispatchers set forth in the SEIU Memorandum of Understanding (MOU); and

WHEREAS, the Chief of Police implemented a 14 day on/14 day off work schedule for Dispatchers. The Dispatchers were broken up into two (2) platoons, the first dispatch platoon worked 14 straight 12-hour work days, then the second platoon worked their 14 day, 12-hour work period with the alternating platoon being off work for the work period. The Emergency schedule was implemented from March 16 – April 12, 2020; and

WHEREAS, on June 4 and June 9, 2020, the MESA met and conferred with SEIU over the impacts of the emergency modification to the schedules of Dispatchers during the implementation period; and

WHEREAS, SEIU requested that Overtime earned under the Emergency schedule be calculated based on overlaying how overtime is paid pursuant to the MOU onto the FLSA minimum for determining work hours eligible for overtime Dispatchers during the Emergency Period of March 16, 2020 through April 12, 2020; and

WHEREAS, due to the schedule change for Dispatchers being made on an emergency basis, the MESA was not able to meet and confer with SEIU over the schedule change prior to implementation; and

WHEREAS, SEIU's application of the MOUs Overtime provision is valid. Only through meet in confer sessions did the MESA understand the impact of the implementation of the emergency schedule change on Dispatch staff; and

WHEREAS, the schedule change had a significant impact on Dispatchers and payment of overtime based on the proposal of SEIU is appropriate and warranted and

WHEREAS, the fiscal impact of the payment of Dispatcher overtime based on the SEIU proposal to the City Budget is approximately \$12,500; and

WHEREAS, this resolution will be brought to the City of Emeryville City Council for approval upon MESA adoption on September 1, 2020; now, therefore, be it

RESOLVED, by the Board of Directors of the Management of Emeryville Services Authority hereby approves the Side Letter Agreement, in the form attached hereto, between the MESA and SEIU regarding calculation and payment of Dispatch Staff overtime during the COVID-19 emergency schedule implementation on September 1, 2020 and authorizes the Executive Director to execute the side letter agreement.

ADOPTED, by the Board of Directors of the Management of Emeryville Services Authority at a special meeting held Tuesday, September 1, 2020, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

CHAIR

ATTEST:

APPROVED AS TO FORM:



SECRETARY

LEGAL COUNSEL